

# Student Conduct & Community Responsibility (SCCR)

## Frequently Asked Questions for Families, Advisors and Attorneys

### General Questions

#### **Where can I learn more about student conduct at CI?**

It is recommended that you review the [Student Conduct Code](#) (Title 5, Section 41301 of the California Code of Regulations) and [California State University \(CSU\) Executive Order 1098 – Student Conduct Procedures](#). Additionally, our website provides an overview of the student conduct process.

#### **If my student is in trouble, will I be notified? Can I get details about my student’s conduct records?**

Your student’s educational records are protected by the Family Educational Rights and Privacy Act (FERPA). FERPA is a federal law that guarantees the confidentiality of students’ records, including education records, financial records and disciplinary records. In accordance with regulations contained within FERPA, SCCR will disclose information pertaining to a student’s disciplinary file to designated parties, provided SCCR has written consent from the student.

However, please note there are stipulations within FERPA that may warrant information being shared without your student’s consent. For example if the University is concerned for your student’s health and safety, SCCR may reach out to the student’s listed emergency contact.

If you contact us without your student’s written permission to discuss a pending case, we **cannot** speak with you until we receive a hard copy of your student’s written consent. Students may contact our office at 805-437-3332, in person (BT 2565), or at [studentconduct@csuci.edu](mailto:studentconduct@csuci.edu) to access a FERPA waiver form. On the form your student may designate a parent/guardian, advisor, and/or an attorney to discuss their student conduct case with us. Once we have that form on file we may speak about your student’s conduct case with SCCR.

#### **My student has been involved in an incident on campus, what can I do to help them?**

It is recommended that you support your student during this challenging time. You may serve as an advisor to your student and provide guidance during this challenging period. We hope to partner with you by encouraging your student to continue to go to class as their academics are still a priority. Lastly, encourage your student to utilize on-campus and off-campus resources listed in the resource section of our website.

#### **My student was arrested, charged and is currently going through the legal system and SCCR, isn’t this double jeopardy?**

The Fifth Amendment prohibition against double jeopardy applies only in criminal cases. All students and their guests are expected to follow the rules and policies of the University including those contained within the *Student Conduct Code*. Additionally, violation of local, state or federal laws while enrolled at the University may result in a citation or their arrest. Subsequently, your student may have a pending allegation(s) with the legal system as well as the student conduct system at the University concurrently.

#### **If my student is found in violation of the *Student Conduct Code*, how will this impact their record?**

Information on the CSU’s records retention and disposition schedule may be found at the following [link](#), pages 14-15. The chart below summarizes how the University maintains records:

Sanction	Records Retention
Written Disciplinary Warning (non-Clery Act violation)	Five (5) years or when they graduate (whichever occurs sooner)
Clery Act violation, disciplinary probation, suspension less than one (1) academic year	Seven (7) years
Suspension over one (1) academic year or expulsion	Permanent

While it may seem that a University record may impact a student's success after they graduate or transfer to another institution, the majority of students who are found to be in violation of the *Student Conduct Code* will graduate successfully and go on to graduate/professional school or into a flourishing job/career despite having a record. We do recommend that students are honest with their employer or future graduate/professional school if asked about whether they have a University record, as that may negatively impact them if they are untruthful on their application.

**Is anything noted on my student's transcript regarding their violation?**

If your student has been placed on disciplinary probation or has been suspended for less than one (1) academic year, a notation will be placed temporarily with the start and end time of their sanction. The notation will be removed after that period. A student that is suspended for one (1) (or more) academic year(s) or is expelled will have a permanent notation on their transcript.

**Will this impact my student's financial aid or academic standing?**

Typically sanctions issued by SCCR will not impact a student's financial or academic standing with the University. The only time a student may be impacted financially or academically is if they are issued an interim suspension, suspended or expelled in the middle of the semester. More information pertaining to the disposition of student fees for students that are administratively dismissed mid-semester may be found in [Title 5, Section 41302 of the California Code of Regulations](#).

**My student could not have done this so why are they going through the student conduct process?**

Occasionally, information conveyed to our office through students' statements and police reports does not coincide with information conveyed to parents/guardians. Developmentally, this is a period of exploration, experimentation and testing for students. They may be in a period of transition from late adolescence to adulthood. They may also be away from home and the daily influence of their parents/guardians for the first time. As students are testing the beliefs and values they learned at home, they may sometimes make choices that are inconsistent with these values. Such testing is part of the development process and is normal; however, students must also learn that the choices they make may not be healthy and may have consequences.

*Response retrieved from the [Office of Student Conduct](#) at the University of Missouri.*

**My student has already met with someone in housing related to this incident, why are they meeting with SCCR?**

Housing & Residential Education (HRE) may require a student that lives on-campus to meet with them if there is a violation of the [CI Resident Handbook](#). Students may be held accountable for violating the CI Resident Handbook and may be issued "steps" as well as educational sanctions. Students may accumulate steps throughout the academic year for violating the CI Resident Handbook. Once a student has accumulated five to six "steps," they may be issued a removal at the end of a semester or have their housing license agreement terminated mid-semester. The CI Resident Handbook provides an overview of the six-step system within HRE.

As a result of violating the CI Resident Handbook, some incidents may also violate the *Student Conduct Code*; examples may include use/possession of drugs or alcohol, assault, destruction of property, etc. Therefore, SCCR would also meet with your student to address the code violation and issue University sanctions such as a warning, disciplinary probation, suspension or expulsion based on the severity of the incident.

<b>Student Conduct Code Violations</b>	<b>Housing Violations</b>
<b>Addresses <i>Student Conduct Code</i> violations</b>	Addresses Community Living Standard Violations within the CI Resident Handbook
<b>Sanctions may include written warning, disciplinary probation, suspension, expulsion, and educational activities</b>	Sanctions may include "steps" and educational activities
<b>University record</b>	No University record
<b>Addresses University, housing and off-campus violations of the <i>Student Conduct Code</i></b>	Location specific to Anacapa and Santa Cruz villages, University Glen Town Center, and Pickwick Apartments

## For Advisors and/or Attorneys

### **As an advisor or representing attorney, what are my roles and limitations?**

As previously stated, you may not speak on your student/client's behalf. Your role is to provide advice and guidance to your student/client through the student conduct process. Please be advised that if you do speak on behalf of your student/client, intentionally or unintentionally disrupt a meeting, or fail to abide by the student conduct administrator/Hearing Officer's directives you may be asked to leave the meeting, conference or hearing.

### **Why can't I speak on behalf of my student?**

In accordance with CSU Executive Order 1098, Article II, Section C, advisors are permitted to accompany students to any meeting, conference or hearing while they are going through the student conduct process. As this is an educational process not comparable to a criminal trial, it is important that the student participate fully by advocating for themselves and sharing their narrative with the student conduct administrator and Hearing Officer (if applicable). As an advisor, you may advise and provide guidance to your student throughout any student conduct meeting initiated by SCCR, you simply may not speak on their behalf.

### **I would like to serve as a witness and an advisor for my student. Is that possible?**

Our process does not permit students to have a witness that also serves as their advisor. We recommend choosing the role that will best support your student and their respective case.

### **Are attorneys allowed to be present?**

In accordance with CSU Executive Order 1098, Article II, Section D, attorneys are only permitted to be present in a conference or a hearing if the recommended sanction for the student is expulsion or if there are pending felony charges arising out of the same facts that are subject to the University's disciplinary proceedings. For cases involving discrimination, harassment, retaliation or any Title IX violation (sexual misconduct, dating/domestic violence or stalking), attorneys are permitted to serve as a student's advisor.

### **My student would like to have two advisors present at their hearing, is that possible?**

In accordance with CSU Executive Order 1098, students are only permitted one advisor through the student conduct process. The student will have to decide who they would like to accompany them in their meetings with SCCR.

### **How does this compare to the legal system?**

While some terms may be utilized in the student conduct system that are also used in the legal system such as witness, evidence or hearing, the student conduct process is not comparable to the legal system. SCCR's philosophy is that student conduct is educational in nature and its role is to address incidents that may violate University rules or policies. SCCR strives to create developmental and educational interventions for students while still holding them accountable to their actions while attending the University. The chart below provides a comparison of the legal system versus the University's student conduct process.

<b>Legal System</b>	<b>Student Conduct System</b>
<b>Prosecutes individuals that violate the law</b>	Disciplines students that violate the University's rules and policies
<b>The evidentiary standard used is a higher standard of proof, it utilizes "beyond reasonable doubt" as the standard of evidence.</b>	The evidentiary standard used is a lower standard of proof, it utilizes "preponderance of the evidence" or "more likely than not" as the standard of evidence.
<b>Allows attorneys to speak on behalf of clients</b>	Students are responsible for speaking on their own behalf.
<b>Can imprison people</b>	Highest sanction applied is expulsion from the University
<b>Punishment</b>	Sanctions
<b>Guilty or not guilty</b>	Responsible or not responsible
<b>Formal rules of evidence used</b>	Formal rules of evidence are not applicable. Hearsay may be admissible; however, decisions will not solely be based on hearsay.

*Chart retrieved from [Student Conduct and Education Administration](#) at the Oklahoma State University.*