

CSCU STUDENT CONDUCT PROCESS/PROCEDURES

The following procedures shall be followed in addressing allegations of *Student Code* violations. These procedures do not apply to allegations relating to academic misconduct or violation of the *Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy*. Allegations of conduct that could constitute a violation of the *Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy*, and the *Student Code* will be administered according to the *Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy* and applicable procedures.

A. STANDARD OF PROOF

The student conduct process utilizes a “preponderance of evidence” standard of proof, which evaluates whether it is more likely than not that a violation occurred.

B. ACCOMMODATIONS IN THE CONDUCT PROCESS

CSCU is committed to creating a learning environment and academic community that promotes educational opportunities for all individuals, including those with disabilities. It is the responsibility of students with documented disabilities seeking accommodation to notify their appropriate campus accessibility/disability services office in a timely manner concerning the need for such accommodation. CSCU will make reasonable accommodations for access to programs, services, and facilities as outlined by applicable state and federal laws.

A student requesting an accommodation related to an administrative conference or hearing must follow the appropriate process for requesting an accommodation through the appropriate campus accessibility/disability services office. The office designated to work with students with disabilities will make a determination regarding the request and notify the appropriate parties.

C. PROVIDING INFORMATION LEADING TO A COMPLAINT

Any person may provide information leading to the filing of a complaint against a student or a student organization alleging a violation of the *Student Code*. A complaint must be made in writing either by a person submitting the report or by a CSCU Official and submitted to the Senior Student Conduct Officer or their designee.

D. INVESTIGATION

1. The Senior Student Conduct Officer, or their designee, shall conduct a fair and impartial investigation to evaluate the reported allegations and determine if a complaint constitutes a potential violation of the *Student Code*. The Senior Student Conduct Officer, or their designee, will make reasonable efforts to interview witnesses and obtain supporting documentation regarding the incident from relevant entities or sources.

2. If upon the conclusion of the investigation the Senior Student Conduct Officer or their designee determines there is insufficient reason to believe the Respondent has committed a violation of any part of the Student Code, the Senior Student Conduct Officer or their designee shall dismiss the matter. The decision to continue a matter through the conduct process is the decision of the Senior Student Conduct Officer, or designee.
3. If upon the conclusion of the investigation, the Senior Student Conduct Officer or their designee believes there is sufficient evidence that suggests a possible violation of any part of the Student Code, they shall provide written notice to the Respondent and refer the charges to an administrative conference. Said statement shall contain (a) a concise statement of the facts on which the charge is based; (b) a citation of the Prohibited Conduct alleged to have been violated; (c) a statement of the maximum possible sanction; and (d) the time and place of an administrative conference. The Respondent will be notified by the assigned CSCU email account and by any other reasonable means, if necessary.

E. ADMINISTRATIVE CONFERENCE

1. If the Student Conduct Officer determines a sanction of less than revocation of admission or enrollment, residence hall suspension; suspension; residence hall expulsion; expulsion from the college or university, or student organization loss of recognition, the Senior Student Conduct Officer or designee shall schedule an administrative conference with the Respondent to discuss the alleged policy violation and possible sanctions. The Senior Student Conduct Officer or designee shall provide the Respondent a written notice of the conference stating the date, time, and location of the conference as well as a brief statement of the allegations and the section of the Code alleged to have been violated. At the administrative conference the Respondent shall have the opportunity to present information for the Student Conduct Officer's consideration. At the conclusion of the administrative conference, the Student Conduct Officer shall determine whether it is more likely than not that the student has violated the Student Code and, if so, impose a sanction less than revocation of admission or enrollment, residence hall suspension; suspension; residence hall expulsion; expulsion from the college or university, or student organization loss of recognition. The Student Conduct Officer shall provide the Respondent with a written determination of the outcome of the conference as well as further rights of appeal, as set forth in Section G.
2. If the Senior Student Conduct Officer or designee determines that a sanction may involve revocation of admission or enrollment, residence hall suspension; suspension; residence hall expulsion; expulsion from the college or university, or student organization loss of recognition, and the Senior Student Conduct Officer or their designee believes an Administrative Agreement is appropriate, the Senior Student Conduct Officer, or designee, shall schedule an administrative conference with the Respondent to explore resolution of the case through an Administrative Agreement. The Senior Student Conduct Officer or designee shall provide the Respondent a written notice of the conference stating the date, time, and location of the conference as well as a brief statement of the allegations and the section of the Code alleged to have been violated. If the case is resolved through an

Administrative Agreement by mutual consent of the Respondent and the Senior Student Conduct Officer or their designee, the Administrative Agreement shall be final and there shall be no subsequent proceedings. If the Respondent does not agree to a resolution by an Administrative Agreement, the Senior Student Conduct Officer or their designee shall schedule a hearing by a Hearing Body, as set forth in Part II.F., below.

F. HEARING PROCEDURES

1. Prior to a hearing, the Senior Student Conduct Officer or their designee will issue written notice of hearing to the Respondent. The notice shall include: (a) a concise statement of the facts on which the charge is based; (b) a citation of the Prohibited Conduct alleged to have been violated; (c) a statement of the maximum possible sanction; (d) the date, time and location of the hearing; and (e) the names of the impartial hearing body members. A hearing will generally be conducted within fifteen (15) business days of the Respondent being notified of the charges, but not less than three (3) business days from the date of notice.
2. A Respondent accused of misconduct that may lead to a sanction involving revocation of admission or enrollment, residence hall suspension; suspension; residence hall expulsion; expulsion from the CSCU, or student organization loss of recognition has the right to be heard by an impartial Hearing Body. "Impartial" shall mean that each individual Hearing Body member was not party to the incident(s) under consideration and have no personal interest in the outcome of the proceedings. Prior to the commencement of the hearing, any concern surrounding the impartiality of the Hearing Body or any member thereof will be referred to the Senior Student Affairs Officer or their designee, who will review the matter and make a determination. The Senior Student Affairs Officer, or designee, shall designate a Presiding Hearing Officer, who shall be responsible for facilitating and conducting the impartial hearing process.
3. The Respondent, the Complainant and/or any alleged victim may request a delay of the hearing due to extenuating circumstances. Any decision to postpone the hearing shall be made by the Presiding Hearing Officer, who may consult with the Hearing Body or Senior Student Conduct Officer or their designee as appropriate. All procedural questions regarding the hearing process are subject to the final decision of the Presiding Hearing Officer.
4. The Presiding Hearing Officer may modify procedures after taking into consideration any reasonable accommodations, required supports, or privacy needs of the parties and/or potential hearing participants. This may include but not be limited to, alteration of hearing room set-up, use of multiple rooms, video conferencing, other electronic means, or other accommodations.
5. **Advisors:** The Complainant, any alleged victim, and the Respondent shall each have the right to be accompanied by an Advisor. The Advisor should be

someone whose schedule allows attendance at the scheduled date and time for the disciplinary hearing because delays will not normally be allowed due to the scheduling conflicts of an Advisor. The Advisor may not directly address the Hearing Body, Student Conduct Officer or the Presiding Hearing Officer, witnesses or other active participants in the student conduct process.

6. **Hearing:** Hearings shall be closed, but the Hearing Body may, in its discretion, admit any person into the hearing room. All participants in the hearing are expected to be respectful of each other's purpose in the hearing process and to conduct themselves according to the direction of the Hearing Body. The Presiding Hearing Officer shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.
7. The Respondent, the Complainant and any alleged victim shall have the right to be present at all stages of the hearing process except during the private deliberations of the Hearing Body and the presentation of sanctions. In hearings involving more than one Respondent, the Hearing Body may determine that, in the interest of fairness, separate hearings should be conducted.
8. **Record of Hearing:** The CSCU shall make an audio, video, or written recording of the hearing. The recording shall be the property of the CSCU. No other recordings shall be made by any person during the hearing. Upon request, the Respondent may review the recording in a designated CSCU office in order to prepare for an appeal of the decision rendered by the Hearing Body. Further disclosure of the recording shall be governed by applicable state and federal law.
9. **Opportunity to Present a Defense:** The Respondent shall have the full opportunity to present a defense and information, including the testimony of witnesses, on their behalf. The Hearing Body and/or Senior Student Conduct Officer or their designee and the Respondent may question the statements of any person who testifies in a manner deemed appropriate by the Presiding Hearing Officer. The Complainant or Senior Student Conduct Officer or their designee and the Respondent may make concluding statements regarding the charges made and the information presented during the hearing. The Hearing Body may question the Respondent and the Complainant, any witness presented by the Respondent or the Senior Student Conduct Officer or their designee, and any other witness(es) the Hearing Body may choose to call to testify.
10. **Respondent Can Choose Whether or Not to Testify in Their Own Defense:** The Respondent who is present at the hearing shall be advised by the Hearing Body that they are not required to present any information, to answer questions, or to make any statement regarding the complaint or the

allegations set forth in the complaint. Refusal to do so shall not be considered by the Hearing Body to constitute evidence of responsibility.

11. **Non-Appearence of Respondent at the Hearing:** If a Respondent does not appear at the hearing, the Hearing Body shall enter a plea of “not responsible” on behalf of such student and the hearing shall proceed in the normal manner of hearing evidence, weighing facts, and rendering judgment. The failure of a Respondent to appear at the hearing shall not be considered by the Hearing Body to constitute evidence of responsibility.
12. **Presentation of Evidence:** Hearings shall not be bound by formal rules of evidence; however, all evidence must be relevant and reliability will impact the weight evidence is given by the Hearing Body. Hearsay shall not be used as the sole evidence to establish any fact necessary to establish responsibility or innocence in a case. The Senior Student Conduct Officer or their designee and/or the Complainant and the Respondent are responsible for presenting their respective witnesses, relevant information, and making any concluding statements regarding the allegations. Only evidence introduced at the hearing may be considered by the Hearing Body in determining whether it is more likely than not that the alleged violation was committed by the Respondent.
13. **Evidence of Prior Conduct Actions:** A Respondent’s previous disciplinary record shall not be used to establish responsibility in a current case; however, evidence of prior CSCU conduct actions may be presented to the Hearing Body only after a determination of responsibility has been made and only for consideration in connection with determining the appropriate imposition of sanction(s). The Hearing Body may review the Respondent’s academic transcript and disciplinary record, and such review shall be conducted in a private deliberation among the Hearing Body members.
14. **Accommodation of Witnesses:** The Hearing Body may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, the Respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Hearing Body to be appropriate.
15. **Written Notice of Decision:** The Respondent shall receive written notice via their assigned CSCU email account and by any other reasonable means, if necessary, of the decision of the Hearing Body. Notice shall set forth the decision rendered, including a finding of “responsible” or “not responsible,” and the sanctions imposed, if any. The decision of the Hearing Body, as well as the sanction(s) imposed, if any, generally will not be released to third parties without the prior written consent of the Respondent. However, certain

information may be released if and to the extent authorized by state or federal law.

G. APPEAL

1. **Requests for an Appeal of a Decision:** A Respondent may appeal the Hearing Body decision or an outcome of an Administrative Conference where an Administrative Agreement was reached. An appeal request must be made in writing to the Senior Student Affairs Officer or their designee within three (3) business days of the Respondent's receipt of the written notice of decision. For good cause shown, the Senior Student Affairs Officer or their designee may extend the three (3) business day limitation on filing a request for an appeal. A Respondent may request only one appeal of each decision rendered.
2. **Grounds for an Appeal:** The Respondent has the right to appeal the decision of the Hearing Body on the grounds that: (i) the procedures set forth in this *Student Code* were not followed and, as a result, the decision was substantially affected; (ii) new information, sufficient to alter the decision, or other relevant facts were not brought out in the original hearing because such information and/or facts were not known to the Respondent at the time of the original hearing, or (iii) the sanction(s) imposed were not appropriate for the violation of the *Code* for which the Respondent was found responsible; The appeal shall be limited to a review of the record except as required to explain the basis of new information.
3. **Appeal Procedures:** To prepare for the appeal, the Respondent may review the recording of the original hearing in a designated CSCU office but will not be permitted to remove the recording from that office or make copies. The Senior Student Affairs Officer or their designee shall consider the appeal request and render a decision within ten (10) business days of the filing of the appeal.
 - a. If an appeal relating to ground (i) set forth in PART II.G.3, above, (i.e., procedural irregularity) is granted, the Senior Student Affairs Officer, or designee, shall refer the matter to a new hearing before a new hearing body.
 - b. If an appeal relating to ground (ii) set forth in PART II.G.3, above, (i.e., new information) is granted, the Senior Student Affairs Officer, or designee, shall refer the matter to the original hearing body to reopen the determination so they may consider the new information.
 - c. If an appeal relating to ground (iii) set forth in PART II.G.3, above, (i.e., sanction not appropriate) is granted, the Senior Student Affairs Officer, or designee, may lessen the sanction imposed.
 - d. If an appeal is not granted, the matter shall be considered final and binding upon all involved.

4. **Status of Student Pending Appeal:** All sanctions imposed by the Hearing Body shall be and continue in effect pending the outcome of an appeal. Any request to delay the commencement of sanctions pending an appeal must be made by the Respondent, in writing, to the Senior Student Affairs Officer or their designee at the time of submitting the appeal, within three (3) business days of the Respondent's receipt of the written notice of decision.

H. SANCTIONS

Sanctions which may be imposed for violations of the *Student Code* are listed below. In determining appropriate sanctions, the Hearing Body may take into consideration any and all prior violations of the *Student Code* for which the Respondent was determined to be responsible. The Hearing Body shall have the authority to defer the imposition of any sanction when deemed appropriate. The CSCU may withhold awarding a degree until the completion of the process set forth in this *Student Code*, including the completion of all sanctions imposed, if any.

The following sanctions may be imposed, individually or in various combinations, on any Respondent found to have violated the *Student Code* and will be entered into the Respondent's disciplinary records. Notation of disciplinary sanctions shall be on file only in the appropriate office in Student Affairs and shall not be released without the written consent of the Respondent except to appropriate CSCU enforcement personnel, College or University Police, staff and administrators, or as permitted by law.

1. **Warning:** A disciplinary warning is a written notice to a Respondent advising that the specific behavior or activity constitutes a violation of the *Student Code* and that the substantiated repetition of such behavior will likely result in the commencement of more serious disciplinary action by the issuing CSCU institution.
2. **Fine:** A sanction involving the imposition of a specified dollar amount due and payable by a specified date.
3. **Probation:** Disciplinary probation is a designated period during which a Respondent is given the opportunity to modify unacceptable behavior and/or to complete specific assignments to regain full student privileges within issuing CSCU institution's community. Disciplinary probation may involve the imposition of certain restrictions and/or conditions upon the Respondent including, but not limited to, financial restitution, community service, fines, participation in educational programs, parental notification under limited circumstances, and ineligibility to participate in the issuing CSCU institution's activities or events. Periodic contact with a designated member of the CSCU community or non-college professional may be required. If the Respondent fully complies with the terms and conditions imposed in connection with the disciplinary probation, full student privileges will be restored to the Respondent upon termination of the probationary period. Failure to comply with the terms and conditions of the disciplinary probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A Respondent shall be given due notice of the alleged violation of the disciplinary probation and the procedures set forth in this *Student Code* shall be followed.
4. **Loss of Privileges:** Denial of specified privileges for a designated period.
5. **Restitution:** Compensation required of Respondent(s) in the theft, misuse, damage or destruction of institutional, group or private property. The amount of restitution is dependent on the extent of damage as well as what is determined to be the most appropriate way for Respondent(s) to make

amends for the damage caused. The amount, form, and method of payment for restitution may be decided by a Senior Student Conduct Officer or their designee or a Hearing Body, as appropriate.

6. **Discretionary Sanctions:** Work assignments, essays, service to the CSCU, or other related discretionary assignments, participation in educational programs, parental notification under limited circumstances, and ineligibility to participate in issuing CSCU institution's activities or events. Periodic contact with a designated member of the CSCU community or non-CSCU professional may be required.
7. **Residence Hall Warning:** A written notice to a Respondent advising that specific behavior or activity constitutes a violation of the *Student Code* and that the substantiated repetition of such behavior will likely result in the commencement of more serious disciplinary action by the issuing CSCU institution.
1. **Residence Hall Probation:** A designated period during which a Respondent is given the opportunity to modify unacceptable behavior and/or to complete specific assignments in an effort to regain full student privileges within the residence hall in which the Respondent resides. Residence Hall Probation may include restrictions and/or conditions on the exercise of residence hall activities and privileges. Periodic contact with a designated member of the residence hall staff or professional may be required. If the Respondent fully complies with the terms and conditions imposed in connection with the residence hall probation, full residence hall privileges will be restored to the Respondent upon termination of the probationary period. Failure to comply with the terms and conditions of the Residence Hall Probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A Respondent shall be given due notice of the alleged Residence Hall Probation violation and the procedures set forth in this *Code* shall be followed.
2. **Residence Hall Suspension:** A Residence Hall Suspension is a separation of the Respondent from the residence halls for a definite period, after which the Respondent is eligible to return. Conditions for readmission may be specified by the Hearing Body.
3. **Residence Hall Expulsion:** Permanent separation of the Respondent from the residence halls.
4. **Suspension:** Suspension is separation for a designated period after which the Respondent shall be eligible to apply for readmission to the issuing CSCU institution. Readmission to the issuing CSCU institution is not guaranteed. Conditions for consideration of readmission may be specified by the Hearing Body. A Respondent, who is on suspension, is prohibited from participating in any activity or program at the issuing institution. The individual may not be in or on any property owned or leased by the issuing CSCU institution without securing prior approval from the Senior Student Conduct Officer or their designee. Suspension shall be effective on the date that the suspension notice is provided to the Respondent, or later, if so stated in the notice, and shall prescribe the date and conditions upon which the Respondent may petition for readmission to the issuing CSCU institution.
5. **Expulsion:** Expulsion is permanent disciplinary separation from the issuing CSCU institution and the denial of all student privileges. Expulsion shall be effective on the date that notice of expulsion is provided to the Respondent, or later, if stated in the notice. A Respondent separated by expulsion may not be in or on any property owned or leased by the issuing CSCU institution without securing prior approval from the Senior Student Conduct Officer or their designee.
6. **Revocation of Admission or Enrollment:** Upon the recommendation of the Hearing Body, admission to the University may be revoked by a College or University. Upon the recommendation of the Hearing Body, a degree conferred by the College or University may be revoked by the University with the approval of the BOR.
7. **Consequences of Failure to Comply with a Duly Assigned Sanction:** Failure to comply with sanctions which have been assigned through a formal conduct process may lead to one or more of the following consequences:

- a. **Denial of access to certain CSCU services**, including, but not limited to housing and parking;
- b. **Denial of access to administrative processes**, including, but not limited to, course add/drop, pre-registration, registration, and room selection; and/or
- c. **Withholding of the privilege of participation in CSCU sponsored activities and/or public ceremonies**, or formal disciplinary charges under this Code.

Sanctions Which May Be Imposed on Student Organizations

1. **Sanctions:** Those sanctions listed as available for individuals found in violation of the Code.
2. **Loss of recognition:** Loss of recognition for a specified period results in the loss of privileges, such as the use of CSCU space, access to student activity fee funding, and/or the privilege of functioning as a student organization. Conditions for future recognition may be imposed by the Hearing Body.

Aggravated Violations: If a student is in violation of the *Student Code* and the prohibited conduct was directed toward an individual or group due to race, ethnicity, ancestry, national origin, religion, gender, sexual orientation, gender identity or expression, age, physical or mental disabilities, including learning disabilities, intellectual development disorders, and past/present history of a mental disorder, the Student Conduct officer or Hearing Body may consider such conduct as an aggravating factor when determining the sanctions.