

JUDICIAL AFFAIRS FREQUENTLY ASKED QUESTIONS

WHAT IS THE PURPOSE OF JUDICIAL AFFAIRS?

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?

A paper copy can be obtained in the Office of Judicial Affairs or students can go online to view or print their own copy at www.clarion.edu/studentrights.

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. It also applies to behavior that occurs on-campus, off-campus or online.

WHAT ARE MY RIGHTS IF I AM CHARGED WITH A VIOLATION?

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;
- Reasonably sufficient interval between the date of notice 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 that 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 Code of Conduct 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 Code of Conduct. It can be accessed at www.clarion.edu/studentrights.

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.

WHAT FACTORS ARE CONSIDERED WHEN DETERMINING CHARGES FOR ALLEGED BEHAVIOR?

Clarion, like other institutions of higher learning uses the phrase, "What would a reasonable person believe?" when determining if charges are founded or not. A prior conduct record is not used to determine if charges are founded, however, it is used during sanctioning. Academic success is also examined in some cases administratively and in all University Conduct Board hearings.

The factors that are considered in each case include, but are not limited to, the following: (no particular order)

- Police reports, if any
- Witness statements, if any
- The nature of the incident
- The intent of the student(s) involved
- The effect on the University community
- Prior conduct records of involved student(s) for sanctioning
- The role of the accused student(s) in the incident
- The cooperation and honesty of the involved student(s)
- The development and education of the student(s) involved

HOW SHOULD I DRESS FOR MY HEARING?

Your dress attire for a hearing depends on the type of hearing that you are having. If you are having an informal administrative hearing, meaning you are meeting with a hearing officer to review your case, then casual or business casual would be an appropriate dress attire. If you are having a formal conduct board hearing to review your case then business formal or business casual attire would be appropriate.

If you have questions as to what constitutes casual, business casual and business formal attire you can click on the following links to get more information:

[Women's Business Formal vs. Casual](#)

[Men's Business Formal vs. Casual](#)

You may also choose to visit the [Career Services](#) page for Clarion University to get additional information and assistance.

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 Affairs procedures do not parallel criminal procedures.

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

Yes. Judicial Affairs 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. An advisor can be anyone the student chooses to bring to the hearing. 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.

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, Assistant Director of Judicial Affairs 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 AFFAIRS 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.

IF AN INCIDENT OCCURS OFF-CAMPUS, CAN CHARGES BE ISSUED 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.

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 the board 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 in 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 Affairs for review. Appeals of cases originally heard by the Assistant Director of Judicial Affairs will be heard by a person appointed by President of the University. This person is generally a seasoned faculty or staff member.

WHAT POLICIES DO GREEK LETTER ORGANIZATIONS NEED TO FOLLOW?

All Greek letter organizations must follow the [anti-hazing policy](#), in addition to the other policies that are in place by Clarion University, Interfraternity Council, Panhellenic Council, Joint Council and the [Fraternal Information and Programming Group](#) (FIPG).

Greek organizations must be aware of the policies that are enacted by each of the above groups. When the above groups have differing policies related to a specific topic, Greek organizations need to follow the strictest policy.

Questions about the policies that Greek organizations must follow can be directed to the University's Greek Life Coordinator or Tyler Kitzmiller, Assistant Director of Judicial Affairs, at trkitzmiller@clarion.edu.

You may also wish to visit the [Clarion University Greek Life](#) page for more information.

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 are 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.

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.

DO STUDENT DISCIPLINARY RECORDS APPEAR ON THE ACADEMIC TRANSCRIPT?

Suspensions and Expulsions are noted on the Academic Transcript at Clarion University. Suspensions will show an end date if a student successfully petitions to return following a suspension period.

Other sanctions are not noted on academic transcripts, however, information is kept in the Office of Judicial Affairs for a period of seven years from the date of the last action taken. Cases involving expulsion may be held longer.

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.

WHAT DOES IT MEAN WHEN A HOLD IS PLACED ON A STUDENT ACCOUNT FROM JUDICIAL AFFAIRS?

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 of Judicial Affairs at +1 814-393-1918 to find out specifically what you should do to have the hold lifted.

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

- **Probation** - 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** - Suspension occurs when a student is separated from the University 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 must vacate the campus within 24 hours of notification of the suspension. During the suspension period, the student is banned from University property, functions, events and activities without prior approval from the Director of Student Engagement & Development. Entrance without approval is treated as trespassing.
- **Expulsion** - 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 is placed on the student account. Students may not enter campus while under expulsion. Entrance to campus without approval of Judicial Affairs or University Police will be treated as trespassing.

Any student issued a suspension or expulsion will have a transcript notation added which will indicate their removal from Clarion University of Pennsylvania for a behavioral reason (effective July 01, 2012).

CAN I CALL THE OFFICE OF JUDICIAL AFFAIRS 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 Affairs 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 Affairs also provides the opportunity for students to receive training in mediation.

If you have additional questions, stop by the Office of Judicial Affairs in 260 Gemmell Student Center, call 814-393-1918, or visit www.clarion.edu/judicial for more information.

It is the policy of Clarion University of Pennsylvania that there shall be equal opportunity in all of its educational programs, services and benefits, and there shall be no discrimination with regard to a student's or prospective student's race, color, religion, sex, national origin, disability, age, sexual orientation/affection, gender identity, veteran status or any other factors that are protected under local, state, and federal laws. Direct related inquiries to the Assistant to the President for Social Equity/Title IX Coordinator, 210 Becht Hall, Clarion University of Pennsylvania, Clarion, PA 16214-1232. Email sfenske@clarion.edu or call 814-393-2351.