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Legal and Ethical Issues in College Student Affairs

Due October 15, 2004

Student Handbooks. Select any college or university in the United States other than one where you work or have studied, obtain a copy of the institution's student handbook, and evaluate the handbook by answering the following questions:

- --Is the student conduct code published? Is it clear? Is it fair? Is it consistent for all students? Does it consider differences in "traditional" and "non-traditional" students?
- --Are the disciplinary procedures clearly delineated in the student handbook? Do the procedures provide for "fundamental fairness" and are they consistent with either constitutional or contractual expectations?
- --Does the handbook provide statements regarding FERPA and ADA? Are these statements clear and helpful to students who want or need this information?
- --Does the handbook have clear statements about academic integrity and honesty and is there a separate process for violations of this code?

Based on what you learn, what recommendations would you make to this institution for improving the quality of their student handbook (from a legal perspective)?

Introduction:

The university that I chose to research is California State University, Fullerton (Cal State Fullerton). The student conduct code is published online at <http://www.fullerton.edu/handbook/policy/billofRights.htm>. The student conduct code is also published yearly in the University Handbook, which is the official source of university policies and procedures. The Student Handbook contains information about policies and procedures as well as information regarding student resources and services and the university's mission and goals.

Student Conduct Code:

From what I could find regarding policies and procedures, the student conduct code is somewhat clear. Expectations for student behavior are outlined in the handbook, but are not expanded upon all that clearly. The disciplinary process is outlined for both

behavioral faults as well as academic dishonesty. Though the disciplinary process is outlined for a variety of behaviors, the academic integrity section is much clearer and more descriptive than the disciplinary process for other behaviors. In terms of the fairness of the institution, it is clear that Cal State Fullerton wishes to treat individuals fairly and give them their rights (seen in the Student Bill of Rights). Although at first it appears that the handbook is fair and consistent for all students, the handbook and policies do not address the specific needs for several groups of students. For example, the needs of disabled students and minorities (especially in terms of affirmative action) are not discussed in the detail that would be helpful. The handbook mentions that considerations may be made for various races (affirmative action), but disabled students and the provisions the university will make for them are not even mentioned. Also, no distinctions are made between traditional and non traditional students. Rather, “students” are all grouped together in a singular group with the same expectations and policies.

It seems that Cal State Fullerton wants to promote an atmosphere of non-discrimination among all groups, which can be seen in their non discrimination policy (<http://www.fullerton.edu/handbook/policy/nondiscrimination.htm>). This policy makes it clear that the university hopes to promote tolerance and acceptance for a variety of people with differing lifestyles and opinions. One statement in the non-discrimination policy notes the following: Cal State Fullerton “...discourages the use of derogatory or disparaging language and other forms of expression and, particularly, condemns those who insult persons on the basis of race, ethnicity, national origin, ancestry, citizenship, religion, creed, sex, sexual orientation, marital status, age, disability or veteran status” (<http://www.fullerton.edu/handbook/policy/nondiscrimination.htm>). I think this

university in particular wants to create an atmosphere of acceptance; yet, in doing so, their policies and standards of conduct fail to differentiate the varying needs of specific groups.

Disciplinary Procedures:

As mentioned briefly above, Cal State Fullerton's disciplinary procedures are outlined to some extent in the Student Handbook. This section of the handbook starts with an introduction stating that students are responsible to understand and abide by university policies noted in the Student Handbook. It then moves into some basic definitions including what it means to be a "member of the campus community" and what is "university property". The disciplinary procedures then discuss behaviors that are prohibited such as cheating, physical abuse, theft, unauthorized entry on university property, hazing, soliciting, etc.

(<http://www.fullerton.edu/handbook/policy/discipline.htm>). At the start of the section describing prohibited behaviors, the handbook states, "any student of a campus may be expelled, suspended, placed on probation or given a lesser sanction for one or more of the following causes which must be campus related"

(<http://www.fullerton.edu/handbook/policy/discipline.htm>). There is also a section in the Student Bill of Rights and Responsibilities

(<http://www.fullerton.edu/handbook/policy/billOfRights.htm>) that notes students are entitled to due process in discipline matters; in this section, it is clear that a student is considered innocent until proven guilty. This is the extent to which the handbook addresses disciplinary procedures. From my opinion, it does not appear that the disciplinary procedures are mapped out clearly for students to understand. For instance,

what does “due process” at Cal State Fullerton mean? Who holds students accountable for the policies mentioned above? What is the timeframe of the disciplinary process? Etc? The disciplinary procedures section of this Student Handbook in particular is lacking in both detailed explanation of policy violations as well as what the judicial process actually looks like for students. It is not clear at all if the policies create fairness for all students. In terms of contractual expectations, Cal State Fullerton should expound on what the disciplinary process looks like for students from different backgrounds, as to not allow for procedures to be left to the subjective judgment of individuals carrying them out.

Academic dishonesty is also explained in detail in the “University Student Discipline” section of the Student Handbook; this topic will be discussed in more detail later on in this section of the midterm.

ADA and FERPA:

The handbook provides a brief statement on Disabled Student Services (DSS). The section includes the mission statement of this department, which is “...to increase access and retention for students with permanent and temporary disabilities by ensuring equitable treatment”

(<http://www.fullerton.edu/handbook/resources/dss.htm>). Also included in this section are the resources available to students—such as note-takers, sign language interpreters, and printed material in various formats. Apart from this, the section notes briefly the role of professional staff and includes a notice that wheelchairs may be available upon request. The section on a whole is disappointing in the information included. It is very concise, yet does not include any detailed

information. The contact information for the department is included, which may be the most useful information given. Though this section gives disabled students an idea of what is offered for them, it is not clear explain what these students can expect from Cal State Fullerton. Disabled students would most likely need to do additional research on their own if they truly needed assistance from the university.

From what I could find in the handbook, there is little said about FERPA in the Student Handbook. The most information that I found stated the following: “Information from student educational records will be considered confidential in accordance with the Family Educational Rights and Privacy Act”

(<http://www.fullerton.edu/handbook/policy/billOfRights.htm>). Though this section discusses students’ rights, it is not expanded upon at all. In order for students and parents to understand what this statement means, they would need to do personal research regarding FERPA. On a whole, I am disappointed with both the information regarding ADA and FERPA in Cal State Fullerton’s handbook.

Academic Integrity/Honesty:

The handbook notes clearly expectations of academic integrity and honesty for students (<http://www.fullerton.edu/handbook/policy/discipline.htm>). The process for how academic integrity issues are handled is separate from other judicial issues. This section of the handbook explains what actions constitute cheating. It also discusses the process in which both faculty and students go through when it is discovered that a student has been dishonest. The process for appeals on the student’s behalf is also mentioned. Overall, this section of the Student Handbook is one of the better explained and presented

sections. It is clear to students what is expected of them. The actions that may be taken if students are found to have been dishonest in their academics are also explained in detail. Based on this section of the student handbook, it appears that Cal State Fullerton takes academic dishonesty issues seriously.

Suggestions:

One of the first suggestions that I would make for Cal State Fullerton's handbook is to more obviously explain the process that a student goes through for disciplinary issues outside of academic dishonesty. This is such an important section to be as clear as possible on. If a student gets in trouble, the university needs to be able to show exactly how and why a student violated policy. Though some of the policies are explained, it is important that this information is clearly stated and available to students. I would also encourage Cal State Fullerton to possibly include student housing policies somewhere in their section on student discipline. Because there are differences in some of the policies that the university in general holds and university housing holds, students should be easily able to recognize expectations placed on their behaviors if they choose to live on campus. Also regarding student discipline, I would encourage Cal State Fullerton to create a clear judicial process that is noted in the handbook regarding who hears what cases when a student violates policy.

A second suggestion that I would make is for Cal State Fullerton to differentiate between different categories of students (traditional v. non-traditional, disabled students, minority students, etc.). Cal State Fullerton's handbook did not differentiate at all between traditional and non-traditional students. I would challenge them to include sections noting the specific services the university provides for students of various

groups. This would help make non-traditional students feel that they are truly an accepted part of the university. Also, from a legal perspective, I would hope this university would include more detailed information about their services for disabled students. The university needs to be ready to work with the needs of disabled students. From the appearance of the handbook, they are willing to do this, but it is unclear how. The student would need to take a lot of initiative to work with the university if he/she had special needs in order to discover what is available to him/her.

Sources Used for Student Handbook Question:

Disabled Student Services. Online, retrieved September 17, 2004, from “Cal State Fullerton”.

<http://www.fullerton.edu/handbook/resources/dss.htm>

Nondiscrimination Policy: A Commitment to Valuing Diversity. Online, retrieved September 17,

2004, from “Cal State Fullerton”.

<http://www.fullerton.edu/handbook/policy/nondiscrimination.htm>

Student Handbook: Student Bill of Rights and Responsibilities. Online, retrieved September 17,

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