

## Center for Student Rights and Responsibilities



## What Faculty Members need to know about... Student Conduct Procedures



Division of Student Affairs

Student Services West, 1604  
(619) 594-3069  
<http://csrr.sdsu.edu>



### Jurisdiction of Judicial Procedures

The Center for Student Rights and Responsibilities acts on behalf of the university president regarding all aspects of student discipline. The office receives reports of alleged student misconduct relative to Title V, Section 41301 of the California Code of Regulations, and investigates to determine whether university disciplinary action is to be pursued. Campus related violations include both academic and non-academic misconduct which may occur on, or in some cases, off the university campus, at university-related activities, and online sites.

The most frequent referrals received from faculty members have to do with Academic Dishonesty or Classroom Disruption.

#### ACADEMIC DISHONESTY INCLUDES:

- ◉ Cheating that is intended to gain unfair academic advantage.
- ◉ Plagiarism that is intended to gain unfair academic advantage.
- ◉ Other forms of academic dishonesty that are intended to gain unfair academic advantage.
- ◉ Furnishing false information to a university official, faculty member, or campus office.
- ◉ Forgery, alteration, or misuse of a university document, key, or identification instrument.
- ◉ Misrepresenting oneself to be an authorized agent of the university or one of its auxiliaries.
- ◉ Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.
- ◉ Misuse of computer facilities or resources.
- ◉ Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

#### CLASSROOM DISRUPTION INCLUDES:

- ◉ Willful, material and substantial disruption or obstruction of a university-related activity, or any on-campus activity.
- ◉ Participating in an activity that substantially and materially disrupts the normal operations of the university, or infringes on the rights of members of the university community.
- ◉ Failure to comply with directions of, or interference with, any university official or any public safety officer while acting in the performance of his/her duties.

The university judicial process is designed to be educational rather than adversarial. This process is designed to help students make wise choices, reflect on the consequences of their actions, and express personal accountability now and in their future. Therefore, when a student is found responsible for a violation of the Student Code of Conduct, he/she will receive a disciplinary sanction and an educational stipulation to help him/her learn from their experiences.

### Disciplinary Sanctions and Educational Stipulations

#### DISCIPLINARY SANCTIONS MAY INCLUDE:

- ◉ Warning
- ◉ Probation
- ◉ Suspension
- ◉ Expulsion

#### EDUCATIONAL STIPULATIONS MAY INCLUDE:

- ◉ Completion of the Multi-Integrity Teaching Tool, to learn more about academic integrity
- ◉ Counseling Interventions
- ◉ Research Papers
- ◉ Alcohol and Other Drug Programs
- ◉ Reflection Essays
- ◉ Community Service
- ◉ Restitution

## The Judicial Process

A faculty referral is required for all cases of academic dishonesty, and should also be made for classroom behavior that is willful, substantial, and disruptive.

The faculty member notifies the Center for Student Rights and Responsibilities of a possible violation of the Student Code of Conduct by submitting a Referral Form, found on the Web site.

In cases of academic dishonesty, the faculty member makes an independent assessment and may alter the student's grade for the course or assignment, regardless of the Judicial Officer's decision.

In urgent situations of serious disruption, the Judicial Officer may direct the student not to return to class until the student meets with the Judicial Officer. If a faculty member asks a student to leave a class session more than once, a written referral should be made.

Once named in an incident, the student is sent a formal letter called a Notice to Appear, with specific charges from the Student Code of Conduct; and the information for their required meeting with a judicial officer.

The informal judicial conference is a meeting between the student and a judicial officer, intended to be an open dialogue. The judicial officer will review the process with the student. The student informs the judicial officer about their involvement in the incident and asks questions about the incident and process.

After the informal judicial conference and the conclusion of the investigation, the judicial officer will send the student the decision; either being found responsible or not responsible for violating the Student Code of Conduct. If found responsible, the student will receive a letter of explanation and a settlement agreement. The settlement agree-

ment explains any disciplinary sanctions and educational stipulations given to the student.

The student may accept the settlement agreement and it's terms by signing it and returning it to the judicial officer. Or, the student may request a formal judicial hearing if the student does not believe he/she is responsible for the policy violation(s) or if he/she does not believe the sanction and stipulations are appropriate.

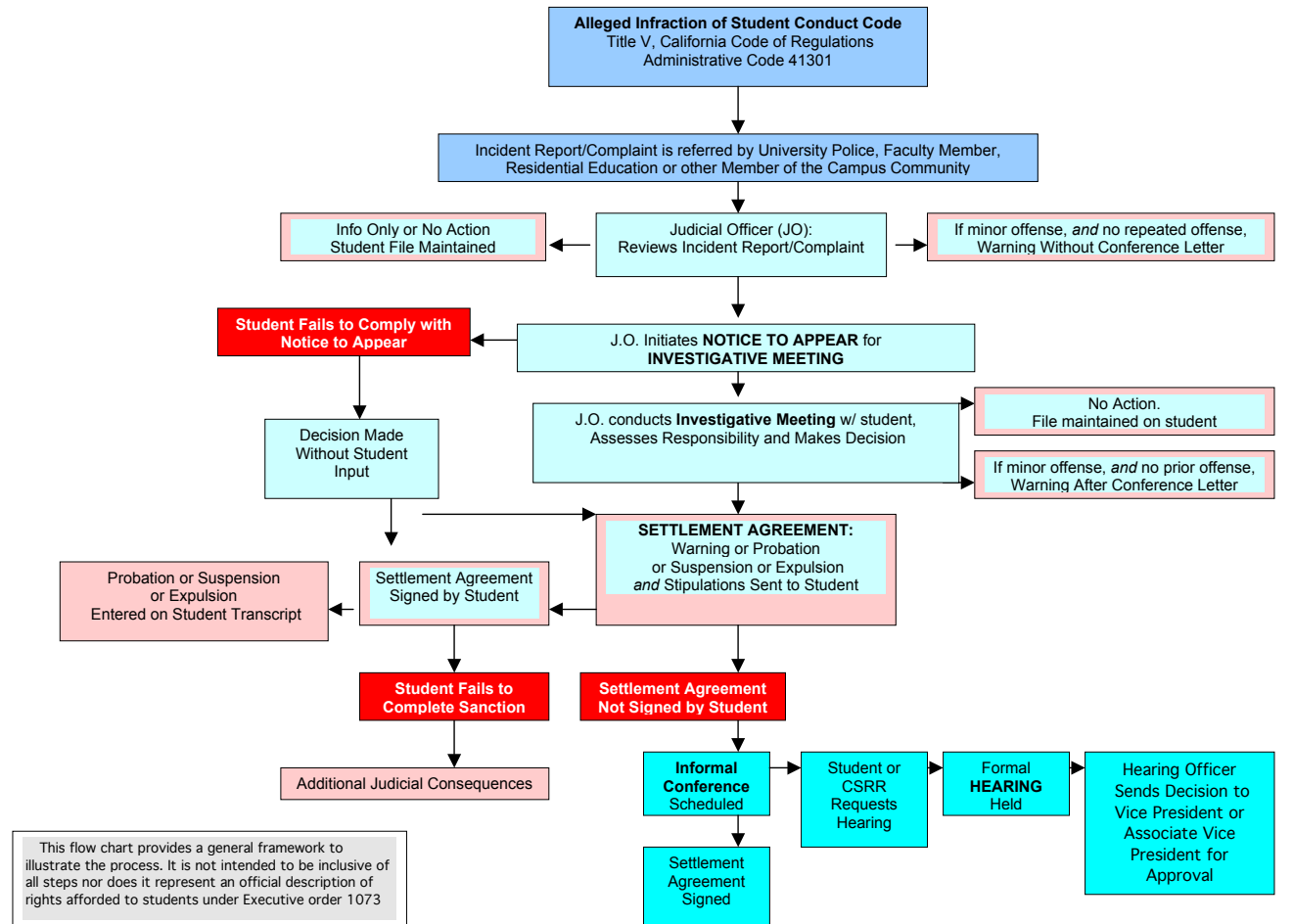
Following receipt of the request for a formal judicial hearing, the CSRR will contact a Hearing Officer, and contact the student to explain the formal judicial hearing procedures. The student will be sent a notice of hearing.

Involved faculty members and students may be asked to serve as witnesses at the formal hearing. Attorneys may not be present unless the student faces criminal charges or possible expulsion arising from the incident. The Hearing Officer makes a recommendation to the President or his/her designee, who reviews the findings, and issues a decision. The President's decision is final.

### Where can I find more information about the judicial process?

You can find additional information on the Center for Student Rights and Responsibilities, including the entire Student Code of Conduct, which applies to all CSU campuses, at <http://csrr.sdsu.edu>

## Judicial Procedure Flow Chart



## Frequently Asked Questions

### **What happens if I have an annoying student who is often late, eats in class, and interrupts while trying to keep up with note taking?**

This student has probably not violated the Student Code of Conduct, but would likely benefit from some 1:1 time with you to remind him of the importance of classroom manners, professionalism, and other expectations. He may also benefit from a referral to address his note taking skills. Classroom expectations should be addressed clearly in your syllabus and reviewed at the first class session.

### **My student argues with me in class about grades on assignments and blurts out negative comments. Should I refer her for judicial action? May I drop her from my class?**

You may not drop her. Keep a dated log of the student's behavior and your efforts to resolve the matter. You should meet with the student promptly, possibly with your chair or another colleague present, and clearly state your expectations regarding her behavior. If the behavior continues, you have the authority to direct the student to leave for the remainder of the class meeting and refer the matter to CSRR. If the judicial officer finds the behavior to be willful, disruptive and substantial, he/she may be able to facilitate a transfer to another section or withdrawal from the class as part of a settlement agreement. Always communicate your concerns to your department chair.

### **My student may be in crisis. He seems very emotional, pounds on the desk, shouts, seems to be talking to himself, and pushes a concerned student out of his way. Is it appropriate to refer him for judicial action?**

Yes. But first make a determination if this is a University Police matter. Consider your personal safety and that of your students. The police should always be contacted if a student appears to have lost control and is clearly disruptive. The goal is to connect him to supportive services. Counseling and Psychological Services is one resource. Judicial action will follow if appropriate.

### **My student seems eccentric in her mannerisms and communication with others. Should I be concerned?**

This may warrant a consultation conversation with Student Disability Services or Counseling and Psychological Services. Some students are dealing with mental illness or learning disabilities that may affect the manner in which they relate in the educational environment. Your consultation may help in providing a positive learning environment or information on whether a referral to services is recommended.

### **I prefer to ignore problematic behavior to reduce it. I feel that if my chair knows I have classroom management issues, it may affect my tenure process. Why should I make it worse by reporting it?**

Concern for students' welfare is the mark of a truly

professional educator. Peers and department chairs can be a powerful source of support and suggestions. Ignoring problematic behavior does not usually eliminate it. SDSU is committed to taking action early before problems become severe.

### **Will the Judicial Officer tell me everything they learn about the student?**

The Judicial Officer will communicate facts on a need to know basis consistent with students' FERPA rights. That may not include everything, but will hopefully help in restoring the learning environment.

### **How do judicial officers make their decisions?**

Decisions are made based on the preponderance of evidence standard. Based on the information received, the evidence must be at least 51% convincing that a policy was violated. The judicial officer must believe that it was more likely than not that a policy violation occurred.

### **What can I do as a faculty member to reduce Academic Dishonesty?**

Maintain and communicate high expectations for your students. Show your commitment to their success as educated and ethical human beings. For exams, you may collect and redistribute empty blue books. You may use multiple versions of a test by varying question order. You may randomize or assign exam seating. You may disallow texting during exams, count quizzes and exams for each row, and monitor your classroom. Watch for cheat sheets, notes on the labels of water bottles, on soles of shoes or foot bed of sandals, and on clothing. Check tables for answers written in advance on the furniture. Be clear about your expectations on collaboration. Provide examples of plagiarism in your syllabus. Honest students will not be offended by your efforts; you are protecting the value of their SDSU degree.

### **I prefer to take my own action regarding academic dishonesty. Why should I report it?**

You should continue to address it through grades or other class sanctions. But the chancellor has mandated by Executive Order 1006 and Executive Order 1073 that all incidents be referred for judicial review. This will enable us to know if a student is cheating in multiple courses and will enable the university to assess students' knowledge about academic dishonesty and the true extent of it, in order to plan training and services.

### **How do I refer a student to CSRR?**

A Discipline Referral Form and Academic Dishonesty Incident Report can be found on the CSRR Web site under Complaint Procedures. The information should be explicit, behaviorally descriptive, dated, and detailed. It may include logs of behavior, course materials, statements, and any other evidence. The form must be filled out online and submitted. Please hand deliver or send supporting documentation to the *Center for Student Rights and Responsibilities at SSW 1604 or MC-7443.*