

Student Conduct, Rights, and Responsibilities Frequently Asked Questions - Conduct

What is the role of Student Conduct, Rights, and Responsibilities?

Student Conduct, Rights, and Responsibilities (SCRR) is the office responsible for ensuring that student rights and responsibilities under Title 5 of the Education Code are upheld. Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process designed to promote safety, good citizenship and, when necessary, impose appropriate consequences.

Does SCRR have off-campus jurisdiction?

In some circumstances, SCRR does have off-campus jurisdiction. Title 5, the Student Conduct Code, includes a policy that states "Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University is within the jurisdiction of this Article regardless of whether it occurs on or off campus". [Title 5, Article 2, Sec. 41301 (d)]

What happens when a Student is referred to Student Conduct, Rights, and Responsibilities?

SCRR reviews and investigates complaints received from students, staff and faculty. Title IX/DHR cases investigated and may be referred for discipline. If there appears to be evidence of a policy violation, SCRR sends the student a "Notice of Conference" letter by email, informing them they have been charged with allegedly violating the university's Student Code of Conduct and requesting they contact SCRR to schedule an appointment. The student charged also receives a copy of Title 5 Standards for Student conduct.

What happens if a student does not respond to the "Notice of Conference" letter or schedule a conference meeting?

According to CSU policy, a formal disciplinary hearing will be scheduled and the matter moves ahead through the formal hearing process with or without the student's participation, and the student charged will be sent a Notice of Hearing by email. The conference meeting is the student's opportunity to be heard and involved in determining the outcome of the conduct case and is an important part of the process.

What happens at the first meeting?

A Student Conduct Coordinator/Administrator explains the student's rights and reviews how the conduct process works. SCRR then shares the information received about the incident including who is accusing the student, date, time, circumstances of the incident, etc. The student has an opportunity to respond and ask any questions they have and/or share anything they feel is important. It is our office's hope that the conference meeting is an opportunity for an open and honest discussion about the incident.

In most cases, the student charged and SCRR are able to agree on a mutually acceptable resolution. The resolution takes into account the seriousness of the charge, the evidence, the student's honesty and/or acknowledgment of their responsibility, any student needs specific to the violation (alcohol/drug treatment, counseling services, academic assistance, restitution, etc.), and/or previous disciplinary incidents. The resolution is

written up in a settlement agreement that both the student and SCRR sign. The settlement agreement outlines the agreed upon conditions and becomes part of the student's confidential educational record. If the student and SCRR are not able to agree on a mutually acceptable resolution, the student has the right to proceed to a formal disciplinary hearing.

What is a formal Hearing?

If a mutually acceptable resolution cannot be reached, formal procedures commence by providing the student with a written Notice of Hearing. The formal hearing process provides a prompt, fair and impartial resolution to the matter. A Hearing Officer appointed by the University President conducts a closed, confidential proceeding. Both the Student and the Student Conduct Administrator may offer evidence and question witnesses. The Hearing Officer may also question witnesses. Student attendance is not mandatory. If a student declines to participate, the Hearing will proceed without the student's presence. (except in Title IX cases)

What happens after the Formal Hearing?

After the hearing, the Hearing Officer submits a written report to the University President or designee within ten (10) working days. This report contains factual findings and conclusions regarding whether or not the conduct constitutes a violation and if so, recommendations regarding the sanction(s) to be imposed. Violations must be proven using a preponderance of the evidence which states that it is more likely than not that the incident transpired in the manner alleged. Any findings, conclusions, or recommendations will be based solely upon evidence presented at the hearing. The President or President's designee then makes a final determination based on this report.

Can someone accompany me to conference meetings and/or Hearings?

An advisor may accompany a student to a disciplinary conference. If a student elects to bring an attorney-advisor, the student must give Student Conduct, Rights, and Responsibilities five (5) working days' notice of the name, phone number, and e-mail address of the attorney-advisor. The role of the attorney advisor and non-attorney advisor in the student disciplinary process are the same.

Can my parents get information about my conduct case?

Students must give written permission to Student Conduct, Rights, and Responsibilities to release any records, or communicate with a student, parent, or guardian. You may visit the Student Conduct, Rights, and Responsibilities office (SSC 190) or online and fill out a "release of information" form. Records and files created through the student disciplinary process are "educational records" and are protected under the Family Educational Rights and Privacy Act (FERPA). However, records can be subpoenaed through the criminal and legal processes.

What standard of proof is used to determine responsibility?

It is the University's burden to show that it is "more likely than not" that a student violated the Student Conduct Code. The University's charge must be sustained by preponderance of the evidence but not "beyond a reasonable doubt."

What are possible Sanctions?

Restitution

- Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

Loss of Financial Aid

- Consistent with California Education Code Section 69810 et seq., scholarships, loans, grants, fellowships, and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, canceled, or denied.

Educational and Remedial Sanctions

- Service to the University or the community, training, counseling, or other remedies intended to discourage a repeat of the misconduct or as deemed appropriate based upon the nature of the violation.

Denial of Access to Campus/Stay away orders

- A designated period of time during which the student is not permitted: (i) on University Property or specified areas of campus. (See California Penal Code section 626.2.); or (ii) to have contact (physical or otherwise) with the Complainant, witnesses or other specified persons.

Disciplinary Probation

- A designated period of time during which the privileges of continuing in student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate any University rule during the probationary period.

Suspension

- Temporary separation of the student from active student status or student status.
- A student who is suspended for less than one year shall be placed on inactive student status but remains eligible to re-enroll at the University (subject to individual campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
- A student who is suspended for one year or more shall be separated from student status but remains eligible to reapply to the University (subject to individual campus application policies) once the suspension has been served. Conditions for readmission may be specified.

Expulsion

- Permanent separation of the student from student status from all twenty-three (23) campuses in the California State University system.

How does SCRR decide on a sanction?

Before deciding on a recommended sanction, the Student Conduct Coordinator/Administrator will consider the purpose of the sanction. It may serve to educate the student regarding the inappropriateness of the conduct; discipline the student for the conduct; attempt to influence the student's future conduct; or remove the student from the University community. When determining the sanction the Student Conduct Coordinator/Administrator will consider whether or not the sanction is reasonably related to the seriousness of the student's conduct, and will also consider the extent of harm to the university community, the circumstances surrounding the misconduct and the likelihood of its recurrence. Finally, the Student Conduct Coordinator/Administrator will consider the consistency of the sanction with other disciplinary cases at the campus.

What if there are parallel criminal or legal proceedings?

Student Conduct Code proceedings are independent from court or other administrative proceedings. Discipline may be imposed on a Student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the Student Conduct Code. The Campus may proceed before, simultaneously with, or after any judicial or other administrative proceedings, except in cases involving Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking). In such cases, the campus shall proceed without delay.

Will I be able to know the outcome of another student's disciplinary case?

According to CSU policies, victims of physical assault, sexual assault or sexual harassment including domestic violence, dating violence, and stalking are required to be informed of the outcome of the conduct matter. Victims of sexual misconduct cases referred by the Title IX Coordinator for discipline are also consulted during the student conduct process about possible resolutions.