



**SOUTHERN CALIFORNIA UNIVERSITY  
OF HEALTH SCIENCES**

**Biennial  
Review: 2018**

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## OFFICE OF THE PRESIDENT

At SCU, we are committed to providing a drug-free, safe and healthy campus environment. To that end, and in compliance with the Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA), the University has developed a Drug and Alcohol Abuse Prevention Program (DAAPP). Our program is designed to prevent the abuse of alcohol and use or distribution of illicit drugs both by SCU students and employees both on its premises and as a part of any of its activities.

In order to determine if the program is effective, to identify and implement changes that may be needed to the program, and to determine if sanctions called for by the program are consistently enforced, I have instructed University staff to conduct a review of the program. The report of the results of that review is contained in these pages. I have reviewed and approved the report.

Warmest regards,

John G. Scaringe, DC, EdD  
President and CEO

### **Introduction:**

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require an institution of higher education (IHE) such as SCU to certify it has adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs both by SCU students and employees both on its premises and as a part of any of its activities. At a minimum each institution of higher education must annually distribute the following in writing to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

The law further requires that the institution conduct a biennial review of its program with the following objectives (86.100(b)):

- Determining the effectiveness of the policy and implementing changes to the Alcohol and Other Drug (AOD) program if they are needed; and
- To ensure that the sanctions developed are enforced consistently.

The biennial review must also include a determination as to:

1. The number of drug- and alcohol-related violations and fatalities occurring on the campus or as part of their activities that are reported to campus officials; and
2. The number and type of sanctions the IHEs impose on students or employees as a result of such violations or fatalities.

SCU acknowledges its legal obligation to conduct a biennial review of compliance with the Drug-Free Schools and Communities Act and authorized an administrative review to be conducted to determine if the university fulfills the requirements of the aforementioned Federal regulations.

### **Responsible Personnel and Departments:**

Joseph Eggleston, Assistant Vice President of Auxiliary Operations drafted the review. The members of the review committee include:

- Debra Mitchell-Benavente, Vice-President for Enrollment Management and Student Affairs
- Thomas Arendt, Vice-President for Administration and Finance/CFO
- Heather Van Volkinburg, PhD, Dean, Office of Institutional Effectiveness
- Steven Jaffe, DC, Executive Director of Student Affairs
- Joseph Eggleston, Executive Director of Auxiliary Operations and Physical Plant
- Amy Vargas, Student Affairs Coordinator

- The Academic Support Office

The following campus units provided information for this report:

- Campus Safety
- Student Affairs
- Human Resources
- Risk Management

The intention of this document is to meet the legal requirements of conducting a biennial review and summarize the programs and activities related to alcohol and drug prevention on SCU's campuses during the academic years spanning 2016 and 2017.

### **Materials Reviewed:**

The following materials were reviewed in preparation for and as part of the biennial review:

- *SCU's Annual Security Reports*
  - Dated: 2016 and 2017 (ASR dates convey the year of publication, not the calendar year of data being reviewed);
- SCU's Campus Safety Incident reports and Daily Crime Log from calendar year 2016 SCU's *Drug & Alcohol Abuse Prevention Program*;
- SCU's Policy Manual Vol. III "Employee Manual;"
- SCU's Policy Manual Vol. XI "Student Code of Ethics;"
- SCU's Title IX Policies and Procedures: Discrimination on the Basis of Sex and Sexual Misconduct;

### **Compliance with Drug-Free Schools and Communities Act:**

As previously mentioned, The Drug-Free School and Campuses Regulations (EDGAR Part 86) lays out several requirements with which all IHEs receiving any form of federal funding must comply, one of which is a biennial review.

SCU understands its obligations to remain in compliance with this requirement and to further modify and enhance its overall approach to the process concerning the biennial review. SCU has adopted and implemented programs to prevent the abuse of alcohol and use or distribution of illicit drugs by SCU students and employees both on its premises and as part of any of its activities, as demonstrated through this biennial review. Additionally, SCU has a written policy on alcohol and other drugs and has developed a thorough method for distributing this policy to every student and employee. The written materials annually distributed contain the following information:

- Standards of conduct regarding unlawful possession or distribution of illicit drugs and abuse of alcohol by students and employees;
- Applicable legal sanctions;
- Health risks associated with substance abuse;
- Applicable disciplinary sanctions; and
- Available drug and alcohol counseling.

## **Federally Mandated Policy:**

### Distribution

The Federally Mandated Policy about alcohol and other drugs is distributed annually to each employee and student.

#### **2016:**

- SCU's email concerning alcohol and illegal drugs was distributed via email to all employees, all staff, all students, and all student workers two times during 2016. The email summarized the key points of the Drug and Alcohol Awareness Program and provided links to specifics concerning AOD procedures, Federal Regulations concerning AOD, California State Regulations concerning AOD, and health risks associated with the use and abuse of AOD. Additionally covered information concerning both Title IX and FERPA.

#### **2017:**

- SCU's email concerning alcohol and illegal drugs was distributed via email to all employees, all staff, all students, and all student workers during 2017. The email summarized the key points of the Drug and Alcohol Awareness Program and provided links to specifics concerning AOD procedures, Federal Regulations concerning AOD, California State Regulations concerning AOD, and health risks associated with the use and abuse of AOD. Additionally covered information concerning both Title IX and FERPA.

#### **Orientations:**

- A copy of SCU's Drug and Alcohol Abuse Prevention Program is made available to all incoming students during orientation.

### **Websites that Address SCU Policies about Alcohol and Other Drugs:**

Employees, students, visitors, patients, and potential campus community members can access SCU's Drug and Alcohol Abuse Prevention Program at:

- [https://my.scuhs.edu/ICS/Departments/Campus\\_Safety/Drug\\_and\\_Alcohol.jnz](https://my.scuhs.edu/ICS/Departments/Campus_Safety/Drug_and_Alcohol.jnz)

### **Documentation and Distribution of Biennial Review:**

The biennial review is available electronically on the Campus Safety and Student Affairs pages on MySCU. It is also available upon request in hard copy format in the following offices:

- Student Affairs
- Human Resources
- Campus Safety
- Admissions

### **Determining the effectiveness of the University's AOD policy**

#### Description of AOD Program Elements:

- Alcohol-Free Beverage Options

- SCU is a health oriented school that does not provide a traditional outlet for alcohol distribution (no campus bar/pub), except at very few sanctioned activities (described below).
- SCU's on site food options include vending machines and a Campus Café that serves coffee, tea, and other soft drinks.
- Sanctioned Campus Alcohol Distribution Activities
  - There are approximately five (5) functions each calendar year where the University allows the distribution of alcohol to take place on campus.
    - These events are traditionally related with fundraisers or other University sanctioned student club activities.
    - In order to effectively monitor the amount of alcohol being distributed and consumed, employees from the Student Affairs office are present throughout the event.
    - There is a designated zone where alcoholic beverages can be consumed.
      - Individuals taking alcoholic beverages out of the zone may forfeit the privilege to further participate in the function;
    - Only beer and wine is allowed (no hard liquor);
    - No outside alcoholic beverages are allowed;
    - Drinks are limited to 3 per person (but that does not guarantee that each individual will receive 3 drinks, i.e. if they demonstrate signs of intoxication, etc.);
    - Proof of legal drinking age will be required at alcohol distribution point;
    - Drinking games are not allowed;
    - No person may purchase or obtain alcohol for another person unless the person is present at the time of service; and
    - Soft drinks and food will be made available for the duration of any activity where alcoholic beverages are served.
  - Approval Process for Alcohol Distribution Activities
    - Any persons, departments, or student body organizations of the University or outside groups who plan to sponsor or organize an event with the intention of selling or serving alcoholic beverages shall observe the following:
      - Obtain and receive approval for a Facilities Usage Permit from the Executive Director of Auxiliary Services. This Facilities Permit shall state whether or not alcoholic beverages will be served or sold;
      - After the Facilities Permit has been approved, and before applying for a Temporary Liquor License, the sponsor must obtain from the President an approved letter of authorization to sell alcoholic beverages on University property. Before seeking Presidential approval, student and/or student clubs and organizations must receive written approval from the Office of Student Affairs; and

- The sponsoring party must then present the letter of authorization to the State Alcoholic Beverage Control Board (ABC) to apply for an approved Temporary Liquor License.
- Alcohol Restrictions
  - Unless otherwise stated, alcohol (in any form) is not permitted on campus or at off-campus events.
  - Any infraction of this regulation is an immediate breach of either the Student Code of Ethics or the Employee Manual and with it carries all necessary consequences per the AOD (Section 5), up to an including discharge or expulsion from the University.
- Drug Restrictions
  - The University, consistent with federal, state and local laws, prohibits the unlawful possession, use or distribution of illicit drugs on its property or as part of any of its activities whether on or off campus. The University will impose sanctions on students or employees that are caught in the act of or been proven to be guilty of abusing drugs on University property. The sanctions will be in keeping with the University regulations on Rules of Conduct for employees (see Volume III of the *SCU Policy Manual*) and Disciplinary Standards for students “Code of Student Ethics” (see Volume VI of the *SCU Policy Manual*). This will include actions that can lead to participation in a substance abuse rehabilitation or treatment program, suspension, dismissal, or termination with referral for prosecution.
  - To ensure orderly operations and provide the best possible work environment, SCU and ADP expect employees to follow rules of conduct that will protect the interests and safety of all employees and the organization including – but not limited to:
    - Not working under the influence of alcohol or illegal drugs;
    - Not possessing, distributing, selling, transferring, or using alcohol or illegal drugs or abusing a prescription drug in the workplace, while on duty, or while operating employer owned vehicles or equipment; and
    - Complying with a request to consent to a required drug or alcohol test.
- Prescription Drugs
  - All drugs that are prescribed by a licensed physician for medical purposes are not included in the drug abuse program unless the prescription is in itself abused and affects the employee or student while on University property; however, the use or possession of medically prescribed marijuana is excluded from this exception and consequently is not allowed on University property in compliance with United States federal law.

**AOD Program Goals and Goal Achievement:**

**Goal:**

Articulate and consistently enforce clear policies that promote an educational environment free from substance use/abuse.

**Achievement:**

SCU has consistently enforced clear policies concerning an environment free from substance abuse. This is evident by our low incidents concerning drug and alcohol abuse, as well as SCU's swift and equitable handling of issues related to illegal drugs and the changes made to the AOD to further clarify issues concerning the prohibition of medical marijuana specifically .

**Goal:**

Provide ongoing education for members of the campus community to prevent alcohol abuse and other drug abuse.

**Achievement:**

SCU has not successfully achieved the desired outcome related to this goal. While an AOD program exists, increased comprehensive educational efforts need to be incorporated. It is the hope that the recommendation stemming from this review adequately poise the University to achieve this goal within the next year.

**Goal:**

Provide a reasonable level of care for substance abusers through counseling, treatment, and referral.

**Achievement:**

SCU continues to achieve this goal by way of our counseling and referral options: Biola University and ADP's Employee Assistance Program (EAP). Employees have access to a 24/7 counseling hotline at no charge. More information can be obtained from Human Resources, the Academic Support Office, or Campus Safety.

**Goal:**

Implement campus activities that promote and reinforce health, responsible living, respect for community and campus standards, individual responsibility on the campus, and intellectual, social, emotional, ethical, and physical well-being of the members.

**Achievement:**

The very nature of SCU's traditional academic programs assist the University in fostering a community focused on health. All core program students are required to take a Public Health course, an Emergency Procedures course, and devote significant hours towards direct patient care. The high standards SCU demands of its students concerning ethics and intellect are mirrored by those set by the various State boards, which oversee the licensing of our core program graduates.

**Goal:**

Be vocal and visionary in combating the negative issues surrounding alcohol and other drug use on campus.

**Achievement:**

SCU has a traditionally low rate of incident concerning AOD issues. Consequently, the University could be said to have successfully achieved this goal (historically and currently), though SCU could devote more resources to remaining vocal concerning issues concerning substance abuse and be

more adaptable to the changing face of available substance alternatives (i.e. bath salts, K2/Spice, etc.).

### **Summaries of AOD Program Strengths/Weaknesses:**

#### **Strengths:**

- SCU's control over alcohol distribution at University functions is comprehensive
- SCU's policy concerning the ability to have alcohol at University functions is clear and stringent
- SCU's total number of events featuring the distribution of alcohol is very low
- SCU's has no recorded instances of alcohol abuse on campus or off
- SCU has only experienced minor concerns with regards to illegal drug use and has dealt with the issues equitably

#### **Weaknesses:**

- While the Drug & Alcohol Abuse Prevention Program is made available during the Fall and Spring Orientations, there is a less systematic manner in which to ensure transfer students and students participating in the accelerated programs (which take place on the weekend) receive the required materials and are made aware of the available resources.
  - Distribution to students in the accelerated science program could potentially be enhanced by making the AOD part of the syllabus distributed at the beginning of each course.
  - Distribution to transfer students could potentially be enhanced by making the AOD part of the matriculation process for each student and not relying solely on the annual notification and traditional orientation process.
- Drugs
  - Currently, SCU's AOD does not specifically address substances such as study drugs, (i.e. Xanax, Adderall) spice, K2, bath salts, poppers, etc.
    - It is recommended that a more comprehensive assessment program be developed to monitor the potential usage of such substances and to ensure that University policies are clear regarding the consequences for using these substances, relevant health hazards, and manners in which to appropriately seek counseling/treatment. This program would be especially relevant to the potential use of study drugs given the academic intensity of some of the programs offered by SCU.

### **Consistency of Enforcement:**

A review of the last two *Annual Security Reports* (covering years 2016 and 2017) as well as the statistics from Campus Safety Incident Reports for 2016 and 2017, relevant documentation from Human Resources, Student Affairs, and Risk Management indicate that there were no violations related to drug use. There were no violations for alcohol abuse or infractions. There are no known or reported cases of death associated with either alcohol or drug abuse as they may relate to any SCU community members. SCU has no on or off campus student housing which may potentially contribute to the low occurrences of alcohol or drug related instances.

SCU may impose a variety of sanctions on students or employees as a result of violations of its AOD program and those that lead to fatalities that include – but are not limited to – referral for treatment/counseling, suspension, expulsion, termination, referral for arrest/legal prosecution. These sanctions are recommended to the Executive Director of Student Affairs and the Vice-President for Enrollment Management and Student Affairs for final determination. In the case of employee misconduct, sanctions are handled by Human Resources with the assistance of the Vice President for Administration and Finance and ADP.

**Process for Conduct Review:**

SCU’s policy concerning student conduct review (including those incidents that may potentially involve alcohol and other drug infractions) is located at §6.5.2 of the University policy manual, and is provided in the attached appendix A in order to document the equity of the University’s process and enforcement.

**Incidents Related to AOD:**

The following tables show the incidents related to AOD by campus reporting unit.

<b><u>Risk Management</u></b>	<b><u>2016</u></b>	<b><u>2017</u></b>
Total Incidents related to AOD	0	0

<b><u>Student Affairs</u></b>	<b><u>2016</u></b>	<b><u>2017</u></b>
Total Incidents related to AOD	0	0

<b><u>Campus Safety (ASRs/Incident Reports)</u></b>	<b><u>2016</u></b>	<b><u>2017</u></b>
Total Incidents related to AOD	0	0

<b><u>Human Resources</u></b>	<b><u>2016</u></b>	<b><u>2017</u></b>
Total Incidents related to AOD	0	0

<b><u>Combined Totals – All Reporting Units</u></b>	<b><u>2016</u></b>	<b><u>2017</u></b>
Total Incidents related to AOD	0	0

**Research Methods:**

Research methods included looking at all relevant data (see tables above) and the infraction included in that data, comparing that infraction to our current SCU policy (see appendix A), and evaluating the sanctions imposed based on that policy.

**Data Analysis Tools:**

We tested the one AOD infraction during the periods assessed, providing a sample size of 100%. We concluded that our policy was correctly followed for the assessed infraction.

### **Revisions to program since last report**

SCU is committed to being in full compliance with all regulatory requirements and ensuring all necessary mechanisms are in place in order to keep our campus community as safe and healthy as possible. In order to demonstrate our commitment to fully comply with applicable laws and regulations, the University has made the following recommendations to augment its traditional operation concerning the DAAPP (including the Biennial Review):

- 1) The University has modified Section 6 of its DAAPP, entitled “Biennial Review,” to:
  - a) Include a more diverse group of individuals/departments assigned to participate in the review process;
    - i) The committee will consist of:
      - The Associate Vice President for Enrollment Management & Student Affairs;
      - The Vice-President for Administration & Finance/CFO (Title IX Coordinator);
      - The Dean of the Office of Institutional Effectiveness;
      - The Executive Director of Student Affairs;
      - The Executive Director of Auxiliary Operations & Physical Plant (Title IX Deputy Coordinator);
      - The Student Affairs Coordinator; and
      - The Academic Support Office (includes up to three representatives).
  - b) Altered the responsibility for scheduling the official review to now be the Chair of the DAAPP Biennial Review Committee;
  - c) Altered the responsibility for conducting and documenting the official review to now be the DAAPP Biennial Review Committee;
- 2) The University is adopting the following approaches for more comprehensive Biennial Reviews in the future:
  - a) Solicitation to other potential sources of drug and alcohol data on campus associated with the goal of an expanded scope focused on fostering the most accurate and complete analysis possible;
    - i) Said sources are:
      - (1) Academic Support Office (Counseling and Referrals)
      - (2) Associated Student Body (ASB)
      - (3) The Behavioral Intervention Team (BIT)
  - b) The University President will continue to approve the final report of each Biennial Review;
  - c) The completed Biennial Review will be distributed by the Student Affairs Department;
  - d) The completed Biennial Review will be kept in the offices of:
    - i) The University President;
    - ii) Student Affairs; and
    - iii) Campus Safety.
  - e) Reviews will be published in even number years according to Department of Education recommendations (“Complying with the Drug-Free Schools and Campuses Relations,” pg. 3);
  - f) SCU implemented a confidential student survey concerning drug and alcohol consumption based on the “Six Question Set” developed by the National Institute on Alcohol Abuse and Alcoholism (NIAAA);

- i) The survey is issued three times during a student's tenure and the data will be collected in aggregate form;
  - (1) For consistency of results, the survey will remain unchanged for an entire academic year and will be delivered according to the following schedule:
    - (a) During the mandatory "Professional Student Seminar" hosted by the Academic Support Office for all incoming degree students;
    - (b) During Fourth Term (representing the beginning of the students' second year of instruction); and
    - (c) During Seventh Term (Clinical Orientation).
  - ii) By conducting the survey in this manner, the University will be able to monitor trends that may develop as students continue with their tenure at SCU and will further allow the University to utilize a "group-wise" comparison research method, i.e. program of study vs. program of study; incoming student vs. clinical student; etc.
    - (1) This in turn will allow us to better assess potential substance abuse issues and to further isolate if a specific cohort and/or curriculum is lending to increased use of study drugs or if the same set of variables is having the opposite effect;

#### **Recommendations for Revising Program**

- a) Establish that the group of individuals/department listed in section 6 of the DAAPP will meet twice annually (for a total of four reviews prior to any future Biennial Reviews) to assess the DAAPP and any related incidents, new regulations, and best practices in order to:
  - i) More appropriately prepare for the composition of the Biennial Review; and
  - ii) To provide enhanced oversight and flexibility concerning the enforcement and communication of the DAAPP and the rules, regulations, responsibilities, and available health assistance options contained therein in order to make any necessary changes in a timely manner for the betterment of our entire campus community.
- b) SCU's Student Affairs and Auxiliary Operations departments will continue to collaborate with student leadership concerning the perceived effectiveness of the University's DAAPP and further solicit aid from student leadership concerning issues and/or behavior they may be observing associated with drug and/or alcohol use. These meetings will remain informal in order to foster the most comfortable communication environment possible and be held twice each year.
- c) SCU continues to conduct an annual opinion surveys for staff/faculty related to the perceived effectiveness of the University's DAAPP.
- d) SCU's Auxiliary Operations department enhanced its presentation on Campus Safety policies and procedures to include a more thorough discussion regarding the University's DAAPP as well as its reporting tool "Report It;"
  - i) While the "Report It" tool has been available to the campus community for many years, our goal is to further promote its value and use data stemming from these anonymous reports as part of the Biennial Review.
- e) In 2017, implemented a behavioral intervention reporting and tracking system. This has allowed a greater reporting of behavioral complaints including alcohol and drug abuse.

- f) In 2017, implemented a formal training for all constituents in the use of “Report It” tool and the behavioral intervention software.
- g) In 2017, implemented a formal training for participants of the University Judiciary Panel focused on issues concerning alcohol and substance abuse.

2) Additional Actions

- a) SCU will join The Network Addressing

Collegiate Alcohol and Other Drug Issues (the Network) as the University genuinely shares the Network’s goal of “finding workable solutions to promote safe, healthy, and learning-conducive campus environments.” By becoming a participant in the Network and its California State affiliate, SCU will remain better informed of AOD legislation, trends, and prevention practices.

It is our sincere hope that these recommended actions ultimately aid SCU in its continued efforts to provide the safest and most productive education environment for students, staff, patients, and visitors alike.

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## **Appendix A – Process for Conduct Review**

SCU's policy concerning student conduct review (including those incidents that may potentially involve alcohol and other drug infractions) is provided below in order to document the equity of the University's process and enforcement. Section numbers from the policy manual are cited.

### **6.5.2.1 - Definitions**

1. The term "University" refers to Southern California University of Health Sciences.
2. The term "student" refers to all persons taking courses at the university, both full time and part time, or in certificate programs.
3. The term "SCU official" includes any person employed by the university who performs assigned administrative or professional responsibilities. For the purposes of conduct review this person is typically the Executive Director of Student Affairs, or his or her designee.
4. The term "member of the SCU community" includes any person who is a student, faculty member or staff member, or any other person employed by SCU.
5. The term "SCU premises" includes all land, buildings, facilities, Web space, e-mail, and other property in the possession of or owned, used or controlled by SCU.
6. The term "Judicial Board" refers to two Educational Advancement Committee members appointed by the EAC Chair and the Executive Director of Student Affairs and two SCU officials (usually a staff member and a faculty member) appointed by the Executive Director of Student Affairs, along with an EAC Chairperson. The Judicial Board hears cases and determines a student's responsibility in an incident and recommends sanctions. Detailed information on the responsibilities of the Chair and other Judicial Board members can be found in the Judicial Handbook.
7. The term "policy" is defined as the written regulations of the University as found in, but not limited to this Policy Manual, the Student Code of Ethics, the catalog, and other University publications. These policies may be modified or changed by SCU at any time.

### **6.5.2.2 - Reporting**

Any student, staff, administrator, or faculty member of the SCU community may report an incident regarding any student misconduct to the Student Judicial Board in the form of a written report. The following information should be included in the written report:

1. Identification of the student(s) or organization;
2. A statement of facts and allegations, including the names of witnesses;
3. Where applicable, a statement of the repair bill or estimate.

The report should be submitted as soon as possible after the incident takes place.

### **6.5.2.3 - Investigation**

Upon receipt of a report or other information about alleged violation of the student code of ethics to the Executive Director of Student Affairs (or designee), an University official may conduct an inquiry to determine whether the allegation(s) being reported appears to have merit. The person(s) filing the report, the person(s) alleged to be involved in the violation, and/or the person(s) who may have witnessed pertinent acts or who may have pertinent information about the incident may be summoned to provide information prior to judicial charges being issued. The accused and complainant are never to have direct interaction or exchange any communication during this process. A student who fails to appear when summoned during investigations may be charged with a violation of the Student Code of Ethics.

#### **6.5.2.3.1 - Interim Suspension**

The University may order the immediate suspension of any student for the interim period pending a hearing; whenever it is determined such action is required in order to protect the wellbeing of community members, property or to insure the maintenance of order. The student suspended shall be afforded an opportunity for a hearing with respect to the immediate suspension, normally within two (2) business days of the suspension, but in any event, not later, than ten (10) calendar days of the commencement of the suspension, unless essential witnesses are unavailable within this time frame. In any case, timely action will be vigorously attempted.

Immediate suspension will be coupled with a withdrawal of consent to remain on campus, pursuant to California Penal Code Section 626.4 whenever it is determined pursuant to that Section, that there is reasonable cause to believe that the student has willfully disrupted the orderly operation of the campus and that the student's presence will constitute a substantial and material threat to such orderly operation.

#### **6.5.2.4 - Judicial Charges and Informal Resolutions**

A student will be charged and summoned to a judicial hearing when there is reasonable basis to believe that the student may have committed a violation of the student code of ethics per the investigation by the SCU official. A written notice of charges shall be presented to the accused student by the Director of Student Affairs (or designee). The written notice will specify the policy or regulation that the student or organization is alleged to have violated, state the time, date, and place of the occurrence, and include the possible sanctions that will be enforced if the student or organization is determined to have violated the policy or regulation. In addition, prior to and during the hearing, the student or organization shall be afforded reasonable access to review the "Case File". The Case File includes documents pertaining to the matter. The personal notes of faculty and staff members and privileged information of other students are not included in the Case File, and thus are not accessible.

After delivery of the written notice, but prior to conducting a Judicial Hearing, the Executive Director of Student Affairs (or a designee) shall explore whether an informal resolution of the case can be reached. An informal resolution occurs when a student or organization accepts responsibility for the alleged violation(s) and an appropriate sanction is determined. Once an informal resolution is reached, should the resolution not be satisfactory to the reporting party, the formal grievance procedure may be pursued. An informal resolution is never to be sought in cases involving violence or non-consensual sexual intercourse and is further never to imply that a complainant work out issues/problems directly with the accused individual. If an informal resolution cannot be reached, then the case will be scheduled for formal hearing, within fourteen calendar days after the accused student has been notified. However, if circumstances permit, more time may be required at the discretion of the Executive Director of Student Affairs (or a designee).

#### **6.5.2.5 - Administrative Hearings**

An administrative hearing of an incident will be conducted by the Executive Director of Student Affairs and the student on an individual basis whenever a student is accused of an offense that may result in a sanction less than dismissal or suspension. At this conference, the matter may be mutually resolved, dropped due to lack of evidence, adjudicated by the official, or referred for a Judicial Panel hearing. If the facts of the case are in dispute, both the accused student and the accuser may present evidence and witnesses.

#### **6.5.2.6 - Judicial Hearings**

All hearings shall be conducted in private and parents, guardians and attorneys, or other advisors or representatives are not permitted to attend or participate in the hearing, except a member from the Office of Student Affairs. Admission of any other person to the hearing would be unusual and only at the discretion and with the permission of the Executive Director of Student Affairs (or designee).

Judicial hearings will be governed by the following rules:

1. In situations where more than one student is charged with an alleged violation, the Executive Director of Student Affairs (or designee) will determine whether to hold one hearing for all charged students or a separate hearing for each student.
2. A student charged with alleged misconduct may offer documentary evidence for consideration prior or during the hearing. Evidence may include pertinent records, exhibits and other written statements.
3. A student charged with alleged misconduct may offer names of witnesses to the Executive Director of Student Affairs (or designee), but must do so prior to the hearing.
4. When a student denies responsibility for a violation of the rules governing student behavior, the Student Judicial Board or SCU official adjudicating the case shall recommend the student's responsibility on the basis of preponderance of evidence, that is, if it more likely than not that the evidence supports the charged student violated the rule. If it is so determined, the student will be found responsible.
5. When a student is charged with a violation and fails to attend the pertinent hearing, the Student Judicial Board or SCU official may proceed with the hearing despite the student's absence and shall base any determination upon the evidence received. If witnesses are unable to appear, a statement by the witness can be read into the record. The board can also choose to convene again when the witness can appear.
6. The Executive Director of Student Affairs (or designee) will inform the charged student in writing of the results of the judicial hearing. In cases where the violation involved an allegation of violence and a student is determined to be a victim of that act, the Executive Director of Student Affairs (or designee) will also inform the victim in writing of the results of the charged student's hearing and sanctions imposed, if any.
7. All procedural questions are subject to the final decision of the Executive Director of Student Affairs (or designee).

#### **6.5.2.7 - Judicial Hearing Procedures**

The following steps comprise the SCU Judicial Hearing procedure. Additional details on this procedure may be found in the Judicial Handbook.

##### **6.5.2.7.1 - Introduction**

1. Prior to the hearing, the Judicial Board will conduct a pre-hearing review, to familiarize themselves with the facts of the case.
2. The hearing shall be in private, to protect the confidentiality of those involved.
3. The Judicial Board or University official shall provide an overview of the hearing process for the student and answer any questions the student may have about the process or the student code of ethics.
4. The accused student may challenge any member of the committee on grounds of prejudice. The committee shall deliberate in private and determine, by majority vote (excluding the member being challenged), whether the member should be replaced by an alternate committee member who will be designated by the University official.

5. The student or organization shall have the right to be assisted by an adviser of the student or organization's choice, who must be a full-time staff member, full-time faculty member, or student of the University. The adviser, upon request of the student or organization may:
  - a. Advise the student in the preparation of the student or organization's presentation.
  - b. Accompany the student or organization's representative to the hearing.
  - c. Advise the student or organization in the preparation of an appeal.
  - d. The adviser shall not assume responsibility for conducting the presentation of the accused student or organization, except that the adviser may assist in questioning all witnesses.
6. The Chairperson shall read the alleged violations of the Code as identified in the notification letter to respondent and the letter of complaint. The honesty statement is also read to all participants.
7. The Chairperson asks if there are any questions of procedure to resolve. Both sides are asked if they are ready to proceed.
8. Witnesses are asked to leave the room.
9. Under certain circumstances complainant can be asked to remain outside until it his his/her turn to testify.

#### **6.5.2.7.2 - Discussion and Questioning**

1. After witnesses have left the room, the Chairperson asks the complainant and respondent, or their respective representatives, if they would like to make brief opening statements.
2. The complainant is asked to make a narrative statement regarding the incident.
3. The respondent is asked to provide a narrative account of the incident.
4. Board members direct questions to either complainant or respondent, as needed. The complainant and the respondent may ask questions of each other directly as well. The chairperson will recognize each person who would like to ask a question and insure that each person has an opportunity to respond, uninterrupted.
5. The complainant is asked to identify the witnesses to be called and the relevancy of their testimony. The Chairperson should be liberal in allowing relevant witnesses. Character witnesses for the complainant are not usually appropriate. The Chairperson will approve all witness before the start of the hearing.
6. The respondent is asked to identify the witnesses to be called and the relevancy of their testimony. Again, the Chairperson should be liberal in allowing relevant witnesses.
7. The complainant's witnesses are heard first as follows:
  - a. Each witness provides a narrative account. The specific charges may be shared with the witness.
  - b. Questions are asked by Board members, followed by the respondent and the respondent's representative, provided the questions are not redundant.
  - c. The Board may ask additional questions, as necessary.
8. The respondent's witnesses are heard last according to the same procedure outlined for the complainant.
9. OPTIONAL: Brief summary statements may be made by the respondent and complainant; the complainant has burden of proof and goes last. A time limit may be set for these statements.
10. The respondent and the complainant are dismissed.

#### **6.5.2.7.3 - Deliberation**

When the Judicial Board or University official has gathered the pertinent information, the student's responsibility with each charge will be determined by a majority vote of the Judicial Board or by a University official, and any recommended sanctions to be imposed. No charge shall be found to be substantiated unless there is clear, convincing, and reliable evidence in support of the charge established in the hearing.

The Judicial Board or University official may continue the judicial hearing on a future date, if needed.

The Judicial Board or University official will inform the student about the opportunity to appeal any decision, and inform the student of the process to appeal.

The Judicial Board or University official will inform the Executive Director of Student Affairs (or designee) of their recommended decision and recommended sanctions.

The Executive Director of Student Affairs (or designee) will make a final decision based on the recommendations and will communicate in writing the final decision and sanctions to the student within five business days of the hearing.

#### **6.5.2.7.4 - Sanctions Recommendation and Determination**

Any student found responsible for any violation of the student code of ethics may expect to receive sanctions. These sanctions are meant to be educational in nature and help students to better understand the effect of their actions within a community. During the final part of the hearing, board members determine disciplinary sanctions to be recommended to the Executive Director of Student Affairs (or designee).

1. The Chairperson explains the possible sanctions available to the Board and the sanctioning process.
2. Board members ask questions of the respondent to attempt to determine motivation, sense of remorse, etc.
3. The participants are dismissed while the Board determines appropriate sanctions.
4. The respondent will be notified in writing of the decision once a final determination has been reached by the Executive Director of Student Affairs (or designee). The respondent's right to appeal the decision and/or sanction will be included in the notification
5. The Board deliberates and prepares a final sanction recommendation. The Chairperson prepares a case opinion which is submitted to the Advisor for review and then sent to the Executive Director of Student Affairs (or designee).

#### **6.5.2.7.4.1 - Sanctions**

Any student found responsible for any violation of the Student Code of Ethics may expect to receive sanctions. These sanctions are meant to be educational in nature and help students to better understand the effect of their actions within a community.

##### **6.5.2.7.4.1.1 - Disciplinary Warning**

A formal reprimand is issued based on the seriousness of a violation(s) and/or history of previous minor violations of the student code of ethics. A warning indicates that the student's good standing with the University is in jeopardy, and may include requirements and restrictions as circumstances warrant.

##### **6.5.2.7.4.1.2 - Disciplinary Probation**

This sanction is the highest sanction imposed on a student before suspension and is imposed for

serious misconduct and/or a history of multiple violations. Probation may include requirements to be completed or restrictions.

#### **6.5.2.7.4.1.3 - Suspension**

A student who is suspended is separated from the University for a designated period of time. The student is prohibited from SCU's premises and all SCU-sponsored events and activities. A student who is suspended may not be entitled to any refund or reimbursement by the University.

#### **6.5.2.7.4.1.4 - Expulsion**

This sanction permanently separates a student from SCU, and represents the most severe response by the University to violations of the student code of ethics. A student that is expelled is prohibited from the SCU premises, and from attending SCU-sponsored events and activities, and may not be entitled to any refund or reimbursements by the University.

#### **6.5.2.7.4.2 - Educational Sanctions**

In addition to above, when deemed appropriate, the Judicial Board, SCU official or appeal officer may require the completion of a variety of educational sanctions including, but not limited to: a reduced grade on the assignment, a reduced grade in the course, additional assignments, failure of the class, assessment by a personal counselor, educational seminars, essays, letters of apology, behavioral agreements, work service hours, or completion of other special University or community projects.

#### **6.5.2.8 - Appeals Process**

Any decision recommended by the Student Judicial Board or SCU official and determined by the Executive Director of Student Affairs (or designee) may be appealed by the accused student (or by the victim, if there is one) to the Executive Director of Student Affairs (or designee) within five business days of the decision. Such appeals shall be in writing and delivered to the Executive Director of Student Affairs (or designee). A student's notice of appeal suspends the imposition of sanctions until the appeal is finally decided.

The basis for appeal shall only include the following:

1. A claim that the original hearing was not conducted fairly in light of the charges and information presented.
2. A claim that the decision reached was not based on substantial evidence.
3. A claim that the sanction(s) imposed was/were not appropriate for the violation of the Student Code of Ethics.
4. A claim that the student has new evidence to present that is sufficient to alter a decision or relevant facts that were not brought out in the original hearing.

If the Executive Director of Student Affairs (or designee) determines there is merit for an appeal, the facts of the incident will be reviewed with the student, typically in a personal meeting between the Executive Director of Student Affairs (or designee) and the student. Appeals can result in one of the following ways:

1. The student will be found not responsible for the violation of the Student Code of Conduct.
2. The student's original sanction will be upheld.
3. The student's original sanction will be modified.

The standard of preponderance of evidence (more likely than not) will be used in all decision-making.

Once the Executive Director of Student Affairs (or designee) has rendered a decision, the student

will receive a written notice of the outcome. If the student wishes to appeal the decision of the Executive Director of Student Affairs (or designee), he or she may submit a request in accordance with the "Final Appeal" process.

Inappropriate conduct that occurs at off-campus events is subject to University conduct review, regardless of whether or not the event was University-sponsored. A student's off-campus behavior that negatively affects the mission or reputation of the University or profession is always subject to conduct review, irrespective of the behavior's ultimate legality or outcome.