



# OLD DOMINION UNIVERSITY

Student Conduct & Academic Integrity  
odu.edu/oscai

## QUESTIONS AND ANSWERS ON CLASSROOM DISRUPTION

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### **Q. How should disruptive behavior in the classroom be defined?**

A. Classroom disruption is generally regarded as behavior a reasonable person would view as being likely to substantially or repeatedly interfere with the conduct of a class. Examples include repeated, unauthorized use of cell phones in the classroom; persistent speaking without being recognized; or making physical threats.

### **Q. How can disruptive behavior be discouraged?**

A. Classroom disruption is relatively rare. The likelihood of encountering it can be further minimized by stating reasonable expectations in advance. For example, if you want cell phones turned off in class, say so in your syllabus, and on the first day of class. Explain the reasons for your classroom expectations, and invite student comments and suggestions. You will find that students are often the strongest supporters of classroom decorum.

### **Q. How should I respond when classroom disruption occurs?**

A. Faculty members have broad authority to manage the classroom environment. One court compared teachers to judges, since both teachers and judges focus on relevant issues, set reasonable time limits, assess the quality of ideas and expression, and make sure participants are heard in an orderly manner.

While their ultimate goals may be different, judges and teachers need to exercise authority with compassion and self-restraint. It's best to correct innocent mistakes and minor first offenses gently. Also, if you believe inappropriate behavior is occurring, consider a general word of caution, rather than warning or embarrassing a particular student (e.g., a good approach is to say "we have too many private conversations going on at the moment; let's all focus on the same topic"). If the behavior in question is irritating, but not disruptive, try speaking with the student after class. Most students are

unaware of distracting habits or mannerisms, and have no intent to be offensive or disruptive. There may be rare circumstances when it is necessary to speak to a student during class about his or her behavior. Correct the student in a courteous manner, indicating that further discussion can occur after class. Overall, key factors in responding to apparent disruptive or uncivil behavior are clarity in expectations; courtesy and fairness in responses (making sure students have an opportunity to discuss the incident with you in a timely manner); and progressive discipline, in which students (in less serious cases) are given an opportunity to learn from the consequences of their misbehavior, and to remain in the class.

### **Q. What should I do in the face of persistent disruption?**

A. Current university policy states that a student who persists in disrupting a class may be directed by the faculty member to leave the classroom for the remainder of the class period. The student should be told the reason(s) for such action, and be given an opportunity to discuss the matter with the faculty member as soon as practicable. Prompt consultation should also be undertaken with the department chair and the Office of Student Conduct & Academic Integrity. Suspension for more than one class period requires disciplinary action, in accordance with the *Code of Student Conduct*, available online at:

<https://www.odu.edu/about/policiesandprocedures/bov/bov1500/1530>. Reports of classroom disruption may be filed online at:

<https://cm.maxient.com/reportingform.php?OldDominionUniv>.

### **Q. When should I call the police?**

A. You should call the campus police whenever you believe there is any threat of violence or other unlawful behavior—including a student's refusal to leave a class after being told to do so. Any threat of violence should

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\*Adapted, with permission, from Pavela, G. (2001). LPR 26: Questions and answers on classroom disruption. *ASJA Law and Policy Report*, July 18, 2001.

be taken seriously. Err on the side of caution and notify the police as soon as you can.

**Q. Should I act immediately or wait for a pattern of misbehavior to occur?**

A. It's often a mistake to assume disruptive behavior will stop on its own. A fundamental tenet of progressive discipline is to document and respond to "small" incidents sooner rather than later. Early intervention—sometimes in the form of a 'behavioral contract' developed by the dean of students and a referring teacher—might help define needed boundaries for a student. Generally, teachers who state reasonable expectations early, and enforce them consistently, help students avoid the harsher consequences that flow from more serious infractions later.

**Q. What confidentiality standards should I follow?**

A. The University will take appropriate disciplinary action in cases of proven classroom disruption. Consequently, you should discuss allegations against named or identifiable students only with individuals who have some role in the disciplinary process. Examples of people who usually have such a role include your department chair; the Dean of Students; and the Office of Student Conduct & Academic Integrity. A general rule to keep in mind is that you should refrain from sharing any personally identifiable information from student education records (like grades, or reports of misconduct) with any person (including a colleague) who has no educational interest in the information.

**Q. Do students have First Amendment rights in the classroom? If so, what are the limits to those rights?**

A. The Supreme Court has held that students at public institutions do have limited rights to freedom of expression in the classroom. In *Tinker v. Des Moines School District*, 393 U.S.503 (1969) the court held that the non-disruptive wearing of armbands in a classroom to protest the Vietnam war was protected by the First Amendment: "First Amendment rights, applied in light of the special characteristics of the school environment,' the Court concluded "are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." First Amendment rights, however, are not absolute. The Court in *Tinker* also affirmed "the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the

schools." The college classroom isn't a "public forum" like a city street or a park. Teachers can define the course agenda, set and limit topics for discussion, give grades that reflect a student's knowledge or reasoning, and maintain order in the classroom. They should freely perform these important functions, as long as they refrain from unlawful discrimination, or seek to punish students solely for expressing unpopular viewpoints pertinent to the course.

**Q. What if a disruptive student claims the disruptive behavior is the result of a disability?**

A. The fact that a student may have a disability should not inhibit you from notifying appropriate authorities (including the campus police, as needed) about disruptive behavior. Students with or without disabilities need to know they must adhere to reasonable behavioral standards. Setting and enforcing such standards may encourage students with disabilities to obtain needed therapy, and to take prescribed medications.

Disability claims and accommodation requests should be discussed with the Office of Educational Accessibility. There is an established procedure students should follow if they have a disability and seek a reasonable accommodation. Generally, while different rules apply in the elementary and secondary school setting, pertinent federal agencies and the courts have made it clear that an institution of higher education does not have to tolerate or excuse violent, dangerous, or disruptive behavior, especially when that behavior interferes with the educational opportunities of other students. Colleges and universities may discipline a student with a disability for engaging in misconduct if it would impose the same discipline on a student without a disability.

**Q. Will I be liable for defamation if I call the police or refer a student for disciplinary action and it's later determined I made an honest mistake?**

A. The risk of liability for making such a report is virtually nil. There are strong public policy reasons to support and protect individuals who make good faith reports of wrongdoing to appropriate officials, even if those reports later prove to be mistaken. Common law (or statutes in some states) give people who report misconduct to proper authorities a "qualified privilege." That means they cannot be held liable for defamation unless their report was made in bad faith, with knowledge the information they provided was false, or in reckless disregard of its truth or falsity.