

JUDICIAL & MEDIATION SERVICES

FREQUENTLY ASKED QUESTIONS



WHAT IS THE PURPOSE OF JUDICIAL AND MEDIATION SERVICES?

At Clarion University, the campus disciplinary procedures are designed to emphasize education, individual growth and development, self-discipline and respect for the rights of others. The discipline system works to redirect individual behaviors into acceptable patterns and to protect the rights of the students within the learning community.

Participation in the community of scholars represents, for many, an abundance of freedom with little structure. The purpose of disciplinary intervention is to identify and hold students accountable for the responsibilities of the academic community. Students must balance their individual freedoms with the rights of others and conduct themselves according to the expectations of the institution.

WHERE CAN I FIND THE STUDENT CODE OF CONDUCT?

The Student Code of Conduct can be found in the *Student Rights, Regulations, and Procedures Online Handbook*. A paper copy can be obtained in the Office of Judicial & Mediation Services or students can go online to view or print their own copy at www.clarion.edu/studentrights.pdf.

The Student Code outlines the standards, expectations and policies regarding student behavior. It also lists the rights and procedures related to the judicial process. It includes an explanation of the judicial process, options for hearings, hearing procedures, disciplinary sanctions, and appeals.



TO WHOM DOES THE STUDENT CODE OF CONDUCT APPLY?

The Code of Conduct applies to all students enrolled in the university regardless of institutional or program affiliation.

WHAT IS DUE PROCESS?

Due process ensures fairness in disciplinary procedures. It includes: written notice of hearings, notice of the alleged charges and information regarding the alleged behavior against a student, the opportunity for students to present information on their own behalf and written notice of decisions. Decisions are based on a preponderance of the evidence (information) presented.

IS A HEARING THE SAME THING AS GOING TO COURT?

No. The university judicial process only hears cases involving alleged violations of the Student Code of Conduct. Judicial & Mediation Services procedures do not parallel criminal procedures.

IF AN INCIDENT IS BEING HANDLED IN THE COURTS, MAY THE UNIVERSITY ALSO TAKE DISCIPLINARY ACTION?

Yes. Judicial & Mediation Services adjudicates cases independently of the criminal process. Thus, a student cited or arrested for an offense may go both to court and through the university judicial process. That is dual jurisdiction, not a form of double jeopardy.

DOES A STUDENT WHO HAS BEEN CHARGED WITH A VIOLATION NEED AN ATTORNEY?

No. A student who has a formal hearing may choose to have an advisor present. The advisor may not represent the student, only advise them. The advisor may not address the hearing officer or panel. The student must speak for himself/herself. An advisor can be anyone the student chooses to bring to the hearing.

WHAT ARE MY RIGHTS IF I AM CHARGED WITH A VIOLATION OF THE STUDENT CODE OF CONDUCT?

The university's rules of procedure for formal hearings shall provide students with the following procedure guarantees:

- Reasonably specific advanced written notice of charges,
- Reasonably advanced written notice of the date, time and place of the hearing, and
- Reasonably sufficient interval between the date of service of charges and the date of the hearing, an opportunity for submission of written, physical and testimonial evidence, and for reasonable questioning of witnesses by both parties.
- An impartial hearing may consist of a committee, board, panel, or individual; maintenance of a written summary or audio file; a decision based upon the preponderance of the evidence and a decision rendered within 30 working days after the close of the proceedings. A student may identify an advisor, who may be an attorney, to be present at hearings at the expense of the student. The advisor may only consult and interact privately with the student. In cases of an alleged sexual assault, the complainant and accused student(s) are entitled to have an advisor present at the hearing. Please see the *Student Rights Regulations and Procedures Online Handbook* for more information regarding Title IX compliance or for further explanation of student rights.

For additional information relative to conduct regulations and disciplinary proceedings, consult your *Student Rights, Regulations, and Procedures Online Handbook*. It can be accessed from www.clarion.edu/studentrights.pdf

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FOR MORE INFORMATION
WWW.CLARION.EDU/JUDICIAL
814-393-1918

WHAT IS THE ROLE OF AN ADVISOR?

Students may choose to have an advisor of their choice for University Conduct Board (UCB) meetings. Advisors are there to whisper advice, write notes, and meet outside the room with the student as needed. An advisor may not interact with the board, board chair, witnesses, coordinator of Judicial Affairs & Residence Life Education, or any other party in the room. Any notes taken during the meeting by an advisor or student must stay at the meeting and will be shredded.

CAN THE OFFICE OF JUDICIAL & MEDIATION SERVICES PROVIDE LEGAL ADVICE?

No, we are not able to provide any legal advice to students regarding court cases. You may, however, wish to contact the Public Defender's Office of Clarion County at 814-226-7380.

WILL THE CONDUCT BOARD BE AWARE OF A STUDENT'S PREVIOUS HISTORY?

The Conduct Board is not made aware of a student's disciplinary history during the hearing unless it is relevant to the specific allegations. The board will be informed of the student's prior judicial record if a student has been found responsible for violations of the Student Code of Conduct, and may use this information in the development of sanctions.

HOW DOES A STUDENT APPEAL A DISCIPLINARY DECISION?

Students will be given information for an appeal on the decision letter from the UCB or through an Administrative Hearing. UCB appeals will be heard by the president or by a person appointed as the appeal chair. No second hearing will be granted and the appeal is final. Administrative appeals are sent to the Office of Judicial & Mediation Services for review.

Appeals of cases heard by the coordinator of Judicial Affairs & Residence Life Education will be heard by a person appointed by the Office of Judicial & Mediation Services. This person is generally a seasoned faculty or staff member.

IF AN INCIDENT OCCURS OFF-CAMPUS, CAN CHARGES BE BROUGHT UNDER THE STUDENT CODE OF CONDUCT?

Yes, jurisdiction under the code applies to the conduct of any student or student organization regardless of location of the alleged incident. The university reserves the right to impose discipline based on any student conduct, regardless of location, that may adversely affect the university community.

CAN PARENTS/GUARDIANS PARTICIPATE IN THE UNIVERSITY CONDUCT PROCESS?

Parents and/or guardians may participate in the student conduct process by being supportive while holding the student accountable to the university's expectations. You can also help identify and provide necessary interventions, such as alcohol or drug evaluations, anger management, and others, so that the student can recover from their current challenge and be successful in the future. Allow, encourage, and expect the student to set appointments, attend meetings, and fulfill sanctions. It is usually not helpful to the educational development of the student, or resolution of the matter, for you to take over the process for the student.

ARE PARENTS/GUARDIANS NOTIFIED IN THE EVENT THEIR STUDENT IS INVOLVED IN AN INCIDENT?

In efforts to help reduce the increasingly dangerous alcohol consumption incidents, parents of students who are under the age of 21 may be notified when a student is found to be responsible for a university violation involving alcohol or other drugs. Yet, Clarion University of Pennsylvania encourages students to speak with their parents on their own.

The Family Educational Rights and Privacy Act (FERPA) allows for universities to contact the parents of students who are under 21 and found responsible for violating alcohol and/or drug policies. Therefore, parents may be contacted if the aforementioned criterion is met. Additionally,

parents may be contacted, without consent of the student, if their student's health, safety, and/or welfare are in clear and present danger.

WHAT IS FERPA?

The Family Educational Rights and Privacy Act (FERPA) of 1974 is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.

DO STUDENT DISCIPLINARY RECORDS APPEAR ON THE ACADEMIC TRANSCRIPT?

No. Sanctions are not noted on academic transcripts, however, information is kept in the Office of Judicial & Mediation Services for a period of five years from the date of the last action taken. Cases involving expulsion may be held longer.

WHAT DOES IT MEAN WHEN A HOLD IS PLACED ON A STUDENT ACCOUNT FROM JUDICIAL & MEDIATION SERVICES?

Generally, holds are placed on student accounts if they fail to attend hearings, meetings, complete sanctions, or if a hearing would be pending should they return to the university after leaving by choice or if they are placed on a suspension or expulsion. Please call the office to find out specifically what you should do to have the hold lifted.

ARE STUDENT'S INTERACTIONS WITH THE UNIVERSITY DISCIPLINE SYSTEM KEPT CONFIDENTIAL?

Yes. FERPA makes a student's disciplinary record part of the educational record. The university will not release or permit access to educational records and personally identifiable information kept on a student except as otherwise permitted by law and this rule. The record may be accessed by the student, the parent of a minor student with the student's authorization or in response to a court order. The educational record may also be shared with other members of the academic community with a legitimate need to know. In some instances, a student or a graduate may sign a release for access to this record for employment or educational reasons such as for employment in a Federal facility requiring certain security clearances.

HOW WILL HAVING A DISCIPLINARY HISTORY AFFECT A GRADUATE'S EMPLOYMENT OPPORTUNITIES OR CHOICE OF GRADUATE SCHOOLS?

As previously indicated, disciplinary records are part of the educational record and are not released without the student's authorization or as the law permits. Many graduate schools (law schools, medical schools, dental schools) and employers (FBI, Secret Service, CIA, State Department, etc.) will request a background check of a student's disciplinary record.

Please manage your future responsibly while attending Clarion University of Pennsylvania. Choices you make may impact your status as a student as well as future life plans.

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FOR MORE INFORMATION
WWW.CLARION.EDU/JUDICIAL
814-393-1918

WHAT IS THE DIFFERENCE BETWEEN PROBATION, SUSPENSION, AND EXPULSION?

- Probation is a written reprimand for a violation of specific [university] regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the student is found to be in violation of any institutional regulation(s) during the probationary period.
- Suspension occurs when a student may be suspended for a definite period of time, not less than the remainder of the current semester in which he or she is enrolled. The student who has been suspended may apply for a readmission hearing at a time provided by a University Conduct Board. A hold is placed on the student account and students may not come back to campus unless they have approval by Judicial & Mediation Services or by University Police. Entrance without approval is thought to be trespassing.
- Expulsion is a permanent separation of the student from the university. A student who is expelled may not be allowed to reenter the university and a hold that notes the expulsion will be listed through Student Information Systems. Students may not enter campus while under expulsion. Entrance to campus without approval of Judicial & Mediation Services or University Police will be treated as trespassing.

CAN I CALL THE OFFICE OF JUDICIAL & MEDIATION SERVICES IF SOMEONE IS HARASSING ME?

Yes. Please call the office right away or contact University Police, or Residence Life Services staff so we may talk with you about your options. If the situation is serious or life-threatening, call University Police at 814-393-2111 or (911). You may also wish to contact The Office of Social Equity at 814-393-2109.

WHAT ARE MEDIATION SERVICES?

Mediation through the Office of Judicial & Mediation Services is an outreach program to students, groups, and student organizations when they are in conflict with others. We value the process and the desire to come to a mutually beneficial conclusion to conflict. Judicial and Mediation Services also provides the opportunity for students to receive training in mediation.

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If you have additional questions, stop by the Office of Judicial and Mediation Services in 204 Egbert Hall, call 814-393-1918, or visit www.clarion.edu/judicial for more information.

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