

ACJS *today*

Academy of Criminal Justice Sciences Newsletter



Academic Freedom Under Fire: Reflections from the 2022 Presidential Address with Dr. Heather L. Pfeifer

Heather Pfeifer, PhD is the Immediate Past President of ACJS. During her Presidential Address at our recent annual conference in Las Vegas, NV, Dr. Pfeifer focused on state and federal legislation that she argues threatens academic freedom for faculty, has widespread implications for institutions of higher education, and deleterious consequences for the field of criminal justice. ACJS Today had the opportunity to interview Dr. Pfeifer about her address which can be viewed in its entirety below. An article on this topic authored by Dr. Pfeifer is forthcoming in *Justice Quarterly*.

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For those who were not able to come to the conference and are not as informed on these bills, can you provide an overview or typology of this legislation, what is the scope of these laws?

Over the past eighteen months, there has been a wave of legislation introduced at the state level that explicitly undermines academic freedom by trying to censor how educators in primary, secondary, and post-secondary public schools discuss or teach topics related to race, racism (and American History in general), as well as gender. The impetus for this legislation was in reaction to the social justice movement that corresponded with the #MeToo and Black Lives Matter protests. In the aftermath of these protests, difficult conversations and heated debates emerged around race, racism, and gender within public and political spheres. Sadly, these issues have been hijacked by politicians and right-wing media to gin up fear and anger over the perceived decay of traditional values and the promotion of 'woke' ideology in our schools.

The language used in the majority of these laws is incredibly broad in scope and overly vague in terminology. Common phrases include barring teachers from "teaching, instructing, or training any student to adopt or believe certain ideas related to race, ethnicity, sex, religion, or national origin" or "teaching, acting upon, promoting, or encouraging certain divisive concepts related to race or sex," and "prohibiting discuss[ions] on any topic that might make a student feel uncomfortable due to their own race or gender."

A number of the laws explicitly ban the inclusion

of critical race theory and/or the 1619 Project in any curriculum. Some go as far as labeling both to be "anti-American" and racist, and therefore, "bar teachers from advocating any doctrine promoting a negative account of the founding of the United States." A few of bills actually equate teaching principles associated with critical race theory to be promoting a socialist or "Marxist" ideology.

When I was reading these laws, I immediately thought of the 'Red Scare' our nation experienced in the 1950s when the McCarthy trials were used to try to cull out any communist, anarchist, or other leftist ideologues that supposedly had permeated our society. One of the favorite targets of Senator McCarthy's probes were school teachers and college professors because they were believed to be using their position to indoctrinate youth to these ideas. Fast forward 70 years, and here we are again. McCarthyism 2.0, but this time it's the '[Ed Scare](#).' But I believe this current attack on academic freedom is even more dangerous. These legislative efforts are not only trying to control what educators are allowed to say or do, but they also seek to limit students' ability to think critically by prohibiting them from learning about certain topics that have been deemed by government officials as "inappropriate." This is Orwellian. It mirrors the thought police in George Orwell's classic novel, 1984, and how the goal was to not only control outward expression, but to limit an individual's right to cultivate their own beliefs and opinions.



What does the landscape of legislation look like today? How widespread is this legislation?

As of this moment, there are 103 bills under consideration in 26 states. Of those, 38 specifically target public colleges and universities in 19 states. Six states (Idaho, Iowa, Mississippi, Oklahoma, South Dakota, Tennessee) have successfully passed a law that now effectively limits academic freedom in its public institutions.

Unfortunately, the goalposts keep moving. Since my address in Vegas, six additional laws have been formally introduced. And I believe these efforts are only going to ramp up as we approach mid-term elections because these issues have become political fodder. Many politicians are including it as part of their platform. For example, in the last election cycle, Governor Glenn Youngkin of Virginia vowed to “ban critical race theory on Day One” when he was out campaigning, and that message resonated with the Virginia electorate and helped to elect him. After being sworn in, the first [Executive Orders](#) he signed banned state education officials from using “divisive” or “inherently racist concepts” in the state’s education policies, practices, and materials. He subsequently tried to get legislators to pass a set of laws that would prohibit the teaching of “inherently divisive concepts” in the state’s

public schools, but those bills did not get through the Virginia Senate. He then tried to add an [addendum](#) to the state budget that would eliminate state funding to any school found to be teaching these ideas, but again, legislators wouldn’t back his request. Despite these numerous failed attempts, the Governor and his supporters have opted to call a special session to review the legislation again.

This has become a political tool for another governor, Ron DeSantis, who is seeking re-election in 2022. He has also made these issues a central part of his platform under the guise of parental rights and education reform. Last June, he signed an [Executive Order](#) banning critical race theory and the 1619 Project from being taught in K-12 public schools; and in March, he successfully lobbied the legislature to pass a

[law](#) to prohibit any instruction related to “sexual orientation or gender identity” to students in K-3rd grade, or to older students “in a manner that is not age-appropriate or developmentally appropriate” (e.g., “Don’t Say Gay” law). In both instances, elementary school teachers in Florida pushed back stating none of this is part of the curriculum they teach. So, in effect, DeSantis and his supporters are trying to ‘fix’ a problem that doesn’t exist. This pattern of gaslighting continued last week when the Florida Education Department rejected dozens of proposed math



See Dr. Pfeifer’s full presidential address [here](https://www.facebook.com/343787695695758/videos/1208628593003742).
(<https://www.facebook.com/343787695695758/videos/1208628593003742>)



[textbooks](#) (the majority of which were for grades K-5) for supposedly broaching critical race theory and other “impermissible” topics. A review of the [rejected textbooks](#), however, found very little that touched on race (let alone promoted any of the principles of critical race theory), but many included social-emotional learning content (e.g., self-awareness, self-management, social awareness, relationship skills). So, why would that be a problem? Well, in recent years, SEL has become a target of right-leaning activists, like [Chris Rufo](#) (the mastermind behind of the hijacking of the narrative of CRT), who argue SEL is a really a bridge to deconstructing race, gender, and sexuality, therefore, it is a tool to indoctrinate children. When DeSantis was asked about this, he responded that type of content was a “distraction” to math.

This lobbying is also occurring at the federal level. A few Senators have proposed legislation that if passed would similarly affect colleges and universities – first, the “[Stop CRT Act](#)” (S.2346), sponsored by Senator Tom Cotton (R - Arkansas), would withhold federal funding from schools and universities that promote ‘race-based theories’; and, second, the “[Protecting Students from Racial Hostility Act](#)” (S.2574), co-sponsored by Senators Marco Rubio (R-Florida), Mike Braun (R-Indiana), and Joni Ernst (R-Iowa), seeks to amend Title VI of the Civil Rights Act of 1964 to make the teaching of ‘divisive concepts’ discriminatory, and establishes a system for reporting related complaints to state Attorneys General offices. Other legislators are using CRT as a fundraising tool for their upcom-

ing midterm election. For example, in a recent television interview with [Senator Mike Lee](#) (R-UT), he attacked critical race theory saying “it doesn’t celebrate diversity. It weaponizes it,” and asserted that we should not focus on race or racism, and its history in our nation because that’s not who we are today. Within few hours of that interview, his campaign sent out a fundraising appeal echoing his criticisms of CRT and asked for donations to “stop the left” in the upcoming election.

As we get closer to the mid-term elections, I expect the rhetoric to escalate, which in turn, I believe will lead to more of these laws being introduced. PEN America maintains an active [database](#) of this legislation that includes a link to each bill, and provides a summary of its primary provisions, identifies its target, and lists the proposed penalties. The database is updated weekly to help track which bills have been amended, passed, or died in committee, by legislative vote, or Governor’s veto; and, adds any new bills that have been pre-filed. I encourage members to go through this database to see what is being proposed, not just in their own state, but in other states as well because many of these laws mirror one another. Every single law that has been proposed to date has been by sponsored by members of one party. So, this database provides insight into the playbook that is likely to be used in states where they hold the legislative majority.

Are these bills largely symbolic or are they actually impacting higher education?



As noted earlier, six states have already passed a law that effectively limits academic freedom within their public colleges and universities, and those laws have already started to negatively impact faculty and students in the classroom. For example, in Idaho, administrators at [Boise State](#) abruptly canceled one of its general education courses on ethics and diversity for 1,300 of its students mid-semester after a student allegedly submitted a video to state lawmakers of a taped zoom discussion on white privilege, and asserted it made them feel humiliated and degraded. After further investigation, however, the university could not verify any video existed or had been submitted to lawmakers. Rather than resume the class in its original format, the university switched all 35 sections to an asynchronous format without consultation with the faculty who were teaching those sections. In Oklahoma, after its legislators passed HB/SB 1775, [Oklahoma City Community College](#) preemptively canceled one of its' faculty's fully-enrolled summer courses on race and ethnicity because the course syllabus included language that students would learn about "the extent of privilege, prejudice, and discrimination in our society." University administrators believed the course ran afoul of the new law, so they canceled it one week before its start date. When questioned about the decision, the university said the course was just being "paused" to give the faculty member time to make requisite changes to the curriculum or "let the legal issues play out with other universities and colleges before we teach it again in its current form."

These laws are also starting to have significant repercussions beyond the classroom. In two of the states, legislators have used the laws to try to cut funding for specific programs and services offered at its public universities. For example, this past February, the [Wyoming Senate](#) tried to pass a budget amendment that would end funding for the University of Wyoming's gender and women studies program because they claimed, it "perpetuates a progressive agenda." While that amendment did not pass the House, the legislators who sponsored it have indicated they will pursue other legislative means. Idaho's legislature, on the other hand, has been more successful. Last March, its legislative body voted to cut over \$400,000 from [Boise State's](#) budget because some members of the Senate claimed it was promoting a social justice agenda. After these cuts were announced, a few of the Senators publicly complained that amount wasn't enough, and more needed to be done to "send a message." So, a few tried to do that this year by proposing an additional [\\$1.3 million dollars](#) be cut from three of the state's public universities budgets because of their continued efforts to 'indoctrinate' students. Thankfully, that motion failed.

But the writing is on the wall. Colleges and universities are going to continue to be targeted by lawmakers who are threatened by efforts to increase diversity, equity, inclusion within higher education. So, I expect more of the same in the months to come.

Your original theme for the conference was go-



ing to be on researcher-practitioner partnerships. These bills have direct consequences for higher education, but how do they impact other members of ACJS, namely those practitioners in the field and research partnerships?

Because of the exceptionally broad and vague nature of many of these laws, I am concerned that they could be used to prohibit faculty from engaging in research on ‘certain topics’ that legislators deem ‘inappropriate,’ and in the process, limit opportunities to collaborate with practitioners in the field. For example, what if a faculty member wants to partner with an LGBTQ+ advocacy group to study bullying in school-aged populations? Or, partner with a local health department to examine the impact of gun violence on the mental health of communities of color?

A recent example of this type of overreach occurred with three faculty from the [University of Florida’s](#) political science department who are subject-matter experts on voting laws and practices. The faculty had been asked to testify in a federal lawsuit seeking to overturn the state’s new voting law, which was being challenged on the grounds it discriminated against minorities and other groups. Interestingly, one of the faculty had previously been granted permission by the University to testify in two voting rights lawsuits during the prior administration in 2018. Yet, the university reversed course this time and denied these faculty’s request citing that such activities could pose a “conflict of interest to the executive branch of Florida,” which would be “adverse to

the university’s interests.” The faculty members subsequently filed a lawsuit against the university on the grounds that this was in effect a gag order limiting their free speech, and undermined their academic freedom. When their story garnered national attention, the university reversed its decision and allowed them to participate in the case.

Research-Practitioner Partnerships are critical to our ability to enact meaningful reform. Restricting this type of research inhibits our ability to fix the inefficiencies and disparities found in our policies and practices. Allowing such problems to continue is not only fiscally irresponsible, but it undermines the stability and well-being of our nation.

These laws seem to be being proposed hand in hand with tenure reform/abolishment bills, do you see a connection between these efforts?

Most definitely! In fact, Alabama is currently reviewing two laws that include language that explicitly states a faculty member may be terminated for violating any of the provisions ([HB11](#) and [SB292](#)). This will in effect hold faculty hostage. If either laws pass, faculty will then have to choose between censorship or their job.

Other states are taking a different approach to try to abolish tenure. In Texas, [Lt. Governor Dan Patrick](#) has promised to work to end tenure for all newly hired faculty members at the state’s public universities and to revoke the tenure of those who teach critical race theory. And last October, [the University System of Georgia](#)



amended its policy for post-tenure review to allow administrators to fire, without faculty input, any professor who does not take appropriate measures after failing two consecutive annual reviews. Given the current attempts by the state [legislature](#) to restrict what faculty can teach and research in regard to race, racism, and gender, this new policy could very easily open the door to political influence in tenure decisions.

While there have been previous attempts to reform or [abolish tenure](#), this recent effort by the executive and legislative branches to undermine the academic freedom of faculty has just ramped things up. Tenure has become another weapon legislators want to use to effectively censor what we can teach and research.

What are universities doing to protect faculty and academic freedom?

Some universities have fought back against these laws, mostly when their budgets are being challenged. For example, the President of Boise State testified before legislators during the 2021 annual budget meetings to defend the university's spending on "social justice" programs, which a number of the legislators were openly targeting. Despite her lobbying efforts, the legislature imposed a significant cut to the university's budget. In this year's budget committee hearings, three of the state universities Presidents banned together to challenge legislators who, again, were seeking to cut funding to their schools' social justice programs. This time, they were successful.

However, there have been other instances where it appears university officials are more concerned about upsetting legislators than defending the academic freedom of their faculty. Look at the examples I referenced earlier in Florida, Oklahoma, Idaho, where faculty were censored by their administration, either by denying them the ability to teach on one of these topics or to engage in related research.

What is important to remember is that academic freedom is embedded in most faculty handbooks, so it is the responsibility of university administrators to uphold and defend these principles, and challenge any elected official who seeks to interfere with any of its tenets.

For our members who are opposed to these bills, what can we do?

There are a number of ways we can collectively, as well as individually, voice our opposition to these laws. First, we need to coalesce campus voices. Talk with your colleagues, across disciplines, about how these laws threaten everyone's freedom to teach and conduct research on topics aligned with their expertise. And then work collaboratively with your colleagues to draft and pass a resolution similar to those passed at other institutions to reaffirm the importance of academic freedom. There are a [number of templates that are available online](#), if you don't want to try draft something from scratch. I also think it is important that students are included in these conversations given the impact these laws might have on their ability to pursue their desired field of study and/or gain the type of knowledge and



skills they require to be successful in the marketplace. If they are interested in drafting a resolution of their own, they can model it after one that was recently passed by the [Associated Student Body \(ASB\) at the University of Mississippi](#). Finally, I strongly encourage all administrators to actively challenge any proposal introduced in their state legislature that aims to undermine academic freedom. Presidents of universities have a powerful voice when they speak collectively. So, they should work together to ensure the integrity, autonomy, and well-being of our institutions as a whole. The bottom line is, regardless of whether you live in a state that is actively pursuing this type of legislation or not, it is imperative that you don't wait for the proverbial shoe to drop before you act.

Second, as a professional organization and one of the largest in our discipline, I believe the Academy of Criminal Justice Sciences should join the 250 plus professional [associations](#) who have formally adopted a resolution affirming the principles of academic freedom. Given the priority the Academy has assigned to educational standards and the promotion of research to inform policy and practice, approving such a measure aligns with our organizational mission. More importantly, publicly endorsing such a resolution demonstrates our broader commitment to the preservation and defense of academic freedom writ-large. So, as Immediate Past President, I will work with my colleagues on the Executive Board on passing a similar resolution.

And lastly, as an individual citizen, you can chal-

lenge the fear and misinformation perpetuated about CRT and that is being directed at marginalized populations in a number of ways. One strategy is to engage others through a targeted public information campaign by writing [op-eds](#) for local papers, speaking before local school boards, or testifying before state legislators. It's easy to get emotional when talking about these topics, but I have found that adopting a more pragmatic tone is more effective in dismantling their arguments. The first is to address the financial impact these laws could have on the state over the long term. If the law(s) pass, it is going to be more difficult for colleges and universities to recruit and retain faculty, which in turn, will compromise the integrity of its programs and jeopardize its rankings. Both are key factors to attracting new students as well as retaining current students. If either (or both) of those numbers drop, enrollment goals will not be met. Less students means less money coming into the state. Moreover, if students who graduate from those schools are unable to develop the critical thinking skills needed to compete in the marketplace, the quality of the state's workforce will be jeopardized, which may make companies more reluctant to invest in the state, thus compromising the state's tax base. So, these laws are not a financially sound strategy.

The second is to address the negative impact these laws could have on students who are interested in taking AP courses. The College Board, the accrediting body for advanced placement courses, recently sent an announcement to all of its AP teachers and school administrators,



reminding them of its [principles](#) and cautioning them that if any of its classes are censored by omitting required texts or prohibited certain topics from being discussed, students could end up [losing AP credit](#). Therefore, any decision by a school board to interfere with curriculum could have significant repercussions for students who are interested in earning college credit and/or getting into a top-tier school. Recent admission [data](#) from the top tier public and private colleges and universities show applications have increased by over one-third within the past five years, however, the number of available spaces for students has not grown at a similar pace. So, students have to find ways to distinguish themselves from their peers if they want to compete for one those slots. One strategy many students chose is to load their schedule with AP courses. By showing admission counselors they can successfully handle the level of rigor associated with this coursework, they boost their chances for consideration. But there is another tangible benefit for the student and their family by taking these classes. It enables them to earn college credits while in high-school, which in turn, can help to reduce the amount of time it will take the student to earn their degree as well as offset some of the financial cost associated

with it. So, compromising students' opportunity to pursue their educational goals by censoring what curriculum they can learn while in high-school is shortsighted.

And lastly, and arguably, the most important thing you can do to fight this attack on academic freedom is VOTE. Find out who is running in local, state, and federal elections and do your research. What is their platform? If they are seeking re-election, look at their voting history as well as what coalitions they are part of. Then support candidates who are challenging the

“If we have learned anything from history, we should know that in moments like this silence is not neutral, and apathy is as dangerous as rhetoric.”

laws that seek to limit how educators, at all levels, are allowed to talk about and/or teach on topics related to race, racism, and gender.

And be sure to share what you learn with others and encourage them to vote as well. Misinformation may be the weapon of choice for those who seek to censor what we teach or conduct research on, let ours be the ballot box. Given the ramifications these laws pose to our livelihood, to the integrity of our programs, as well as the serious threat they pose to academic freedom as a whole, we cannot afford to sit on the sidelines and hope that the hysteria we are witnessing will die down. If we have learned anything from history, we should know that in moments like this silence is not neutral, and apathy is as dangerous as rhetoric. ■



Putting the Pieces Together: Teaching the Role of Theory in Social Research

By Rebecca J. Stone, PhD, MPH

I probably shouldn't admit this in a major professional publication, but as a criminal justice student, I really didn't "get" theory. My theory course seemed like a semester-long exercise in memorizing an endless litany of rival explanations for the same observations, all having experienced some amount of time in the disciplinary dustbin before being resurrected again by some new test finding "mixed support." Why did we have so many theories? Why should I care about this?

My perspective on the importance of theory has, thankfully, evolved from my undergraduate years, and I think that the turning point was connecting with research on topics that seemed important and exciting to me, to real-world puzzles that I wanted to solve, and seeing how theory could help me to make sense of them. Now, as a professor who teaches research methods at the undergraduate and graduate levels, I am motivated to push students along the same journey I took, though hopefully a little more quickly, and help them to understand why theory matters

in social science.

Rather than walk my undergraduate students through the Greatest Hits list of sociological and criminological theories, I decided to try and engage them with the idea of theory more generally. I returned to my own understanding of theory as a tool for puzzle solving. Given a set of observations or pieces of data, how can we make sense of the relationships between them to better understand the "big picture"? I was inspired by a worksheet I found online that I traced back to *Sociology Through Active Learning: Student Exercises* (McKinney & Heyl, 2009). This helped me to develop guiding instructions for my students.

I prepared for the activity by purchasing some colorful puzzles. Here was my first challenge: I wasn't sure how many pieces each puzzle should have in order to be sufficiently challenging for the students to reassemble in the class period. I ended up choosing 550-piece puzzles, but I would say that these were probably too challenging and larger pieces might



have been easier. I then emptied each puzzle into a plain manila envelope and marked each envelope with a number. I left the puzzle boxes in my office but pocketed the picture guides for what the completed puzzles should look like.

In class, I lectured briefly about the scientific method, where theory fits into that cycle, and inductive vs. deductive reasoning. I then randomly sorted the class into groups of about five students and gave each one a manila envelope with their puzzle pieces. Each student also received a worksheet with instructions. The back side of the sheet asked them to reflect on what the activity had helped them to understand about the role of theory in social science. I had my own goals for the lessons I wanted them to learn, but I was also prepared for them to

make new connections that had not occurred to me.

STAGE 1

Their first task? Work together to assemble their puzzle—with no picture to guide them. They were advised to take notes on their strategies and thoughts about the activity as they worked. At first, groups started by turning all their pieces right-side up, dividing their pieces among group members, sorting pieces by color and finding corner and edge pieces. “At this point the process was intuitive and we were relying on puzzle instincts we already have,” wrote one student. In their reflection on the back of the worksheet, another student wrote, “With no prior knowledge it is difficult to decipher how pieces of the puzzle work together” and that it “requires thinking intuitively, thoughtfully, and cooperatively.” “We had an idea that it was an aquatic scene because of all the blue and colorful pieces, but didn’t know how it all fit together,” wrote another, and “Just because you have matching pieces doesn’t mean they will be easy to connect.”

STAGE 2

After allowing the students to struggle for 10–15 minutes with no guide, I handed out the

folded-up picture guides and allowed them to see one quarter of the picture for their puzzle, providing them partial direction. The groups switched up their approach. For example, once one group realized that their scene had animals in it, they switched their focus to collecting pieces that seemed to belong to animal forms. “We continued to sort the pieces but this time it was based on a combination of color and images. For example, if we thought a puzzle piece looked like it belonged to a unicorn, we would pass it along” to the team member with other unicorn pieces. Collaboration also increased within groups at this stage, as team members stopped each collecting their own color of piece and started sharing with each other to help complete sections of the puzzle. One student wrote that “specific group members put together



different parts that could be found; when one person couldn’t figure out a section, another tried.” Reflecting on this stage of the activity, students wrote that “It did validate our thoughts about the design of the puzzle”; “We were now able to recognize the goal (broadly) and work a little more strategically”; and “Instead of being all over the place, we were focused on one part of the puzzle.”



STAGE 3

Finally, after another 10–15 minutes, I instructed them to unfold the whole picture guide and see the completed puzzle image. Once the students had the full puzzle picture to work from, their strategies changed again. One student wrote that they “focused on completing sections and looking for pieces as we went, rather than sorting first.” Having the full picture



“prepared us each to focus on our own specific sections,” and teams moved to “announcing who needs which pieces, or piece that we have that could help” another group member. Several students commented that work moved much more quickly at this stage, as “we had a better idea of what to look for and what we were doing. We were also able to see how the different parts of the puzzle were supposed to be connected to one another.” Their reflections emphasized that “communication was very important” and that “having more information helped us shift our strategies from small scale to large scale.” They worked more collaboratively because “we were able to connect some sections that we had originally worked on separately.”

REFLECTIONS

Students enjoyed the activity. The classroom was full of lively discussion and laughter, and many lodged lighthearted complaints that they were not able to complete their puzzles in our allotted class time. They took their worksheets home for the weekend to write their reflections and submitted them the following week. I read them with great eagerness to see what they had taken away from the activity,

and I wasn’t disappointed! Here are some of their comments:

“Implementing theory was the primary way in which our group was able to start putting pieces of the puzzle together. After all of the pieces were turned over, the group quickly formulated a theory of what the final image could be... For example, the group determined that pieces with a static-looking grain were actually sand. Most of these sand pieces were edges, so we concluded that sand would make up the border of the puzzle. As we were allowed to see the partial image of the puzzle we confirmed our theory of the underwater scene but also came to rethink the role of some of the pieces... Ultimately, this exercise revealed that the beginning of a puzzle is much like the process of developing or working with a theory. The theory for our group became the foundation for our actions and observations, much like the practice of sociology or science in general.”

“Theory helps guide our research, much like the picture of the puzzle helped us better strategize to complete the puzzle. Similar to inductive reasoning, it is okay to start with little to no information, but as you work, you can observe what patterns you see and begin to put the

pieces together (pun intended) and explain what it is that you observed.” [After seeing the full picture guide] “I feel like it turned from inductive reasoning to deductive reasoning, where I would assemble a series of similar pieces and we would discuss what looked like it would fit around the section that we knew.”

“Theory provides a frame of reference for organizing data. The outline of the puzzle is similar [in that it] acts as a frame of reference for the rest of the puzzle. [...] There was a lot of trial and error involved, lots of experimenting. Each piece we attempted to match didn’t always fit, but we kept trying. Sometimes researchers come up with many different hypotheses to test because they disproved an earlier one. When data gathered disproves your hypothesis or theory, you must accept it. When puzzle pieces don’t go together, you need to accept it. If you force them together, the picture turns out incorrect.”

This activity works very well in a research methods course and could also be used early on in a dedicated criminological theory course before launching into discussing specific theories. The puzzle approach turned theory from something abstract

and academic to something students could literally hold in their hands. Having students work in groups also emphasized the collaborative nature of science and that many researchers may work on separate areas of a “puzzle” before realizing their areas fit together. And, as one student wryly remarked, the fact that the puzzles were too complex to be completed in the class period taught students that not all scientists live to see the results of their life’s work! Our contributions to science may not always be obvious, but passing on a love of learning and discovery to our students reminds us that, as my favorite student reflection put it, “No matter how much we want to be independent, we still need each other. We depend on each other to complete our missing pieces.” ■

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JUSTICE QUARTERLY

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Jakub Drápal & Jose Pina-Sánchez

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Ieke de Vries & Amy Farrell

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Situational Peer Effects on Delinquency

Richard B. Felson & Alexander J. Vanhee

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Taking the Test: Participation in a Sexual Assault Medical Forensic Exam as an Indicator of Victim Cooperation with the Criminal Justice System and a Predictor of Suspect Arrest

Heather Hensman Kettrey, Alyssa J. Davis, Jessica Liberman & Alyssa Seeman

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Kyle J. Thomas, Jennifer O'Neill & Thomas A. Loughran

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Tyler J. Vaughan & Lisa Bell Holleran

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Institutional Arrangements and Power Threat: Diversity, Democracy, and Punitive Attitudes

Andrew P. Davis, Michael Gibson-Light, Eric Bjorklund & Teron Nunley

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Daniel Mears

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Optimizing Community Supervision Practices with the Elo-rating System: A Proof-of-Concept

Shahin Tasharofi & J. C. Barnes

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Accepting the Challenge: Understanding Police Officers’ Perceptions of a Community-Based, Youth Empowerment Program

Kathleen E. Padilla, Kelsey E. Tom & Adam D. Fine

Published online: March 28, 2022

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Translating Theory into Practice: Evaluating a Prevention Program for LGBTQ+ Youth and Young Adults

Krystal Roig-Palmer

Published online: March 03, 2022

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Benjamin van Rooij and Adam Fine's *The Behavioral Code: The Hidden Ways the Law Makes Us Better or Worse*

BEACON PRESS

ISBN-13: 978-0-8070-4908-2

Review by Kathleen E. Padilla, PhD

Why do we follow rules and laws? Depending on who you ask, you might get responses like “because we have to,” or “well, everyone else does and I don’t want them to judge me for not.” Tom Tyler (1990/2021) provided one answer that revolutionized the way researchers approach legal compliance and socialization: simply that when people view the law as legitimate, they are more likely to follow it, whether they agree with that particular law or not. Given all of the complexities of the many laws that the general public is unlikely to be consciously aware of, how do we make sense of why people choose to follow some laws (or not)?

Enter van Rooij and Fine. Over the course of 10 chapters, van Rooij and Fine interweave pop culture references, real-world examples, and research from a variety of fields, including social sciences, law, and economics, in a way

that is digestible for scholars, practitioners, and the general public alike.

Chapter 1 opens with *The Matrix* and introduces the legal code and its original design to keep society safe (as opposed to laws that are designed to oppress, which the authors note is not the focus of this text; p. 103). However, in order for

the legal code to keep society safe, as intended, the authors posit that we must also be aware of the behavioral code, the unwritten mechanisms by which society operates to follow the legal code. Using Supernanny as an example, Chapter 2 discusses that punishment is often employed to manage behavior—deemed the *punishment intuition*. This “tough-on-crime” mindset has permeated the political arena for decades, both within and outside of the United States, primarily through the certainty component of deterrence theory, which rests on the assumption that individuals are aware of the laws that they choose to follow or not and their consequences.

The next chapter focuses on some of the motivations for legal compliance, whether it be punishment, incentives, or quick acting. Beginning with a discussion of pollution and dirty fuel—banning



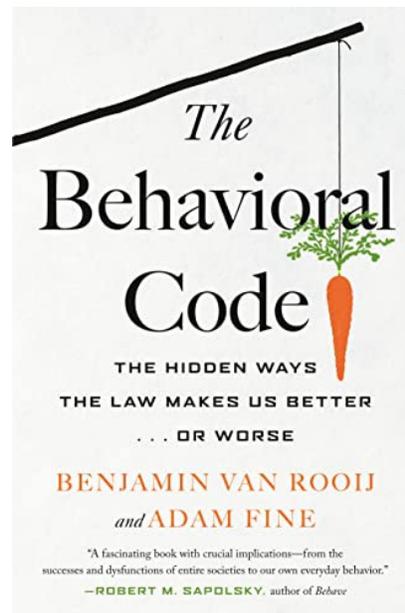
in Mexico, van Rooij and Fine key in on a particularly powerful way to gain compliance: through individuals' bank accounts. Financial punishments through lawsuits are seen in corporate environments such as those encountered by Purdue Pharma (Hoffman, 2022) and in police departments (Alexander, Rich, & Thacker, 2022). However, as the authors posit, why focus so heavily on punishment, when positive incentives can work just as well? Positive incentives, while admirable, rely on an individual's ability to rationally consider the incentives and weigh the pros and cons against one another. Moving beyond the financial incentives to follow the law, Chapter 4 leans into moral and emotional pulls for compliance, evidenced by television advertising pleas for safe driving. However, the same system that is responsible for rational thinking is the one that shapes one's moral reasoning. That is, the authors note that sometimes individuals engage in behaviors that result from a place of "bounded ethicality" (p. 89), wherein an otherwise ethical person may behave in less-than-ethical ways.

Chapter 5 opens with Gandhi's 1930 salt march and expression of civil disobedience and takes the reader on a journey of how one develops a sense of civil obedience, or the "we follow laws because we have to" viewpoint previously mentioned. The authors detail the emergence and importance of procedural justice as a mechanism for gaining legal compliance. That is, when an individual feels a process—particularly related to interactions with law enforcement—has been

fair and just, they feel more obligated to both obey and comply with the law (p. 106). The next chapter addresses the "other people do it, so I should too" viewpoint of why individuals may follow the law. Entitled "Following the Herd," Chapter 6 discusses social norms and the power (both good and bad) associated with normalizing different behaviors.

Chapter 7 highlighted the infamous Maria Sharapova doping scandal that hit the media in 2016 and the importance of *knowing* the law

and the ways in which the law continues to evolve. Bringing in aspects of self-control and strain, the authors highlight the importance of individual characteristics and circumstances and their role in one's ability to comply with the law, regardless of one's intention. This chapter concludes with a key policy implication of the necessity for alternative approaches to dealing with bad behavior. It is not enough to simply punish people into being good; rather, a holistic approach integrating all aspects of one's social ecology



is needed.

The next chapter focuses heavily on opportunity approaches to reducing crime and crime-analogous behavior, using changes in flight practices as an introductory example. Highlighting incarceration as a means of opportunity reduction, surveillance technology to reduce distracted driving, and gun buyback programs, van Rooij and Fine detail the polarization of some laws and programs that take these approaches. Chapter 9 opens with a discussion of the Siemens AG



corruption scheme of 2006 and how laws, which aim to keep individuals safe, must look beyond the bad apples to ensure that entire barrels (i.e., organizations) are not rotted (p. 188). The authors note that whether implementing compliance and ethics training or providing incentives to prevent misconduct, it is critical that these procedures be more than simple window dressing to cover up toxic organizational cultures.

The final chapter starkly situates itself in current times. Beginning with a discussion of Covid-19, van Rooij and Fine aptly note that “the pandemic made the behavioral code visible” (p. 215). The authors provide six steps to the behavioral code to better understand behaviors, both wanted and unwanted. Perhaps more important, they also articulate that legal training and practices, science, and ourselves as individual parts of society all require some reformation in order to ensure that the legal code incorporates the behavioral code, if it is to keep us safe as intended.

Whether it’s the inclusion of tort law or developmental psychology, there is something for everybody in this essential text. Altogether, what van Rooij and Fine have accomplished is a masterful compilation of perspectives and examples spanning decades into an educational, yet entertaining, collection that helps the reader become well-versed in *why* we follow rules and laws. ■

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CALL FOR NOMINATIONS

2023 Executive Board

The ACJS Nominations and Elections Committee is soliciting nominations for the following Academy of Criminal Justice Sciences offices: **Second Vice President, Treasurer, Trustee-At-Large, Region Two Trustee and Region Three Trustee.** All candidates for office must be Regular ACJS members in good standing. The individuals who are elected will take office at the Friday 2023 ACJS Executive Board Meeting.

The person elected to the office of Second Vice President will have a four-year term of office on the ACJS Executive Board and will hold the offices of Second Vice President, First Vice President, President, and Immediate Past President in turn. The persons elected to the office of Trustee-at-Large will have a three-year term. The person elected to a Regional Trustee position will have a three-year term. Only current ACJS Regular members holding professional employment affiliation in the Region and having been a member of the respective regional association for at least one full year immediately prior to being nominated or petitioning may run for the respective Trustee position.

Region Two includes the states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Puerto Rico, and the Virgin Islands.

Region Three includes the states: Illinois, Indianapolis, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Canada: Manitoba, Saskatchewan.

Individuals seeking ACJS office may achieve candidacy by either petition or nomination. Individuals who use the petition process automatically secure candidacy, as long as the petitions are deemed to meet the minimum number of signatures required. Individuals who are nominated for office shall compete for placement on the slate via review by the Nominations and Elections Committee, which will make a recommendation to the ACJS Executive Board regarding the final slate of candidates.

Those nominating individuals for ACJS office are expected to contact the nominee to ensure that the nominee is willing to run for the office in question. An ACJS member seeking an office via petition must **obtain seventy-five (75) signatures of Regular ACJS members in good standing;** Student members are not eligible. **To confirm if all 75 signatures are for Regular ACJS members, please check the online ACJS Membership Directory under the “Membership” tab on the website.** The directory is visible only when you are signed in on the ACJS website.

The petition must state the name and complete address of the candidate, e-mail address, home and office phone numbers, and the office the candidate is seeking. To facilitate verification, the petition must also include the clearly printed name, signature, and institutional affiliation or address of each ACJS member signing it and the signature date. More than one petition form may be submitted on behalf of a specific candidate.

Nomination Forms must be **postmarked by July 1, 2022**. The Nomination Form can be found on the ACJS website at: <https://www.acjs.org/page/ACJSForms>.

Petition Forms Must Be **received no later than June 17, 2022**. The Petition Form can be found on the ACJS website at: <https://www.acjs.org/page/ACJSForms>.

Ways to Submit Nomination Forms and Petitions:

- 1) **Email Nomination Forms to Heather Pfeifer at hpfeifer@ubalt.edu;**
- 2) **Scan as a PDF and email petitions to the ACJS National Office at manager@acjs.org; or,**
- 3) **Mail all nominations and petitions to:**

Heather Pfeifer, Chair
ACJS Nominations and Elections Committee
Academy of Criminal Justice Sciences
7339 Hanover Parkway, Suite A/B
Greenbelt, MD 20770

Address any questions to the Committee by contacting Dr. Pfeifer at hpfeifer@ubalt.edu.

As per ACJS Policy 303.01, the following rank-ordered criteria will be used by the Nominations and Elections Committee in making recommendations to the ACJS Executive Board regarding the final slate of candidates.

1. *Dependability, demonstrated experience, record of accomplishments.*
2. *Demonstrable service to the Academy.*
3. *Demonstrable record of scholarship or contributions to the field of criminal justice.*

ACJS Policy 104.01 states its goal of inclusivity. ACJS seeks to provide opportunities for all its members to participate in the business of the Academy, including policy and decision-making.

NOTE: *The final slate of candidates approved by the ACJS Executive Board will be asked to complete a Candidate's Information Form. This document will include length of ACJS membership, previous service for ACJS, previous service to other criminal justice organizations, major publications, and a candidate's statement.*



We Want You to Participate!

ACJS Seeking Committee Volunteers for 2023-2024

Dr. Anthony Peguero, ACJS 1st Vice President, is actively seeking committee volunteers to serve during his presidency, March 2023 – March 2024. If you are interested in learning more about how to be actively involved in service to ACJS, contact Dr. Anthony Peguero at acjs2024@gmail.com to volunteer. Every attempt will be made to place ACJS members who volunteer on a standing or ad hoc Committee.

Committee membership is limited to current ACJS members (Student members are ineligible). The composition of all committees will be as diverse as possible with regard to gender, race, region, and length of Academy membership.

Every year, ACJS needs volunteers for the Academy's Standing Committees. Committee volunteers usually serve for one year, beginning with the Friday of the Annual Meeting after the Executive Board meets. Appointments to the following ACJS Standing Committees are for one year, unless otherwise stated:

- **Academic Review** (Members serve three-year terms)
- **Affirmative Action** (Open membership)
- **Assessment** (Open to three new members who serve three-year terms)
- **Awards** (Open membership)
- **Business, Finance, and Audit** (Open to one person from the ACJS membership selected by the 2nd Vice President)
- **Committee on National Criminal Justice Month** (Open membership)
- **Constitution and By-Laws** (Open to three new members selected by the 2nd Vice President and serve three-year terms)
- **Crime and Justice Research Alliance (CJRA)** (Open to two members at large appointed by the 1st Vice President)
- **Doctoral Summit** (Open membership)
- **Employment Exchange** (Open membership)
- **Ethics** (Members are nominated by the Trustees-At-Large and appointed by the ACJS Executive Board and serve three-year terms)
- **Membership** (Open membership)
- **Nominations and Elections** (Members are appointed by the Immediate Past President)
- **Program**
- **Public Policy** (Open membership)
- **Student Affairs** (Open membership)

The success of ACJS depends on having a dedicated cadre of volunteers.

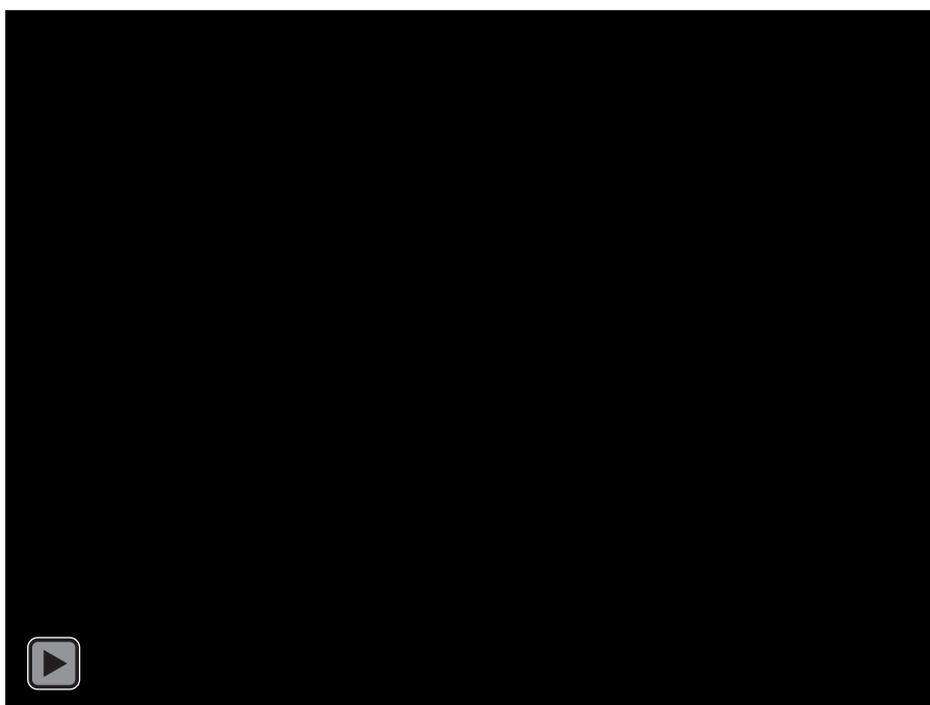
Committee membership is an excellent way to make a difference in the future of ACJS.



Teaching Tips: Article Critiques Using Audio/Video Recordings

By *Emily M. Homer, PhD*

ACJS Teaching, Learning, and Scholarship Section



Video can also be viewed here.

Emily M. Homer, PhD is Assistant Professor at Texas A&M University – Commerce and graduate of the Department of Criminal Justice at University of Louisville. Her research largely focuses on corporate and white-collar crime, but she also actively studies best practices in teaching and pedagogical trends. She can be reached at emily.homer@tamuc.edu.





Harnessing Grit: Strategies for Building Resilience in Students

By Holli Vah Seliskar, PhD

Getting Gritty

Angela Duckworth's (2013) TED Talk provides an excellent overview of what grit is and how grit can continuously push people toward success despite hardship, adversity, and obstacles in a person's life. There are several characteristics of grit that are indicative of building resiliency, especially in the face of challenges, including the ability to overcome adversity, being tenacious, and having an unyielding drive toward goals by remaining dedicated, steadfast, and holding true to one's convictions (McClarty, 2017; Paff, 2018; South African College of Applied Psychology, 2019; SRI International, 2018). Grit is about being able to conceptualize obstacles (whether physical or mental) as things that can be moved, overcome, and not as things that stand in the way of success.

Grit is perseverance, even if that means having to take a leave of absence from an educational institution and then returning at a later time to complete one's educational program. A person with grittiness keeps their goals in mind and ultimately pursues their goals, staying determined no matter what the extenuating circumstances may be, keeping long-term goals in mind (McClarty, 2017; Paff, 2018; South African College of Applied Psychology, 2019; SRI International, 2018). Getting gritty means being mentally

and emotionally "tough," viewing challenges as stepping stones and/or learning opportunities, in conjunction with the mental capacity to adapt and adjust to changes as needed. Having a strong conviction of one's purpose can help to motivate and keep a person driven toward their goals, as their determination is enduring no matter the situation (McClarty, 2017; Paff, 2018; SRI International, 2018).

Building Grittiness Strategies in the Classroom Through Support

There are several strategies to help build grittiness in the classroom, which include supportiveness, embracing the imperfect nature of our lives, providing meaningful feedback, modeling successful practices, celebrating small successes, and learning to normalize failure (Briggs, 2017; Nolte, 2020). Supporting students is at the forefront of educators' success, both inside and outside the classroom. Supporting students means building relationships; sharing stories of our own challenges and how we overcame obstacles in our lives; forging connections through lived experiences; helping students to make adjustments as needed; sharing resources, at the institutional level or in the student's own community; praising students for their efforts; and helping students view learning as a goal and not just an end game toward a final grade in a course (Briggs,



2017). Supporting students includes helping them learn how to embrace their imperfections, as sometimes the things we see in ourselves as flaws can in actuality be untapped strengths, as well as opportunities for further personal growth and development. Carol Dweck (2006, 2014) discusses the concept of “not yet,” which reflects the idea that though something may not have been mastered yet, it can be through a dedicated and continuous journey toward a goal.

Providing meaningful feedback to students is also an important part of support, as feedback, whether in person, through an online medium, a text message, or within the classroom’s LMS platform, should be timely, meaningful, and focused on the individual contributions of each student. Feedback on classroom participation and student assignments and projects should emphasize solid strategies such as careful note-taking, the importance of time management, and providing writing resources, and it should recognize progress, no matter how small (Dweck, 2014). Sharing stories of how we practice time management, such as blocking time off on calendars to include both personal and professional responsibilities and tasks, as well as how to properly take notes, can help students to practice these skills beyond the classroom. Instructors can also encourage students to celebrate small victories, such as a nomination, receiving praise for a great idea, receiving an award, or submitting a difficult assignment, even after challenges were faced in the submission process.

Nolte (2020) discusses the strategy of normal-

izing failure and allowing students to see that challenges, failed attempts, rejections, and the like are a typical part of life. Instructors can discuss and share their own experiences with failure and how they overcame these failures. Instructors can help students see that failure is a part of success, and that overcoming these roadblocks is an important part of building grit and personal strength (Paff, 2018). There is almost always a lesson to be learned by every experience we have in our lives. Help students to develop a growth mindset by being open, honest, and emphasizing that though a setback may have occurred, progress still has been made (Dweck, 2006, 2014; Fotuhi, 2020; SRI International, 2018).

Conclusion

Appreciating what students have accomplished and what it took to get where they are, both personally and professionally, can encourage grittiness, as students learn to reflect on their own experiences, beliefs, and opportunities for growth. Nurturing a classroom environment that offers a safe space where controversial and sensitive topics can be discussed can further provide opportunities in which students can continue to grow and develop their passions, which can translate into future career and professional goals (Fotuhi, 2020). Allow students to be their own measuring stick, and teach that failure is not final; it is just another step in the process of building grittiness. Grit in the classroom allows us to learn, grow, and persevere, to get comfortable in the “not yet” part of development (Dweck,



Harnessing Grit

2006, 2014). Staying true to our convictions and remaining passionate about our personal and professional goals can get us to where we want to be and what we want to achieve in our lives. ■

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Holli Vah Seliskar, PhD has more than 16 years of experience in higher education. Dr. Vah Seliskar is the academic department chair for the Graduate Public

Safety and Graduate Public Administration Programs and the Undergraduate Fire Science and Emergency Management programs in the College of Social and Behavioral Sciences at Purdue University Global. Dr. Vah Seliskar's previous experience includes working with the United Way of Greater Cleveland and the Mandel Foundation in Cleveland, Ohio. Dr. Vah Seliskar received her Ph.D. in curriculum and instruction from Kent State University; a master of science in criminal justice from Tiffin University, and a bachelor of arts from Cleveland State University. Dr. Vah Seliskar's research interests include restorative justice, restorative practices in K–12 and in higher education, restorative practices in the workplace, subjectivity in qualitative research, and best practices in online learning, teaching, and mentoring.



Lynette Colleen Lee, PhD

Lynette Lee passed away after a quick progression of breast cancer in mid-January. She left a loving mother, Janet; younger sister Betty Lee; middle sister Coreen Lee; brother Vernon; former husband Billy Sammons; and scores of friends, former colleagues, and students. She was preceded in death by her father, Ronald Lee, and her grandparents. A common refrain from these loved ones was that she was “one of the nicest people they had ever met.”

Lynette grew up on a farm near Salem, OR, lovingly caring for an array of animals. She strongly considered becoming a veterinarian but settled on criminal justice studies at Oregon State University (BA) and at Washington State University (MA/PhD). Her mentors at WSU were Ben Menke, John Pierce, Paul Hagner, Otto Marenin, and Nick Lovrich.

Nick notes that, “To the faculty at WSU Lynette was an eager learner, a quick study, and a valued team player. She was a gifted boundary spanner, able to bring together people from different experiences to find common ground and make progress together.”

During her long career at California State University–Sacramento (1990–2018), Lynette was involved in community policing and in developing service-learning protocols and practice, the latter with her former husband Billy. “Lynette and I were awarded several grants through the Annie E. Casey Foundation. Our two main grant-funded programs were Sac-TRACKS (Teaching Racial Awareness, Cooperation, Kindness and Spirit) and Sac-MENTORING (pairing high school and college students). Both programs involved supervised reflection and self-evaluation meetings. Colleague Ricky Gutierrez took over the Sac-MENTORING program, which still thrives under his leadership.”

Lynette was often willing to question prevailing orthodoxies, as seen in her taking the lead on an article titled “A Critique and Qualified Defense of ‘Correctional Quackery’” (*Journal of Contemporary Criminal Justice*). Citing medical research and employing integral theory, Lynette defended the use of

meditation and yoga as beneficial practices in corrections.

In her faculty role, Lynette touched the lives of many. Her colleague Stephanie Mizrahi notes, “When I first joined Sac State in 2009, Lynette—a fellow WSU Cougar—was there from the very beginning as a resource; she never tired of being asked for advice and never once made me feel like I was imposing. She helped me find my way around campus, settle into teaching, and offered tips on balancing work and research. She encouraged my involvement in ACJS, an association that is now a key part of my professional life. Even more, she was a good friend. Lynette provided a shoulder to cry on when my mother died and had a lot to do with how I stayed sane through that time. I will never forget her.”

“I remember the times we spent sharing discussions of our mutual colleagues and their accomplishments, and she was always willing to listen and provide feedback for any ideas I might be ruminating on. She was on the search committee when I was being interviewed, and although I never asked for details, I always knew in my heart that she advocated strongly for me and I was hired” (Ricky Gutierrez).

As these reminiscences would indicate, Lynette was a loving and joy-filled person, an independent thinker, and one who was quietly determined. She was also an intensely private woman who kept her illness from most. She was an ardent practitioner of Vedanta, having traveled twice to India to learn more at an ashram. Consequently, she integrated deep meditation and inner exploration into the pattern of her life and her death.



By Stephanie Mizrahi, Ricky Gutierrez, Billy Sammons, Nick Lovrich, and Mary K. Stohr

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