

City University of San Francisco – Learner Code of Conduct

Policy Statement

City University of San Francisco is committed to providing to its learners a high quality educational experience. CUSF faculty and staff play a primary role in assuring a high quality educational experience; learners play a role as well. They are responsible for conducting themselves in a manner guided by respect, collegiality, and honesty. Learner conduct that infringes on the quality of the educational experience is not acceptable; this policy describes the types of conduct that are unacceptable.

Prohibited learner conduct includes, but is not limited to the following:

Illegal Activities: Learners may not post, transmit, promote, or distribute content that they know is illegal or could reasonably be expected to know is illegal. Conduct that violates federal, state or local laws is prohibited.

Theft: Learners may not post, transmit, promote, or distribute content that violates copyright or other protected intellectual property rights. Unauthorized use of university property is prohibited. Theft or abuse of computer resources is prohibited.

Disrespect: Learners may not harass, threaten, or embarrass others. Learners may not post, transmit, promote, or distribute content that is racially, religiously or ethnically offensive or is harmful, abusive, vulgar, sexually explicit, or otherwise potentially offensive. Learners must refrain from behavior that may be perceived as inappropriate, offensive, and unfair and must treat all other learners, university faculty, staff, and administrators with respect at all times.

Interfering with University Activities: Actions that interfere with, obstruct, or disrupt university courses, functions, and activities are prohibited. Inappropriate, offensive, or irrelevant course postings are prohibited.

Dishonesty: Learners may not intentionally provide false information, forge, alter, or falsify university documents. Learners may not misrepresent their academic record or status (which includes referring to oneself publicly as a "doctor" prior to the conferral of an earned doctoral degree). Learners may not represent the academic work of others as their own.

Learners engaging in prohibited conduct will be subject to disciplinary action, including, but not limited to: course failure, probation, suspension, or expulsion. Such sanctions may lead to additional academic and financial consequences. Learners who are unable to complete a course as a result of disciplinary sanctions, suspended or expelled are not eligible for tuition refunds.

The university reserves the right to immediately suspend a learner accused of violating this policy. This suspension may remain in effect until a full investigation and all disciplinary action involving the allegations has been completed. Notification of such suspension will be provided to the learner at the time the sanction is issued.

Definitions

Summary Suspension: the immediate suspension of a learner, in cases involving egregious violation of the learner code of conduct. Suspension is a temporary status, during which a learner is denied access to the course room, and is prohibited from engaging in university activities.

Expulsion: the dismissal of a learner from the university. Expulsion is a permanent status that prohibits a learner from re-enrolling in the university at any future time.

Members of the City University of San Francisco Community: Members of the CUSF Community include all CUSF University and CUSF Education Company employees, all contracted faculty, all temporary staff, visiting scholars, all learners, and Capella University alumni.

Procedures

Individual conduct of an inappropriate nature will be dealt with fairly and objectively, ensuring that the individual receives an explanation of the inappropriateness of the behavior. The following procedures reflect the university's practice of due process. The following principles and practices are reflected in the process.

- Due process ensures that decisions made by CUSF in response to allegations of policy violation are not arbitrary, capricious, or biased.
- Due process provides for an opportunity of direct resolution at the point of infraction; however, individuals will have the right to appeal decisions made at each level and have them reviewed by a designed authority at the next higher level. The highest level of decision will be the school dean. The dean's decision shall be final.
- Due process requires that specific procedures are made available to the alleged violator so he/she may understand the actions of the university and his/her rights to hear the charges and to defend him/herself against them.
- Due process rights apply to both the learner and the faculty member to whom the case pertains.
- Where necessary, an Academic Standards Committee will be convened to review evidence and to provide adequate opportunities for all sides to be heard.
- All communications related to matters heard through due process will remain confidential.
- Learners will have the right to review all materials relevant to any allegations.
- Due process in the handling of allegations will occur in order through the following levels:
 - The context in which the event occurred (e.g., course, colloquium, etc...).
 - The school with which the individual is affiliated and its Academic Standards Committee.
 - The dean.

Summary Suspension

In situations involving egregious violation of this code of conduct, a dean or other administrative official at the level of Provost or higher may immediately suspend a learner (referred to as a "summary suspension"), and initiate a formal investigation into all allegations surrounding the incident(s). This individual is responsible for notifying the learner of the suspension decision, and outlining for the learner the steps and timeline of the impending investigation, as well as the learner's rights for due process and appeal. When a summary suspension is issued, the investigation and formal review process outlined below will be

completed within seven (7) calendar days. While on summary suspension learners are denied access to the course room, and are prohibited from engaging in university activities.

Identification

Faculty, staff and other university officials are responsible for identifying and terminating inappropriate conduct throughout CUSF. The following process outlines the steps to be taken to address alleged violations of CUSF Learner Code of Conduct policy.

Stage 1 – Informal Process

The first level of action is for the faculty, staff or another university official (hereinafter the "university representative") to communicate directly to the learner the nature of the problem and how it violates this policy, as well as the proposed resolution. Most problems should be resolved at this level through direct communication. The university representative responsible for the specific course, activity or transaction in which the alleged violation has taken place will review the violation and determine appropriate action directly with the learner. The learner has the right to appeal any disciplinary action imposed in this manner by requesting adjudication through the formal process described below. Additionally, if the inappropriate behavior continues or if a specific incident is severe, the university representative shall send notification of the incident to the appropriate designee of the school in which the learner is enrolled.

Communication, either through learner appeal or official notification by the university representative, must be received by the school designee within ten (10) calendar days of last direct communication between learner and university representative.

Stage 2 – Formal Process

Within seven (7) calendar days of receiving a learner's appeal request or official notification from the university representative, the school designee will notify the learner and university representative that the review process is to take place.

The school designee will review the situation and arrive at a decision regarding evidence of the allegation, the evaluation of circumstances surrounding the incident, and the determination of actions to be taken. This review process will involve the following steps:

1. The school designee will direct a preliminary investigation to determine the existence and extent of the inappropriate behavior. The preliminary investigation must include the following: an unbiased review of the evidence supporting the charge and an interview with both the person making the charge and the learner against whom the charge has been made. This preliminary investigation by the school designee is for the purpose of establishing whether a charge should be referred to the school's Academic Standards Committee (ASC) and to explain to the accused learner the University's due process. The preliminary investigation is to take no longer than fourteen (14) calendar days.
2. If the preliminary investigation reveals no violation, the matter is closed. The university representative will notify the instructor and any other affected parties of the determination, and the resolution is recorded in official university files.
3. If the preliminary investigation reveals a violation of CUSF Learner Code of Conduct policy, the school designee will refer the matter to the school's Academic Standards Committee. The committee is to be convened within ten (10) calendar days following receipt of the learner's appeal request or notification by the university representative.
4. The school designee is to provide all committee members with the following information:

- a. The individual against whom the complaint is directed.
 - b. A brief narrative of the circumstances, including the dates, times, and places.
 - c. Any efforts to resolve the situation that may already have taken place.
 - d. The corrective action that is being sought.
5. The committee will review the evidence and provide opportunity for each side to state their case in writing. At the request of either side, a chance to appear before the committee, either in person or telephonically, shall be provided. At the appearance, the learner is permitted to be represented by an attorney, at his or her own expense, and the university will also have counsel present. Attorneys appearing in the matter shall be permitted to make statements on behalf of their clients, to ask questions of the other side and of the committee, and to assist their clients in presenting information to the committee. The committee will have the responsibility to investigate all evidence supporting and/or refuting the allegations. Within fourteen (14) calendar days following the final submission of evidence, the committee is responsible for issuing a decision including all factual findings and conclusion. This decision will be delivered to the school designee within 24 hours of its issuance.

If the committee determines there has been a violation of the Code of Conduct, it may recommend one or more of the following actions:

- a. The learner is given a formal written warning of the violation.
 - b. The learner is placed on probation.
 - c. The learner is removed from the courseroom or course section.
 - d. The learner is suspended from the university.
 - e. The learner is expelled from the university.
6. The school designee will receive the decision made by the committee and will report the decision to the learner and other appropriate individuals within seven (7) calendar days of receipt via electronic mail and U.S. mail, first class delivery or airmail if overseas delivery is required. A record of the committee's decision and the notification to the learner will be kept in official university files. The final decision will be recorded in the learner's file for future reference.
7. The duration of the committee-level process will be determined by the complexities of the case, but is not to exceed ninety (90) calendar days.
8. Either party has the right to appeal the committee's decision. The request to appeal must be made in writing and submitted to the dean within ten (10) calendar days of notification of the decision. The learner may submit this appeal via U.S. Mail or e-mail.

Stage 3 – Appeal Process

If either party appeals the decision of the committee, the appeal process is carried out by the dean. The dean may decline consideration of an appeal if, upon reviewing the evidence and record of the hearing, there are no viable grounds upon which to base an appeal. Viable grounds include such things as a dispute of facts, severity of a sanction, or irregularity in university procedures. Decisions made by the dean are final.

The appeals process involves the following steps:

1. Within seven (7) calendar days of receiving the notice of appeal, the dean will acknowledge receipt of the notice of appeal and will inform all involved parties that the formal appeal process has been initiated, or that no viable grounds for appeal exist.
2. If the appeal process is initiated by the dean, he or she shall review all evidence and records of prior deliberations and discussions. The dean may also conduct an independent investigation of the evidence and circumstances of the case.
3. Following review, the dean will issue a written decision on the matter and will communicate the decision to both parties and the school designee.
4. The duration of the formal appeal process will be determined by the complexities of the case, but is not to exceed ninety (90) calendar days unless there are extraordinary conditions or further investigation is necessary.

A full report of the incident and all materials related to it will be kept in university records.