

THE CALIFORNIA STATE UNIVERSITY
OFFICE OF THE CHANCELLOR



BAKERSFIELD

April 6, 2012

CHANNEL ISLANDS

CHICO

MEMORANDUM

DOMINGUEZ HILLS

EAST BAY

TO: CSU Presidents

FRESNO

FROM: Charles B. Reed
Chancellor

FULLERTON

HUMBOLDT

SUBJECT: Student Conduct Procedures — Executive Order 1073

LONG BEACH

Attached is a copy of Executive Order 1073, Student Conduct Procedures, which supersedes Executive Order 1043, issued in response to the April 2011 “Dear Colleague” letter from the U.S. Department of Education Office of Civil Rights addressing Title IX of the Education Amendments of 1972.

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

NORTHRIDGE

POMONA

If you have questions regarding this executive order, please contact the Office of General Counsel at (562) 951-4500.

SACRAMENTO

CBR/gsb

SAN BERNARDINO

Attachment

SAN DIEGO

c: Executive Staff, Office of the Chancellor

SAN FRANCISCO

SAN JOSÉ

SAN LUIS OBISPO

SAN MARCOS

SONOMA

STANISLAUS

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4500

Executive Order: 1073
Effective Date: April 6, 2012
Supersedes: Executive Order 1043
Title: Student Conduct Procedures

Article I. Authority and Purpose

These procedures are established pursuant to section 41301 of Title 5 of the California Code of Regulations (Title 5), and govern all student disciplinary matters systemwide.

Article II. Definitions

- A. **Complainant** means an individual who claims to have been injured by, or have knowledge of, a student's violation of the Student Conduct Code, as defined below.
- B. **Discrimination** has the meaning defined in Executive Order 1074.
- C. **Executive Order 1074** is the Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students, or any superseding executive order, if applicable.
 - 1. **DHR Administrator** means the campus administrator responsible for implementing Executive Order 1074.
- D. **Harassment** has the meaning defined in Executive Order 1074.
- E. **Student** means an applicant for admission to the CSU, an admitted CSU student, an enrolled CSU student, a CSU extended education student, a CSU student between academic terms, a CSU graduate awaiting a degree, and a CSU student who withdraws from school while a disciplinary matter is pending.
- F. **Student Conduct Code** means Title 5 §41301 et seq.

G. **Retaliation** has the meaning defined in Executive Order 1074.

H. **University** means the California State University, including its 23 campuses.

I. **University Property** means:

1. Real or personal property in the possession or under the control of the University; and
2. All University facilities whether utilized by a campus or a campus auxiliary organization.

J. **Working Days** are defined as Monday through Friday, excluding all official campus holidays or campus closures.

Article III. General Provisions

A. Student Conduct Administrator

Each campus president shall assign a campus employee to be the student conduct administrator, whose responsibilities are to perform duties as prescribed in these procedures. All student conduct administrators shall have relevant experience or shall receive appropriate training regarding such issues as the student discipline process, the investigatory process, and the laws governing Discrimination, Harassment and Retaliation. The student conduct administrator serves at the pleasure of the president.

B. Hearing Officers

Each campus president shall appoint one or more persons to serve as hearing officers. They may be University employees (current or retired), managers or directors (current or retired) of a recognized campus auxiliary organization, attorneys licensed to practice in California, or administrative law judges from the Office of Administrative Hearings. Student conduct administrators and their subordinates, persons with a conflict of interest in the matter, and percipient witnesses to the events giving rise to the matter are ineligible to serve as hearing officers. The hearing officer conducts the hearing, determines whether a Student has violated the Student Conduct Code, and prepares a report that includes findings of facts and conclusions about whether the Student violated the Student Conduct Code and any recommended sanctions. All hearing officers shall have relevant experience or shall receive appropriate training regarding such issues as the student discipline process, the laws governing Discrimination, Harassment and Retaliation, Student and witness privacy rights, the Family Educational Rights and Privacy Act of 1974 (FERPA), and the role and duties (including impartiality and confidentiality) of the hearing officer.

C. Advisors

Both the Complainant and the Student charged may elect to be accompanied by an advisor to any meeting(s), conferences or interview(s). The advisor's role is limited to observing and

consulting with and providing support to the Complainant or Student charged; an advisor may not speak on the Student's/Complainant's behalf.

D. Attorneys

Student conduct proceedings are not meant to be formal court-like trials. Although University-related sanctions may be imposed, the process is intended to provide an opportunity for learning.

1. Each campus president determines by campus directive whether attorneys are permitted to be present in all or some campus proceedings. Any person who has a license (active or inactive) to practice law is considered an attorney for purposes of this executive order. The president's determination regarding the presence of attorneys applies to the Student charged, Complainant, and the campus, but not to the hearing officer, who may be an attorney in any case. If the Student charged is permitted to have an attorney present, the Complainant will also be permitted to have an attorney present.
 - a. The Student charged, Complainant and the campus may consult attorneys outside of the actual proceedings irrespective of the president's directive.
 - b. Notwithstanding any such directive, attorneys may attend hearings: (a) where there are pending criminal (felony) charges arising out of the same facts that are the subject of the disciplinary proceeding; or (b) where the recommended sanction is expulsion.
2. If authorized by the president's directive, attorneys may participate (if at all) only as advisors, and may not speak on behalf of their clients. Any Student who wishes to have an attorney present at the hearing must notify the student conduct administrator in writing at least five Working Days prior to the hearing.
3. In the absence of a president's directive, attorneys shall be excluded from disciplinary conferences and hearings, subject to the two exceptions set forth in D.1.b, above.

E. Confidentiality

Information provided to University employees shall be shared with other University employees and law enforcement exclusively on a "need to know" basis. University employees shall endeavor to honor any Complainant's or victim's request for confidentiality; however, the University shall also weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the campus community. Confidentiality, therefore, cannot be ensured.

F. Other Student Conduct Code Violations Related to Incidents of Sexual Violence

Victims should not be deterred from reporting incidents of sexual violence out of a concern that they might be disciplined for related violations of drug, alcohol, or other University

policies. The University's primary concern is Student safety; therefore, except in extreme circumstances, victims of sexual violence shall not be subject to discipline for related violations of the Student Conduct Code.

G. Interpretation of the Student Conduct Code and this Executive Order

All issues regarding the hearing described in Article IV. D except those specifically noted are within the purview of the hearing officer for final determination. Questions of interpretation or application of the Student Conduct Code or this executive order are outside the purview of the hearing officer and are determined by the campus vice president for Student Affairs or designee.

H. Delegation of Duties

The duties of the president in these proceedings may be delegated to a vice president.

I. Timelines

The campus may (but is not required to) extend timelines set forth in this executive order. Extensions shall be determined by the campus president, vice president for Student Affairs, or a designee. The student conduct administrator shall notify the Student charged, Complainant and any involved campus administrators of any revised timeline.

J. Parallel Judicial Proceedings

Student Conduct Code proceedings are independent from court or other administrative proceedings. Discipline may be instituted against a Student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the Student Conduct Code. The campus may proceed before, simultaneously with, or after any judicial or other administrative proceedings, except in cases involving Discrimination, Harassment or Retaliation. In such cases, the campus shall proceed without delay pursuant to Article IV.A.4.a, below.

K. Cases Involving Academic Dishonesty

Academic dishonesty cases that occur in the classroom shall be handled by faculty members according to applicable campus procedures. After action has been taken in any such case, the faculty member shall prepare an email that identifies the Student who was found responsible, the general nature of the offense, the action taken, and a recommendation as to whether or not disciplinary action should be considered. The faculty member shall promptly send the email to the vice president for Student Affairs and the student conduct administrator so that the circumstances of the misconduct can be considered in their totality. A department's procedure for responding to cases of academic dishonesty is, by its nature, limited to the instance presented in a particular class. The Student Conduct Code process provides the

campus with an opportunity to consider the Student's entire circumstances, including whether the reported instance is part of a larger pattern of misconduct.

Article IV. Proceedings

A. Complaint Intake/Investigation

1. **Complaint.** Whenever it appears that the Student Conduct Code has been violated, an oral or written complaint should be directed to the student conduct administrator as soon as possible after the event takes place.
2. **Investigation.** Subject to section 4 below, the student conduct administrator shall promptly investigate each complaint submitted and determine whether it is appropriate to charge a Student with violation of the Student Conduct Code. The student conduct administrator shall use the preponderance of the evidence standard; i.e., whether it is "more likely than not" that the Student charged violated the Student Conduct Code.
3. **Timelines.** Investigations shall be concluded within 60 calendar days after a complaint has been made.
4. **Cases Involving Allegations of Discrimination, Harassment or Retaliation.**
 - a. Complaints by Students alleging Discrimination, Harassment or Retaliation against other Students shall be filed and investigated according to the procedures set forth in Executive Order 1074. The DHR Administrator shall notify the student conduct administrator of the status of any such complaint or appeal to the Chancellor's Office, as well as the investigation results (including findings and any interim remedies afforded to the Complainant/victim) where a student has been found in violation of Executive Order 1074.
 - b. Complaints against Students by other members of the University community shall be filed and investigated according to the procedures set forth in section 2, above. The student conduct administrator shall ensure that any such Complainant/victim is promptly referred to the campus administrator who has been appointed by the president to coordinate compliance with the laws protecting against Discrimination, Harassment and Retaliation.

B. Conference

1. The student conduct administrator shall schedule a conference with the Student charged within 10 Working Days after the investigation is complete. The Student charged shall respond to the charges of misconduct at the conference. In cases involving allegations of Discrimination, Harassment or Retaliation, within 10 Working Days after receiving the report and findings (of Student Complaints) or within 10 Working Days after completing the report and findings (of Complaints by persons other than Students), the student

conduct administrator shall: (1) schedule and also *hold* the conference with the Student, and (2) offer the Complainant the opportunity to meet with the student conduct administrator separately.

- a. The conference shall not be recorded.
 - b. The student conduct administrator controls the conference and may exclude any advisor who materially disrupts the conference.
 - c. The conference requirement is waived if the Student fails to attend the conference or otherwise declines to cooperate.
2. The student conduct administrator shall determine which cases are appropriate for informal resolution, taking into consideration the results of the investigation and any additional information provided by the Student charged and the Complainant during any conferences. If agreement can be reached with the Student charged as to an appropriate disposition, the matter shall be closed and the terms of the disposition shall be put in writing and signed by both. Suspension of more than one year or expulsion shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with a settlement agreement.
 3. If the Student admits violating the Student Conduct Code but no agreement can be reached with respect to the sanction, the Student may request a hearing on the sanction only.
 4. In cases involving allegations of Discrimination, Harassment or Retaliation, the student conduct administrator shall promptly notify the DHR Administrator of the outcome of the conference with the Student charged. If the case does not proceed to hearing, the DHR Administrator shall at that time:
 - a. Notify the Complainant of the outcome of the conference, including any sanction that relates directly to the Complainant. Victims of crimes of violence, including forcible sex offenses, shall also receive notice pursuant to IV.F.3.
 - b. Take any appropriate further steps to address the effects of any hostile environment resulting from the Discrimination, Harassment or Retaliation.
 - c. Identify and address any remaining systemic or other patterns of Discrimination, Harassment or Retaliation at the campus.
 5. Discipline cases involving allegations of Discrimination, Harassment or Retaliation may be resolved through the informal conference process. It is, however, not appropriate in such cases for a Complainant to be required to "work out the problem" directly with the Student charged, and in no event should any meeting between Complainant and the Student charged occur without appropriate involvement by the University (e.g., counselor

or appropriate administrator). The Complainant must be notified of the right to end any such informal process at any time.

C. Notice of Hearing

1. The student conduct administrator shall issue a notice of hearing (delivered electronically to the Student charged at the University-assigned or other primary e-mail address linked to the Student's University account) promptly after the conference. In cases involving allegations of Discrimination, Harassment or Retaliation, notice shall also be provided to the Complainant. The notice of hearing shall be issued within five Working Days after the conference(s).
2. The notice of hearing shall be issued under the following circumstances:
 - a. If the Student fails to attend the conference or otherwise declines to cooperate;
 - b. If the matter is not closed or the disposition is not memorialized in writing promptly after the conference(s); or
 - c. If the Student admits violating the Student Conduct Code, but no agreement can be reached with respect to the sanction.
3. The notice of hearing shall include the following information:
 - a. The section(s) of the Student Conduct Code that is/are the subject of the charge(s);
 - b. A factual description of the Student's conduct that forms the basis for the charge(s);
 - c. The proposed sanction(s), including in cases involving allegations of Discrimination, Harassment or Retaliation, sanctions designed to provide protection/remedy to the Complainant/victim(s);
 - d. Notification that neither the hearing officer nor the president is bound by the proposed sanction, and that the hearing officer may recommend, and/or the president may set, a more severe sanction;
 - e. The date, time and place of the hearing;
 - f. The location on the campus where the Student can view his or her discipline file, including the location (or copies) of the campus policies that were violated;
 - g. Notification that the Student may be accompanied at the hearing by an advisor, and the campus policy regarding use of attorneys. In cases of Discrimination, Harassment or Retaliation, if the Student charged brings an attorney, the Complainant will also be notified of the right to bring an attorney. If attorneys are allowed, notification shall

- be given that any Student or Complainant who intends to bring an attorney must inform the student conduct administrator of the attorney's name, address and phone number at least five Working Days before the hearing;
- h. Notification that the Student can waive the right to a hearing by accepting the proposed sanction;
 - i. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on campus pursuant to California Penal Code § 626.4; and
 - j. A copy of this executive order or notice of where the Student and/or Complainant may obtain a copy. If an interim suspension has been imposed or consent to remain on campus has been withdrawn by the time the notice of hearing is sent, a copy of this executive order must be enclosed, along with any other campus policy referenced in the notice of hearing.
- 4. The student conduct administrator shall use best efforts to schedule the hearing promptly, but in any event no sooner than 10 Working Days after, and no later than 20 Working Days after, the date of the notice of hearing.
 - 5. A notice to appear at hearing shall be sent to any witnesses whose presence is required at the hearing at least 10 Working Days before the hearing at the University-assigned or other primary e-mail addresses linked to these persons' University accounts.
 - 6. The notice of hearing may be amended at any time, and the student conduct administrator may (but is not required to) postpone the hearing for a reasonable period of time. If the notice is amended after a hearing is underway, the hearing officer may (but is not required to) postpone the hearing for a reasonable period of time.

D. Hearing

- 1. The hearing is closed to all persons except the student conduct administrator; the Student charged; the Complainant in cases of Discrimination, Harassment or Retaliation; their respective advisors; appropriate witnesses while they are testifying; a support person to accompany alleged victims of Discrimination, Harassment or Retaliation while they are testifying; the hearing officer; and one person to assist the hearing officer in recording the hearing. The Student charged, any Complainant, and any witnesses shall attend the hearing in person unless the student conduct administrator permits an exception (e.g., participation via videoconference or telephone). A police or security officer may also be present if deemed appropriate or necessary by the vice president for Student Affairs or hearing officer. The University will cooperate in providing University witnesses wherever possible, provided that they are identified at least five Working Days before the hearing.

2. Hearings are intended to be educational rather than adversarial. The hearing officer controls the hearing. Except as provided in section 4 below, the student conduct administrator and the Student charged each put on the evidence in their case and may each ask questions of the witnesses in whatever manner the hearing officer deems appropriate.
3. The hearing officer may ask questions of any witness, the Student charged, the Complainant, or the student conduct administrator.
4. In cases involving allegations of Discrimination, Harassment or Retaliation:
 - a. The Complainant may be present while evidence is being presented concerning the charges that relate to the Complainant, unless the hearing officer grants a request of any Student or other witness that the Complainant be excused during their testimony to protect such Student's or other witness's privacy rights and/or pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA).
 - b. The DHR Administrator may attend the hearing in its entirety.
 - c. Questions may not be posed to an alleged victim, including any Complainant, about his or her past sexual behaviors with any persons other than the Student charged.
 - d. The hearing officer shall ask all questions of the alleged victims on behalf of the Student charged (who shall give the hearing officer a written list of questions), unless the alleged victims expressly waive this requirement and consent to questioning directly by the Student charged.
 - e. The hearing officer shall ask any questions of the Student charged and other witnesses on behalf of the Complainant (who shall give the hearing officer a written list of any such questions), unless the Complainant expressly waives this requirement.
 - f. The investigation report and any Chancellor's Office Response (prepared pursuant to section IV. A. 2. b of this executive order and Articles VI. H and VII. D of Executive Order 1074) will be entered into evidence at the hearing. Any report or response may be redacted to protect private (e.g. contact) information concerning the Complainant or other witnesses.
5. Formal rules of evidence applied in courtroom proceedings do not apply in the hearing (e.g., California Evidence Code). All information that responsible persons are accustomed to rely upon in the conduct of serious affairs is considered. Hearsay may be considered and will be given the weight appropriate under all of the circumstances. Unduly repetitive information may be excluded. The hearing officer's report shall be based only on the information received at the hearing. The hearing officer shall not, prior to preparing the report, have communications about the case with the student conduct

administrator, the Complainant, the Student charged, the witnesses or DHR Administrator unless both the student conduct administrator and the Student are present.

6. The hearing officer shall make an official audio recording of the hearing (with assistance, at the hearing officer's discretion). The recording is University Property. No other recording of the hearing is permitted. The audio recording shall be retained by the student conduct administrator in accordance with the campus records/information retention and disposition schedule.
7. If the Student charged or Complainant fails to appear at the hearing without good cause, the hearing shall nevertheless proceed. The Student charged may not be found to have violated the Student Conduct Code solely because he or she failed to appear at the hearing.
8. The hearing officer is responsible for maintaining order during the hearing and makes whatever rulings are necessary to ensure a fair hearing. Abusive or otherwise disorderly behavior that causes a material disruption is not tolerated. The hearing officer may eject or exclude anyone (including the Student charged and advisors) whose behavior causes a material disruption.
9. The hearing officer's decisions regarding procedural issues are final.
10. Where there is more than one Student charged with misconduct in connection with a single occurrence or related multiple occurrences, the student conduct administrator and the Students charged may agree to a single hearing. A Student may request consolidation of his or her case with others. The student conduct administrator makes consolidation decisions, which are subject to review by the hearing officer and thereafter are final.
11. At any time during the hearing, the Student charged may waive the right to a hearing and accept the proposed sanction. Such a waiver must be in writing.

E. Standard of Proof; Report and Recommendations of the Hearing Officer

1. After the hearing, the hearing officer shall make findings of fact and conclusions about whether the Student charged violated the Student Conduct Code. The standard of proof the hearing officer shall use is whether the University's charge is sustained by a preponderance of the evidence. It is the University's burden to show that it is "more likely than not" that the Student violated the Student Conduct Code.
2. The hearing officer shall submit a written report of findings and conclusions to the president, along with any recommended sanctions, including, in cases involving allegations of Discrimination, Harassment or Retaliation, recommendations regarding restricting the Student's contact with, or physical proximity to, the Complainant or other persons. The report shall be submitted within 10 Working Days after the hearing.

F. Final Decision/Notification

The president shall review the hearing officer's report and issue a final decision.

1. The president may impose the recommended sanction(s), adopt a different sanction or sanctions, reject sanctions altogether, or refer the matter back for further findings on specified issues. If the president adopts a different sanction than what is recommended by the hearing officer, the president must set forth the reasons in the final decision letter. The president's final decision letter shall be issued within 10 Working Days after receipt of the hearing officer's report.
2. The president shall send his or her decision electronically to the Student charged at the University-assigned or other primary e-mail address linked to the Student's University account.
3. In cases involving crimes of violence, including forcible sex offenses, both the Complainant/victim and Student charged shall be informed of the final results of the hearing in writing. (20 U.S.C. §1092.) This information is only given to the Student charged and Complainant/victim and includes the name of the Student charged, any violation found to have been committed, and any sanction(s) imposed on the Student charged. (20 U.S.C. §1232g; 34 C.F.R. §668.46(b)(11)(vi)(B).) The University may also notify any other alleged victim(s) of the final results regardless of whether or not the charges are sustained. (34 C.F.R. §99.31 et seq.)
4. In cases involving Discrimination, Harassment or Retaliation without crimes of violence, a similar notice will be issued, but the information given to the Complainant/victim concerning sanctions shall be limited to any violation found to have been committed and any sanctions that relate directly to the Complainant/victim.
5. In cases involving Discrimination, Harassment or Retaliation, the president shall also send his or her final decision to the DHR Administrator so that he/she may determine whether any additional remedies or steps shall be afforded or undertaken in order to maintain a safe and nondiscriminatory University environment.
6. In cases involving Discrimination, Harassment or Retaliation, if the Complainant/victim requests a copy of the transcript of the hearing, the University shall provide the portions of the transcript that concern whether a violation of the Student Conduct Code occurred.

Article V. Sanctions

A. The following sanctions may be imposed for violation of the Student Conduct Code:

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

2. **Loss of Financial Aid.** Consistent with California Education Code §69810 et seq., scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, cancelled or denied.
3. **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the University or the community, training, counseling, or other remedies intended to discourage a repeat of the misconduct or as deemed appropriate based upon the nature of the violation.
4. **Denial of Access to Campus or Persons.** A designated period of time during which the Student is not permitted: (i) on University Property or specified areas of campus (see California Penal Code §626.2); or (ii) to have contact (physical or otherwise) with the Complainant, witnesses or other specified persons.
5. **Disciplinary Probation.** A designated period of time during which privileges of continuing in Student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current Student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the Student is found to violate any University rule during the probationary period.
6. **Suspension.** Temporary separation of the Student from active Student status or Student status.
 - a. A Student who is suspended for less than one year shall be placed on inactive Student status and remains eligible to re-enroll at the University (subject to individual campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
 - b. A Student who is suspended for one year or more shall be separated from Student status but remains eligible to reapply to the University (subject to individual campus application policies) once the suspension has been served. Conditions for readmission may be specified.
7. **Expulsion.** Permanent separation of the Student from Student status from the California State University system.

B. Multiple Sanctions

More than one sanction may be imposed for a single violation.

C. Good Standing

A Student is not considered to be in good standing for purposes of admission to the University while under a sanction of suspension or expulsion, or while his or her admission or re-admission has been qualified (Title 5 §40601(g)).

D. Administrative Hold and Withholding a Degree

The University may place an administrative hold on registration transactions and release of records and transcripts of a Student who has been sent a notice of hearing and may withhold awarding a degree otherwise earned until the completion of the process set forth herein, including the completion of all sanctions imposed.

E. Record of Discipline

A record of disciplinary probation or suspension is entered on a Student's transcript, with beginning and end date, for the duration of the sanction. A record of expulsion or suspension for one academic year or more shall note the effective date of discipline and remains on the transcript permanently, without exception. This requirement shall not be waived in connection with any settlement agreement.

Article VI. Interim Suspension

A. Grounds

A president may impose an interim suspension pursuant to Title 5 §41302 where there is reasonable cause to believe that separation of a Student is necessary to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order.

B. Notice and Opportunity for Hearing

A Student placed on interim suspension shall be given prompt notice of the charges pending against him or her as enumerated in Title 5 §4130; a factual description of the conduct alleged to form the basis for the charges; and the opportunity for a hearing within 10 Working Days of the imposition of the suspension (Title 5 §41302). Where a timely request is made, a hearing will be held to determine whether continued suspension is required to protect personal safety or property and to ensure the maintenance of order. This hearing may also serve as the disciplinary hearing in accordance with the procedures outlined in Article IV, provided that proper notice has been given and, in cases involving Discrimination, Harassment or Retaliation, that an investigation report has been completed. The hearing is conducted pursuant to the provisions of Article IV. D of these procedures. The president shall review the hearing officer's report and shall promptly issue a final decision regarding interim suspension. Notice to the Student charged shall be given pursuant to Article VI. F. 2. Victims of Discrimination, Harassment or Retaliation shall be notified

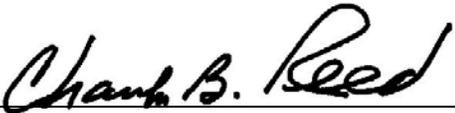
pursuant to Article IV. F. 3 and 4. In cases involving Discrimination, Harassment or Retaliation, a copy of the final decision shall also be provided to DHR Administrator pursuant to Article IV. F. 5 of this executive order. If the University establishes that there is reasonable cause for the interim suspension to continue, it shall remain in effect until the University closes the disciplinary matter, whether by settlement, final decision or dropped charges, but in no case longer than the president has determined is required to protect the personal safety of persons within the University community or University Property and to ensure the maintenance of order.

C. Denial of Presence on Campus

During the period of an interim suspension, the Student charged may not, without prior written permission from his or her campus president, enter any campus of the California State University other than to attend the hearing regarding the merits of his or her interim suspension. The president may also restrict the Student's participation in University-related activities on a case-by-case basis; e.g., attending off-campus activities and/or participating in on-line classes, etc. Violation of any condition of interim suspension shall be grounds for expulsion (Title 5 §41302).

Article VII. Admission or Readmission

Applicants for admission into any University program are subject to appropriate sanctions for violations of the Student Conduct Code, including qualification, revocation or denial of admission or readmission. Qualified admission or denial of admission in such case shall be determined by a hearing held pursuant to Article IV.



Charles B. Reed, Chancellor

Dated: April 6, 2012