

This article considers the role that institutions have played in generation and development of the values of students. The authors consider a historical perspective of colleges and universities, and their role in reflecting the values of society, and what legal perspectives need to be considered, such as the demise of in loco parentis. Finally, recommendations and observations are made for administrators and faculty to consider.

The Role of the University in the Development of Student Values; A Historical and Legal Perspective

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It is enacted that all the heads, fellows, and scholars of all institutions, as well as all persons in holy orders, shall dress as becomes clerks. Also that all others (except sons of barons having the right of voting in the Upper House of Parliament, and also barons of the Scotch and Irish peerages) shall wear dresses of a black or dark colour, and shall not imitate anything betokening pride or luxury, but hold themselves aloof from them. Moreover, they shall be obliged to abstain from that absurd and assuming practice of walking publicly in boots.

It is enacted, that scholars of all conditions shall keep away from inns, eating-houses, wine-shops, and all houses whatever within the city, or precinct of the University, wherein wine or any other drink, or the Nicotean herb, or tobacco, is commonly sold; also that if any person does otherwise, and is not eighteen years old, and not a graduate, he shall be flogged in public.

It is enacted, that scholars and graduates of all conditions are to keep away during the day, and especially at night, from the shops and houses of the townsmen; but particularly from houses where women of ill or suspected fame or harlots are kept or harbored, whose company is peremptorily forbidden to all scholars whatever, either in private rooms or in the citizens' houses. (William Laud, Archbishop of Canterbury and Chancellor of Oxford University, *Laud's Code*, a compilation of rules drawn up in 1636, as cited in Hoekema, 1994, p. vii)

INTRODUCTION

As is apparent in the selection above, that for a significant time in history, institutions took the idea of developing student values quite seriously. The issue of values education in university continues to be a very timely subject, and the topic of philosophical debate. As institutions struggle with changing

populations, restricted budgets, and greater accountability for outcomes, educating values seems like a luxury that should be put aside in order to address more important goals. Some would argue that students need to be taught the basics, the types of skills that will get them jobs when they graduate. In an age of greater competition, the modern American university perhaps should be concerned with the more tangible and measurable tasks of academe.

On the other hand, institutions have historically fulfilled the role in society of preparing future generations to become productive, mature adults. Over 150 years ago, Ralph Waldo Emerson gave a lecture at Harvard, in which he concluded with the statement "character is higher than intellect" (Coles, 1995, p. A68). Is this assertion still true today? Somehow, whether it is due to the historical relationship with the clergy, or the higher calling of education, the American university has been regarded by society as a place where democracy, civility, service, and other noble values have been espoused by the academic community. As we head into the next millennium, with the nature of higher education facing inevitable change, what role do colleges and universities have in the development of student values?

This paper discusses the role of colleges and universities in the generation and development of student values. After defining the term "values", we present a general overview of how and where values are developed during a student's university experience. A brief history of how colleges and universities have recognized their role in developing student values is described. Then the emergence and decline of the *in loco parentis* doctrine is also examined. Student rights and responsibilities policies, honor codes, administering student discipline, regulation of off-campus behavior and of course, the curriculum are all methods that the modern university has used intentionally or unintentionally to develop values in a student. We review the legal issues in the development of student values and of what colleges and universities need to be aware. Recommendations for student affairs professionals will then be made. Readers should ponder the questions: Does the law shape our values or do our values shape the law? Along the same lines, do students affect the values of the institution, or does the institution develop student values?

VALUES DEVELOPMENT IN STUDENTS

The term values can be defined as "standards and patterns of choices that guide persons and groups toward satisfaction, fulfillment, and meaning" (Morrill, 1980, p. 62). The Oxford Dictionary defines values as "one's principles or standards, one's judgment of what is important in life" (1978, p. 1006). Values development for students will take place in different arenas as part of the developmental experience of being in college. A course, a role model or mentor, peer influence, making a difficult decision, and a disciplinary situation are methods of establishing values development.

People may be uncomfortable with the idea that values are taught at school. Why should colleges and universities impose their values on students? Students often dismiss the values of an authority figure, upholding their own belief in maintaining autonomy and developing independence. Morality is often shrugged off by a disdain for the religious right or the politically correct. Instead, there needs to be an agreement about what "universal" values are important to emphasize in the education of young adults. Civility, responsibility, and appreciation of diversity are all values that could be construed as important to educators. According to Colorado State University, "principles of academic honesty, personal integrity, respect for diversity, and pursuit of lifestyles free of alcohol and drug abuse" are values that the institution embraces (Division of Student Affairs, 1993, p. 1). Articulating institutional values in a policy such as Student Rights and Responsibilities outlines the university's commitment to protect the privileges and opportunities of the entire campus community. If higher education can somehow assist in the process of students' development and their appreciation of these general societal goals, then student freedoms will not be violated.

The development of values is a process that occurs as part of the transition from adolescence to adulthood. Many students come to university with a set of values imposed by their parents, communities, and limited exposure to ideas in schools. A university environment poses challenges to their existing value systems. For the first time students have the opportunity to make difficult decisions about life choices. They have an opportunity to interact with students of different backgrounds and with differing ideas about right and wrong. Students also have freedom to make decisions for which they must be responsible. Thus, the institution needs to balance rules and policies that allow students the freedom to make poor choices, without those choices infringing on the rights and freedoms of others.

HISTORICAL PERSPECTIVE

Historically, and up until the early 1970's, educators in Europe and America sought to build the character of their students and they made this task their central preoccupation (Bok, 1990). The effort to instill moral character within the students was displayed during chapel services, presidential addresses, and other ceremonial occasions. Students were constantly reminded to live moral, godly lives (Bok, 1990).

Honor code systems were implemented at several institutions. Faculty and administrators believed that academic integrity was an irrefutable value that all campus community members should uphold. Codes varied from institution to institution. For several decades at the University of Virginia, students were instructed to follow a system which students administered and enforced. The students were held responsible for fellow students, requiring a willingness of students to abide by the system. Some examples of violating honor codes at this institution include lying, cheating, and stealing (Hoekema, 1994). Similar honor codes are still in existence at many colleges and universities today. They usually

apply, however, to more academic related matters than general campus conduct. Academic integrity is considered to be one of the most effective vehicles for teaching about moral responsibility (Nuss, 1996). Nuss also claims that an honor system is the proclamation and legislation of the intentions of a community of persons united in mutual agreement. It is a strong statement which introduces the idea that values are the responsibility of the entire community, including students.

As time progressed, students began to change. During the late 1960s and early 1970s student values began to take a shift. The idea of "me" seemed to emerge among students during the 1970s and 1980s. The "me" generation focused its central concerns around the material aspects of life (Bandalos and Sedlacek, 1987). The values of the "me" generation often conflict with colleges and universities' traditional goal of developing a meaningful philosophy of life. While students are paying high tuition and expecting to get a job when they graduate in order to fulfill their desire for material satisfaction, how can the university justify spending time and money educating students to be "good people"? Educators may see the value in developing an affinity for lifelong learning and an appreciation for the balance between individual freedoms and group responsibility, but this may not be what students are ultimately looking for or paying for when they seek higher education.

In light of the history of colleges and universities and the slow demise of in loco parentis, the *Bradshaw v. Rawlings* (1979) case sets the precedent for student freedom. This case views the authoritarian role of today's college administrators as being notably diluted in recent decades. Trustees, administrators, and faculty have been required to yield to the expanding rights and privileges of their students. The rights formerly possessed by college administrators have been transferred to students. College students today are no longer minors; they are now regarded as adults in almost every phase of community life (Hoekema, 1994, p. 177).

Another very current and distressing issue is the increase in behavioral problems and lack of civility among traditional age college students. "National trends and recent experiences at Colorado State University show an increase in disrespectful, disruptive, and even violent student behavior on campus" (Division of Student Affairs, n.d.). This problem is not simply confined to college campuses, but it also affects our broader communities. Colleges and universities struggle with these issues in daily interactions with students in the classroom, in the residence halls, and in disciplinary hearings. The support for colleges and universities that see values development as an important educational goal is significant in the educational missions of these institutions. According to Sandeen, "whether values are taught formally in the curriculum or not, the attitudes, conduct, and beliefs of students have always been influenced by their institutions" (as cited in Dalton, 1985, p. 2).

THE ROLE OF THE UNIVERSITY

"Pursuit of a college education provides an opportunity for exploration of new ideas, experimentation, self-examination, formation of new friendships, and development of ideals and direction" (Division of Student Affairs, 1990, p. 1). This statement appears in the introduction of the Student Rights and Responsibilities policy at Colorado State University. It is clearly implied that this particular university does see itself as having a role in the development of student values. The role of the university in the development of student values is a complex and difficult issue. It has been pondered by scholars and administrators for decades, and seems to be of timeless concern. "The central problem of our age and our civilization is the deterioration of moral and ethical standards, a confusion in values" (Hadley, 1981).

Colleges and universities are struggling with the issue of whether they should be held responsible for student behaviors both on and off campus. The development of student values has been viewed as the responsibility of an institution once a student leaves home and goes to college. The challenges around this issue have been discussed in the courts and on campus. For instance, the morality of teaching certain values and whether the values should be taught by parents or educators has been discussed and debated (Moore & Hamilton, 1993).

Often, a student's values are challenged and developed by the interaction with the university's discipline system. When we look at the disciplinary systems at our institutions, are we promoting values in our students or are we simply punishing them for breaking the rules? For example, the use of alcohol on or off campus is a serious disciplinary problem for institutions. The decision in *Beach v. University of Utah* (1986) states:

Institutions are educational institutions, not custodial. Their purpose is to educate in a manner which will assist the graduate to perform well in the civic, community, family, and professional position he or she may undertake in the future. It would be unrealistic to impose upon an institution of higher education the additional role of custodian over its adult students and charge it with the responsibility for preventing students from illegally consuming alcohol and, should they do so, with responsibility assuring their safety and the safety of others (Hoekema, 1994, p. 183)

Furthermore, this case sets a precedent for institutions stating that "colleges and universities having to take responsibility for students would require an institution to baby-sit each student; which would be inconsistent with the nature of the relationship between the student and the institution, for it would produce a repressive and inhospitable environment, largely inconsistent with the objectives of a modern college education" (Hoekema, 1994, p. 183). In essence the court is stating that institutions can teach values by allowing students to experience freedom, and accept responsibility for their actions.

The role of colleges and universities in the development of student values has been in place since the development of the first institution. Values are transmitted through academic requirements, policies and

procedures, admission standards, and interaction between students and faculty. These are a few examples of how institutions lay foundations for the expectation of value development in students (Sandeem, 1985). There are ethical issues involved with the institution becoming active in the development of values. The institution needs to be acutely aware of the uniqueness of its student community, and also the changes in society at large. Some of the ethical questions outlined by Barr (1990) include:

How does the institution achieve balance between the individual rights of students and the need for group responsibility? How does an institution relate to the law in matters of student behavior? What are the responsibility and duty of the higher education community to protect a member from harming himself, herself, or others? To what degree can and should an academic community attempt to regulate the behavior of students when that behavior does not result in harm to others? (p. 158)

These questions can be the catalyst for college and university administrators to look at current policies, legal issues, and the problems facing their campuses.

"College and university officials know they are no longer 'parents'...[however], their responsibilities, both legal and moral, extend far beyond the classroom. The question then is how do [students] balance claims of freedom and responsibility on the campus?" (Carnegie Foundation for the Advancement of Teaching, 1990, p. 1)

THE DEMISE AND REBIRTH OF IN LOCO PARENTIS

How does the university assist in the development of student values without reverting back to *in loco parentis*? Hoekema (1994) notes that four legal elements determine the custodial relationship between the university and students; 1) a broad authority to direct student behavior, 2) the authority to punish for infractions of rules, 3) a special responsibility to care for students, and 4) a legal exemption from due process in carrying out disciplinary procedures. The first three rules are still largely true today. The notion of a return to the doctrine of *in loco parentis* however is both undesirable for the courts and university officials.

The doctrine of *in loco parentis* originated in the English common law and recognizes that a parent delegates part of his or her parental authority to school personnel while the child is in their custody and for purposes consonant to the school setting (Edwards, 1995). Since the deterioration of *in loco parentis*, colleges and universities have removed many restrictive controls on students. For example, as demonstrated in *Anthony v. Syracuse University* (as cited in Kaplin and Lee, 1994, p. 6) institutions could expel a student for not being a "typical Syracuse girl."

Today, undergraduates enjoy almost unlimited freedom in personal and social matters. When students challenged the old policies of restrictions and control, students and administrators were left questioning their roles, their authority, and their relationships with each other. "No new theory of campus governance emerged to replace the old assumptions" (Carnegie Foundation for the Advancement of Teaching, 1990, p. 5).

Although the authority of college and university administrators had forever changed, much confusion was left in the minds of students, parents, and community members. The shift toward an unfettered climate was not understood or accepted either by parents or by the public. The assumption persists today that when an undergraduate goes to college, he or she will be cared for in some manner by the institution (Carnegie Foundation for the Advancement of Teaching, 1990). Campus life; In search of community recommends an approach in which community is a post-in loco parentis approach to dealing with modern problems on the campus. The values that were recommended for universities to develop community can be extended to apply to students as individuals. The values of campus community should be purposeful, open, just, disciplined, caring, and celebrative (Carnegie Foundation for the Advancement of Teaching, 1990). These new approaches to understanding the institution/student relationship from a community perspective rather than custodial perspective is the key to the generation of community values.

LEGAL ISSUES IN THE DEVELOPMENT OF VALUES

The law in its many forms is based on principles of protection of individual rights, ethical and humane treatment of persons, responsible actions, and the common good (Barr, 1990). The generation and development of values has not been articulated by a court as an issue that has been resolved or even addressed by legal means. However, there are instances in which the courts have become involved with a student/university relationship, and through this involvement in specific cases, one can interpret the related legal issues to the universities' role in the development of student values. Specifically, the protection of students' constitutional rights, the duty of an institution to protect its students, and due process rights of students are legal issues. As these issues are developed in various court decisions, one can infer the intentions of the courts regarding the role of the institution in developing values.

The law can be viewed as a *modus operandi* of instilling values in society at large, and is sometimes a vehicle for social change. Often times, legal involvement to enact change is seen as a last resort when individuals or groups are trying to seek results. Students have sought legal solutions to protect their constitutional rights when an institution's policies or procedures have violated those rights. Parents and students have also sought legal relief when they felt that the university did not do enough in protecting students. These instances can be used to understand how the law has become involved in the university's role in the development of student values. The courts have determined that there is a very

fine balance between the interests of protecting an individual's rights and what policies may be in the best interest of the institution.

Involvement of a college or university in the development of student values could perhaps further develop a "special relationship" between the institution and the student, therefore implying a further duty of care. In *Beach v. University of Utah* (1986), the courts determined that the university did not have a special relationship with the plaintiff. The plaintiff was seeking damages for personal injuries sustained during a university-sponsored field trip when she fell from a cliff. Beach contended that the professor and the university breached affirmative duty to supervise and protect her. As seen in *Bradshaw v. Rawlings*, there was a time when college administrators and faculties assumed a role *in loco parentis*. "A special relationship was created between college and student that imposed a duty on the college to exercise control over student conduct, and reciprocally gave the students certain rights of protection by the college" (Hoekema, 1994, p. 176).

Further, the duty of protection relationship can be seen in *University of Denver v. Whitlock* (1987) where a student was injured while jumping on a trampoline at a fraternity house. The court said "in today's society, the college student is considered an adult, capable of protecting his or her own interests; students today demand and receive increased autonomy and decreased regulation on and off campus." The demise of the doctrine of *in loco parentis* in this context has been a direct result of changes that have occurred in society's perception of the most beneficial allocation of rights and responsibilities in the university-student relationship (*University of Denver v. Whitlock*, 1987).

Excluding unusual circumstances which justify imposing such an affirmative responsibility, "one has no duty to look after the safety of another who has become voluntarily intoxicated and thus limited his ability to protect himself" (*Beach v. University of Utah*, 1986). In addition, *Hartman v. Bethany College* (1991) the court said, "it would not be consistent with [current] case law in this area to impose duty upon institutions to supervise their students when they leave the college campus for non-curricular activities. Regulation by the college of student life on and off campus has become limited. College administrators no longer control the broad arena of general morals."

The duty to protect and the generation and development of student values may not be directly related in a legal sense, but in terms of understanding how the courts see the student-institution relationship, understanding current and past case law in the area of duty and negligence is quite important. The tort of negligence is one with which more and more campuses are faced and the law is changing in this area regarding the institution's responsibility. This furthers the argument that there is some confusion among college administrators about what is really their role in imposing values, regulations, and controls on students since the *in loco parentis* relationship is not supported by current law.

An institution must understand previous legal decisions regarding student freedoms and constitutional rights and what the courts indicate is the institutions role in influencing student's values. The *Hartman v. Bethany College* (1991) case said college administrators no longer control the broad arena of general morals. At one time, while exercising the rights and duties associated with in loco parentis, colleges and universities were able to impose strict regulations. Today's students vigorously claim the right to define and regulate their own lives. Another legal issue involves due process. The *Dixon v. Alabama State Board of Education* (1961) case decided that due process requires notice and an opportunity for a hearing before students can be expelled for misconduct at a state-supported institution. This case supports the notion that students should be treated like adults and have the opportunity to defend their actions (Hoekema, 1994). There became consensus and agreement that regulations for students could not be arbitrarily imposed. The only notion that was left in doubt was whether codes should be established (Carnegie Foundation for the Advancement of Teaching, 1990).

Issues of student speech have also been a method by which administrators have attempted to impose values on students. In case after case, however, the courts have upheld student's First Amendment rights. In *Tinker v. Des Moines Independent School District* the court stated "students don't shed their constitutional rights at the school house gate." (p. 736) The issue in this case is one that several colleges and universities are dealing with when student rights collide with the rules of school authorities.

RECOMMENDATIONS

One can not ignore the historical role which institutions of higher education play in assisting with the generation of values, as well as the transmission of current societal values and standards. Let us not assume however that the student movements in the late 1960s assert the notion that student's individual rights outweigh any responsibility to the responsibilities of their communities. A fine balance exists between allowing an individual student to explore and question his or her values and maintaining order and responsibility in the community. Without returning to in loco parentis, where colleges and universities tell students what to do and how to act, institutions need to consider seriously their roles in generating student values.

To prevent legal distress, colleges and universities should keep policies and directives to students within the confines of protecting students constitutional rights, and within the boundaries of protecting the educational community. This essential task is difficult for student affairs administrators, because in general, these professionals are good at thinking they know what is "best" for students at their institutions.

Values education and civility should be infused into every aspect of education. Professors, residence hall staff, student leaders, and campus administrators should be able to articulate the importance of individual rights and community responsibility into all programs. When professors discuss complex issues in the

classroom, such as poverty or peacekeeping missions, a commentary on values would be worthy. For example, when planning a program on alcohol education issues, why not discuss the students values associated with the topic, and the concept that campus rules surrounding alcohol were developed to recognize individual rights and group responsibilities. Then integrate this discussion into the implementation of the actual program. Judicial procedures should include discussion of the importance of values and personal responsibility.

Rights and responsibilities documents, used more creatively could aid in the planning of programs and discussion of institutional values. These policies, if adopted by students could become the a contract between students and community. Administrators should take current rights and responsibilities documents and examine and develop policies to meet everyone's satisfaction. "Colorado State University expects students to maintain standards of personal integrity that are in harmony with the educational goals of the institution" (Division of Student Affairs, 1993, p. 1). Rights and responsibilities policies, if taken seriously by the entire student community, could replace the honor codes of the past.

Honor codes, as discussed briefly above, usually apply only to academic integrity. A rights and responsibilities policy however, can go further in outlining the values of the institution and expectations of students. It is within students' legal rights and does not infringe upon constitutional freedoms. By formulating a general code of ethics and regulations, the University does not absolve students from accepting responsibility for their behavior. Rather, it reaffirms the principle of student freedom that is coupled with an acceptance of full responsibility for individual action and the consequences of action.

In conclusion, today's educational institution should attempt to espouse values in it's students. Values are developed by empowering students rather than repressing students, by fostering speech, rather than quelling speech, by treating students with dignity and respect in disciplinary situations rather than as bad children, and by encouraging understanding of community responsibility. Students need to learn that their actions affect fellow community members. For most students, values are developed by taking risks and making mistakes. Values are developed by experimenting and asserting one's independence. Values are developed by sometimes saying and doing the wrong things. Values are developed by living in an environment where people are free to debate differences of opinion. Values emerge by belonging to a community in which one develops an understanding of interdependence and understanding the responsibility each of us has as a common member. Values are not developed exclusively in the courtroom or even the classroom. Institutions need to go beyond teaching to be intentionally involved in developing values. The study of moral philosophy does not necessarily prompt one to act in accordance with moral principles. How does one teach people to be good? What is the point of *knowing* good, if one does not keep trying to *become* a good person? (Coles, 1995)

Ralph Waldo Emerson worried 150 years ago about the same things that we worry about today. He was concerned with the limits of knowledge and the nature of a college's mission. "The intellect can grow and grow, in a person who is smug, ungenerous, even cruel" (Coles, 1995, p. A68). Coles remarked that universities were originally founded to teach students to become good and decent citizens, as well as broadly and deeply literate scholars. Recently the first mission was abandoned to concentrate on a driven, narrow book learning. However, a course of study should have the intent of making a connection between ideas and theories on one had, and on the other, our lives as we actually live them (Coles, 1995). As stated in *Baldwin v. Zoradi* (1981);

The transfer of prerogatives and rights from college administrators to the students is salubrious when seen in the context of a proper goal of post-secondary education--the maturation of the students. Only by giving them responsibilities can students grow into responsible adulthood. Although the alleged lack of supervision had a disastrous result to the plaintiff, the overall policy of stimulating student growth is in the public interest.

Colleges and universities should look forward and be aware of their student populations, as well as issues that are facing the larger society. As we have outlined, the law has stated that institutions are no longer "in the place of the parents," however, we would argue that the role that the university or college plays in the generation and development of student values is perhaps "in loco community" or "in loco society." This approach may well be the direction towards which we should strive.

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