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Dear CSUB Students,

California State University, Bakersfield (CSUB) is committed to offering excellent undergraduate and graduate programs that advance the intellectual and personal development of our students. An emphasis on student learning is enhanced by a commitment to scholarship, diversity, service, global awareness and life-long learning.

Each member of the campus community must choose behaviors that positively contribute to learning both inside and outside the classroom. Student behavior that is not consistent with the CSUB Student Code of Conduct is addressed through the student conduct process. The student conduct process is an educational opportunity designed to promote personal awareness, campus safety, and responsible decision-making among students that reflects well upon their university and positively contributes to University life. The Office of the Dean of Student Life is responsible for administering the CSUB Student Code of Conduct, CSUB policies, and Student Conduct procedures.

The Student Conduct Manual provides information pertaining to CSUB policies, student rights and responsibilities, and student conduct procedures. The Student Conduct staff is available to support students’ educational aspirations that will enhance their quality of life, both personally and professionally. Please contact us if we can provide additional information or support to you.
I. DEFINITIONS

A. CSUB Student Code of Conduct
   Refers to the collective University policies for which students are responsible, including
   Section 41301 of Title 5 of the California Code of Regulations.

B. Student Conduct Administrator
   Refers to the CSUB Dean of Student Life and/or Student Conduct Coordinator(s).

C. Working Day
   Refers to any day of the academic year, summer session or special session (other than a
   Saturday, Sunday, or academic holiday) as defined in Section 42800 of Title 5 of the
   California Code of Regulations.

D. Hearing Officer
   Refers to University personnel appointed by the CSUB President to conduct a Student
   Conduct Hearing to determine whether a student has violated the Student Code of
   Conduct and, if so, recommend sanctions.

II. CSUB STUDENT CODE of CONDUCT and UNIVERSITY POLICIES

A. CSUB Student Code of Conduct (Title 5, Section 41301, California Code of Regulations)

B. Principles of Academic Freedom

C. Sexual Harassment Policy

D. University Alcohol Policy

E. University Illicit Drugs Policy

F. Campus Policy on Disruptive and Violent Behavior

G. Service Animal Policy

H. Computer and Network Use Policy

III. ADMINISTRATION of the STUDENT CODE of CONDUCT

A. Delegation of Authority
   On August 3, 2009, the California State University (Office of the Chancellor) replaced
   Executive Order 970 with Executive Order 1043. The Executive Order 1043 governs
   student conduct procedures at each of the 23 campuses in the California State University
   system (http://www.calstate.edu/eo/EQ-1043.pdf). These procedures are established
   pursuant to Title 5, Section 413101, California Code of Regulations (upon which the CSUB
   Student Code of Conduct is based). EO 1043 is designed to afford students due process,
   as well as provides guidance to CSU campuses in addressing issues of student
   misconduct and discipline. Authority for student discipline at CSUB is delegated from the
President to the Vice President for Student Affairs and, particularly, the Dean of Student Life. Working under the direction of the Dean of Student Life, the CSUB Student Conduct Coordinator has the authority to conduct disciplinary conferences and apply disciplinary sanctions after conferring with the Dean of Student Life.

B. Office of the Dean of Student Life

Student Conduct Policies and Procedures are overseen by the Office of the Dean of Student Life. The office administers the campus disciplinary system by enforcing the CSUB Student Code of Conduct (Title 5, Section 41301, California Code of Regulations) and CSUB Student Conduct Procedures (Executive Order 1043).

These policies and procedures help ensure a safe and fair learning environment for all students. The Office of the Dean of Student Life is committed to ensuring that students receive prompt due process in cases involving alleged violation of the CSUB Student Code of Conduct.

Student behavior that is not consistent with the CSUB Student Code of Conduct is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences. Alleged violations of the CSUB Student Code of Conduct are reported to the Office of the Dean of Student Life and can be submitted by any University representative (e.g. University faculty, staff, police and/or administrators) for adjudication.

The Office of the Dean of Student Life maintains confidential and centralized student disciplinary records and has the responsibility for ensuring students receive fair and impartial administration of student conduct processes.

IV. JURISDICTION and APPLICATION of the CSUB STUDENT CODE of CONDUCT

A. Application of CSUB Student Code of Conduct to Students

The Student Code of Conduct is enforceable on applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending. 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 office, whether it occurs on or off campus.

B. Individuals in Student Groups, Clubs and Organizations Subject to Disciplinary Actions

Students are expected to engage in responsible behavior consistent with CSUB policies. Student groups, clubs and organizations must be cognizant of the CSUB Student Code of Conduct and University policies. Student groups, clubs and organizations in violation of University policies or regulations will be held accountable for their actions, corporately and individually. The Office of Student Activities will investigate and adjudicate alleged violations of Student Organization policies (sanctions, if any, will be applied to the student club or organization). Infractions that also constitute a violation of University policies will be addressed through Student Conduct proceedings, as overseen by the Office of the Dean of Student Life (sanctions, if any, will be applied to individuals).
V. OVERVIEW of STUDENT CONDUCT PROCEDURES

A. Reporting Alleged Violations of the CSUB Student Code of Conduct
An alleged violation of the CSUB Student Code of Conduct must be filed with the Office of the Dean of Student Life. Once a complaint has been received, the Dean of Student Life and/or Student Conduct Coordinator is responsible for determining whether disciplinary charges and sanctions should be applied. Information such as name(s) of the accused student(s), description of incident, date of the incident, copies of supporting documents, names of witnesses should be provided when reporting allegations (a reporting form is available online).

B. Gathering the Initial Evidence
Upon receiving a report of an alleged violation(s), additional information and evidence are acquired and evaluated to determine whether a preponderance of evidence exists to support the allegations. If so, a notice is sent to the student(s) requesting a conference to discuss the allegations and evidence, as well as to understand the student’s perspective and evaluate his/her evidence. If insufficient evidence can be presented to support the allegations, the charges against the student are dismissed.

C. Notice to Student
A notice is sent by the Office of the Dean of Student Life via certified mail to the student’s most recent address on record. The letter will specify the alleged violations(s) of the CSUB Student Code of Conduct and a description of the incident upon which the allegations are based (such as date and place the alleged incident occurred). An opportunity for a meeting with the Dean of Student Life and/or Student Conduct Coordinator is provided to the student.

D. Administrative Holds and Withholding a Degree
The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent a Notice of Hearing and may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions imposed.

E. Conference with the Dean of Student Life and/or Student Conduct Coordinator
An opportunity for a conference with the Dean of Student Life and/or Student Conduct Coordinator is provided to the student. Students have the right to be accompanied by an advisor of their choice who may provide support. However, the student’s advisor may not be an attorney, nor may not speak on behalf of the student. At the meeting with the student charged, the Student Conduct Administrator will:
1. Acquaint the student with the CSUB Student Code of Conduct and the Student Conduct Process
2. Describe the nature of conduct in question and explain the alleged violation of the CSUB Student Code of Conduct
3. Provide an opportunity for the student to respond to the alleged violation and present relevant information or evidence.

F. Disposition by the Dean of Student Life
After conducting a further investigation, the Student Conduct Administrator may apply
any of the actions listed below:

1. **Apply Sanctions**
   If the student admits responsibility for violating the Student Code of Conduct, the Dean of Student Life may impose one or more of the sanctions listed in Section G.

2. **Insufficient Evidence (no sanctions applied)**
   If the Dean of Student Life and/or Student Conduct Coordinator concludes that there is insufficient information/evidence to sustain the allegations, disciplinary sanctions will not be applied. However, the student will receive a dismissal of case letter and/or a letter of warning.

**G. Sanctions**

The following sanctions may be applied for violations of the Student Code of Conduct. More than one sanction may be imposed for a single violation.

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

2. **Loss of Financial Aid**
   Consistent with California Education Code Sections 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, cancelled, or denied.

3. **Educational and Remedial Sanctions**
   Assignments, such as work, research, essays, service to the university or the community, training, counseling, or other assignments intended to discourage a repeat of the misconduct or as deemed appropriate based upon the nature of the violation.

4. **Denial of Access to Campus**
   A designated period of time during which the student is not permitted on university property or specified areas of campus (refer to California Penal Code 3 626.2.)

5. **Disciplinary Probation**
   A designated period of time during which the privileges of continuing in student status are conditioned upon future behavior. Conditions may include, for example, 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 policy during the probationary period.

6. **Suspension**
   Interim separation of the student’s status from California State University system for specified period of time, after which the student is eligible to reapply to the University. Conditions for readmission may be specified.

7. **Expulsion**
   Permanent separation of the student from CSU student status the University.
8. **Revocation of Admission**

Admission or readmission to CSUB may be qualified, revoked or denied to any student found to have violated the Student Code of Conduct.

**H. Review of Settlement Agreement**

If deemed appropriate for the case, the Student Conduct Administrator may offer a settlement agreement to the student. The settlement agreement will contain a description of the charges and applied sanctions. If the student agrees to the sanctions and/or charges the settlement agreement is signed by the student charged and the Dean of Student Life. Upon signature, the student will be required to fulfill the sanctions applied, if any. If the student does not agree with the proposed sanctions in the settlement agreement, the student may request a student conduct hearing to have a Hearing Officer review the sanctions. The Hearing Office will submit a recommendation to the CSUB President. Decisions applied by the President may not be appealed.

**I. Appeal of Sanctions and/or Charges**

A student may request a student conduct hearing if he/she disputes the alleged charges or believes the proposed sanctions are inappropriate.

**J. Scheduling of Hearing**

The Notice of Hearing is sent to the student at least ten (10) working days before the hearing. This notice provides the student(s) with a reasonable opportunity to prepare a defense and contact witnesses. It is the student’s prerogative to choose an advisor who is available to attend the hearing if so desired.

**VI. STUDENT CONDUCT HEARING PROCEDURES**

**A. Notice of Hearing**

A Notice of Hearing is sent via certified mail to the student’s most recent mailing address on record. The notice is also sent electronically to the student charged at the email address assigned by the University (i.e. “xxx@runner.csub.edu”) or to the student’s preferred email address on file with the University. The notice of hearing will include the following:

1. **Student Code of Conduct Charges**
   A description of the student’s conduct which forms the basis for the alleged violations of the Student Code of Conduct.

2. **Use of Attorneys**
   The CSUB President has determined that attorneys or any person licensed to practice law may not be present at the Student Conduct hearing (unless the student or the Student Conduct Administrator is coincidentally an attorney). This determination is applicable to both the student charged and the University. Both the student and the University may consult with attorneys prior to or following the hearing.

3. **Participants at the Student Conduct Hearing**
   The hearing is a closed proceeding limited only to the Hearing Officer, the student charged, the Dean of Student Life (or designee), one advisor for the student charged, one advisor for the Dean of Student Life (or designee), appropriate
witnesses during the time that they are testifying (including a support person for alleged victims of sexual or physical assault), and one person to assist the Hearing Officer in recording the hearing. A University police officer may also be present if deemed appropriate by the Vice President for Student Affairs. The University will cooperate in providing employee witnesses whenever possible, provided that the student requests such assistance at least two (2) working days before the hearing.

4. Failure to Appear at the Student Conduct Hearing
   If the student charged fails to appear at the hearing, the proceedings will continue in his/her absence. The outcome (finding) of each hearing is based upon information presented at the time of the hearing. Failure to attend the hearing is not grounds to deem a student guilty of the alleged violations.

5. Right to Waive the Student Conduct Hearing
   At any time prior to or during the hearing, the student charged may waive his/her right to a hearing and accept the proposed sanctions or settlement agreement, if one was offered. Such a waiver must be submitted in writing to the Office of the Dean of Student Life.

B. The Student Conduct Administrator’s Role at the Hearing

   The Student Conduct Administrator will present evidence that demonstrates the student committed one or more violations of the CSUB Student Code of Conduct. The presentation of evidence will include relevant documents and other evidence that support the allegations. Additional evidence may include testimony from witnesses.

C. The Student and the Student Advisor’s Role at the Hearing

   1. Student’s Role at the Hearing
      It is the student’s responsibility to call witnesses and present evidence that disproves the allegations. The student may also cross-exam any witnesses called by the University, as well as redirect any witnesses called by the student. Students will have an opportunity to present opening and closing statements to explain what he or she believes the evidence has proven and/or why the recommended sanctions are not appropriate.

   2. Student Advisor’s Role
      The student may be accompanied by one advisor of his/her choice to provide support during the hearing. The student’s advisor may advise the student in the preparation for the hearing but may not present the student’s defense.

D. The Hearing Officer’s Role

   1. Conducting the Hearing
      The Hearing Officer is responsible for conducting the hearing and for maintaining order throughout the proceedings, providing both the University and the student an opportunity to present their case, and determining if any evidence should be excluded as irrelevant, unreliable or unnecessarily repetitive. The Hearing Officer’s decisions regarding procedural issues are final.

   2. Standard of Proof and Recommendations
      The Hearing Officer makes decisions only on information presented at the hearing. After the hearing, the Hearing Officer will make a finding of fact and conclusions
whether the information presented constitutes a violation of the Student Code of Conduct. The standard for the Hearing Officer's decision is dependent upon the University's ability to sustain the allegations by presenting a preponderance of evidence. It is the University's burden to demonstrate that it is "more likely than not" that the student violated the Student Code of Conduct. The Hearing Officer submits a written report of findings and conclusions to the University President, along with any recommended sanctions. This report must be submitted to the President within ten (10) working days after the hearing.

E. Presidential Action: Final Decision

1. Decision by the University President
The CSUB President reviews the Hearing Officer's report and issues a final decision. The President may impose the sanction recommended, adopt a different sanction, reject sanctions altogether, or refer the matter back for further findings on specified issues. If the President adopts a more severe sanction than the Hearing Officers' recommendations, the President must set forth the reasons in the final decision letter. The President's letter is issued within five (5) working days upon receipt of the Hearing Officer's report.

2. Notice of Decision
The President sends notice of his/her decision electronically to the charged student at the email address assigned by the University (i.e. xx.runner.csub.edu) or to the student's preferred email on file with the University. In addition, the President's notice is sent to the student via certified mail to the most recent address on record. The President's decision is final; students, Student Conduct Administrators or Hearing Officers do not have the right to appeal the President's decision. The issuance of the President's decision concludes the California State University's administrative remedies available to the student.

NOTICE to VICTIMS of CRIMES of VIOLENCE and SEX OFFENSES
In cases involving a charge of physical or sexual assault, an alleged victim who is called to testify as a witness, may be accompanied at a hearing by another person. This person is only for support, and is not permitted to participate in the hearing. Questions of the alleged victim are limited to the incident upon which the charge is based and the events surrounding that charge, and may not delve into past sexual behaviors of the alleged victim.

In cases involving a "crime of violence" the University may notify the alleged victim(s) of the final results of a hearing whether or not the charges are sustained (34 C.F.R. § 99.31 et seq.).\(^1\) If the alleged victim of a 'crime of violence' makes a written request for the results of the proceeding, the university must provide the outcome of the proceeding related to that charge.

Where the charge relates to a sexual assault the University must notify the alleged victim of the outcome of the proceeding (20 U.S.C. § 1092) against the student charged. The information is only given to the victim(s) and includes only the name of the accused student, any violation alleged committed, and any sanction(s) imposed on that student.

\(^1\) A "crime of violence" includes: arson, assault offenses, burglary, criminal homicide (manslaughter by negligence), criminal homicide (murder and non-negligent manslaughter), destruction/damage/vandalism of property, kidnapping/abduction, robbery, and forcible and non-forcible sex offenses. 99 C.F.R. § 99.39
VII. INTERIM SUSPENSION

A. Grounds
The University President may impose an interim suspension when there is reasonable cause to believe that separation of a student is necessary to protect the personal safety of persons within the University community, property of the University or to ensure the maintenance of order (Section 41302 of Title 5 of the California Code of Regulations).

B. Notice and Opportunity for Hearing
A student placed on interim suspension is given prompt notice of the charges pending against him or her and the opportunity for a hearing within ten (10) working days of the imposition of the suspension. A hearing will be held to determine whether continued suspension, pending the disciplinary hearing, is required to protect personal safety, property, or to ensure the maintenance of order.

C. Denial of Presence on Campus
During the period of an interim suspension, the student charged may not, without prior written permission from the University President, enter any campus of the California State University other than to attend the hearing regarding the merits of his or her suspension. Violation of any condition of interim suspension shall be grounds for expulsion (Section 41302 of Title 5 of the California Code of Regulations).

VIII. Confidentiality of Student Conduct Records and Records Retention

Student discipline records are confidential and will be released as determined by federal law and University policy. The disclosure of information from such records is subject to Federal Educational Rights and Privacy Acts.

Student disciplinary files are retained for a minimum of seven (7) years from the date sanctions are imposed. Cases resulting in disciplinary probation are noted on the student's transcript indicating the beginning and end date of the probationary period. For sanctions of disciplinary suspension up to one academic year, the beginning and end date for the suspension period is noted on the student's transcript. In cases resulting in disciplinary suspension longer than one academic year or expulsion, a permanent notation is placed on the student's transcript; the disciplinary file is retained permanently.

IX. Revision of Student Conduct Policies and Procedures

Amendment of the CSUB Student Code of Conduct and Executive Order 1043 can be made by the CSU, Office of the Chancellor. CSUB will be notified of the changes and the revised policies and procedures will be published and made available on the Student Conduct website (www.csub.edu/studentconduct).