

Students' Perceptions of Unfair Discipline in School

Katrina Morrison
University of Pennsylvania, United States

Abstract

Student misbehavior has long presented challenges to school teachers and leaders. Scholars have argued that the extent to which students comply with rules is linked to their perceptions that their school's rules and authority are fair. To understand one driver of noncompliance with school rules, this study asks: "What are students' perceptions of discipline policy unfairness?" For this case study, the author conducted research at Excalibur High School, a public high school in Northeastern United States. The author highlighted the voices and experiences of ninth grade students. The author conducted over 200 hours of fieldwork including observations, interviews and a survey to the entire ninth grade class. Findings showed that students perceived their school's rules to be unfair because of adults' inconsistent and uniform application of rules. In addition, students thought authority was unfair because adults gave severe penalties for trivial infractions. The results are important for school teachers and leaders who seek to develop behavior policies that students believe in and follow.

Keywords: school discipline, high school, qualitative research

Introduction

School discipline continues to be a problem for teachers. A national teacher survey showed that over half of the teachers perceived that across all grade levels, student behavior has worsened within their last five years of teaching (Primary Sources, 2012). Public Agenda found that one out of three teachers considered quitting due to student misbehavior (Public Agenda,

2004). Studies have also shown that discipline policies that are meant to curb misbehavior are ineffective and instead do more damage than good. For instance, discipline policies that exclude students from school contribute to youth's likelihood to be delinquent, fail in school and drop out (Krezmien et al, 2006; Leone et al, 2003; Skiba & Rausch, 2006). In addition, exclusionary discipline fails to improve student behavior. Research has illustrated that suspensions and expulsions do not bring positive change to student behavior and overall school climate (Skiba, Shure, Middelberg & Baker, 2011). Youth continually break rules despite these policies being in place. For instance, an exploratory study on teacher perceptions of misbehavior revealed that teachers continually experience student disobedience, disrespect and interference to their instruction. (Sun & Shek, 2012).

Clearly, student compliance and noncompliance with disciplinary rules have consequences for teachers, students and schools in general. Understanding what contributes to compliance, then, would be helpful for developing effective disciplinary policies students obey. Past research has shown that perceptions of fairness are important for students' obedience (Arum, 2003). Fairness is crucial for discipline policies because it is a key component of legitimacy of authority, which in turn contributes to voluntary cooperation (Tyler, 2011). Arum (2003) summarized how in his studies, fairness and legitimate authority were intertwined, saying:

Fairness is an important indicator of the legitimacy of school authority. If school discipline was perceived as unfair, it lacked the moral authority to curtail disruptive behavior effectively. (Arum, 2003, p. 153)

Way's (2011) research using student survey data also illustrated the link between fairness and authority. She found that perceptions of unfairness meant students were less inclined to abide by school rules. Additionally, students who thought strict rules were unfair were more likely to be disruptive. By contrast, students who viewed school rules as fair were more likely to believe it was inappropriate to violate school rules.

Thus, perceived unfairness contributes to noncompliance with discipline policies. Importantly, there have been several studies that explored why youth might find rules unfair. These studies showed that students perceive rules to be fair when educators are consistent, meaning they dole the same penalty for the same offenses. For instance, Bracy (2011) conducted an ethnographic study of high school students' perceptions of fairness concentrating on the way rules were applied in two high-security environments. She found that students at the two focal high schools perceived unfairness when teachers were permitted to violate school rules, such as cell phone usage, and students were not allowed to commit the same offense. Using a dataset from the National Center for Education Statistics (NCES), Kupchik & Ellis (2008) examined differences across White, Latino, and African American students' perceptions of fairness. Additionally, they compared perceptions across genders, students with various academic grade point averages, and a host of other student characteristics. The authors found that students viewed rules as

fair when the same punishments were given to students who committed the same infractions. Results showed that African American students perceived rules less fair than Latino and White students but there was no significant difference between perceptions of rule fairness between Latino students and White students.

Pifer (2000) selected three alternative high school students who had been labeled “problem students” in previous schools. Student participants in the study defined fairness as equal treatment across racial and socioeconomic groups. These students pointed out that affluent, white “preppy” boys received preferential treatment compared to the treatment that low-income black men received. These findings echoed other empirical analyses that illustrated disproportionate sanctioning of people of color, namely black males (Bracy, 2011; Nichols, 2004; Skiba et. al, 2002).

Research has also shown that students said rules were unfair when penalties were not proportionate to the offense. For instance, in Pifer (2000), a student perceived a two hour after school detention incommensurate to the offense of chewing gum in class. Interviews with alternative high school students revealed that they felt treated unfairly in their regular high schools because of harsh consequences given to them on the mere suspicion of misbehavior. For instance, a student complained that he was suspended because the dean thought he had been smoking, but the student had not smoked. In this case, the student called his treatment “unfair” because he received an overly punitive consequence for suspected, and not an actual wrongdoing. Similarly, in Bracy’s (2011) research, students articulated that teachers’ treatment of student misbehavior was not fair because penalties escalated without clear justification. In one response to a question, “*How fair do teachers deal with misbehavior?*” a student remarked:

Not fair at all. They write up people like there’s no tomorrow. There’s no detentions. I mean there are detentions but they’ll skip detention and go straight to referral; they want them out of the class and they want suspension (Bracy, 2011, p. 380).

Studies have also shown that students perceived discipline policies as fair when they themselves helped construct the policies. Bracy (2011) described students’ feelings of powerlessness as adults apply rules in their schools. Students in her study thought it was unfair when they had “no control over a situation” (p. 382) after being accused of committing an infraction. This finding is similar to the Education Law Center’s (2009) conclusions about school discipline policy fairness in the state of Pennsylvania. Bringing together case law from across the state, the authors showed that fairness constitutes educators allowing students the opportunity to explain their actions if the educator intends to suspend or expel the students. For suspensions lasting over four days and for expulsions, students and their parents have the right to a hearing to discuss the penalty.

To build on existing research, this study focuses on students’ perceptions of their high school discipline unfairness using an observation, interview and questionnaire methodology. Perhaps if schools knew students’ views of unfairness, then they would be better positioned to create fair policies

by which young people willfully abide. As Way (2011) suggested, if we only focus on the disciplinary apparatuses and adult rationales, rather than student perspectives as well, we “may overlook the role student perceptions have for the success or failure of school policy” (Way, 2011, p. 365).

Method

Setting

Founded in 1982, “Excalibur High School” is the only high school in a school district located in Northeastern United States. In the 2011-2012 school year, there were approximately 1200 students. The student body was 68% African American, 29% white, 1.70% Latino, 1.50% Asian and 0.35% multiracial. Approximately 30% of the student body was considered low income, as measured by free or reduced lunch status. The student body was 53% male. The school had an 85% graduation rate. In 2010, results on statewide assessment showed that 43% of its students were proficient or advanced in reading and 33% were proficient or advanced in math.

Data Collection and Analysis

Excalibur’s ninth grade academy, an entire floor of the building dedicated to ninth grade students, made it possible to focus on ninth grade students. In order to collect data on their behavior and interactions with adults around school discipline, the author conducted approximately 200 hours of observations for over the course of 30 weeks. The author observed activity at the school entrance at the start of school, in hallways during class transitions, in ninth grade classrooms, in the nurse’s office, in the library, in the ninth grade principal’s office, and at the school entrance at the end of the school day. Observation data helped inform questions for student interviews and verified information the author gathered from students regarding perceptions of unfairness.

To capture first-hand, in-depth descriptions of students’ perceptions of unfairness, the author held interviews with sixteen ninth grade students. In interviews, students were asked their perceptions of the school’s discipline policy and the extent to which they perceived rules and consequences as fair. The author referred to specific rules from Excalibur’s Code of Conduct when asking students about their perceptions.

With the assistance of a main office staff member, a truancy officer and the ninth grade assistant principal, students who had received multiple discipline referrals in the first months of the school year as well as students with little to no disciplinary referrals were recruited. All interview data were transcribed and analyzed using thematic codes. Table 1 in Appendix A lists student participants. Study participants were given pseudonyms to protect their identities.

Because the focus of this study was students’ perceptions of discipline policy unfairness, the author highlighted students’ insights that related

to unfairness rather than fairness. This meant that interview data from students who perceived Excalibur rules or their enforcement as unfair were represented in this report. While this meant that some interview data were not included, findings from the students who perceived unfairness was important to underscore.

Consistent with previous research on the correlation between rule compliance and perceived fairness (Way, 2011), most students who perceived unfair policies also had multiple office referrals. Not only were these students' insights necessary to understand what high school students considered to be unfair, it was important to privilege the voices of students who at times were excluded or marginalized because of consequences they received for their misbehavior. Centering this study on repeatedly penalized students was valuable for including their voices in research that could inform improvements in the ways school approach discipline.

To build on the in-depth responses of the sixteen interviews and to examine students' perceptions of fairness of specific incidents observed in the ninth grade academy, a questionnaire to the entire ninth grade student body was administered. Questionnaire items were formed based on responses in student interviews and from observations from around the school building. The ninth and tenth grade principals, two teachers, one hall monitor and two students reviewed the survey and made suggestions, some of which were incorporated. The questionnaire presented students with four scenarios and asked whether these scenarios were "fair" or "unfair" and to give qualitative explanations for responses.

The questionnaire also asked students two additional types of questions: 1) how often they complied with five rules and 2) what, to them, was the purpose of school rules. Some students were absent the days that the survey was administered and some students did not wish to take the survey. Thus, questionnaire data from 188 of 276 ninth graders were gathered, a response rate of 68%. Because some students did not answer all questions, for some questions, there were fewer than 188 respondents. The survey instrument can be found in Appendix B. For the purpose of this research, this research focuses on results from the fairness portion of the survey. Survey data were analyzed using descriptive analysis in SPSS that yielded the number of respondents who chose "fair" and "unfair". Qualitative responses were transcribed and thematically coded.

In the next section, results from interview and survey data analyses are presented. In addition, observation findings that help illuminate interview and survey results are shared.

Results

Table 1 (on the next page) illustrates a snapshot of the overall findings across interviews and the survey. Following the table is a detailed narrative describing the findings.

Table 1
Snapshot of Interview and Survey Findings

Overall Finding	Interview Findings	Survey Findings
Unfairness and inconsistency	Students perceived unfairness when educators seemingly targeted students and applied rules differently across similar incidents.	Survey scenario: a student is told to take his hood from his head (Results: Not Fair: 36%; Fair: 64%) Explanation from a respondent who selected “Not Fair”: “Administration pick on certain people to reprimand”
Unfairness and uniform rule application	Students perceived unfairness when adults applied rules uniformly to all students without considering their individual circumstances.	Survey scenario: a student walks out of class to use the bathroom without the teacher’s permission and receives a detention (Results: Not Fair: 85%; Fair: 15%) Explanation from a respondent who selected “Not Fair”: “basic bodily functions take precedence over teacher’s ego”
Unfairness and incommensurateness	Students perceived unfairness when they received severe consequences for trivial infractions.	Survey scenarios: student is ejected for laughing during class (Result: Not Fair 44%; Fair 56%) and student receives a detention for arriving three minutes late to class (Result: Not Fair: 36%; Fair 64%) Explanation from a respondent who selected “Not Fair”: “I don’t think it was that serious. She was just three minutes late”

Unfairness and Inconsistency

Not all teachers follow the rules by the book. It’s just little things they let slide. It’s not that serious. Like headphones. Like some teachers - some of my classes - we’re allowed to use headphones as long as we are doing our work. But the other teachers they [say] (in a light voice) ‘No, put it away’ like they don’t like no electronics. Nothing. (Ebony, Interview)

Excalibur students perceived that their school discipline policy was unfair because teachers inconsistently enforced it. Interviews, qualitative survey responses and observations revealed two main ways that Excalibur students experienced inconsistency, and therefore unfair discipline policies: educators targeting students and educators not enforcing rules uniformly.

Targeting. Adults seemed to penalize some students, particularly those perceived as “troublemakers”, more than others. Students reported perceptions that educators at Excalibur targeted certain students. Despite previous research illustrating that Black students face disproportionate punishment compared to other students (Losen, et al, 2015), only one

student, Tamara, suggested that some targeting might be based on race. Most students explained that certain students received more negative attention from teachers than others because of misbehavior. For example, Ken and Tamara explained that “bad” students got targeted. Ken said, “because they think we do one thing bad or a couple things bad then they think we going to do it all the time” (Interview). Tamara added,

I feel as though if I was to do what they (quiet students) do, then I would get in trouble. Some of the girls wear shorts, like really short shorts. And they (adults) don't say anything to them. And if was to wear that to school, I would be sent home. And it's like behavior sometimes like they let certain kids get away with certain stuff, like cursing. They'll just, like they (students) keep cursing and they (adults) say something to them but they don't get in trouble. Like there's no consequences (for them). (Interview)

Similarly, in their interviews, Bilal and Brian shared that they often felt singled out. They felt that since they had been given detentions or referrals early in the school year, they were targets under heightened surveillance in hallways and classrooms. Whenever a disruption happened in class, these students felt that teachers automatically determined that they were the culprits.

Another ninth grader, Dalia, explained that she had not had a positive relationship with her Spanish teacher, *Senorita Lopes*, since the school year began. One day, Dalia walked into the class late. The teacher told her she would have to stay after school. Dalia felt targeted because she noticed other students had come into the classroom late and were not chastised. She thought that because of their strained relationship, *Senorita Lopes* was singling Dalia out. Dalia began to argue with the teacher but then abruptly left the classroom. Consequently, *Senorita Lopes* wrote up a referral for Dalia and Dalia received a Saturday detention. During her interview, when asked if she thought the consequence was fair, Dalia replied, “No, because it was no point. I'm always getting into it with her. And when I finally do something for myself, I walk out, instead of keep on arguing with her I have to get that detention” (Interview).

Mercedes explained:

Because teachers go by how the students act on their bad days and not how they act on their good days. Like a couple of people in my class get targeted a lot. So like if something was to happen the teacher goes straight to that person. But some of the quiet people like they don't think they do stuff. They just let them go. They [say] “Oh you really think that person would do this?” It's like they call the students that they think that did it. (Interview)

Interestingly, students' perceptions that educators targeted certain students were legitimate. In conversations with *Excalibur's* head and ninth grade principals, the author learned that in the spring before this study was

conducted, administrators visited elementary schools to gather behavioral information about incoming ninth graders. After their visits, they produced a list of every student and descriptions of each student's behavior. The lists, in theory, helped prepare teachers to best meet the learning needs of students who had disabilities or a history of challenging misbehaviors. However, clearly, the lists pre-warned Excalibur adults about problem students. Under Brian's description, for instance, it read, "Doesn't take meds but needs to" while under Yvette's it read: "Sneaky, has anger issues, caused/involved in many fights" (Elementary school records). Thus, the school pointed out potential trouble makers early on, heightening the visibility of their behaviors for teachers and administrators at the start of the new school year. With this list, Excalibur staff and faculty were positioned to monitor some students more closely than others. At the start of the school year, when the author spoke to a school psychologist about an interest in interviewing students who repeatedly got in trouble, she referred to them as "frequent flyers". That these students "fly frequently" may result from their repeated misbehavior. However, contributing to "frequent flights" may be that adults are disproportionally interpreting their behaviors as problematic since the students were already on adults' radars from their previous misbehavior in elementary school. Thus, the school's role in constructing "frequent flyers" contributed to students' perceptions that rules were unfair because rules were inconsistently enforced to the degree that some students perceived teachers targeted certain students for penalties and reprimands.

Survey results further illustrated that targeting contributed to unfair perceptions among Excalibur ninth grade students. In their qualitative responses on the survey, students suggested that fairness meant giving the same punishment to students who committed the same acts. Some perceived that teachers targeted particular students to penalize even when other students committed the same wrongdoing. In response to a scenario about two boys laughing and one getting ejected from class, a student who thought the sanction was unfair wrote, "A teacher should not single a student out" (Survey). Other students wrote explanations such as "Administration picks on certain people to reprimand" in response to a survey item about a boy being told to take his hood from his head (Survey).

Observations revealed that at the same time that educators at Excalibur targeted particular trouble-making students with discipline, educators granted other students leniency. In one instance, Miss Janelle, an adult hall monitor, watched a boy aimlessly saunter in the hallway, and allowed him to walk in the halls without a pass. She explained that because he was "intelligent" and therefore studious and focused student, that he would not pose a threat by roaming the hallways. The hall monitor's explanation implied that students who demonstrated strong academic ability, such as through conversation, by word of mouth from teachers, and/or receiving high grades, did not need to be policed like other students had to be.

At the second floor hall monitor's desk, Janelle talks to a special education teacher, a woman who often stops by to say hello. A lanky boy passes Janelle's desk as she talks. He has no pass in his hands. He looks at her and

says, "I'm taking a stroll". Janelle laughs hard. She turns to the woman with whom she was chatting and exclaims, "At least he's honest." A few feet away, without turning back, the boy says "And I'm taking another stroll during lunch." Janelle watches him walk away and as if feeling the need to defend her (in)action, says aloud 'He's one of those really intellectual kids.' I suppose this is why she thinks it is acceptable to let him walk in hallways without a pass. (Field notes)

Non-uniform rule enforcement. Students also experienced inconsistency when educators applied rules differently. During observations, the author witnessed a teacher give a warning for cursing in her classroom but then another teacher give a detention for that same act. Students who were playing music in their earbuds received warnings and threats of being referred to the office and the same students walked past another teacher, who said nothing to them. It was not surprising that adults inconsistently enforced rules since the school had a diverse group of teachers who varied in style, personality and relationships with students. Furthermore, teachers and administration could not catch every transgression. However, one cannot discount the everyday, sometimes obvious occurrences of adults switching between adherence and deviation from the school's code. How could students perceive their discipline policy to be fair if educators seemingly arbitrarily enforce it?

Students' use of electronic music devices during school hours, which Ebony had mentioned at the start of this chapter, offered a prime illustration of the ways in which adults at Excalibur differentiated their responses to infractions. This instance involving students' cell phone use illustrates that even within one class session, there could be inconsistent enforcement of the school's code.

Dalia yells across the room to Ebony "Yo, you got my number?!" Ebony takes her phone out of her pocket. She presses buttons on it for about one minute. Already circulating the room, Berry (the teacher) stands about one yard away from Essence, smiles and inquires politely, "You need me to take that so you don't get distracted?" Ebony quickly puts the phone into her pocket. (Field notes)

Later during Ms. Berry's class, there was a commotion in the hallway. Rumor was that there was a mouse running through the corridors. Dalia became scared. Afterwards, she texted furiously under her desk as Berry helped students with math problems. Rather than tell Dalia to put her phone away, as she had done with Ebony, Ms. Berry does not address the cell phone at all. This showed that students could experience inconsistent rule application in a matter of minutes with the same teacher.

Berry walks away from Dalia and joins a group of three students working. She talks them through how to solve a problem. Dalia walks over and stands to the right of the group that Berry is helping. Dalia, putting her cell phone screen in Ms. Berry's face screams, 'Miss Berry, my mom added something!' Dalia was referring to a text she received from her mother.

Berry looks at Dalia's phone screen for a few seconds, then turns back to helping a student. Dalia walks away, saying, "See, my mom loves me!" Dalia takes the seat at Berry's desk. Berry returns to her desk, standing near it. Dalia, looking down at her phone, says "What the freak?!" Berry pauses then asks, "Can you watch your language?" Dalia continues to look down, pressing buttons on her cell phone. (Field notes)

Ebony noticed Dalia's and Ms. Berry's exchange and look as if she would react by telling Ms. Berry she was aware of the Ms. Berry's inconsistency. But Ebony silenced herself, turned back to her work, and mumbled under her breath. Understandably, Ebony seemed frustrated at Berry's non-uniform rule application. One can understand how such experiences could undermine a students' view of a teacher's authority.

In the survey, respondents appeared to agree that it was unfair that teachers inconsistently applied rules. This could be illustrated with students' responses to the scenario involving an administrator telling a boy to take his hood off. Both respondents who selected "fair" and those who selected "unfair" suggested that inconsistent rule enforcement troubled them. For instance, survey respondents who selected that it was "unfair" that a boy was told by an administrator to take his hood from his head shared in their qualitative responses that it was unfair if a student is targeted or singled out while others are not. Respondents who selected "fair" argued that the administrator rightly told the boy to take his hood down but gave explanations like, "I think it's fair because it is a rule that applies to everyone and he should not be an exception" and "everyone has to take their hoods off." (Survey) Both types of survey responses yielded insights that show students' disregard for inconsistent, non-uniform enactment of school discipline policies.

Unfairness and Uniform Rule Application

The previous section showed that students perceived that inconsistent rule enforcement as unfair. In contrast, students also perceived unfairness when adults applied rules uniformly to all students, regardless of individual circumstances. In other words, students thought that inflexibility was unfair. In order to be fair, students wanted understanding about their individual circumstances.

Some students articulated that they thought it was unfair when educators automatically gave them penalties for misconduct instead of considering their particular situation to determine a course of action. For instance, Brian frequently committed the infraction of wandering halls without a hall pass during class time. When he was interviewed and shadowed for a half day, he said that these were his "breaks". He had not officially been given permission to take breaks, but he took them anyway. During class time, he frequently asked to use the bathroom. When teachers allowed him to go use the restroom, he walked the halls for an extended period of time. Brian thought it was unfair when hall monitors and teachers chastised him for his hallway walks. He would have liked for teachers to allow him to "take breaks" during class (Interview). He thought it would have been fair if teachers allowed him to leave the classroom when he became bored or needed to leave the classroom

to re-energize himself so that he could come back ready to do class work. As a result of his frequent “breaks”, hall monitors and school administrators frequently gave him warnings when they saw him. Brian also missed class instruction time while he wandered. Furthermore, because his hallway walks made him very visible, he became one of the targets of teachers, staff and administrators. Perhaps if teachers recognized his need for breaks, he would be met with encouragement rather than warnings. If Brian’s reprieves could be sanctioned, so that he could “take a stroll” like the “intelligent” boy had done in front of Miss Janelle the hall monitor, then classroom teachers could schedule breaks that were convenient to lessons so that Brian would not fall behind in class instruction. In his case, fairness as equitable rather than equal treatment might not only mean more compliant behavior, but improved academic performance.

Similarly, Evan found it unfair when teachers were not flexible in their enforcement of rules. He had been written up for listening to music during class, but explained that he did it because it helped him stay on task. Evan reasoned that as a student in good academic standing who had not committed serious misbehaviors, he should be permitted to listen to music when completing his work. He shared: “I really like music. It’s my opinion. It’s not like I’m doing bad in school. I’m doing good. I’m doing okay. I should be allowed to listen to music when I do work independently. Because if I don’t I’ll just keep talking to other people” (Interview). Both Evan and Brian showed that teachers’ inflexibility could interfere with students’ attempts to perform well academically.

Results from the survey further supported the finding that ninth grade students at Excalibur thought that teachers and staff should consider their circumstances when enforcing rules. In the survey, one question asked students if they thought a detention for walking out of class to use the bathroom without the teacher’s permission was unfair. The majority of students (151 out of 177 or 85% respondents) said that it was unfair, saying that the student had an emergency that could lead to physical health problems. One student remarked “basic bodily functions take precedence over teacher’s ego” (Survey). Other students felt that she should not be punished when she could not “hold her bladder” (Survey). Students thought that her walking out the class was beneficial all around since she might have emptied her bladder in the classroom. This suggested that students believed rules should be enforced differently when involuntary and uncontrollable actions made it challenging to obey school policy. Similarly, in a different scenario on the survey, students were asked to respond to a situation about a boy being penalized for laughing while students sat quietly. Out of the 188 respondents, 99 (56%) students felt that it was unfair for a teacher to make someone leave as a result of laughter because laughing was difficult to control when someone found a comment very amusing.

In addition to reasons involving involuntary functions, survey responders suggested that educators should consider factors in the school environment that might prevent students from following rules. To illustrate, one scenario asked students if they thought it was fair to receive a detention for arriving late to class. Of the 64 (36%) students who thought the consequence was

unfair, over one-third said that the teacher should consider the reason a student was late before giving a detention. One student offered a reason by stating, “[if the person had been] Coming into school or the halls was over crowded and their locker wouldn’t open” (Survey). Another student echoed, “Because fights and people are in your way when you are trying to get to class and some people have trouble opening lockers” (Survey). Here students showed that they wanted to be treated as individuals with unique circumstances. Students might have technically broken a rule, but wanted adults to be aware of their attempts to comply with policy when adults considered a consequence.

Unfairness and Incommensurateness

(At) Excalibur; they think that every single thing we do deserves a detention. If I said a curse word I get a detention. That's not right. (Yvette, Interview)

According to interviewed students, it was unfair when educators gave a severe consequence for trivial infractions. Interviewees thought it was fair to receive a warning or a phone call home for minor transgressions, such as talking while a teacher lectures or chewing gum after lunch. However, they shared that other teachers responded to minor misbehaviors by giving major penalties such as ejection from class, in-school suspension, or four-hour Saturday detention. Observations in the ninth grade principal office, after-school detention and multiple classrooms confirmed that teachers and administrators sent students to the office and wrote referrals, and gave in-house suspensions and Saturday detentions for profane language use and disobeying teachers’ directives. These consequences seemed especially harsh because they interfered with students’ class attendance and free time. Students suggested that the school failed to always give sanctions that were commensurate to offenses. Students complained most about detentions but also mentioned getting kicked out of class and subsequently having their infraction recorded on official write-up sheets as a consequence that was disproportionate to their offense.

To illustrate, when asked how fair she thought the school’s behavior policy was, Mercedes remarked, “I don’t get in trouble that much but when I do get in trouble it’s about like dumb stuff. Like if I was to play in the halls or if I was to do something in class. Like I don’t think it is worth, like stuff is worth getting in trouble for” (Interview). Brian shared that once, when he threw a paper airplane in class, the teacher sent him to the principal’s office. He said the teacher “could have at least told me to stop or throw it away. He just kicked me out. He could have warned me” (Interview).

Students articulated why it was unfair that the school gave the same consequences to serious and non-serious offenses, such as listening to music versus fighting.

I get written up for listening to music, I think that's about it. I think other kids get in trouble for really bad stuff like fighting where I'm just there because they wrote me up for music. I'm pretty sure they (the adults in the school) think it's stupid. (Evan, Interview)

Ebony, too, made similar comparisons. She had been written up for “class disruption” after she had laughed, talked, and argued loudly with other students. She thought that this write up was unfair because it was better suited for a more egregious offense. She stated,

There’s a lot of other things I could be doing worse than that. It’s at least eight boxes on that (on the referral sheet) that’s worse than what I’m doing. A class disruption - if you see a form and you get detention, you would think it’s alcohol, illegal drugs, class cuts. Class disruption? That doesn’t fit in the loop. (Interview)

By looking at the referral sheet herself, Ebony was able to weigh the gravity of each offense, though the sheet itself did not categorize offenses by “moral” or “non-moral” violations. The “loop” to Ebony was the category of serious infractions that deserved a harsh penalty such as a detention.

Other students compared their acts with more serious acts to explain that consequences were unfair according to their perceptions.

I get in trouble for dumb stuff like walk around and joke around in hallway, got (suspended) for three days. It wasn’t like I got in a fight or nothing like that. (Ken, Interview)

Some (rules) (are) unfair but some (are) fair. Like Mr. Donald came into our classroom yesterday and told us that if we were involved in a fight or something we would get suspended. And then he said if you have wrong body language toward that person you would get suspended or expelled. I don’t think that is fair. You just like showing body language to the person. You are not like physically doing anything to them. (Dwayne, Interview)

Another way Excalibur adults used harsh punitive sanctions for relatively trivial misbehaviors was when the accumulation of trivial offenses sometimes ended up being treated with a severe punishment. In the way Excalibur enacted punishment, a serial violator of minor rules would be treated as if he was a one-time major rule violator. Frequency transformed minor offenses into a major infraction. One student, Ebony, who had several write up sheets helped illustrate this.

Ebony had committed five infractions in Mr. Russell’s room over the course of two weeks that he recorded on referral sheets. According to Mr. Russell’s write-ups: 1) On March 13, she walked out of class after Mr. Russell offered her two choices (to leave or to not sleep in class); 2) On March 15, she was sent out of the room for texting on her cell phone; 3) She refused to take a test and argued with Mr. Russell about staying after school for his detention on March 16; 4) She came three minutes late to class on March 19; and 5) she was kicked out of his classroom for being on her cell phone on March 28 (Office discipline referral form). In the space designated for the given consequence, each referral sheet read “Saturday”, meaning she was assigned a four hour Saturday detention on April 14 as a response to all of these offenses. The school felt that together, her five offenses warranted this punishment.

In Ebony's case, the school took into account a series of behaviors and reasoned that the number of wrongdoings, and not necessarily the seriousness of each, was sufficient to warrant punishment. Perhaps, from a bureaucratic standpoint, it was logical for the school to respond in this way. In the disciplinary office, referrals piled on the desk of one secretary, named Mrs. Freely, who was charged with answering telephones, sending and receiving emails, entering data into the electronic system and organizing the disciplinary files for every student in Excalibur. Often, by the time she sorted through the piles and handed teacher referrals to the ninth grade principal, days would have passed since an incident occurred. Giving a consequence that addressed all misbehaviors at once was sometimes an efficient way to handle piled referral forms.

On the survey, students suggested that it was unfair when penalties were disproportionate to the level of offense. Specifically, students commented that laughing and arriving three minutes late to class were "not serious" (Survey). About 12% of the ninth grade class, or twenty-two students, thought getting in trouble for laughing was unfair because laughing was not a major offense. Many students argued that rather than the teacher kicking a boy out for laughing, she could have moved his seat or given him a warning. About 6% students thought that a three minute detention for a lateness was unfair, giving explanations such as "I don't think it was that serious. She was just three minutes late" (Survey).

Discussion

Unfairness and Inconsistency/Uniformity

This research found that students thought it was unfair when educators seemed to punish some students and ignore others and when certain adults enforced rules strictly while others were lenient. Thornberg (2007), explained the root of disciplinary inconsistency was teachers' enactment of implicit rules, defined as "unarticulated supplements or exceptions to the explicit rules" (Thornberg, 2007, p. 406). In short, implicit rules were explicit rules that were refined in a particular context. When teachers applied both explicit and implicit rules, students experienced inconsistent rule enforcement.

Four interviewees and some survey respondents wanted teachers' understanding rather than strict rule enforcement, a version of fairness at odds with the "consistent" approach and one more contextualized to a specific situation. For instance, Brian's desired breaks should urge teachers to think about fairness that is "needs-based" (Welch, 2000). A one-size-fits all approach to discipline is limiting. Students should be given opportunities to understand why their behavior was considered an infraction. Once they understand, then an educator could propose a response specific to the situation. For instance, if Dalia is late to class, and the wrong is that she missed instruction, then she could come after school, study, consult with friends and then talk to the teacher until it is clear she understands what she missed.

The finding that Brian thought it unfair that he could not take breaks from academic instruction highlights the difference between equality (consistency)

and equity (flexibility and understanding). The distinction between equity and equality in schools took shape in public discourse in the mid-twentieth century, as schools underwent racial desegregation (McLaughlin, 2010). In the past, equity and equality had been confounded so that equity meant equal “inputs” or in other words, the same amount and types of resources for each student. But research in the 1960s led to idea of equity being focused more on achieving equal outcomes for students by giving differential resources and support based on need. This shift has influenced education policy, such as the Individuals with Disabilities Education Improvement Act (IDEA). Brian was not designated as a student with special academic needs at Excalibur. However, providing equitable experiences to students should not be limited to students with individualized education plans. Rather than give Brian a sanction when he wanders the hallways or continue instruction without him, perhaps a teacher could plan class so that during individual work time, students like Brian know that they can take a break in class or get a drink of water. Perhaps a teacher could consider scheduling short breaks in class, especially in the 90 minute block scheduling that Excalibur had. However, with so many demands put on teachers’ instructional time, teachers like those at Excalibur might find it challenging to schedule time for breaks.

Thus, the issue might need to be addressed beyond individual classrooms but instead, at the education policy level, where the equity debate took shape. Policies could allow classroom instruction to include short reprieves, particularly for students who need them. If a school wants students to have the same outcomes of academic success, a future filled with educational and professional prospects, and the ability to make a contribution to society as an active citizen, they should realize that not all students achieve those outcomes by way of the same traditional methods. In other words, to achieve equal outcomes, schools must be equitable, providing scaffolds, interventions, and supports according to individual students’ needs and circumstances. Such an approach would echo popular studies that encourage culturally responsive teaching and pedagogy (Ladson-Billings, 2009).

Thus, among students there were two competing understandings of “fair” treatment: same treatment and differential treatment. Way (2003) found similar results in her qualitative study, concluding that views of unfairness were correlated with perceived policy strictness as well as perceived lenient enforcement. These findings illustrate that students did not want to see educators conservatively follow policy by the book nor did they want to experience overly lax treatment.

Unfairness and Incommensurateness

Interviewees also viewed that lack of a close connection between the offense and penalty as unfair. This finding pointed out Excalibur’s failure to distinguish the gravity a minor offense such as talking out of turn in class and a major offense, such as being insubordinate to an adult. In short, Excalibur lacked a system of “just deserts” that according to Kleinig (1973), would mean students would perceive that they were given the consequence they deserved. Kleinig (1973) argued that consequences are violations to one’s moral right to be free of any interference (p. 66); thus consequences

should be justified to their recipients. Instead, Excalibur's system was rife with instances perceived by ninth graders as unjust, in which both serious and non-serious offenses received the same response and no justification was apparent or sufficient.

The finding that students viewed the conflation of serious and non-serious infractions as unfair illustrated the need for the school to clarify distinctions among offenses and to develop responses that were commensurate to the level of each offense. Goodman (2006) supported schools delineating three types of violations so that schools' serious and non-serious misbehaviors were clearly identified. First, she identified moral violations, which are school infractions that are wrong according to a general consensus. Illegal activities such as drug use, weapons possession, harm to another person, and theft could be understood as moral violations. Goodman (2006) maintained that punishments, which are meant to address moral wrongs, should be the consequence for a student who commits these acts. The intention is that punishments help teach children morals so that when they lead lives in society, they continue to abide by moral codes (Durkheim, 1961).

Secondly, Goodman (2006) identified derivatively moral violations as violations that are not inherently moral, but depending on context and an adult's interpretation of the act, can be considered to be moral infractions. For instance, a teacher who views students' lateness to class, eating in class, or engaging in horseplay as moral wrongs may perceive school as sacred a space in which students should be meaningfully educated for the betterment of society. Any act that harms the sacredness of school then becomes wrong and deserving of punishment.

Finally, Goodman (2006) defined conventional violations, which are violations specific to a school context that disturb the day-to-day smooth operations of the school. Talking out of turn, chewing gum, and being off-task in class may be considered conventional transgressions.

In their discussion about incommensurate consequences, students demonstrated an understanding of moral violations and how they should be addressed. At Excalibur, moral, derivatively more conventional violations were both met with punishment.

It is important for schools like Excalibur to know that students found excessive punishments unfair. Goodman's (2006) contended that blurring lines between moral and non-moral transgressions weakens the school's ability to be morally educative for the child. In other words, because students thought it was unfair that adults conflated serious and non-serious offenses, then the school diminished its ability to shape students' behavior and respect for rules in general. The muddling of moral and non-moral infractions resulted in arbitrary use of penalties and punishments. In addition, because a sanction for an act might have resulted in exclusion from instruction, severely penalized students missed time to learn important content knowledge.

Interestingly, when Excalibur faculty and staff treated acts as derivatively moral transgressions, they also contributed to another source of students' views of unfairness: inconsistent administering of punishment. This was because one adult would treat an act as if it was moral and another would treat it as if it was conventional. A situation in which a student walked out of

class without permission provided an illustration of the school's inconsistent punishing. A boy walked out of class after a teacher chided him for not being in his assigned seat. He was written up for "insubordination" and was given a four hour Saturday detention. Here, walking out of class was handled as if it were a moral violation, since the child was being insolent towards an authority figure (Field notes). But in another case, the act was treated as a conventional misbehavior that signaled temporary loss of control in an otherwise well-functioning environment. A girl walked out of class after a brief argument with the teacher. On a form following that incident, it stated that the student and teacher had a conference. Walking out of class here was not insubordination, was not a moral wrong and thus was not met with a punishment (Field notes). Perhaps the fact that these were two different students in separate contexts with distinct experiences at the school would explain why the outcomes were dissimilar. Further, this illustration of non-identical penalties did not ignore the fact that teachers' relationships with students vary; however its purpose here was to provide further evidence of students' perceptions that their educators mete out severe and non-severe penalties for the same behavior. Together, these experiences underscored the school's need to make clear its distinction between moral and non-moral violations so that sanctions can also be made clear to students. Such clarification would solve problems associated with students perceiving that teachers give sanctions arbitrarily, inconsistently, and incommensurately.

Summary: A Key Dilemma

This study was an attempt to understand a key ingredient of noncompliance of school discipline: unfairness. Dealing with student misbehavior is a persistent concern for teachers, so investigating one component that contributes to misbehavior – unfairness – could help educators develop discipline policies that effectively maintain order.

Students' definition of unfairness revealed possibly the biggest weakness in the discipline policy of Excalibur and other schools like it: reliance on control rather than legitimate authority. In this study, students reported their perceptions of unfairness of Excalibur's consequences. Consequences often reflect a school's aim to control students with rewards and penalties so that students comply. Some have argued that achieving obedience through control is a short-term form of compliance and treats young people like automatons (Kohn, 2006). Perhaps schools can achieve legitimate authority, that is, willful obedience from students, by achieving not only fairness in terms of consequences, but fairness in terms of the process that goes into making policy and other disciplinary decisions. Tyler (2011) offers a distinction between distributive justice, which refers to outcomes such as detentions and suspensions, and procedural justice, which refers to the process that leads to those outcomes, like debates and discussion. Tyler states that procedural justice contributes to legitimate authority because at its foundation are relationships based on trust. Thus, if his theory holds, if students who commit infractions are able to dialogue with educators about their behavior, their viewpoints and possible consequences for the infractions, then students would view the system as fair and would be more likely to voluntarily submit

to the school's authority. Even before misconduct occurs, having students involved in hearings and as part of committees would help achieve buy in because students' could work with adults in schools, rather than against them, to build a school that both students and adults can favor. To Tyler, being part of the process fuels social relationships that are at the heart of legitimate authority relations. He states: "Social motivations lead not only to compliance but to voluntary deference to rules and to more general willing cooperation (Tyler, 2011, p. 7)." It follows then that legitimate authority is not found in tradition passed down, but rather on what Pace and Hemmings (2007) characterize as constant negotiations between teachers and students as both parties strive to have their interests and needs met.

But perhaps schools are not meant to be fair places for students. First, schools continue to emphasize rules and mete out consequences to ensure compliance, rather than willful obedience. Second, with their reliance on rules, there is an unsolvable dilemma that traps schools: if adults inconsistently apply rules, then students complain. On the other hand, if adults consistently give students the predicted sanction each time an offense is committed, then students complain. Thus, schools cannot win as they try to create fairness in terms of consistency or inconsistency in rule application. School's handling of "just deserts" would not fare well either. There will always be times when a student believes he or she was inaccurately identified as a rule violator. Also, inevitably at some point, a young person will find that his penalty outweighs his offense. Unfortunately, schools, as they are currently structured, cannot solve the unfairness problem that plagues them. ■

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APPENDIX A

Table 1
Ninth Grade Student Interviewees

	Name	Gender	Races	Level ES = Self Contained Emotional Support CP = College Prep H = Honors	Number of Referrals by June 1
1	Bilal	Male	African American	ES	5
2	Ken	Male	African American	CP	12
3	Evan	Male	Cambodian American	H	1
4	Dwayne	Male	African American	H	1
5	Lawrence	Male	African American	H	1
6	Daniel	Male	Caucasian	CP	4
7	Brian	Male	African American	CP	>20
8	Cheno	Male	African American	CP	>20
9	Yvette	Female	African American	CP	>20
10	Dalia	Female	African American	CP	12
11	Lisa	Female	Caucasian	CP	0
12	Tamara	Female	African American	H	4
13	Faith	Female	African American/ Pacific Islander	H	0
14	Amber	Female	African American	H	1
15	Ebony	Female	African American	CP	10
16	Mercedes	Female	African American	CP	15

APPENDIX B
Survey Instrument

I. BACKGROUND INFORMATION

1. Gender (Circle one): **F** **M**
2. Race/Ethnicity _____
3. Do you receive free/reduced lunch? (Circle one) **YES** **NO**
4. Average of last report card (Circle one) :
 A+ **A** **A-** **B+** **B** **B-** **C+** **C** **C-** **D** **F**

II. FAIR or NOT FAIR?

Please read the following situations. Circle whether the consequence is fair or not fair. Provide the reason you choose “fair” or “not fair”.

SITUATION A: A male student walks into school with his hood up. When the young man gets to the third floor, an administrator tells him to take his hood off.

5. Do you think it is fair that he is told to take his hood off? Why or why not?
 FAIR **NOT FAIR**

Reason _____

SITUATION B: A student, sitting in class, really needs to use the bathroom. She raises her hand and asks if she can go and the teacher says no. She waits a few minutes, rocking in her seat. The student walks out of class and heads to the bathroom. When she returns, the teacher gives her a detention.

6. Do you think it is fair that she received a detention? Why or why not?
 FAIR **NOT FAIR**

Reason _____

SITUATION C: Two male students, who are friends, sit near each other in class. As the teacher talks to the entire group, the one boy tells the other boy something funny that happened yesterday. The other boy begins to laugh. The teacher looks at the laughing student and he stops laughing. Within a few seconds, the boy is laughing again. The teacher tells the boy who is laughing to go to a different classroom.

7. Do you think it is fair that the boy is told to leave the class? Why or why not?
 FAIR **NOT FAIR**

Reason _____

APPENDIX B (continued)

SITUATION D: A girl walks into her 1st period class 3 minutes late. The teacher tells her she must stay after school for 3 minutes on Friday.

8. Is it fair that the girl has to stay after school for 3 minutes on Friday for being late 3 minutes? Why or why not?

FAIR NOT FAIR

Reason _____

III. SCHOOL RULES

How often do you obey the following rules? CIRCLE ONE CHOICE IN THE RIGHT COLUMN.

9. Students must not use foul language in class or in hallways.	ALL THE TIME MOST OF THE TIME SOME OF THE TIME RARELY /NEVER
10. Students cannot come into the front main entrance before 7:25 without a pass.	ALL THE TIME MOST OF THE TIME SOME OF THE TIME RARELY /NEVER
11. Students must have a pass to leave a classroom during class time.	ALL THE TIME MOST OF THE TIME SOME OF THE TIME RARELY /NEVER
12. Students must not use cell phones during class.	ALL THE TIME MOST OF THE TIME SOME OF THE TIME RARELY /NEVER

14. Why do you think the rules at ____ are in place?

Any additional thoughts or comments? Please share!

APPENDIX C

Respondent Demographics

Item (total number of responses)	Categories	Frequency	Percentage
Gender (180)	Female	48%	48%
	Male	52%	52%
Race/ethnicity (171) Dwayne	African-American	105	61%
	Caucasian	39	23%
	Asian	4	2%
	Latino	10	6%
	Biracial	10	6%
	Other/Not identified	3	2%
	Students of color	132	73.3%
Reduced/Free Lunch (172)	No	58	34%
	Yes	114	66%
Average of last report card (171)	A	4	2%
	B	11	6%
	C	69	40%
	D	51	30%
	F	36	21%
	Mean = 3.61 SD = .966		

APPENDIX D

Fair/Unfair Section of Survey and Raw Numbers and Percentages of Respondents

SITUATION A (total number of respondents)	Response	Frequency	Percentage
A male student walks into school with his hood up. When the young man gets to the third floor, an administrator tells him to take his hood off.	Not Fair	63	36%
	Fair	112	64%
5) Do you think it is fair that he is told to take his hood off? Why or why not? (175)			
SITUATION B (total number of respondents)	Response	Frequency	Percentage
A student, sitting in class, really needs to use the bathroom. She raises her hand and asks if she can go and the teacher says no. She waits a few minutes, rocking in her seat. The student walks out of class and heads to the bathroom. When she returns, the teacher gives her a detention.	Not Fair	151	85%
	Fair	26	15%
6) Do you think it is fair that she received a detention? Why or why not? (177)			
SITUATION C (total number of respondents)	Response	Frequency	Percentage
Two male students, who are friends, sit near each other in class. As the teacher talks to the entire group, the one boy tells the other boy something funny that happened yesterday. The other boy begins to laugh. The teacher looks at the laughing student and he stops laughing. Within a few seconds, the boy is laughing again. The teacher tells the boy who is laughing to go to a different classroom.	Not Fair	79	44%
	Fair	99	56%
7) Do you think it is fair that the boy is told to leave the class? Why or why not? (178)			
SITUATION D (total number of respondents)	Response	Frequency	Percentage
A girl walks into her 1st period class 3 minutes late. The teacher tells her she must stay after school for 3 minutes on Friday.	Not Fair	62	36%
	Fair	112	64%
8) Is it fair that the girl has to stay after school for 3 minutes on Friday for being late 3 minutes? Why or why not? (179)			