Community Living Standards 2013-2014

The residence hall community at La Verne consists of the residents living on each floor, the residents living in each building, and the residents of other buildings within the SHARE community. Each community will begin to develop from the day the residence halls open. The direction each community takes depends largely upon each resident’s involvement. Residents’ interactions with each other are the largest factor in the creation of a supportive living environment. One of the best ways to help ensure the successful growth of each community is for residents to foster an atmosphere of mutual respect and consideration for one another. Before acting, consider the impact that each behavior may have upon the other community members. In order to facilitate a positive community environment, assist the SHARE Staff and fellow residents with establishing guidelines that secure the concern and respect for all residents. Along with those guidelines are certain laws for the State of California and within the University of La Verne, which must also be observed.

Housing Student Judicial Process

The Housing Student Judicial Process is meant to be a developmental and educational process. This means that while a student may be held accountable for their behaviors, the goal is also to have the student learn from the experience so as to better themselves and better their community. With that in mind, the judicial process will strive to enforce the standards of conduct through promoting social and individual responsibility. It will, at the same time, mediate behavior such that any point at which a student has become a danger to him/herself or the community, that student can no longer be allowed to be part of the community.

Fundamental Fairness

In the enforcement of the standards of conduct, a student will have the right to fundamental fairness. Fundamental right to fairness means that students will have the following rights:

1. The right to receive timely notification of the sections of the policy allegedly violated; the date, time and place the violation took place.
2. The right to a judicial review meeting before a Housing or University Judicial officer.
3. The right to review information pertinent to the alleged violation.
4. The right to be present at any meeting on the alleged violation.
5. The right to present a version of the incident either through personal and written statements, including the statements of witnesses.
6. The right to receive timely notification of the final decision regarding the alleged incident.
7. The right to appeal the decision in accordance with the appeal procedures.
8. The right to have conduct information that is confidential only be disclosed under the provisions set forth by the Family Education Rights and Privacy Act [http://www.ed.gov/policy/gen/guid/fpeo/ferpa/index.html].

Jurisdiction

The Housing Judicial Process is designed primarily to address misconduct that takes place or originates on University premises. This means that the conduct does not necessarily need to take place on-campus, but may have originated on-campus. The Housing Judicial Process will also be used to address
Community Living Standards 2013-2014

misconduct that takes place off-campus and has implications or ramifications that affect members of the on-campus community or the campus community at large. This also applies to University sponsored events, activities, trips, etc. which may occur off campus.

A violation of SHARE Policy, depending on the severity, may be subject to three different judicial systems and processes. An incident that constitutes only a violation of SHARE Policy will be addressed by the Housing Judicial System. An incident that also constitutes a violation of University Policy may also be addressed by the University Conduct Process. An incident that constitutes a violation of state and/or federal law may be addressed via a court of law.

Conduct Procedures

The procedures outlined are designed to ensure fundamental fairness but should not be confused with a court of law. SHARE reserves the right to temporarily relocate a student during investigation of an alleged violation if such action appears to be in the best interest and/or safety of the community.

Upon Violation of a Policy:

1. An Incident Report/Behavioral Referral Form will be written to document events involving violations of policies.
2. The student(s) or representative(s) of a group allegedly involved will be notified to meet with a Housing Judicial Officer.
3. During a review meeting, the Housing Judicial Officer will discuss with the student(s) the policy allegedly violated and the student(s) alleged involvement. The student will be given the opportunity to state whether or not he/she is responsible and to provide his/her statement or account of the incident in question.
4. At the conclusion of the review meeting, the Judicial Officer may seek additional information and/or review all the information available, including statements from the student to decide whether or not the student is responsible. If found responsible, the Housing Judicial Officer will assign sanctions that are in alignment with the educational philosophy of the process and also guard the rights and safety of the community.
5. The student(s) will receive written notification of the staff member’s decision within a reasonable amount of time following the fact-finding process. If the situation warrants, other offices or entities may be advised of the incident and sanctions (i.e., Office of the Dean of Student Affairs, University Counseling Center, Campus Safety, Athletics, etc.). Violations of policy can also be referred to the Peer Review Board, depending on severity of the violation.

Failure to Appear

A student who fails to appear for a conduct meeting or appeal meeting is not excused from pending action and forfeits the right to appeal. The conduct meeting will take place in the absence of the student and a decision will be made based on the information available. A student will be informed of the decision in writing. A student who voluntarily withdraws from the University or leaves Housing prior to the completion of a proceeding is also not excused from pending action or sanctions.
Community Living Standards 2013-2014

Preponderance of Evidence

The SHARE Office at the University of La Verne uses a preponderance of evidence when deciding the responsibility of a student involved in a policy violation. In other words, we must be 51 percent sure that a student violated the policy to find him/her responsible. Another way of thinking about preponderance of evidence is with the phrase, “Given the information available from the hearing, is it more likely than not that the student violated Housing policy?”

Sanctions

The following are sanctions that the SHARE Office will impose when a student has been found RESPONSIBLE for violating SHARE policy. They are suggested actions and are not all inclusive. The Housing Judicial Officer is responsible for determining the sanction that best meets the overall educational goal of the conduct process based on the facts of each individual hearing.

NOTE: The sanctions are not necessarily given in the order they are listed and depend on the severity of the incident.

Formal Warning

This sanction is usually, but not always, the first step in the formal conduct hearing process. A written warning to the student states that continued violations of University or residence hall policies or procedures will result in further disciplinary action.

Educational Sanction

This sanction will require the student(s) complete an educational project as specified. The student(s) may be required to participate in an educational program or activity. This sanction may be imposed with Formal Warning and/or Housing Probation and Relocation.

Restitution

This sanction will require payment for damages to property of the University such as residence halls and surrounding areas.

Housing Probation

This sanction indicates that the student’s actions require a more serious response than a Formal Warning, but do not necessarily meet the standard for Removal from Housing. Housing Probation states that the student’s continued violation of SHARE policy will result in further disciplinary action. Housing probation is for a designated period of time and may include restitution, educational sanctions, or other specified activities.

Housing Relocation
Community Living Standards 2013-2014

Students may be asked to relocate or move to another room on-campus. The student will be expected to follow room change procedures as outlined by the SHARE Office.

Persona-Non-Gratis

This serve as notice that a student is not allowed in or within 25 feet of University Housing or University Property and adjacent parking lots. It also serves as notice that a student is subject to arrest for trespassing should he/she enter the specified premises. "Removal from Housing", “Suspension from the University” and “Dismissal from the University/Expulsion” carry an automatic "Persona-Non-Gratis” on all University premises or as specified.

Removal from Housing

The Director of Housing & Residential Life or his/her designee has the authority to cancel a student’s Housing contract. A student whose contract has been cancelled will be required to immediately, or within a certain time period, vacate themselves and their belongings from their assigned room. A student whose contract is being cancelled may be considered “Persona Non Gratis.” This means that a student would be prohibited from entering or being within 25 feet of all University owned Housing and adjacent parking spaces. A copy of the sanction letter will be forwarded to the campus judicial officer and to Campus Safety.

University Wide Sanctions

In certain situations, an incident may be so severe that the housing judicial officer may invoke university wide sanctions. These sanctions include but are not limited to:

Suspension from the University

Suspension involves immediate separation from the University for a specific period of time or until certain conditions are met.

Dismissal from the University/Expulsion

Dismissal/Expulsion is immediate and permanent separation from the University.

Appeal Process

Each student has the right to appeal a decision made during a disciplinary meeting. Appeals of a decision will generally go to the next administrative level. All requests for appeals must be submitted in writing and delivered to the SHARE Office within three working days from the date the decision letter was received. The appeal letter must include the decision, the sanction, the reason for appeal, and a contact phone number and email address.

An appeal meeting may be granted provided that the appeal, as expressed on the appeal letter, is based on and has merit on one or more of the following:
Community Living Standards 2013-2014

1. New or relevant information that would have impacted decision or sanction is now available
2. The process was significantly/grossly not consistent with the outlined housing judicial process
3. The evidence did not support the finding of being responsible for the policy violation.
4. The sanction was not consistent or outside the normal range of what is normally sanctioned for similar offenses in similar situations

A student is responsible for completing all sanctions assigned during the appeals process. Sanctions will be removed only if appeals are upheld.

Students will be contacted verbally and in writing on whether an appeal meeting has been granted or not.

Upon hearing an appeal case, the appeal officer may:

1. Uphold the original sanction or decision.
2. Eliminate or decrease the original sanction or decision.
3. Change or increase the original sanction or decision.

An appeal can only be heard once. The decision of the appeals officer is final.

Family Education Rights and Privacy Act of 1974 (FERPA)

FERPA is a Federal Law designed to protect the privacy of students’ educational records. Under this law, the Student Housing and Residential Education Staff may inform parents/guardians of students, under 21 years of age, who have committed violations regarding University alcohol and drug policies.

Peer Review Board

The Peer Review board is a committee consisting of residential life students at the University of La Verne. The purpose of the Peer Review Board is to give a student an option of having the board review the student’s case instead of an administrative staff for first time violation.

The Associate Director of Residential Life will review all incident reports and will identify alleged first time policy violators that, given the context, are eligible for Peer Review Board hearings. Incidents where the context of the policy violation is a) grave, b) impact on individuals or the community is severe or c) if found responsible, may merit a sanction of housing removal, campus suspension or expulsion will not be eligible for Peer Review Board. Ultimately, decision as to whether an incident is eligible for Peer Review Board is at the discretion of the Associate Director of Residential Life.

In situations where a student is eligible to have a Peer Review Board meeting, they will have that presented to him/her as an option in the "Notice to Meet” letter. Should a student choose to have their incident reviewed by the Peer Review Board, the Board will function as the Housing Judicial Officer responsible for assignment responsibility and sanctions. All other conduct guidelines under the Housing Student Judicial process, including appeals, apply.