

**California State University, Chico
Division of Student Affairs
Student Judicial Affairs
Annual Report 2016-2017**

I. Departmental Mission Statement

Student Judicial Affairs supports the mission of the university by promoting a fair and positive learning environment for all students, faculty, and staff. The program advances student development by adjudicating reports regarding student behavior and complaints of alleged unfair treatment of students in a timely, consistent, and fair manner.

(Reviewed 7/17)

Department Goals:

Protect Rights and Ensure Due Process

- Respond to student behavioral concerns in an unbiased, fair, and reasonable manner.
- Protect the rights of students who have been victims of misconduct as well as those accused of misconduct.

Restoration:

- Facilitate the process of individuals and organizations taking responsibility for their assigned roles in the conduct system.
- Provide learning experiences for students whose conduct may not be consistent with institutional expectations as well as for those students who participate in the operations of the student conduct system.
- Balance the needs and interests of individuals with the needs and interests of the institution, the community, and others who may have an interest in the matter or outcome.

Education and Outreach:

- Initiate and encourage outreach activities that serve to educate the community about the student conduct program and individual responsibilities within the program.
- Develop, disseminate, interpret, and enforce institutional policies and procedures regarding student as well as group/organizational behavioral expectations.
- Ensure that all students, faculty, staff, or community members involved in the administration of the student conduct program are sufficiently prepared and trained.

*Goals align with CSU Chico Strategic Priority 1; Division of Student Affairs Goal 1
Established using Council of Academic Standards, July 2017*

Recruitment, Retention, Satisfaction, Graduation:

Being a victim or engaging in high risk behaviors or conduct which is not consistent with the student conduct code, and/or facing unresolved conflict have a significant impact on retention, satisfaction and graduation. These goals are developed to assist students resolve such issues and to enable students' progression toward and timely completion of educational goals and preparation for their careers, citizenship, and lives.

II. Departmental Accomplishments -A Highlight

- Continued revision of procedures
- Continued revision of the SJA website to be more user friendly
- Collaboration with housing conduct staff to realign conduct in housing vs. Title 5 violations
- Recruitment of new Hearing Officers/training; held annually
- Outreach and training to campus community
- Initiated revision of Grievance Executive Memorandum
- Implemented restorative justice sanctions
- Improved relationships with the City of Chico Police and Fire Departments
- Expanded relationships with Study Abroad and Academic Affairs in response to the academic needs of international students.
- Continued to develop resources for non-English speakers, including live translation services for students involved in conduct proceedings.
- Continued outreach efforts for underrepresented students, especially in regard to DHR incidents and academic grievances

Hearing Officer Recruitment and Training

In collaboration with the Title IX Coordinator, SJA recruited several new hearing officers, and conducted annual required training for Title IX and general conduct hearings. Hearing officers represent current administrators on campus from the Division of Student Affairs, as well as, local attorneys. This effort is a true collaboration between the campus and the community. Hearing officers are volunteers who are as committed to ensuring our students are held responsible for conduct and have the opportunity to restore trust in the community.

Outreach and Training the Campus Community

SJA staff has participated in significant outreach activities on campus, including training on Title 5, academic integrity and Title IX, including presentations/training for:

- Academic coaches
- Student athletes
- Council of Deans
- Council of Chairs
- Enrollment Management

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- Residence Life staff
- Greek Life
- Education Outreach and Support Programs
- Campus Alcohol Education Center
- Classroom presentations to students regarding academic integrity
- Faculty presentations regarding academic integrity
- Town Hall presentation (serving as a consultant) on sexual assault on campus
- Summer Orientation

Improved relationships with the City of Chico Police and Fire Departments

- This year, the SJA team made considerable efforts to improve the partnership with Chico Police Department and the Chico Fire Department. Both departments appointed new Chiefs, so the timing was right to meet and establish liaison with each department. The renewed partnerships has greatly improved our ability to obtain summary reports of incidents involving our students, as well as, an opportunity to rely on each other for creative and alternative ways to manage incidents

Diversity Efforts:

See SJA Diversity Plan for additional information and progress toward diversity specific goals.

III. Changes in Policies and Procedures

SJA continues to audit its policies, procedures and guidelines as new guidance regarding the implementation Title 5 of the California Code of Regulations and Title IX of the Education Amendments are provided.

As a result of considerable assessment and consideration, behavior which is inconsistent to housing policies that are not violations of Title 5 are managed by residential staff starting AY 2016-2017. The culture shift in housing (and collaterally SJA) will take time and require ongoing collaboration and assessment. Both programs will focus more on integrating developmental theories and restorative justice resolutions.

Several business practices were developed and/or revised this year, including case management, record access and retention, respondent letters, notice of investigation and outcomes, meeting with high-risk students, and interim suspension notices, development and use of sanction worksheets to ensure consistency.

IV. Resources Summary

The Vice President of Student Affairs provides sufficient allocation to cover the operating expenses of SJA. Training requirements are increasingly mandated. As such, training may require additional allocation in the future.

Human Resources:

Plans are in place to move a current SSPIII to a MPP position so that employee can investigate Title IX complaints beginning fall 2017.

SJA was represented on the following committees this past year:

- Educational Policies and Programs- Committee (EPPC)
- Faculty and Student Policies Committee (FASP)
- Campus Assessment, Response, Evaluation Team (CARE)
- Title IX Oversight Committee
- Student Affairs Diversity Committee
- National College Health Improvement Program (NCHIP) Advisory Committee
- Staff Council
- Black Staff and Faculty Committee

Facilities/Equipment:

- Nothing significant to report

V. Program Evaluation of Past Year

1. Continue to assess practices and policies to ensure compliance, efficiency and effectiveness. The SJA team continues to assess the need for, develop and revise business practices/procedures. Because the world of conduct and Title IX continues to evolve, this assessment process will be an on going effort for the team.
2. Implement a new data base system. SJA (and housing) have almost completed the process of implementing a new data base system (Maxient). This is the system that is most widely used and recommended by the CSU and other systems nation wide. Implementation will continue throughout the fall 2017 semester, but the objective is considered met and will be discontinued.
3. Develop additional assessment and data collection opportunities. Despite our best efforts to re group regarding assessment, SJA team has more work to do. SJA will have an assessment strategy in place by Spring 2018.

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4. Develop an outreach program to both students and staff/faculty regarding SJA's processes and scope of responsibility. SJA team has begun working on a marketing campaign and hopes to launch the campaign the fall 2017 semester.
5. Continue to develop restorative justice opportunities alternate to punitive sanctions. The SJA team, in collaboration with the housing conduct team, have developed several restorative justice sanction opportunities. The team intends to widely use these sanctions in lieu of punitive sanctions when appropriate.

Ongoing Assessment Efforts

Reported Violations of the Student Code of Conduct (Title 5):

The following numbers reflect students found responsible for a violation/violations of the Student Conduct Code, *California Code of Regulations, Title 5, Article 2, Section 41301(b)*, for the academic year 2016-17. The number of convictions can differ from the number of cases and sanctions in that some cases involve multiple Title 5 violations.

TITLE 5 CHARGE	DESCRIPTION OF VIOLATION	2012-13	2013-14	2014-15	2015-16	2016-17
(1a)	Cheating, plagiarism, or other forms of academic dishonesty	54	58	78	40	23
(1b)	Furnishing false information to a University official, faculty member, or campus office	2	1	2	0	3
(1c)	Forgery, alteration, or misuse of a University document, key, or identification instrument	0	1	1	7	3
(1d)	Misrepresenting oneself to be an authorized agent of the University or one of its auxiliaries	0	0	1	0	0
(2)	Unauthorized entry into, presence in, use of, or misuse of University Property	5	8	12	3	3
(3)	Willful, material and substantial disruption or obstruction of a University-related activity or any on	0	0	1	0	0

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	campus activity					
(4)	Participating in any activity that substantially and materially disrupts the normal operation of the University	0	0	5	1	1
(5)	Willful, material and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off-campus University-related activity	1	0	0	0	0
(6)	Disorderly, lewd, indecent, or obscene behavior at a University-related activity or directed toward a member of the University community	8	9	12	5	3
(7)	Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct	20	21	35	12	14
(8)	Hazing or conspiracy to haze.	6	0	0	0	0
(9)	Use possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia or the misuse of legal pharmaceutical drugs	35	29	36	12	1*

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(10)	Use, possession, manufacture, or distribution of alcoholic beverages or public intoxication while on campus or at a University-related activity	324	330	309	263	3*
(11)	Theft of property or services from the University community or misappropriation of University resources	9	6	6	1	1
(12)	Unauthorized destruction or damage to University property or other property in the University community	4	4	2	5	3
(13)	Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals on campus or at a University-related activity	4	4	4	4	2
(14)	Unauthorized recording, dissemination, or publication or academic presentations for commercial purposes	0	0	0	0	0
(15a)	Unauthorized entry into a computer file, for any purpose	0	0	0	0	0
(15b)	Unauthorized transfer of a computer file	0	0	0	0	0
(15c)	Use of another's computer identification or password	0	0	0	0	0

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(15f)	Use of computing facilities and resources to interfere with normal University operations	0	0	0	0	0
(15g)	Use of computing facilities and resources in violation of copyright laws	5	16	13	14	2
(15h)	Violation of campus computer use policy	0	0	0	0	0
(16)	Violation of any published University policy, rule, regulation, or presidential order	3	3	15	5	6
(17)	Failure to comply with directions or, interference with, any University official or any public safety officer acting in the performance of his/her duties.	16	14	20	5	5
(18)	Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well being of the campus community	5	19	31	6	10
(19a)	Falsification, distortion, or misrepresentation of information related to a student discipline matter	0	0	0	4	0

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(19b)	Disruption or interference with the orderly progress of a student discipline proceeding	0	0	0	1	0
(19c)	Initiation of a student discipline proceeding in bad faith	0	0	0	0	0
(19d)	Attempting to discourage another from participating in the student discipline matter	0	0	0	0	0
(19e)	Attempting to influence the impartiality of any participant in a student discipline matter	0	0	0	0	0
(19f)	Verbal or physical harassment or intimidation of any participant in a student discipline matter	3	1	0	1	0
(19g)	Failure to comply with the sanction(s) imposed under a student discipline proceeding	4	6	4	6	1
(20)	Encourage, permitting, or assisting another to do any act that could subject him or her to student discipline	1	0	1	1	0
TOTAL		509	586	694	396	84*

* See Section VII for discussion

Academic Integrity Violations:

In all cases of academic integrity, faculty reserve the right to assign course grades and have the option of assigning a student a failing grade on a particular assignment or “F” for the entire course.

This year we saw a decrease in the number of students reported and subsequently found responsible for Academic Dishonesty violations. When compared to the total number of incidents reported, there was an increase in “Report-only” incidents received (report filed but no action taken by SJA), which results in a lower number of Academic Dishonesty convictions overall. “Report-only” incidents may still be considered as part of a conduct history, in the event that a student is referred for any subsequent academic integrity violations.

Due to the absence of the majority of faculty and the student population during summer break, many Academic Dishonesty incidents which are referred following the close of Spring semester (end of May and throughout June), end up being adjudicated at the start of the following Fall semester. There are currently 11 pending Academic Dishonesty incidents from the 2016-17 academic year.

Conduct Sanctions and Other Disciplinary Actions:

The following represents sanctions and other disciplinary actions imposed on students found in violation of one or more Title 5 violations. These sanctions are authorized by CSU Executive Order 1098, *Student Conduct Procedures* and may result in a notation on a student’s transcript. Students may receive one or more sanction(s) per incident, as well as additional educational “conditions” to be completed prior to expiration of sanction.

SANCTION	2012-13	2012-14	2014-15	2015-16	2016-17
Education and Remedial Sanction (Restorative Justice themes)	56	95	91	161	15*
Disciplinary Probation	411	347	370	211	40*
Suspension	5	5	7	8	4
Expulsion	0	0	1	4	1
Denial to Campus	5	5	10	2	1
No Contact Order	8	5	16	6	3
TOTAL	485	457	484	392	64*

*See Section VII for discussion

Discrimination, Harassment and Retaliation (DHR) and Sexual Misconduct (Title IX):

Below is a summary of Title IX and DHR incidents reported to SJA, many of which did not result in a formal complaint or investigation pursuant to CSU Executive Order 1074 (2012 – 2012) or Executive Order 1097 (2014 – present). Many of the reports received by the Title IX Coordinator come from Third Parties, and no formal complaint is filed. In such cases, SJA staff may have attempted to investigate with the information received, or may have provided referrals for support, remediation, or other accommodations, without having sufficient information to proceed with a Formal Investigation.

Violation / Year	2012-13	2013-14	2014-15	2015-16	2016-17
Title IX	10	29	52	53	101
DHR	0	16	22	11	13
Total	20	35	74	64	114

Additional reports / Incidents

Student Judicial Affairs receives referrals for incidents that do not constitute a violation of the student conduct code, a Title IX or DHR violation, or a student grievance. This may include referrals from outside agencies, non-conduct residential issues, or students who evaluated by the Campus Assessment Response and Education (CARE) team. These reports are entered into the SJA case management system for the purpose of tracking and analytics, but may not result in a student conference or discipline imposed. Twenty-eight referrals of this nature were received during the 2016-17 academic year.

Recidivism:

Our goal during the discipline process is to have students take responsibility for their actions and behavior, and learn from their experiences in order to avoid consequences in the future. One measure of our success is the rate of recidivism, or repeated conduct violations. Recidivism rates are used to track the number of students who violate the student conduct code during or after the time they have been placed on a sanction for a previous violation.

The summary provided below shows the number of students who were adjudicated for more than one Title 5 violation, as well as the most common violations, in the last five years:

RECIDIVISM – ALL TITLE 5 VIOLATIONS				
Academic Year	Second Violation	Third Violation	Fourth Violation	Fifth+ Violation
2012-13	434	95	35	17
2013-14	272	38	8	0
2014-15	207	36	11	1
2015-16	216	31	6	0
2016-17	17*	3	1	0

**See section VII for discussion*

RECIDIVISM – ACADEMIC DISHONESTY VIOLATIONS				
Academic Year	Second Violation	Third Violation	Fourth Violation	Fifth+ Violation
2012-13	3	0	0	0
2013-14	20	1	0	0
2014-15	19	1	0	0
2015-16	23	2	0	0
2016-17	9	1	0	0

RECIDIVISM – ALCOHOL VIOLATIONS				
Academic Year	Second Violation	Third Violation	Fourth Violation	Fifth+ Violation
2012-13	21	2	0	0
2013-14	54	16	0	0
2014-15	109	13	2	0
2015-16	110	13	2	0
2016-17	63*	9	2	0

**See section VII for discussion*

RECIDIVISM – DRUG VIOLATIONS				
Academic Year	Second Violation	Third Violation	Fourth Violation	Fifth+ Violation
2012-13	1	0	0	0
2013-14	4	0	0	0
2014-15	3	0	0	0
2015-16	2	0	0	0
2016-17	1	0	0	0

Gender Breakdown of Title 5 convictions:

Gender/Year	2012-13	2013-14	2014-15	2015-16	2016-17
Male	63%	54%	69%	64%	66%
Female	37%	46%	31%	36%	34%

Grievances:

Grievances can be filed by students to address a number of concerns, but are most often filed in response to an academic/grade concern. A representative from Student Judicial Affairs is assigned to review the issue in question to determine grievability, and to assist students through the grievance process. Students are encouraged to resolve complaints informally if possible.

If attempts to resolve an issue informally fail, students have the right to request a formal grievance hearing on the matter. In every case, the goal is the same; reasonable and orderly resolution in a fair, consistent, and timely manner.

Executive Memorandum 05-10 governs the informal and formal grievance process. SJA has initiated proposed revision of this Executive Memorandum due to its inefficient and complicated processes. Both students and staff/faculty find the process cumbersome and confusing.

Student Status/Year	2012-13	2013-14	2014-15	2015-16	2016-17
Undergraduate	54	50	50	34	39
Graduate	2	7	7	3	5
Total	56	57	57	37	44

Grievance Type/Year	2012-13	2013-14	2014-15	2015-16	2016-17
Non-Academic Grievance	22	20	6	3	5
Grievance re Grades	18	21	20	10	12
Grievance Resulting in Grade Change	1	3	2	3	2
Grievance re Syllabus	2	2	2	1	2

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Dismissal From Program	1	5	2	1	2
Grievance re Instructor	8	10	16	16	11
Other Grievances	7	18	19	8	1
Formal Hearings	0	0	3	4	0
Hearing Outcome in Favor of Student	0	0	0	1	0

Student Learning Outcomes

Through an interaction with Student Judicial Affairs, students will . . .

1. Understand the Student Conduct Code and its importance to the University community
2. Develop self-efficacy by representing themselves throughout the process and discussing their involvement in behavior that violates University expectations (aka, taking responsibility)
3. Be given the resources and knowledge necessary to assist in making informed future decisions
4. Become more familiar with campus policies regarding the grievance and discipline processes
5. Better understand that their behavior impacts many people in the campus and greater Chico community, and that consequences may result from behavior that violates these community standards

Student Satisfaction

It would be a misnomer to characterize the current SJA survey as a measure of “student satisfaction,” since survey respondents are required to complete the survey after being referred for discipline, an involuntary experience. The SJA team took time this year to consider alternative assessment strategies to assess both student learning outcomes and student satisfaction.

VII. Analysis

The following is offered as discussion and analysis of issues and services that require strategic and intentional consideration in the next academic/fiscal year.

Discussion regarding alcohol violations and respective sanctions*

Prior to the start of this academic year, Student Judicial Affairs and University Housing reevaluated their standards for referring alcohol (#10) and drug (#9) violations for incidents occurring in the residence halls. The change effected when students were referred to SJA for a Title 5 conduct violation versus when the incident was addressed as a University Housing policy violation only (these are handled by UH staff and are not a considered conduct by SJA or Title 5 standards). The decrease in total students found responsible for these conduct violations is a result of that change. The number of Educational Sanctions and Disciplinary Probation sanctions imposed has decreased significantly as a result of fewer alcohol and drug related Title 5 violations being referred for conduct from University Housing. Students found in violation of residence hall policies are addressed by UH staff and are no longer included in the annual statistics for Student Judicial Affairs. Additional time (across years data) will inform how this change is working in terms of overall student behavior/conduct.

Improved Data Collection, assessment, and Revised Student Learning Outcomes

There continues to be room to improve the type and manner of data collection and how that data informs a comprehensive assessment process, including identifying strategies for program growth. A great deal of data is collected, but without sufficient context to understand the relevance or impact of the data. The current data collected does not paint a full picture of how services and sanctions directly relate to changes in data/numbers of incidents. SJA will be implementing a new database fall 2017 that claims to have excellent reporting functions. SJA will spend this year learning about the new database and how robust it is for reporting and analytics.

Sanction Case Management

There is room to improve sanction case management. The number of referrals for substance abuse assessment through CADEC that aren't completed is concerning. While SJA can and does place holds on these student records, it does not address the issue at hand. If SJA staff refers a student for assessment, there is significant concern about high-risk behavior. Delaying that assessment may factor in higher recidivism rates and jeopardize student health and safety.

Philosophical Shift to Restorative Justice

SJA will continue to explore, use and assess the use of alternative sanctions favoring restorative justice methods. We believe that outcomes and/or sanctions imposed as a result of conduct code violations are educational, developmental, not solely punitive, appropriately and equitably assigned, address the overall safety needs of those involved in the process as well as the general campus community, and attend to any impacts and harms of the behavior on the community or others.

Refining Our Scope of Authority:

SJA continues to consider our scope of authority and responsibility on campus. Additionally, we have revisited our responsibility and authority in terms of grievances, specifically, applying the grievability standard. Not all conflict or complaints rise to the level of grievability and fall under SJA's jurisdiction. Furthermore, we have initiated a proposed revision of the grievance policy in order to more specifically clarify process and procedures. Furthermore, there is a campus culture that all conflicts or disagreements with students regarding academic decisions are referred to SJA. However, SJA has little or no jurisdiction over academic decisions unless those decisions can be proven discriminatory or capricious. Additionally, students who choose to complain about instructors (behavior, teaching style) are also referred to SJA when academic supervisory personnel are more appropriate to manage these issues.

VI. Program Objectives for next academic year

1. Continue to assess practices and policies to ensure compliance, consistency and effectiveness.
2. Revise assessment and data collection opportunities
3. Develop an outreach program to both students and staff/faculty regarding SJA's processes and scope of responsibility.
4. Continue to develop restorative justice opportunities alternate to punitive sanctions.
5. Continue efforts to revise the grievance executive memorandum.

Report Prepared by Sandy Parsons, Dean of Students, with contributions from SJA staff