

**California State University, Chico**



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***Division of Student Affairs***

**Student Conduct, Rights, and Responsibilities**

**Annual Report 2018-2019**

**I. Departmental Mission Statement**

Student Conduct, Rights, and Responsibilities supports the mission of the University by promoting a fair and positive learning environment for all students, faculty, and staff. The department 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 July 2019)*

**Department Goals:**

**Protect the Rights of Students, Staff, and Faculty and Ensure Due Process**

- Respond to student behavioral concerns submitted by members of the campus and greater Chico community in a neutral, fair, reasonable, and trauma informed manner while ensuring due process.

**Restorative Justice**

- Facilitate the student disciplinary process for individuals and organizations in a manner that promotes self-accountability and ownership for behaviors inconsistent with University expectations.
- When appropriate, provide experiential learning opportunities for students whose conduct is inconsistent with University expectations.
- Balance the needs and interests of individuals with the needs and interests of the institution, the community, and others who may have a vested interest in the matter or outcome.

**Education, Prevention, and Outreach**

- Initiate, plan, and implement outreach activities such as presentations to classes, departments, and colleges, that serve to educate and inform the community about the student conduct process and individual responsibilities within the process.

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- Develop, disseminate, interpret, and enforce institutional and system-wide procedures and policies regarding students as well as group/organizational behavioral expectations.
- Ensure that all students, faculty, staff, and community members involved in the administration of the student conduct process are sufficiently prepared and trained.

*Goals align with CSU, Chico Strategic Priority 1: Division of Student Affairs Goal 1*

### **Recruitment, Retention, Satisfaction, Graduation**

Being a victim or engaging in high-risk behaviors or conduct inconsistent with the student conduct code, and/or facing unresolved conflict can have a significant impact on retention, satisfaction, and graduation. Our department goals described above are developed with the whole student in mind and aim to assist students in resolving such issues and enabling their progression toward and timely completion of educational goals and preparation for future careers, citizenship, and lives.

## **II. Departmental Accomplishments – A Highlight**

- Continued revision of procedures, including Executive Memorandum 05-010, *Student Grievance Procedures*
- Continued revision of SCRR website to be more inclusive, accessible, and user friendly
- Outreach and training to campus community
- Creation and implementation of new restorative justice sanctions
- Continued efforts in cultivating strong relationships with local law enforcement
- Creation of “Law Enforcement Reporting Form” in Maxient, streamlining the reporting and case referral process from local law enforcement to SCRR
- Expanded relationships with Office of International Education in response to the fluid academic needs of international students
- Continued work on the “Know the Code” campaign, designed and led by SCRR student assistants
- Continued education of rationale behind name change from Student Judicial Affairs to Student Conduct, Rights, and Responsibilities
- Worked with University Housing to restructure and realign policies and protocols to ensure compliance with Title 5 and Executive Order 1098, *Student Conduct Procedures*
- Continued education on the uses of Maxient, the departments case management system

### **Continued revision of procedures, including Executive Memorandum 05-010, Student Grievance Procedures**

In 2017-2018, SCRR initiated a proposal for revision to Executive Memorandum 05-010, Student Grievance Procedures, due to its inefficient, complicated, and cumbersome process. Director Peart and History faculty member, Dr. Robert Tinkler, SCRR’s primary grievance hearing facilitator, began researching grievance procedures at other CSU’s as well as other institutions of higher education across the country, in order to gain a thorough understanding of best practice. As a result of this in depth research, the revision process was delayed until the

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2018-2019 academic year. Over this past year, Dr. Tinkler and Director Peart determined that separating the procedure into two Executive Memorandums, with one focused solely on grade appeals and the second on all other grievance issues, was the most appropriate path forward. In late fall 2018, Director Peart and Acting Vice President for Student Affairs Sandy Parsons, spoke to the Executive Committee of the Academic Senate about this decision and the rationale behind it. In spring 2019, Director Peart worked to create a subcommittee through FASP in order to move the policy revision through Academic Senate. The subcommittee, consisting of faculty and staff, continued to work through the summer with the intention of getting the revised Executive Memorandum passed through Academic Senate in the fall 2019 semester.

### **Creation of “Law Enforcement Reporting Form” in Maxient, streamlining the reporting and case referral process from local law enforcement to SCRR**

In early spring 2019, Director Peart, in conjunction with Jenna Wright, University Housing Coordinator for Student Conduct and Community Responsibility and Detective William Kolb of the University Police Department, created a law enforcement reporting form in Maxient in order to increase the efficiency of reports coming from UPD to SCRR. Rather than completing an additional PDF with multiple “fill in the blank” and lengthy narrative sections, the online reporting form streamlined the process for the officers, saving them significant time. In addition to the time saving benefit, automating the reporting process increased SCRR’s ability to effectively track trends and “problem areas” being addressed by campus police. In addition to working with UPD, Director Peart and UPD Commander Nicodemus, are working with Chico Police Department to advise them of the benefits of utilizing this same reporting form in order to increase the efficacy of the reporting process.

### **Worked with University Housing to restructure and realign policies and protocols to ensure compliance with Title 5 and Executive Order 1098, *Student Conduct Procedures***

Over the last two academic years, SCRR has seen a significant increase in the number of University Housing students with multiple Title 5 violations that were never referred to the office for conduct, and instead, adjudicated by the Residence Community Coordinators. While SCRR has complete confidence in the ability of University Housing staff, it became an issue of compliance with system-wide policy, specifically Executive Order 1098, *Student Conduct Procedures*, which clearly delineates that all violations of a code of conduct shall be investigated and adjudicated by a Student Conduct Administrator, a designated MPP employee. As Residence Community Coordinators are not MPP’s, campus was out of compliance and adjustments were necessary. As such, Director Peart, University Housing Executive Director Huyck, and Acting Vice President for Student Affairs Sandy Parsons, began working on a revised structure and protocol for conduct referrals from University Housing to SCRR that brought the process back into compliance with EO 1098. This revised process will take effect at the commencement of the fall 2019 semester.

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## **Diversity Efforts:**

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

## **III. Changes in Policies and Procedures**

- SCRR continues to audit its policies, procedures, and guidelines as new guidance regarding the implementation of Title 5 of the California Code of Regulations and the conduct aspect of Title IX of the Education Amendments are released.
- As a result of considerable assessment, behaviors inconsistent with University policy occurring in Housing were managed by University Housing residential staff beginning in AY 2016-2017. When this shift occurred, it was understood it would be a fluid process requiring regular evaluation by the Directors of both SCRR and Housing in conjunction with the Dean of Students. As of the spring 2019 semester, it was clear that this process required further evaluation and a thorough analysis. After completing this, it was determined that all behavioral issues rising to the level of a violation of the conduct code occurring in University Housing, would be adjudicated solely by SCRR, ensuring compliance with rules and regulations.

## **IV. Resources Summary**

### **Resource Allocation**

The Vice President for Student Affairs provided sufficient allocation to cover the operating expenses of Student Conduct, Rights, and Responsibilities. As training requirements are increasingly mandated, this may require additional allocation in the future.

### **Human Resources**

In early summer 2018, SCRR began recruitment efforts for an Administrative Support Coordinator. In October 2018, Claudia Rodriguez joined department staff as our new Office Coordinator.

In mid-November 2018, immediately following the devastating Camp Fire, Retired Annuitant Linda Gatton, joined the office as an emergency hire in the position of Student Conduct Administrator. Linda has previously supported the office in times of transition and was an invaluable asset. Her return allowed Director Emily Peart to focus more of her time and energy on providing CARE related services to victims of the fire.

In April 2019, Interim Director Emily Peart was promoted to Director after completing a competitive search and hiring process. Her position as Director also encompasses the role of Vice-Chair and Case Manager for the CARE Team.

SCRR was proud to see two of our outstanding Student Assistants graduate in the spring of 2019. While their achievements will result in a loss of two amazing employees, the office could not be prouder of them. As they depart, the office will be hiring two new students for these roles.

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### **SCRR was represented on the following committees this past year:**

- Faculty and Student Policies Committee (FASP)
- Campus Assessment, Response, and Evaluation Team (CARE) with Director Peart serving as Vice-Chair and Case Manager
- Title IX Oversight Committee
- Student Affairs Diversity Committee
- Academic Integrity Council
- Committee for Policy on Online Education

### **Facilities/Equipment**

In fall 2018, SCRR employed Esplanade Furniture to help rearrange the office space in the common areas of SSC 190. Space continues to be an issue for the office, specifically when accommodating student discipline and grievance hearings, due to the loss of the conference room now currently occupied by the Basic Needs Program.

## **V. Program Assessment of Past Year**

### **Program Objectives**

- Continue to assess practices and policies to ensure compliance, efficiency, and effectiveness. The SCRR team continues to assess the need for, develop, and revise business practices and/or procedures. Because the worlds of student conduct and academic freedom continue to evolve, this assessment process will be an ongoing effort.
- Continue to utilize Maxient to ensure efficiency and effectiveness within the office.
- Continue the development and fine tuning of the “Know the Code” campaign designed primarily by SCRR student assistants.
- Continue to create and implement restorative justice opportunities as alternatives or additions to strictly punitive sanctions, as appropriate. Over the 2018-2019 AY, SCRR developed and implemented several restorative justice sanctions in conjunction with the Associated Students and the CSU, Chico Police Department.

### **Ongoing Assessment Efforts**

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

The following statistics reflect students found responsible for a violation(s) of the Student Code of Conduct, California Code of Regulations, Title 5, Article 2, Section 41301(b), for the 2018-2019 AY. It is important to note that the number of convictions can differ significantly from the number of cases and sanctions in that some cases involve multiple Title 5 violations and not all students referred for an alleged violation are found responsible. Each referral of an alleged violation requires a thoughtful and diligent investigation in order to ensure due process is protected for each and every student. SCRR investigates alleged violations of Title 5 in strict adherence with Executive Order 1098, *Student Conduct Procedures*, which requires the utilization of a “Preponderance of the Evidence” standard. This standard tasks the investigating official to be 51% sure the alleged offense occurred as reported in order to hold a student responsible and impose a disciplinary sanction. While this is the standard required by the

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Executive Order, SCRR, as a whole, believes whole heartedly in using the Preponderance of the Evidence as a minimum standard only. SCRR understands and grasps the gravity of a disciplinary sanction and the future ramifications they can hold for students. Thus, the department has taken it upon itself to hold themselves to a higher and stricter standard of proof. In order to limit the educational ability of a student in any way, SCRR believes a significant amount of certainty must be present.

TITLE 5 CHARGE	DESCRIPTION OF VIOLATION	2014-15	2015-16	2016-17	2017-18	2018-2019
(1a)	Cheating, plagiarism, or other forms of academic dishonesty	78	40	23	49	49
(1b)	Furnishing false information to a University official, faculty member, or campus office	2	0	3	0	1
(1c)	Forgery, alteration, or misuse of a University document, key, or identification instrument	1	7	3	2	7
(1d)	Misrepresenting oneself to be an authorized agent of the University or one of its auxiliaries	1	0	0	0	0
(2)	Unauthorized entry into, presence in, use of, or misuse of University Property	12	3	3	6	10
(3)	Willful, material and substantial disruption or obstruction of a University-related activity or any on campus activity	1	0	0	1	2
(4)	Participating in any activity that substantially and materially disrupts the normal operation of the University	5	1	1	1	8

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(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	0	0	0	1	0
(6)	Disorderly, lewd, indecent, or obscene behavior at a University-related activity or directed toward a member of the University community	12	5	3	5	4
(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	35	12	14	15	44
(8)	Hazing or conspiracy to haze.	0	0	0	0	0
(9)	Use possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia or the misuse of legal pharmaceutical drugs	36	12	1	10	13
(10)	Use, possession, manufacture, or distribution of alcoholic beverages or public intoxication while on campus or at a University-related activity	309	263	3	11	19
(11)	Theft of property or services from the University community or misappropriation of University resources	6	1	1	9	5
(12)	Unauthorized destruction or damage to University property or other property in the University community	2	5	3	5	2

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<b>(13)</b>	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	<b>4</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>(14)</b>	Unauthorized recording, dissemination, or publication or academic presentations for commercial purposes	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>(15a)</b>	Unauthorized entry into a computer file, for any purpose	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>(15b)</b>	Unauthorized transfer of a computer file	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>(15c)</b>	Use of another's computer identification or password	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>(15d)</b>	Use of computing facilities, campus network, or other resources to interfere with the work of another member of the University community	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>(15e)</b>	Use of computing facilities and resources to send obscene or intimidating and abusive messages	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>(15f)</b>	Use of computing facilities and resources to interfere with normal University operations	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>(15g)</b>	Use of computing facilities and resources in violation of copyright laws	<b>13</b>	<b>14</b>	<b>2</b>	<b>1</b>	<b>0</b>



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<b>(15h)</b>	Violation of campus computer use policy	0	0	0	0	0
<b>(16)</b>	Violation of any published University policy, rule, regulation, or presidential order	15	5	6	4	61
<b>(17)</b>	Failure to comply with directions or, interference with, any University official or any public safety officer acting in the performance of his/her duties.	20	5	5	10	9
<b>(18)</b>	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	31	6	10	12	17
<b>(19a)</b>	Falsification, distortion, or misrepresentation of information related to a student discipline matter	0	4	0	0	1
<b>(19b)</b>	Disruption or interference with the orderly progress of a student discipline proceeding	0	1	0	0	0
<b>(19c)</b>	Initiation of a student discipline proceeding in bad faith	0	0	0	0	0
<b>(19d)</b>	Attempting to discourage another from participating in the student discipline matter	0	0	0	0	0
<b>(19e)</b>	Attempting to influence the impartiality of any participant in a student discipline matter	0	0	0	0	0
<b>(19f)</b>	Verbal or physical harassment or intimidation of any participant in a student discipline matter	0	1	0	0	0
<b>(19g)</b>	Failure to comply with the sanction(s) imposed under a	4	6	1	2	0

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	student discipline proceeding					
(20)	Encourage, permitting, or assisting another to do any act that could subject him or her to student discipline	1	1	0	0	1
<b>TOTAL</b>		<b>694</b>	<b>396</b>	<b>84</b>	<b>144</b>	<b>186</b>

### Academic Integrity Violations:

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

This year SCRR saw an increase in the number of students referred and subsequently found responsible for Academic Integrity violations. As a result of increases seen in previous years, specifically AY 2017-2018, SCRR established new analytics in Maxient to help the department better understand and identify trends related to these issues.

Due to the timing of final exams and faculty going off-contract soon after the spring 2019 semester concluded, some referrals for Academic Integrity violations will ultimately be adjudicated at the commencement of the fall 2019 semester.

### Conduct Sanctions and Other Disciplinary Actions:

The following statistics reflect sanctions and other disciplinary actions imposed on students found responsible for violating one or more subsections of Title 5. These sanctions are authorized by Executive Order 1098 and may result in a notation, either temporary or permanent, on a student’s transcript. Students may receive one or more sanctions per incident, as well as additional “conditions” to be completed prior to the expiration date of the given sanction(s). These “conditions” fall under the umbrella of an Educational Remedial Sanction and may include, but are not limited to reflection papers or assignments, community service, and restitution.

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SANCTION	2014-15	2015-16	2016-17	2017-18	2018-19
Education and Remedial Sanction (Restorative Justice themes)	91	161	15*	39	44
Disciplinary Probation	370	211	40*	85	80
Suspension	7	8	4	7	2
Expulsion	1	4	1	1	0
Denial of Access to Campus	10	2	1	7	3
No Contact Order/Directive	16	6	3	9	10
<b>TOTAL</b>	<b>484</b>	<b>392</b>	<b>64</b>	<b>148</b>	<b>139</b>

### Additional Reports/Incidents:

SCRR receives referrals for incidents that do not constitute a violation of the student code of conduct or a student grievance. Referrals of this nature may include reports from outside agencies, non-conduct residential issues, or students who have been referred to the Campus Assessment, Response, and Evaluation Team (CARE). These referrals are entered into Maxient for the purpose of tracking and analytics, but may not result in a student conference or disciplinary action.

### Recidivism:

SCRR's goal during the student conduct process is to have individuals take responsibility for their actions and behaviors, and learn from their experiences in order to avoid additional consequences in the future. One measure of success is the rate of recidivism, or repeated conduct violations. Recidivism rates are used to track the number of students who violate the code of conduct during or after the time a disciplinary action has been imposed 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.

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**RECIDIVISM – ALL TITLE 5 VIOLATIONS**

Academic Year	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation	4 <sup>th</sup> Violation	5 <sup>th</sup> + Violation
2015-16	216	31	6	0
2016-17	17	3	1	0
2017-18	64	11	0	0
2018-19	23	2	0	1

**RECIDIVISM – ACADEMIC DISHONESTY VIOLATIONS**

Academic Year	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation	4 <sup>th</sup> Violation	5 <sup>th</sup> + Violation
2015-16	23	2	0	0
2016-17	9	1	0	0
2017-18	53	4	0	0
2018-19	56	11	1	2

**RECIDIVISM – ALCOHOL VIOLATIONS**

Academic Year	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation	4 <sup>th</sup> Violation	5 <sup>th</sup> + Violation
2015-16	110	13	2	0
2016-17	63	9	2	0
2017-18	2	0	0	0
2018-19	6	0	0	0

**RECIDIVISM – DRUG VIOLATIONS**

Academic Year	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation	4 <sup>th</sup> Violation	5 <sup>th</sup> + Violation
2015-16	2	0	2	0
2016-17	1	0	2	0
2017-18	0	0	0	0
2018-19	1	0	0	0

**Gender Breakdown of All Individuals Found Responsible for Title 5 Violations:**

Gender/Year	2014-15	2015-16	2016-17	2017-18	2018-19
Male	69%	64%	66%	56%	71%
Female	31%	36%	34%	44%	29%

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### Grievances:

Grievances can be filed by students to address a number of concerns, but are most often filed in response to an academic or grade concern. A Student Conduct Administrator from SCRR is assigned to review the issue in question to assist them through the informal grievance process. Informal resolution is always preferred as a means of settling complaints if at all possible.

If attempts at informal resolution are unsuccessful, 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 in compliance with Executive Memorandum 05-010, *Student Grievance Procedures*.

Student Status/Year	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Undergraduate	50	50	34	39	9	65
Graduate	7	7	3	5	52	8
<b>Total</b>	<b>57</b>	<b>57</b>	<b>37</b>	<b>44</b>	<b>11</b>	<b>73</b>

Nature of Grievance /Year	2013-14	2014-15	2015-16	2016-17	2017-18	2018-2019
Non-Academic Grievance	20	6	3	5	2	2
Grades	24	22	13	14	7	10
Syllabus	2	2	1	2	6	2
Dismissal From Program	5	2	1	2	2	2
Instructor Issue	10	16	16	11	4	37
Other	18	19	8	1	1	13

Hearings/ Year	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Formal Grievance Proceedings	0	3	4	0	0	3

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Hearing Outcome in Favor of Student	0	0	1	0	0	0
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### Student Learning Outcomes:

*Through an interaction with Student Conduct, Rights, and Responsibilities, students will . . .*

1. Understand the Student Code of Conduct, and its importance to the University community.
2. Develop self-efficacy by representing themselves throughout the process and discussing their involvement in behavior that does not uphold University expectations (a.k.a. taking personal 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 student behavior impacts many people in the campus and greater Chico community, and that consequences may result from behavior that violates community standards and expectations.

## VI. 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.

### **Repeat alcohol and drug violations committed by first year students living in University Housing.**

In the 2019-2020 AY, SCRR, in collaboration with University Housing, is planning a major restructuring of the referral protocol between departments. In past years, the high number of cases a student might accrue while living in housing presented a problem for SCRR, as often times, cases/students would not be referred to the office until the conduct was so severe that suspension or expulsion were the only viable options left. In shifting the protocol, both literally and philosophically, SCRR is hopeful that disciplinary interventions can happen on a lower level and not result in students being removed from the University.

### **Repeat academic integrity violations committed by international students in the STEM fields.**

In past years, SCRR has noticed an increase in the number of international students reported, referred, and subsequently found responsible for multiple academic integrity violations. Over the 2018-19 AY, SCRR was intentional in tracking this information as well as working with campus stakeholders to increase education and awareness around this issue and multiple meetings were held with a focus on solutions. Over the 2019-20 AY, SCRR will work closely with International Education as well as specific departments to increase ongoing education and conversations with students around these issues with the goal of decreasing the number of students reported for multiple Academic Integrity violations.

**Continued refinement of SCRR's scope of authority/jurisdiction and reporting relationships and practices with campus and local law enforcement agencies.**

As in past years, SCRR continues to consider and refine our scope of authority and responsibility both on and off campus. Over the past academic year, SCRR worked to fine tune our understanding of the expanded nexus given by President Hutchinson in the 2017-2018 AY. Because of this expanded nexus, SCRR worked closely with the City of Chico Police Department to increase collaborative efforts with specific attention paid to reporting procedures.

**VII. Program Objectives for 2019-2020 Academic Year**

1. Continue to assess practices, procedures, and policies to ensure compliance, consistency, efficacy, and due process.
2. Continue to revise assessment and data collection mechanisms.
3. Implement Know the Code campaign for campus community.
4. Continue to develop and implement restorative justice sanction opportunities in addition to or as an alternative to solely punitive sanctions.
5. In conjunction with FASP and the Academic Senate, finalize revision of Executive Memorandum 05-010, *Student Grievance Procedures*.
6. Develop and implement outreach program for students in the STEM fields related to academic integrity and SCRR's scope and process.
7. Restructure office to create designated assignments for Student Conduct Administrators and Student Assistants to increase efficiency, intentionality, procedural compliance, and legitimacy among campus stakeholders.

\*\*Report prepared by Emily N. Peart, Director, with statistical contributions provided by Claudia Rodriguez

