

Frequently Asked Questions

1. What is the mission of the Office of Student Conduct?

The mission of the Office of Student Conduct is to educate students about community standards, promote student learning, and facilitate the development of thoughtful and responsible citizens through a fundamentally fair process, as set forth in the Academic Integrity Code and the Code of Student Conduct. We acknowledge that students have special rights and responsibilities as members of the Appalachian State University community, and that the University has expectations regarding the behavior of its members, which extend beyond the classroom into all aspects of life.

2. Is the off-campus jurisdiction policy new? How long has it been in place?

Appalachian's off-campus jurisdiction policy is not new; it has always been a component of the Code of Student Conduct. (See The Code, Page 14, Sections 3.01 and 3.03 at www.studentconduct.appstate.edu.) However, in January 2008, changes were made to clarify the policy and to ensure its consistent enforcement. The types of legal charges that would be addressed off-campus were defined, and mechanisms for collecting and processing these charges through Appalachian were determined. The primary types of charges that are now addressed through Appalachian's Office of Student Conduct are listed below in Question #3. The Coordinator of the Office of Off-Campus Community Relations conducts weekly reviews of all legal charges in Watauga County and may refer students with these charges to the Office of Student Conduct.

3. Does the Office of Student Conduct address all off-campus violations?

No, the Office of Student Conduct only handles off-campus violations that interfere with the mission of the university by impacting the health and safety of students and the surrounding community. The primary types of off-campus violations referred to the Office of Student Conduct include (but may not be limited to):

- Felony Charges
- Assault Charges
- Driving While Impaired Charges (DWI's)
- Second-Time Alcohol Misdemeanor Charges
- Second-Time Other Drug Misdemeanor Charges

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4. Why did Appalachian decide to clarify and consistently enforce the off-campus jurisdiction policy?

Purpose. The decision to clarify and consistently enforce the policy was both research and data-driven, based on information from the Watauga County Courts and from brain development research. The purpose of consistent enforcement is 1) to prevent and reduce behavior that undermines student academic success and that impacts the educational mission of the university, 2) to improve the health and safety among students and community members, 3) to provide timely support and resources for those who may be struggling with substance abuse/addiction, and 4) to prevent violence in and around Appalachian's campus.

Court Data. From 2005–2007, the Office of Student Conduct collected data from the local court system regarding off-campus student violations. The findings below raised concerns about student and community health and safety:

- The majority of off-campus crime committed by students was alcohol and/or other drug-related.
- 43% of all Appalachian students involved in alcohol/other drug charges had one or more previous violation on-campus (which can indicate substance abuse or addiction problems).
- The majority of violent crime committed by ASU students was alcohol and/or other drug related.

Brain Research. Appalachian also considered recent brain research. Prior to full brain development (before the mid 20's), substance abuse often causes brain damage which can result in stunted brain growth, impaired memory, impaired conflict-resolution skills, and addiction. (Brown, Tapert, Granholm, Delis, 2000; www.theantidrug.com/drug_infor/marijuana-and-academic-success.asp) Brain damage of this type can prevent learning, therefore interfering with the University's educational mission.

Conclusion. Based on the combination of brain research and court data, Appalachian's administration was compelled to take action to clarify and consistently enforce the off-campus jurisdiction policy in order to prevent and reduce behaviors that interfere with the educational mission of the university, including high-risk behaviors that can lead to substance abuse, addiction, and violence.

5. What occurs when students receive first-time alcohol or other drug misdemeanor charges off-campus?

If students have not previously either violated the Code of Conduct on-campus or received off-campus charges, they will not be referred to the Office of Student Conduct for an alcohol or other drug misdemeanor charge. Instead, they will receive a Letter of Concern from the Office of Off-Campus Community Relations. The purpose of this letter is to communicate Appalachian's care about student and community health and safety, to provide substance abuse prevention resources, and to educate about the off-campus jurisdiction policy. Students who receive future off-campus charges, however, will be referred to the Office of Student Conduct.

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6. How does the Office of Student Conduct receive information about off-campus violations?

The ASU Police Department provides the Office of Off-Campus Community Relations (OCCR) with daily reports from the Watauga County Court System regarding all legal charges in Watauga County. The Coordinator of the OCCR reviews these reports and identifies all alcohol, drug, DWI, assault, and felony charges. The names of those charged with these violations are then checked against Appalachian's computer system to identify currently enrolled students.

7. Does Appalachian have the right to hold students responsible through the Office of Student Conduct for legal violations off-campus?

Yes, according to the court system, Appalachian does have the legal right to set expectations and to hold students responsible for violating these standards off-campus. Appalachian does not, however, approach off-campus violations as a legal matter, but rather as a community standard issue. Special attention is paid to high-risk patterns of behavior, with an underlying focus on our care for student health and safety. In addition, we strive to educate students about the intersections between personal and professional life. For example, employers today often conduct background checks - and frequently prefer candidates without criminal charges or convictions. Additionally, professional ethical standards prohibit candidates with convictions (such as DWI's) to enter certain careers (such as Teacher Education). Appalachian believes that students informed about the impact of legal violations on future career goals will be better prepared to successfully navigate through the choices they encounter in college and beyond. For more information about the legal basis of off-campus jurisdiction in Higher Education, reference The Rights and Responsibilities of the Modern University by Robert D. Bickel and Peter F. Lake (1999).

8. Doesn't the off-campus jurisdiction policy involve double jeopardy?

Because some violations of the Code of Student Conduct are also violations of state or federal law, students may face both criminal charges and University disciplinary action. This does not constitute double jeopardy. Double jeopardy is defined as "a person being tried again for the same offense after being acquitted." (<http://definitions.uslegal.com/d/double-jeopardy/>) The fifth amendment "double jeopardy clause" in the Constitution applies only to successive criminal prosecutions for the same offense and specifically protects against:

- "a second prosecution for the same offense after acquittal;
- a second prosecution for the same offense after conviction; and
- multiple punishments for the same offense." (<http://definitions.uslegal.com/d/double-jeopardy/>)

Appalachian's student conduct process is not a criminal process. In other words, its process is separate from, and does not involve, legal proceedings. Consequently, holding students accountable for off-campus violations of the Code of Student Conduct is not considered double jeopardy.

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9. What percentage of ASU students were referred to the Office of Student Conduct in 2008 for off-campus violations?

Approximately 2.5% of Appalachian students were referred to the Office of Student Conduct in 2008 for off-campus violations.

10. What happens if my case is dropped in court?

Because the conduct process at Appalachian is separate from the legal system, and utilizes a different standard of proof, outcomes from the court system are not acceptable challenges to the outcomes in the Office of Student Conduct. Consequently, students referred to the Office of Student Conduct will still be expected to attend Conduct Review Meetings for violating the Code of Student Conduct.

11. If a student is assigned similar sanctions in the court system and the Office of Student Conduct (such as community service or counseling), can a sanction completed for one entity be applied towards the other?

Yes, if a student receives the same or similar sanctions/outcomes in the court system and the Office of Student Conduct, fulfillment of the court system sanction may satisfactorily complete the Office of Student Conduct's sanction. However, if both entities require different outcomes, students must complete all of the requirements for both.