

CREEPING LEGALISM: HOW EXTERNAL DEMANDS RESHAPE STUDENT AFFAIRS PRACTICE

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Abstract

Using data from twenty-one interviews conducted with student affairs practitioners within a constructivist grounded theory study, we examined how legal issues influence the daily work of student affairs professionals. Findings demonstrate that concerns about legal issues may intrude on student-centered practice, which participants identified as a core value of the student affairs profession. The paper concludes by offering recommendations for navigating the tension between student-centered practice and legal issues.

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The student affairs profession has long-defined itself through student-centered values including holistic student development; respect for individual differences and individual agency; and social justice (Evans & Reason, 2001). Chapters focused on these core values appear alongside discussions of the administrative dimensions of student affairs work in student affairs textbooks (c.f., Reason & Broido, 2017; Wilson, 2017). Discussions of student affairs administration treat legal issues as core knowledge for student affairs professionals (e.g., Lowery, 2016; Miller, 2017). Recent descriptions and analyses of required competencies for student affairs practice have also reiterated the importance of both legal knowledge and a commitment to the profession's core values (e.g., ACPA & NASPA, 2015; Gansemer-Topf & Ryder, 2017).

To date, however, few studies have examined the compatibility of the student affairs profession's student-centered core values and its treatment of the law as core knowledge. Some scholarship has theorized that "creeping legalism," the intrusion of legal reasoning into processes otherwise governed by the profession's student-centered values, may compromise learning outcomes within conduct processes (Dannells, 1997; Gehring, 2001). No study has yet explored creeping legalism outside of student conduct or specifically investigated how it influences student affairs professionals' decision-making. To rectify that gap, we used interviews with student affairs professionals to collect data for a constructivist grounded theory study addressing the following research questions: 1) How do student affairs professionals describe the influence of legal issues on their work? and 2) How does the way that student affairs professionals think about legal issues shape their decision-making?

Sensitizing Constructs

Consistent with constructivist grounded theory (Charmaz, 2014), we did not complete a literature review and instead identified two sensitiz-

ing constructs: core values and commitments of the student affairs profession and legal issues in student affairs work. Grounded theorists typically utilize sensitizing constructs instead of standard literature reviews because the problems they seek to address are not well-documented by existing literature. Instead, sensitizing constructs allow grounded theorists to explore key concepts likely to shape their eventual findings without needing to identify literature that provides comprehensive coverage of their research problem since that literature likely does not exist.

Core Values and Commitments

A profession's core values and commitments communicate a sense of purpose, integrity, and collective identity to both its members and the public (Evans & Reason, 2001). A series of high-profile committee reports and promulgations of professional standards have consistently affirmed the centrality of holistic student development, respect for individual differences and student agency, and social justice to the professional identities of student affairs professionals (c.f., ACPA & NASPA, 2015; Evans & Reason, 2001). A robust body of empirical literature (c.f., Gansemer-Topf & Ryder, 2017; Grabsch et al., 2019; Mayhew et al., 2016; Patton et al., 2016) provides guidance to student affairs professionals at all levels of practice seeking both to develop and to act in intentional ways on these core values and commitments.

New student affairs professionals typically gain exposure to both these core values and the empirical literature base supporting their realization via graduate preparation programs (Hirschy et al., 2015; Perez, 2017). Most graduate preparation programs closely align their curricula with the content areas stipulated by the Council for the Advancement of Standards (CAS) (2015), which describe the academic experiences needed in a masters-level graduate preparation program as the foundation for future practice. Three CAS standards (i.e., student development theory; student characteristics and effects of college on students;

individual and group interventions) address student-centered practice.

More experienced student affairs professionals receive ongoing messaging about the field's core values and skills from professional associations and conferences (e.g., Gansemer-Topf & Ryder, 2017; Wilson et al., 2016). Mirroring the joint statement on professional competencies issued by leading student affairs organizations (ACPA & NASPA, 2015), these venues also reiterate the centrality of student-centered practice to the student affairs profession. Collectively, these ongoing socialization processes reinforce the belief that student affairs work comprises a distinct profession predicated on student-centered practice (Arminio & Ortiz, 2017).

Legal Issues

The joint statement on professional competencies in student affairs places legal issues at the center of a broader competency related to “Law, Policy, and Governance” and also includes legal considerations relevant to other competencies (e.g., Advising and Supporting, Organizational and Human Resources) (ACPA & NASPA, 2015). This positioning of the law within the required knowledge, skills, and dispositions of the profession aligns with Gehring's (2000) recognition that: “The law has definitely arrived on campus. It permeates every program, policy, and practice of the institution” (p. 371) and acknowledges legal issues as inextricably linked to the pursuit of student-centered practice. However, it also highlights a potential issue: while the actual influence of legal issues depends greatly upon context, textbooks regularly assigned to student affairs graduate students and consulted by professionals often prioritize content knowledge rather than application. As evident in the review of texts that follows, this approach offers insufficient opportunity to incorporate legal reasoning into a broader student centered-approach—potentially positioning the law as a secondary consideration of student affairs work rather than an integrated part of practice.

The most comprehensive courses and professional reference texts frame the law in terms of myriad possible legal issues that may confront higher education administrators. For example, Alexander and Alexander's (2017) *Higher Education Law* includes student-focused chapters describing the contractual relationship between institutions and students, student privacy, and freedom of expression. Chapters also review legal frameworks related to topics such as tuition and fees, grading, and dismissal. Some sections of the book—for example, chapters addressing academic freedom and intellectual property—are less likely to be relevant to student affairs professionals. Throughout, the text draws heavily on case law and legislation instead of application and discussions of several key topics (e.g., tort liability, prohibition of identity-based discrimination) and combines student-, faculty-, and university-focused concerns in ways that may make it difficult to determine which legal reasoning applies to whom. Another commonly used text—Kaplin and Lee's (2014) *The Law of Higher Education*—follows a similar design. It focuses on institutions' legal authority and liability with particular emphasis on their relationships to employees. Legislation and legal precedents related to student-focused issues are categorized by functional area (e.g., admissions, financial aid, housing) or institutional processes (e.g., academics, discipline, student organizations). Unfortunately, little sense how broader conceptual issues and these more specific discussions of student issues might be integrated within professional practice is provided.

Student affairs graduate students often first encounter discussions of legal principles in published handbooks for the profession. Often limited to a single chapter, these treatments reassure potentially anxious readers through non-technical introductions to foundational legal concepts and principles and clear directives to consult institutional counsel for work-related legal advice. For example, Lowery's (2016) chapter in *The Handbook of Student Affairs Administration* introduc-

es sources of law and highlights trends shaping student affairs' legal landscape, including institutions' and professionals' legal relations to students, torts and risk management, and anti-discrimination laws.

Book-length volumes authored specifically for student affairs professionals also come up short. Lake (2011) described three legal areas as foundational to student affairs given the everchanging higher education legal environment: campus safety and security, institutional accountability, and economic challenges. Clear and occasionally entertaining language make for a helpful reference book, but the historical review of changing applications of law to student affairs highlights the present need for practical guidance. Miller and Sorochty (2015) promised such assistance for early- and mid-career student affairs professionals in their risk management book. They also emphasize content knowledge, that avoiding or mitigating risk requires understanding risk management differences between public and private institutions as well as specific details about areas of potential risks (i.e., U.S. Constitution, regulations, torts, contracts, and technology). Practical tips offered throughout the book underscore the book's purpose: to reduce realized and potential costs of risk to student affairs professionals and their institutions through appropriate practices.

Study Methods

Our study employed a constructivist approach to grounded theory (Charmaz, 2014). We used semi-structured interviews to collect information about how participants understood legal issues and related topics like accountability and risk management. We also explored how participants viewed their role and the influence of legal issues therein. Examples of questions include: 1) You mentioned that you frequently encounter [SITUATION]. How do you typically approach that? – and– 2) You've told me a bit about how you think about the law. How did you come to think about it

this way? All interviews were recorded and transcribed professionally.

To generate findings, we used constant comparative analysis (Charmaz, 2014). Two researchers reviewed each transcript separately before meeting to resolve any disagreements. This coding process focused on open coding—a form of analytic reduction that groups complex qualitative data into categories. As this process occurred, we also utilized memoing and debriefing to identify axial codes, wherein deeper relationships among open codes and the underlying data were noted (as recommended by Charmaz, 2014). We engaged in a similar process to seek theoretical propositions explaining these relationships via a selective coding. The result this process is a grounded model of the influence of legal issues on the work and thinking of student affairs professionals.

Sample

Consistent with tenets of constructivist grounded theory, we utilized a theoretic sampling strategy to identify a diverse pool of student affairs practitioners drawn from a variety of different institutions, functional areas, and career stages (Charmaz, 2014). Our recruitment utilized email contact, social media outreach, and word-of-mouth referrals. Using this strategy, we recruited 21 participants from 14 different institutions drawn from five different geographic regions (i.e., Mid-Atlantic, Midwest, Northeast, Southeast, Southwest). These institutions represent differing selectivity in admissions and sources of institutional control (i.e., public vs. private). Our participants also included student affairs professionals from varied functional areas (e.g., residence life, activities, dean of students) and career stages (e.g., entry-level, mid-level, senior staff).

Trustworthiness

We engaged in peer debriefing, triangulation, and discrepant case analysis to enhance trustworthiness (Jones et al., 2014). We also examined our own positionalities relative to the study by ex-

ploring our social identities and pre-understandings relative to the research. All members of the research team had prior student affairs administration experience, though the amount and nature of that experience varied substantially. For example, while all research team members had prior experience navigating legal issues, only two had extensive professional experience in this area. No members of the research team had formal legal training.

Limitations

Our study relied on participant-reported data: we sought to explore how student affairs professionals made meaning of legal issues based on their own educational and professional experiences. As such, we do not claim that our study findings fully capture the varied ways that student affairs professionals engage legal issues in the workplace. Future studies should use more direct methods (e.g., observation, response to case studies) to examine the actual process of legal reasoning in which student affairs professionals engaged. Doing so would also likely shed additional light on how legal issues shape the thinking and work of student affairs professionals. Additionally, although the lack of legal training possessed by the research team is not atypical among student affairs scholar-practitioners, our lack of expertise in this area may have precluded us from asking interview questions or engaging in analysis predicated on legal knowledge.

Findings

Our findings reveal how thinking about and obligations arising from legal structures influence the work of student affairs professionals. The four key themes from our analysis demonstrated: 1) legal structures function as an abstract, depersonalized form of authority against which student affairs professionals have little recourse; 2) individual institutions, as the contexts for most student affairs work, guide the specific ways in which

legal structures shape an individual student affairs professional's responsibilities; 3) the educational background and training of most student affairs professionals provides only a limited socialization to the influence of legal structures on their future work; and 4) a student affairs professional's personal background and value commitments shape their perceptions of how legal structures influence their practice.

Legal Structures

For the student affairs professionals with whom we spoke, legal structures functioned in two seemingly discrete ways. First, many participants described "the law" in abstract terms. When participants described "the law," they rarely provided specific examples of the statutes or regulations to which they referred but rather aggregated all legal structures into a singular construct—one with which they often expressed frustration. For example, Raquel, an entry-level professional in orientation and parent programs, described the law as "the rules individuals have to follow" while Jacob, an entry-level professional who works with community engagement programs, discussed his efforts to "help students break through this red tape" during voter registration for the 2016 Presidential election. Formulated in this way, legal structures represented a depersonalized, monolithic source of external authority that student affairs professionals found themselves largely powerless to resist or even to understand fully. This formulation of the law appeared most commonly when participants objected to constraints on their work imposed by supervisors, institutional bureaucracies, or external accountability groups (e.g., accreditors, government agencies).

In contrast, the second formulation of legal structures displayed frequently by participants treated specific statutes or regulations as an integral part of student affairs work. For example, Elise describes how Title IX, and recent guidance in the application of its requirements, has shaped her student affairs practice:

I have been in conflict before with the duty to report domestic [abuse] and Title IX issues. Cognitively, I understand why that is important. Emotionally, I really struggled having to ... I felt like I was having to break a student's trust and almost it felt like I was shattering how they saw me, like the role that I played for them. I had to shatter that to tell you "Whatever you are about to tell me, you need to know that, if it's XYZ, I have a duty to report."

For Elise, the underlying philosophical reasoning behind mandated reporting requirements made sense. However, she also noted that the imposition of an external source of authority on her own professional judgment could compromise her relationship with students who did not understand the broader legal structures that influence the student affairs profession.

While the depersonalized reality of the first framing of "the law" and the more immediate nature of the second may seem irreconcilable, our findings revealed them to be two aspects of the same phenomenon. Legal structures function both as abstract and as an immediate influence on the student affairs profession because they have become sufficiently complex to become largely unknowable, save for by an expert few. As a result, participants often described legal structures as an external monolithic source of authority and an immediate part of their work simultaneously. For example, Elliot described his frustrations working with collaborators who did not understand FERPA regulations well:

One of the biggest issues that I have to struggle with is FERPA. FERPA is probably one of the largest things that I have to deal with because, as the fraternity and sorority advisor, the national headquarters require that I send them information regarding student's grades. And usually institutions will be able to just provide that information willy-nilly, but I'm afraid to do so because it does impact FERPA law because I'm giving an outside source a student's information. Especially, their

personal information such as a grade point average.

In this case, Elliot provides a specific legal referent for his concerns and also describes behavior arising directly from his understanding of FERPA regulations. He also notes that his understanding of specific legal structures directly influences his practice. Notably, the problem with sharing this information stems not from the fact that this information would be shared with an outside source but rather the potentially non-secure nature of its transmission. Indeed, FERPA regulations restrict the sharing of information with anyone who does not have a legitimate educational right to access it—including within one's own institution—or for whom a student has not expressly granted permission to share—which fraternity and sorority members typically must provide to national chapter headquarters. In this way, student affairs professionals who invoked specific legal structures often did so in a way that recalled the abstract formulation of "the law." In other words, they sometimes acted not from a specific knowledge of what legal structures required but from a more general sense of what "the law" entailed.

Institution as Context

Participants frequently noted that where they worked mattered to their experience with legal structures. They drew contrasts between the way that their graduate programs and assistantships had prepared them to address legal issues and the concrete realities of their current experiences. They also noted how much institutional approaches to legal structures varied from one institution to another in their professional experiences. For example, one participant noted that they had recently left a large research university that had been exposed to legal liability by a student death in a university-sanctioned event. They noted that, as a result of this event, the university has grown risk-averse in its approach to student events. In contrast, the regional comprehensive institution where they now worked had a more relaxed pro-

cess for the evaluation of the institution's liability. For many participants, this variability in institutional practice represented both a frustration and an opportunity. On the one hand, participants expressed frustration that their preparation to meet the legal demands of one job seemed to do little to help them meet the demands of another. That is, they reported that legal structures were at least partially dependent on the institution as context. On the other hand, they also noted that the variability from institution-to-institution allowed them to choose the sort of work environment that they preferred.

Participants also noted that an institution's overall leadership and the nature of institutional control shaped the legal structures within which they worked. James described the sorts of experiences most common among our participants:

What I've learned in higher education? Politics are here also. I think what I really dislike is we are such—I saw this at [State University], [Research University], and [Community Colleges]—we're so reactive instead of proactive as far as policies, as far as working with students to make sure that we have an environment where they're going to thrive.

James described the institutions where he had worked as largely responding to coercive pressures—for example: fear of lawsuits, negative public relations, or even an institutional leader's frustration about an internal mix-up—rather than proactively creating an environment that addressed legal issues and supported student success. While this experience typified that of nearly every participant, a few participants reported hopeful moments where systems, processes, or trainings had allowed their institutions to behave proactively. Participants welcomed these proactive approaches as providing more time for them to engage in the sorts of activities—for example: advising, mentoring, counseling, and program planning—that had led them to become student affairs professionals in the first place. Although

rare overall, participants also noted the nature of institutional control shaped the capacity of colleges and universities to be proactive and the way that they approached legal structures overall. For example, Charles described the difference between public and private institutions in terms of unionization: “At a private institution [in a state where unions are common], we have a lot more leeway than the public institutions where almost all the employees are unionized.” For Charles, the union contract—like a variety of statutes and court rulings that apply differently to public institutions than to private institutions—represented one additional legal structure that needed to be navigated in day-to-day work, which highlights the role that the institution as context can play in dictating the legal structures that student affairs professionals must navigate.

Student Affairs Profession

As noted above, one of the ways that study participants made sense of their experiences related to legal structures was via their socialization to the student affairs profession, which often formally began during graduate training and also encompassed subsequent professional experiences. For example, participants frequently referred to the coursework or professional development that they had undertaken as key ways that they had come to understand how their work related to legal structures. However, they also noted that these early experiences were often inadequate preparation for the work that they would ultimately do. In one such example, Troy described the discrepancy between early perceptions of the nature of student affairs work and the reality encountered by full-time professionals:

It can be a jarring experience because they're not expecting some of the things that they're encountering or they were sheltered from a lot of those things due to their assistantship. So, their supervisor or director or whoever was doing a lot or taking the brunt of a lot of those things and they never saw what that was like.

Elsewhere, participants clarified that the reason for this frustrating occasional disconnect is the fundamental tension between core values of the student affairs profession and obligations arising from legal structures. In one such example, Charles described with resignation the increasingly legalistic orientation of the student affairs profession today as compared to when he entered the field 35 years ago:

It was a less complex time. It was a simpler time. It was a less legalistic time, not that there weren't complex things happening, but I do often think that it's ironic that I made the decision not to be a social worker and I made the decision not to be a lawyer, and yet so much of my work here 35 years later is legalistic and social work oriented.

In Charles's estimation the goal and nature of student affairs work remained largely unchanged: supporting students. What had changed markedly is the increased importance of legal structures in this work. Another participant describes this tension even more directly—noting that:

There's no question that there is a tension that is existing between folks like myself who do more compliance-oriented, conduct-oriented types of things that are informed by a whole amalgam of different things, and those who really want to do the classic student affairs work of student development, student leadership. And there is often a tension between the allocation of resources. So, for example, I may go to a budget committee meeting and argue this is an institutional mandate. It may be an unfunded mandate, but the government says we have to do X, Y, and Z. And so that has to take priority. And then other folks want to appropriately at least make the case for, if we spend all of our money and resources and attention on these compliance issues, where do we do the high impact practices that are the reason we got into the business in the first place? So there's a lot of internal tension, not necessarily ill [will]. But competition for those limited resources.

This framing, which represented a recurrent pattern across participants, juxtaposes the “classic student affairs work” centered on foundational concepts like holistic student development to the pressing “institutional mandate[s]” that can sometimes redirect student affairs practice. Notably, even among those participants who worked in “compliance-oriented, conduct-oriented” areas tended to advance similar reasoning—reflecting the extent to which the student affairs profession is driven by the persistent value commitments of individual student affairs professionals.

Personal Background

For many participants, their personal background centered prominently in the way that they thought about legal structures. Simply put, many participants entered the field because they recognized the important role that student affairs professionals had played in their growth and development during college, and they wished to realize that same sort of influence on the lives of others. Gabrielle describes that desire as part of her ongoing commitment to the student affairs profession: “What keeps me connected is the hope of student learning and coming back to the impact and the experiences that are important, and to be able to continually reinforce the ideas of working in community, I think, keeps me connected to the work.” Others expressed fears about how variations in institutional contexts or their role therein might fundamentally alter their ability to realize their value commitments. For example, James described how his experiences as an older student with more life experiences prior to college led him to be concerned about whether “we do a good job preparing our students for what's really out there when they graduate from college.” As a result, he wanted to work in roles where he could directly influence student success—expressing concern that career advancement might eventually mean that he could no longer work with students: “I'd rather be really in that middle range of management in the hierarchy; I don't really want to be up that high because

I like making the connection with the students and really preparing them for the real world.” Another participant expressed a similar goal for their student affairs practice and noted that they sought to help create an institution that felt “much more relational and much less transactional.” However, in making this statement, they also made clear the key influence of institution as context—framing their work as “bring[ing] the high touch approach of a small liberal arts college, which is really sort of what my wheelhouse has been, to a place that’s much larger.” In other words, their prior experience in small liberal arts colleges shaped both their value commitments and the way they sought to engage their new institution as context for their work.

Discussion

Our findings show the complex influences of legal structures on both the nature of student affairs work and the meaning-making of individual student affairs professionals. That student affairs professionals find the law to be simultaneously abstract and discrete echoes prior scholarship on the social functioning of the law (e.g., Foucault, 1975 / 1995; Gawalt, 1984). This corpus of literature convincingly demonstrates that the law’s seeming accessibility to all—despite the fact that it is sufficiently complex to be rendered unknowable to all but a select few—gives law its socio-normative power. Human beings respond to that socio-normative power either due to threat of force or the belief that the law exists in service to them. That is, the primary enforcement mechanism of the law is not punishment but rather the self-policing undertaken by individuals and institutions awed by the law’s potential capacity to punish. It also echoes prior literature in student affairs on “creeping legalism” within the profession (Dannells, 1997; Gehring, 2001). This literature base addresses both the steady accretion of legal structures in colleges and universities and also the extent to which these legal structures are characterized by their bound-

lessness: in other words, contemporary student affairs professionals find themselves confronting legal structures with demands that multiply rapidly and seemingly bleed into all aspects of their work. We suggest in Figure 1 that prior literature on professional competence (e.g., ACPA & NAS-PA, 2015; Gansemer-Topf & Ryder, 2017) and role definition (e.g., CAS, 2015; Renn & Jessup-Anger, 2008) in student affairs has tacitly acknowledged these shifts by establishing the centrality of law to competent student affairs practice generally and the growth of new compliance-oriented student affairs professions specifically.

As our findings show, however, this story about the creeping legalism of the student affairs profession is rarely simple. The institution as context for student affairs work powerfully determines the extent to which individual student affairs professionals will feel the pressures associated with the growing importance of legal structures in college and universities. This finding aligns well with prior literature on the legal context for student affairs work (e.g., Lake, 2011; Lowery, 2016), which has established that influences like institutional control (Hirt, 2006) and organizational history (Kimball & Ryder, 2014) profoundly shape both student affairs practice and the legal realities of that work. Our findings deepen the understanding offered by this prior scholarship by showing how the institution as context works in tandem with legal structures to shape the way that institutions define student affairs roles and the way that a student affairs professional perceives institutional fit. Framed differently, our findings reveal the extent to which there is no singular experience of legal influences in student affairs but rather as many different experiences as there are institutions and student affairs professionals within them. Consequently, even the participants in our study revealed that their answers needed to be situated within the institution as context.

The personal backgrounds of individual student affairs professionals also powerfully shape their responses to the creeping legalism encoun-

tered in student affairs work. Consistent with prior work that has documented the centrality of core values (e.g., Evans & Reason, 2001; Reason & Broido, 2017) and reflexive practice to student affairs work (e.g., Bensimon, 2007; Ryder & Kimball, 2015), our findings reveal that a student affairs professional's prior experiences and value commitments influence how they will respond to the legal aspects of their job. This finding contributes to the growing bodies of literature focused on institutional fit (e.g., Hirt, 2006; Renn & Hodges, 2007) and professional identity development (e.g., Perez, 2017; Wilson et al., 2016) in student affairs. It also deepens that literature base by showing that "student affairs" should not be considered a monolithic entity in either discourse. Not only does the student affairs profession encompass a remarkable diversity of career paths, it may also be the case that student affairs professionals may respond differently to various aspects of their professional responsibilities. We clearly observed this differential response in our study wherein many participants objected to the creeping legalism of their jobs but responded favorably to aspects of their work centered on holistic student development.

Our findings also reveal the importance of alignment between personal values and the values of the broader student affairs profession. This finding is reminiscent of prior work on professional identity development (e.g., Perez, 2017; Renn & Hodges, 2007) that reveals perceived value congruence to be an important part of why new student affairs professionals enter the field. Existing literature has also revealed that perceived value incongruence represents an important reason that student affairs professionals exit the field (e.g., Kortegast & Hamrick, 2009; Silver & Jake-man, 2014). Given our findings about the way that at least some student affairs professionals view the influence of legal structures on their work, it seems plausible to conclude that they may influence individual perceptions of professional identity at the same time that the field increasingly has

made knowledge of the law a prerequisite for professional competence (c.f., ACPA & NASPA, 2015; Gehring, 2001).

Taken as a whole, our findings show how legal structures act together with the institution as context, individual professionals' personal backgrounds, and the shared organizational identity of the student affairs profession. Together, they produce a student affairs professional's specific understandings of role, which prior literature has conceptualized using terms such as role definition, institutional fit, professional identity, and professional competence. Our findings reveal how these various understandings of role shape how student affairs professionals think about legal influences on their work. We represent the interplay of these themes in Figure 1: Grounded Model of Legal Influences on Student Affairs Practice.

As Figure 1 shows, we argue that legal structures, the institution as context, the student affairs profession, and personal background work in tandem to produce a specific student affairs professional's understanding of role, which then informs how they approach their work. We also suggest in this figure that more nuanced understandings of role can be discerned by examining the interstitial spaces between our four themes. More specifically, we suggest in Figure 1 that: 1) legal structures and the institution as context work together to produce specific role definitions that shape things like job descriptions and performance appraisals; 2) the institution as context and the individual student affairs professional's personal background jointly influence perceptions of institutional fit; 3) the individual student affairs professional's personal background and the student affairs profession's attempts to define itself work in tandem to shape their professional identity; and 4) the student affairs profession's organizational identity interfaces in with legal structures in attempts to define professional competence.

Implications for Research and Practice

Imposed by broader political and institutional power structures, the persistent demands of creeping legalism can shift the nature of student affairs practice. These demands present a form of environmental press that intrudes upon core values of student affairs practice. The following recommendations for research and practice provides strategies for generating a more fully conceptualized understanding of the influence of creeping legalism on student affairs work and for managing its potential influence in daily work.

First, both scholars and senior student affairs officers would be well-served by directly acknowledging the changing nature of student affairs work. The growing pervasiveness of legal concerns warrants further research. While our work does not provide a way to measure this effect directly, the centrality of legal issues to the work of the student affairs professionals who participated in our study hints that the law may soon join student development theories and social justice philosophies as canonical knowledge for student affairs professionals. In a field headed increasingly in this direction, senior student affairs officers may already be shifting their preferences in hiring and certainly will shortly.

Second, graduate preparation programs would be well-served to increase the number of law courses that they offer to meet this emergent demand. Moreover, courses that focus on the application of legal reasoning in functional areas—for example, exploring the legal issues associated with helping skills or with program design—would be particularly helpful. Although case law has long been regarded as the most effective way to train legal scholars, the sort of practical legal reasoning engaged in by student affairs professionals with limited formal legal training may warrant a more structured, problem-focused approach to legal education.

Third, the rapidly changing nature of case law and statutory interpretation means that graduate coursework in the law may well be outdated be-

fore the close of a single semester. Individual institutions and national associations would be well-served by training and professional development offerings that provide an overview of the legal issues that students affairs professionals need to be aware of at early-, mid-, and senior-career levels.

Fourth, while not the focus of this study, the growing importance of legal issues and the number of student affairs professionals with law degrees participating in our study leads us to believe that additional work on the graduate training of student affairs professionals is warranted. Simply put, as more mid- and senior-level student affairs professionals have law degrees, the implications for a field with a professional identity built on student development should be systematically examined.

Finally, since legal issues become more central to the work of student affairs professionals at later career stages, consideration should be given to how to provide early exposure to this sort of work. Many early career professionals enter the field with vague aspirations of becoming a dean of students or senior student affairs officer. Hands-on exposure to the risk management, compliance, and legal work required in these roles would help those aspiring to these roles to make informed choices about their future work. This exposure might take the form of practica, simulations, or opportunities for service work (e.g., participating in university risk management or policy development meetings).

Conclusion

Prior work has established that “creeping legalism” may intrude on the work of student affairs professions, which has traditionally been conceptualized in terms of student development and social justice. Our work demonstrates the way in which legal influences shape how individual student affairs professionals understand their role. Mediated by the influences of institutional context, personal background, and the student affairs

profession, legal structures provide both tangible expectations for specific behaviors (e.g., reviewing a contract, mandated reporting) and vague sense of external authority. These two manifestations of legal structure serve to reshape the work of student affairs professionals in powerful ways.

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Table 1

Demographic Characteristics of Study Participants

Pseudonym	Position Level, Functional Area	Gender	Race/Ethnicity	Years in Field	Institutional Control
Alexis	Entry-level, Student Activities	Woman	White	3	Public
Beth	Senior Leadership	Woman	White	22	Private
Brad	Mid-level, Student Wellness	Man	White	20	Public
Catherine	Entry-level, Orientation	Woman	White	2	Public
Charles	Senior Leadership	Man	White	35	Private
Derek	Mid-level, Title IX	Man	Black	11	Public
Elise	Mid-level, Leadership and Community Engagement	Woman	White	4	Public
Elliot	Entry-level, Student Activities	Man	Biracial	1	Public
Gabrielle	Mid-level, Residence Life	Woman	Mixed Race, Latina	5	Private
Hassan	Senior Leadership	Man	Asian	12	Public
Jacob	Entry-level, Community Engagement	Man	White	3	Public
James	Mid-level, Fraternities and Sororities	Man	African American	18	Public
Jordan	Mid-level, Fraternities and Sororities	Man	White	20	Public
Louis	Senior Leadership	Man	White	28	Private
Mary	Senior Leadership	Woman	White	35	Public
Max	Entry-level, Student Activities	Man	Latino	3	Public
Raquel	Entry-level, Orientation and Parent Programs	Woman	African American	1	Public
Renee	Mid-level, Title IX	Woman	White	7	Private
Roy	Senior Leadership	Man	White	12	Public
Sadie	Entry-level, Residence Life	Woman	White	12	Private
Troy	Mid-level, Student Activities	Man	Black, African American	7	Public

Figure 1

Grounded Model of Legal Influences on Student Affairs Practice

