



CALIFORNIA STATE UNIVERSITY CHANNEL ISLANDS ADMINISTRATIVE POLICY MANUAL

Student Affairs

Approved By: Richard R. Rush
President

Policy Number: SA.11.002

Effective Date: 11/8/04

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Policy on Student Judicial Process

PURPOSE:

Judicial Affairs programs contribute to the teaching of appropriate individual and group behavior, as well as the protection of the campus community from disruption and harm. The programs are conducted in ways that serve to foster the ethical development and personal integrity of students and the promotion of an environment that is in accord with the overall educational goals of the University community.

BACKGROUND:

Title V California Code of Regulations 41301-41304
Executive Order 628

POLICY:

Accountability:

The Vice President for Student Affairs and Judicial Affairs in the Office of the Dean of Student Life

Applicability:

All registered students at CSUCI

Definition(s):

Adjudicated –To hear, determine, and settle a case by judicial procedure.

Preponderance –Evidence presented which establishes a majority (51%) in favor of one side or the other.

Adverse-witness –A witness for the University testifying against the accused student.

Informal Disposition –Resolution without formal trial-type hearing usually by mutual agreement between the student and the Judicial Officer, including the sanctions to be imposed, if any.

Text:

Where possible, informal procedures are implemented, emphasizing the personal growth and development of the student. Where formal procedures are utilized, the system is designed to provide a prompt, fair, impartial hearing and resolution of the matter. When a complaint is received by Judicial Affairs (the Office of the Dean of Student Life), the Judicial Officer investigates the complaint or allegation. If there is evidence to substantiate the charge, the Judicial Officer will initiate the student disciplinary process. Judicial Affairs notifies the student(s) in writing of the alleged misconduct and directs the student(s) to schedule a meeting with the Judicial Officer.



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At the initial meeting, the student is advised of his/her rights and informed of the evidence supporting the charges. The student is provided with an opportunity to respond and to openly and honestly discuss the incident and possible resolutions of the case. Students involved in criminal violations are subject to remedies through the criminal justice system (e.g. University Police Department and the Ventura County District Attorney's office) as well as Student Disciplinary action. In the event that a resolution cannot be reached through the informal process the Judicial Officer shall proceed to a formal process.

The following rights shall be explained to the accused prior to the commencement of any formal judicial hearing:

- All parties shall be afforded reasonable written notice, at least five (5) working days prior to the hearing. A letter sent to the address listed in the registrar's records shall constitute full and adequate notice. Written notice shall include:
 - A statement of the time, place and nature of the proceeding.
 - A statement of the nature of the case and of the jurisdiction under which it is to be adjudicated.
 - A brief statement of matters asserted. Thereafter, upon request by the accused, a more detailed and definitive statement will be furnished prior to the commencement of any formal hearing.
- An accused student may choose to have an advisor present at the hearings.
- All hearings will be conducted on the basis that the accused is not in violation until the preponderance of evidence proves otherwise.
- All hearings shall be private and closed only to persons directly involved in the matters being adjudicated. The accused may request that a hearing be open to others. The University shall consider such a request in light of the best interests of all persons involved and of the university.
- The accused may inspect any evidence presented in support of the charges. Evidence may be presented in defense of the accused.
- The accused may hear and question adverse witnesses.
- The accused shall not be forced to present self-incriminating evidence; however, the University is not required to postpone disciplinary proceedings pending the outcome of any criminal prosecution.
- The determination of "in violation" or "not in violation" as charged, shall be based solely on the evidence presented at the hearing.



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- The determination from a formal hearing and any sanctions assigned and the Student's Appeal Rights shall be furnished in writing to the accused within five (5) working days following the hearing.
- The enrollment status of the accused shall remain unchanged pending the University's final decision in the matter except in cases where the President or President's designee determines that the safety, health, or general welfare of a student or the University is involved.

The Judicial Officer and/or the Hearing Officer may recommend any disciplinary action listed below with any appropriate modifications as well as any of the penalties listed under informal disposition.

Verbal Disciplinary Warning

A verbal disciplinary warning is an official warning that the student's behavior is in violation of the CSUCI Student Code of Conduct. The verbal warning is the least severe of all the sanctions. If the student is found to be in violation of a second charge, subsequent action may be more severe.

Written Disciplinary Warning

A written disciplinary warning is an official reprimand for violations of specified University policies or campus regulations. The written warning is placed in the student's file for a specified period of time. The warning is then removed if the student does not commit any further violations during the specified time. If the student is found to be in violation of a second charge, subsequent action may be more severe.

Disciplinary Probation

Disciplinary probation status is designed for a specific length of time extending from a month to a number of semesters. Restrictive conditions may be imposed and vary according to the severity of the offense. Restrictive conditions include, but are not limited to, the following: loss of good standing, which may become a matter of record; the loss of eligibility to receive any University award, scholarship, loan, honorary recognition, or initiation into any local or national organizations; denial of the privilege to occupy a position of leadership or responsibility in a University student organization, publication, or activity, and loss of privilege to represent the University in a public capacity.

While under disciplinary probation, the student is given a chance to show the capability and willingness to live in accordance with the University rules. However, if the student is found to be in violation



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through another action while on disciplinary probation, more serious consideration will be given to suspension or expulsion from the University.

Suspension*

A student involved in an offense warranting consideration of action more serious than disciplinary probation, or one involved in repeated misconduct may face suspension. Suspension is the separation of the student from the University for a specified period of time, after which the student is eligible to return, provided that the student has complied with any conditions imposed as part of the suspension. The length of the suspension period shall be definite and may extend from days to a number of semesters. During suspension, a student may not attend class.

Expulsion*

Expulsion is the permanent separation of the student from student status from the University. When an offense is of such severity that the University will not allow the student to re-enroll, the student will be expelled. When a student has been expelled from the University for disciplinary reasons, a full report will be placed in the permanent record of the individual concerned.

* These sanctions may be deferred, i.e., the student may be permitted to remain in school on condition that he/she waives the right to a formal hearing for a subsequent violation. Sanctions may be imposed separately or in combination with other disciplinary action.

Restitution

Reimbursement, either monetary or by service(s) performed to, or misappropriation of University property, or property belonging to campus community members.

Special Assignment

Assignment of costs, labor, duties or other responsibilities, (e.g., apology, research paper, community services etc.), which are appropriate to the violations. Special assignments may be imposed at any level of sanctions.

EXHIBIT(S):

CSUCI Student Guidebook

<http://www.calstate.edu/eo/EO-628.pdf>