

UC DAVIS POLICY ON STUDENT CONDUCT AND DISCIPLINE  
Interim Policy  
Effective March 27, 2017

I. POLICY SUMMARY

The Policies Applying to Campus Activities, Organizations and Students are a compendium of University-wide policies relating to student life.

Section 100.00 describes the University's policy on student conduct and discipline.

UC Davis has designated the Office of Student Support and Judicial Affairs (OSSJA) to administer student conduct policies and procedures for academic and social misconduct, recognizing that centralized authority, responsibility, and record-keeping are essential to a balanced and impartial student conduct process.

At UC Davis, allegations involving sexual harassment and/or sexual violence are adjudicated under Appendix F: UC Davis Procedures for Student Cases of Sexual Harassment/Sexual Violence and Appendix G: UC Davis Process for Disciplinary Sanctions for Student Cases of Sexual Harassment/Sexual Violence. When allegations of other misconduct occur in conjunction with charges of sexual harassment and/or sexual violence, the University will normally use the procedures under Appendix F and G to adjudicate the additional charges.

II. DEFINITIONS

Definitions for the Policies Applying to Campus Activities, Organizations and Students, and the campus implementing regulations adopted pursuant to them, are provided in Section 14.00.

- A. Student disciplinary records are educational records under state and federal law and UC Davis Policy and Procedure Manual, 320-21 Privacy and Disclosure of Information from Student Records.

- B. Days are counted as University business days.
- C. The terms “UC Davis” and “University” are used interchangeably.

### III. POLICY TEXT

#### 100.00 Policy on Student Conduct and Discipline

#### 101.00 Student Conduct

Students are members of both society and the University community, with attendant rights and responsibilities. Students are expected to comply with all laws and with University policies and campus regulations.

The standards of conduct apply to students as the term ‘student’ is defined in Section 14.40 of these Policies [UC PACAOS].

The term "student" means an individual for whom the University maintains student records and who: (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or (c) is on an approved educational leave or other approved leave status, or is on filing-fee status.

They also apply to:

1. applicants who become students, for offenses committed as part of the application process;
2. applicants who become students, for offenses committed on campus and/or while participating in University-related events or activities that take place following a student's submittal of the application through his or her official enrollment;
3. and former students for offenses committed while a student.

4. At UC Davis, the term student also refers to individuals who are enrolled in or registered in any academic course at UC Davis. In addition to individuals seeking a degree at UC Davis, this includes, but is not limited to individuals taking courses through UC Davis Extension or UC Davis Study Abroad.

If specified in implementing campus regulations, these standards of conduct may apply to conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct occurred on campus.

101.00.1 OSSJA has jurisdiction over academic or social misconduct by students that occurs on UC Davis property or involving campus functions, activities, equipment or facilities or at locations that are operated under the University's control; OSSJA also has jurisdiction over conduct that occurs outside of UC Davis property or that do not involve campus functions, equipment or facilities as described below.

- A. OSSJA will consider the following factors in determining whether to exercise off-campus jurisdiction:
  1. The seriousness of the suspected offense.
  2. The injury, damage, and/or risk of harm to oneself or others.
  3. Whether the complainant(s) and/or witnesses are members of the campus community.
  4. Whether the off-campus conduct occurred at, or involving activities of a registered student organization.
  5. Whether the conduct is part of a series of actions which occurred both on- and off-campus.
  6. Whether the conduct may also constitute a violation of local, state or federal laws.

7. Whether the conduct impairs the ability of another student(s) to participate and/or have equal access to University activities.
8. Whether the incident involves any form of sexual violence or sexual assault or physical assault.

B. The Director has final discretion whether to extend off-campus jurisdiction to alleged student misconduct.

## 102.00 Grounds for Discipline

Chancellors may impose discipline for the commission or attempted commission (including aiding or abetting in the commission or attempted commission) of the following types of violations by students, as well as such other violations as may be specified in campus regulations:

102.01 All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty.

### UC Davis Code of Academic Conduct

This Code of Academic Conduct exists to support high standards of behavior and to ensure fair evaluation of student learning. Student conduct is taken seriously at UC Davis. Students who violate the Code of Academic Conduct are subject to disciplinary sanctions that include Censure, Probation, Suspension, or Dismissal from the University of California. Unless specifically authorized by the instructor in writing, misconduct includes, but is not limited to the following:

- A. Cheating on exams or other coursework
  1. Copying or attempting to copy from another student, or allowing another student to copy.
  2. Displaying or using any unauthorized material such as notes, cheat-sheets, or electronic devices.
  3. Looking at another student's exam.
  4. Talking, texting or communicating during an exam.

5. Looking around during an exam.
6. Altering assignments or exams for re-grading purposes.
7. Bringing pre-written answers to an exam.
8. Having another person take an exam for you, or taking an exam for another student.
9. Continuing to work on an exam after the instructor has announced that all students must stop working.
10. Stealing another student's work.
11. Unexcused absence from exam.

B. Plagiarism

Taking credit for any work created by another person. Work includes, but is not limited to books, articles, experimental methodology or results, compositions, images, lectures, computer programs, internet postings.

1. Copying any work belonging to another person without indicating that the information is copied and properly citing the source of the work.
2. If not directly copied, using another person's presentation of ideas without putting it in your own words or form and not giving proper citation.
3. Creating false citations that do not correspond to the information you have used.

C. Unauthorized Collaboration (working on your own is expected unless you are informed that working together is allowed.)

1. Working together on graded coursework without permission of the instructor.
2. Working with another student beyond the limits set by the instructor.

D. Misuse of an instructor's course materials or the materials of others, including but not limited to:

1. Posting or sharing any course materials of an instructor without the explicit written permission of that instructor.
  2. Purchasing or copying assignments or solutions, to complete any portion of graded work, without the instructor's permission.
- E. Lying or fraud
1. Giving false excuses to obtain exceptions, such as the postponement of an exam or assignment due date, assignment of incomplete grades, or late drops.
  2. Forging signatures or submitting documents containing false information.
  3. Submitting fabricated data.
- F. Submitting the same work in two or more different classes without the permission of the instructors.
- G. Providing or obtaining unauthorized assistance on graded coursework.
- H. Other Academic Misconduct
1. Collaborating with another student on an exam.
  2. Beginning to work on an exam before allowed to do so.
  3. Failure to abide by course instructor's rules.
- 102.02 Other forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the University.
- 102.03 Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification.
- 102.04 Theft of, conversion of, destruction of, or damage to any property of the University, or any property of others while on University premises, or

possession of any property when the student had knowledge or reasonably should have had knowledge that it was stolen.

- 102.05 Theft or abuse of University computers and other University electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others; interference with the work of others and with the operation of computer and electronic communications facilities, systems, and services; or copyright infringement (for example, the illegal file-sharing of copyrighted materials).

Use of University computer and electronic communications facilities, systems, or services that violates other University policies or campus regulations.

Please refer to the UC Electronic Communications Policy and Digital Copyright Protection at UC for the University's position on digital copyright.

<http://policy.ucop.edu/doc/7000470/ElectronicCommunications>

<http://policy.ucop.edu/doc/7000472/DMCA>

<http://policy.ucop.edu/doc/2100007/FairUse>

- 102.06 Unauthorized entry to, possession of, receipt of, or use of any University services; equipment; resources; or properties, including the University's name, insignia, or seal.

- 102.07 Violation of policies, regulations, or rules governing University-owned, -operated, or -leased housing facilities or other housing facilities located on University property.

A. See UC Davis Guide to Residence Life.

B. Regulations and Rules governing other University owned or operated housing facilities located on or off University property.

102.08 Physical abuse including but not limited to physical assault; threats of violence; or other conduct that threatens the health or safety of any person.

102.09 Harassment, defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities.

Harassment includes, but is not limited to, conduct that is motivated on the basis of a person's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identify, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications. Pursuant to Section 104.90, sanctions may be enhanced for conduct motivated on the basis of the above classifications.

102.10 Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose.

102.11 (deleted on October 9, 2009: see);  
<http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>



- 102.12 Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace resulting in psychological harm to any student or other person.
- 102.13 Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.
- A. Obstruction or disruption includes, but is not limited to:
1. Interfering with the orderly operation of the campus involving teaching, research, administration, disciplinary procedures or other University activities.
  2. Pressuring an instructor or teaching assistant to regrade work, change a final grade, or obtain an exception such as changing the date of an exam, extending a deadline, or granting an incomplete grade.
  3. Refusing to leave an office when directed to do so.
  4. Physically or verbally intimidating or threatening a faculty member, teaching assistant, or staff person, including yelling at them, invading personal space, or engaging in any form of harassment.
  5. Repeatedly contacting or following a faculty or staff person when directed not to do so.
  6. Misusing a classroom electronic forum by posting material unrelated to the course.
  7. Interfering with an instructor's or teaching assistant's ability to teach a class, or interfering with other students' participation in a class by interrupting, physically causing a disruption, or excessive talking.
- B. Attempting to dissuade, influence, or interfere with any witness or party in a student conduct process.

- 102.14 Disorderly or lewd conduct.
- 102.15 Participation in a disturbance of the peace or unlawful assembly.
- 102.16
- A. Failure to identify oneself to, or comply with the directions of, a University official or other public official acting in the performance of his or her duties while on University property or at official University functions;
  - B. Resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.
  - C. Failure to comply with a University no contact directive issued by a University official.
- 102.17 Unlawful manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of controlled substances, identified in federal and state law or regulations. Prohibited manufacture, distribution, dispensing or sale of controlled substances.  
Prohibited use or possession of controlled substances.
- 102.18 Manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, University policy or campus regulations.  
Prohibited manufacture, distribution, dispensing or sale of alcohol.  
Prohibited use or possession of alcohol.
- 102.19 Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.

- 102.20 Possession, use, or manufacture of a firearm or other weapon as prohibited by campus regulations.
- 102.21 Violation of the conditions contained in the terms of a disciplinary action imposed under these Policies or campus regulations.
- 102.22 Violation of the conditions contained in a written Notice of Emergency Suspension issued pursuant to Section 53.00 of these Policies [UC PACAOS] or violation of orders issued pursuant to Section 52.00 of these Policies [UC PACAOS], during a declared state of emergency.
- 102.23 Selling, preparing, or distributing for any commercial purpose course lecture notes or video or audio recordings of any course unless authorized by the University in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a student is a violation of these Policies whether or not it was the student or someone else who prepared the notes or recordings.
- Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a University of California course unless authorized by the University in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder).
- 102.23.1 Copying, posting or distributing materials provided by an instructor for any non-commercial purpose.
- 102.24 Conduct, where the actor means to communicate a serious expression of intent to terrorize, or acts in reckless disregard of the risk of terrorizing, one or more University students, faculty, or staff. 'Terrorize' means to

cause a reasonable person to fear bodily harm or death, perpetrated by the actor or those acting under their control. 'Reckless disregard' means consciously disregarding a substantial risk. This section applies without regard to whether the conduct is motivated by race, ethnicity, personal animosity, or other reasons. This section does not apply to conduct that constitutes the lawful defense of oneself, of another, or of property.

102.25 Making a video recording, audio recording, taking photographs, or streaming audio/video of any person in a location where the person has a reasonable expectation of privacy, without that person's knowledge and express consent.

Looking through a hole or opening, into, or otherwise viewing, by means of any instrumentality, the interior of a private location without the subject's knowledge and express consent.

Making a video recording, audio recording, or streaming audio/video of private, non- public conversations and/or meetings, without the knowledge and express consent of all recorded parties.

These provisions do not extend to public events or discussions, nor to lawful official law or policy enforcement activities. These provisions may not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

#### Definitions

"Express consent" is clear, unmistakable and voluntary consent that may be in written, oral or nonverbal form.

"Private locations" are settings where the person reasonably expected privacy. For example, in most cases the following are considered private

locations: residential living quarters, bathrooms, locker rooms, and personal offices.

“Private, non-public conversations and/or meetings” include any communication carried on in circumstances that reasonably indicate that any party wants the communication to be confined to the parties, but excludes a communication made in a public gathering, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

103.00 Student Discipline Procedures

103.10 Procedural Due Process

Procedural due process is basic to the proper enforcement of University policies and campus regulations. Chancellors shall establish and publish campus regulations providing for the handling of student conduct cases in accordance with basic standards of procedural due process. Consistent with this requirement, procedures specified in such regulations shall be appropriate to the nature of the case and the severity of the potential discipline.

103.10.1 Student Discipline Procedures

103.10.2 Reporting Suspected Student Misconduct to OSSJA.

- A. Faculty, students, staff, or others, including parties not affiliated with the University, may submit reports of suspected misconduct to OSSJA. The person directly affected by the behavior, or someone acting on their behalf may submit a report. At a minimum, a report should include the follow information:
1. Name and contact information of reporting party.
  2. Approximate date of alleged violation.

3. Brief description of alleged misconduct.

The report may include the names of any witnesses, if any, and copies of any supporting documentation, if any.

- B. A student who has been assigned a "Y" grade or subject to other adverse action, but who has not been reported to OSSJA, may bring the matter to OSSJA and elect to have their case reviewed through the conduct process, if appropriate.
- C. A reporting party may, but is not required, to inform or discuss a report of suspected misconduct with a student prior to submitting a report.

### 103.10.3 Timeliness of Complaints

- A. Reports to OSSJA for suspected academic misconduct must be sent to OSSJA within 30 days after the end of the quarter in which the suspected misconduct occurred or reasonably should have been discovered.
- B. Reports of suspected social misconduct must be sent to OSSJA within 60 days of when the suspected conduct occurred or reasonably should have been discovered, unless OSSJA determines that a longer reporting period is warranted.
- C. Late reports may be addressed through the informal resolution process by agreement, but may not be the subject of unilateral discipline or a formal hearing, unless the Director has decided there is an exception to the time deadline.
- D. Exceptions to time deadlines for reporting misconduct include, but are not limited to:
  - 1. Reports involving alleged physical abuse.
  - 2. Reports in which the law or other policy provides for a longer reporting period.
  - 3. Reports in which the complaining party provides proof of hardship or justifiable excuse for the delay. The Director has

discretion whether to grant an exception taking into consideration the impact of the delay in reporting upon the accused student including availability of witnesses or evidence.

#### 103.10.4 Preliminary Review by OSSJA.

- A. Upon receiving a written report or a request for review, OSSJA will evaluate the matter. OSSJA may decline to pursue the report through the disciplinary process if:
  - 1. The report is untimely.
  - 2. The alleged conduct does not fall under OSSJA's jurisdiction.
  - 3. The submitted information does not support a reasonable suspicion that misconduct has occurred.
  - 4. The suspected behavior, if true, would not constitute a violation of University policies.
  - 5. The suspected incident should be addressed through other policies or procedures.
- B. The Director has final discretion whether to accept a report for the disciplinary process.

#### 103.10.5 Notice to Reported Student

- A. If OSSJA determines that further inquiry is appropriate, OSSJA sends written notice, by e-mail, to the reported student.
- B. The notice shall inform the student that the University has concerns about suspected misconduct in a class or other setting.
- C. The e-mail will direct the student to schedule an appointment with OSSJA.
- D. Normally, a student is required to contact OSSJA within 3 days to schedule an appointment. OSSJA has authority to set a shorter deadline.

### 103.10.6 Procedures for Resolving Conduct Referrals

Student conduct reports may be resolved through the following procedures: Informal Resolution, Unilateral Action, or Formal Hearing.

### 103.10.7 Informal Resolution. Informal Resolution means resolution of a conduct referral by agreement between the student and OSSJA.

#### A. Procedures for Informal Resolution

1. If the reported student participates in informal resolution, the process usually includes one or more meetings or other communications between the student and OSSJA to discuss the reported misconduct.
2. The student is required to appear in person for the first meeting unless OSSJA determines that there is reason for the meeting to be conducted by phone or other electronic means.
3. At the first meeting with the reported student, the OSSJA Officer describes the student conduct process and explains verbally the information supporting the report of misconduct. The first meeting is part of the informal resolution process. The reported student is afforded an opportunity to respond, to ask questions, and to discuss possible options for resolving the case. OSSJA is not obligated to provide copies of the information supporting the report. The student, however, may request access to their educational records as provided in University PPM 320-21.
4. A student has the right to remain silent without any inference of culpability. Any information the student provides in the informal resolution process must be truthful. Providing false information in the conduct process may be considered a basis for additional charges or be considered an aggravating



factor for assigning disciplinary sanctions. Information from the informal resolution process may be shared with the reporting party and may become evidence in a later formal process.

5. A reported student may consult and/or be accompanied by an advisor of their choice at any point during the informal process; however, a student is expected to speak for oneself if the student chooses to do so. The advisor may, at the student's own expense, be an attorney. The advisor may not be another student who has been reported for the same incident or is a potential witness to the incident. OSSJA also reserves the right to limit the number of individuals who may accompany a student to a conduct meeting. Generally, OSSJA allows one person to accompany a reported student as an advisor.
6. OSSJA may consult with the person who submitted the report before resolving a referral. OSSJA may also inform the reporting party if the accused student has a disciplinary history.
7. If the reporting party is a student or University non-affiliate, OSSJA will not release information as limited by policy and law regarding the confidentiality of student records.
8. OSSJA may offer to resolve the case informally by agreement between the student and OSSJA. If an agreement is reached, it shall be stated in writing and either be signed or accepted in writing, electronic signature or e-mail by the student, and generally contains the following terms, as appropriate:
  - a. The agreement should state whether a violation is acknowledged, and if so, describe the agreed facts of the incident and the nature of the admitted violation.

- i. OSSJA may offer a student to resolve a matter by “not contesting” the misconduct as reported.
  - ii. Not contesting the reported misconduct is equivalent to admitting that the information is sufficient to establish the misconduct as charged and the student chooses to accept a disciplinary sanction that is appropriate for the misconduct.
  - iii. Normally, OSSJA will not offer to resolve cases of academic misconduct by “no contest”.
  - iv. OSSJA has sole discretion whether to offer resolution by “no contest”.
- b. If the student and OSSJA agree on the appropriate sanction(s), the agreement should describe the terms of the sanction(s) to be imposed.

#### 103.10.8 Sanction Review by Director.

- A. If a reported student admits to a reported violation, but does not agree with the proposed disciplinary sanction, the student may request, in writing, that the Director determine the appropriate sanction.
- B. The Director’s decision regarding the disciplinary sanction for admitted academic misconduct does not affect the Instructor’s decision regarding the grade for the work in question.
- C. A student on a deferred sanction is not eligible for the Director’s review.
- D. Process for Sanction Review by Director.
  - 1. The OSSJA Officer will provide the student with a written description that states whether a violation is acknowledged, and if so, describes the agreed facts of the incident and the nature of the admitted violation. The student may accept the

written description by e-mail, electronic signature or written signature. If the student does not accept the written description, then the matter must be resolved through a formal hearing.

2. If accepted, the student is provided the opportunity to present relevant information, in writing or in person to the Director to consider regarding disciplinary sanction(s).
3. The purpose of the review is not to reargue the facts of the case, but to consider appropriate sanctions.
4. The Director will review the student's record and any other information that the Director deems relevant.
5. The Director will decide the appropriate disciplinary sanction and notify the student in writing within 7 days.
6. A student may appeal the Director's decision under Section 103.11.8.C for Grounds 3 and 4 only.

103.10.9 OSSJA may take unilateral action to address or resolve cases of suspected misconduct under the conditions listed below. Unilateral action may include assigning non-disciplinary administrative actions or assigning disciplinary sanctions. A formal disciplinary hearing is not required when a conduct referral is resolved through unilateral action; however, a student may have the opportunity to appeal a unilateral decision.

- A. Circumstances in which unilateral action may be imposed.
  1. A student fails to contact OSSJA within the stated deadline in the first letter directing the student to schedule an appointment.
  2. A reported student fails to respond/participate despite reasonable efforts by OSSJA to contact the student. Reasonable efforts are defined as: OSSJA has contacted the student in writing at least twice without response and has subsequently notified the student in

writing of pending unilateral disciplinary action without response. OSSJA will provide a deadline of at least 7 days after sending the notice of pending disciplinary action before imposing the stated unilateral action.

3. The student withdraws or fails to re-register while a conduct referral is pending and the student fails to respond and participate in the conduct process as described in b. above.
4. The student fails to complete an imposed condition of any disciplinary sanction, including, but not limited to completing community service hours, submitting a monetary fine, submitting an assigned paper, attending educational workshops.
5. A student has previously agreed to a deferred sanction and subsequently is found in violation of the agreement. See 105.13 for definition of a disciplinary sanction of deferred suspension, deferred dismissal, or deferred separation.
6. When there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person, or other disruptive activity incompatible with the orderly operation of the campus.
7. When another University official including, but not limited to a faculty member or other University official meets with a student regarding a violation of University policy and requests that OSSJA retain the student's name on file as a written record of the violation by the student.
8. When there is a reasonable basis for the University to direct a student not to have further contact with identified individuals. A reasonable basis means there is an articulated reason that the health, safety, or ability to have

access to University's resources and opportunities may be impacted by the contact. A no contact directive is considered a direction of a University official.

9. When a student has been found in violation of law by an admission or finding of guilt or a plea of no contest through a legal proceeding in which the student has the same minimum due process rights as provided under Section 103.11.
- B. OSSJA has discretion to take any of the following unilateral actions:
1. Administrative actions are not disciplinary sanctions, and do not constitute a conduct record.
    - a. OSSJA may place administrative holds on a student's registration, graduation, diploma, and transcripts for failure to meet deadlines
    - b. OSSJA may issue administrative notices regarding University standards and policies (University of California Policies Section 104.80.1).
    - c. OSSJA informs a student not to have further contact with another individual in any form (Section 104.80.2)
  2. Disciplinary Sanctions
    - a. Disciplinary holds. OSSJA may impose disciplinary holds on a student's registration, graduation or transcripts as a final resolution of a student's referral.
    - b. OSSJA may impose Censure, Probation, Suspension, or Dismissal.
    - c. OSSJA may retain a student's name on file (Name on File) as a written record of a student violation reported to OSSJA by other university officials. The student is notified that their name will be kept on file by Student Support and Judicial Affairs about the violation.

- d. Interim Suspension; OSSJA may impose an interim suspension from the University in keeping with Section 105.08 of these Policies.
- C. Appeal of unilateral action. The student who is subject to administrative action or disciplinary sanctions imposed under this section may appeal OSSJA's decision as follows:
1. At the discretion of OSSJA, administrative holds may be kept in place until the:
    - a. Student contacts OSSJA and meets with OSSJA staff.
    - b. Conduct referral has been resolved.
    - c. Student complies with prior conditions of a disciplinary sanction.

A student may contact OSSJA to request that administrative holds be released. The Director has final discretion whether to release the holds until conditions a, b, or c are met.

2. Appeals from Unilateral Discipline imposed for failure or refusal to respond must be submitted to the Director in writing and must state reasonable grounds for the student's non-cooperation or failure to respond during the original process. The Director may sustain the original unilateral discipline, or may reopen the discipline process for informal resolution or formal hearing. If the Director sustains the original action, the student may appeal under Section 103.11.8 below.
3. Appeals from discipline imposed under a previous Deferred Sanction agreement must be submitted to the Associate Vice-Chancellor in writing within 10 days after the student receives written notice of OSSJA's decision, and must be based on one or more of the grounds stated in Section

103.11.8 below. The Associate Vice-Chancellor may take any of the following actions:

- a. Affirm, increase, reduce, or rescind the original sanction;
  - b. Return the case to OSSJA for the accused to present evidence under these procedures; or
  - c. When appropriate, refer the matter for a formal hearing.
4. A student is provided an opportunity to meet with a OSSJA staff person to respond to a Name on File. The OSSJA staff person may dismiss the case, resolve the referral with an Administrative Notice, or reopen the disciplinary process for informal resolution or a formal hearing.
  5. An Administrative Notice or a No Contact Directive is not a disciplinary sanction and is not subject to appeal.

103.10.10 A health condition does not excuse a violation of student conduct standards, and the campus may use the student disciplinary process and impose sanctions. If the student or the University demonstrates that the student lacks the capacity to respond, to participate in the disciplinary process, or to comprehend his or her actions, OSSJA may review and determine the possible impact on the disciplinary process. The Director may decide not to pursue the disciplinary process or to proceed with the process and allow the accused student to present the information and supporting evidence in the formal hearing process.

103.10.11 Involuntary acts or acts committed under duress. An action is "involuntary" if it is entirely without volition, will, or power of choice (e.g., disruption, injury or property damage resulting from a seizure). Violations committed under the influence of drugs, alcohol, or other controlled substances are not involuntary and are subject to discipline. An action is taken "under

duress" if the individual is compelled to act by injury or explicit threat of physical harm. A student who claims that their actions were involuntary of taken "under duress" as defined above has the burden of presenting information to support the claim. OSSJA will review and determine the possible impact on the disciplinary process. The Director may decide not to pursue the disciplinary process or proceed with the process and allow the accused student to present the information and supporting evidence in the formal hearing process.

- 103.11 When a formal hearing is deemed to be appropriate, campus implementing regulations shall provide the following minimum procedural standards to assure the accused student a fair hearing:
1. Written notice, including a brief statement of the factual basis of the charges, the University policies or campus regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing;
  2. The opportunity for a prompt and fair hearing where the University shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses presented by the University; no inference shall be drawn from the silence of the accused;
  3. A record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and
  4. An appeals process.

103.11.1 Formal Hearing Procedures

103.11.2 If OSSJA is unable to resolve a matter informally after a reasonable time for review, and if attempts at informal resolution are unsuccessful because



issues remain in dispute, OSSJA may refer the case to an appropriate body for a formal fact-finding hearing.

- A. A formal disciplinary hearing, consistent with the University's educational mission, is a process whereby members of our community (students, faculty, and/or staff), or in exceptional circumstances, a third party not affiliated with the University, receives evidence and makes determinations of fact. It is not a court proceeding.
  - 1. Third parties, not affiliated with the University, may be assigned to serve as a hearing officer for social misconduct cases, when necessary, to serve the interest of fairness and justice to the accused. Third parties may only be assigned in exceptional circumstances and the Director has sole discretion whether to assign a third party to serve in this capacity.
  - 2. Third parties may be faculty or staff at other UC campuses or the Office of the President or individuals who are not affiliated with the University of California.
- B. Hearings are scheduled and concluded (a) with reasonable promptness to avoid unnecessary hardship for the student, reporting party, or witnesses and (b) to permit the parties reasonable time to prepare.
  - 1. Hearings may be held during summer sessions or academic break periods depending on availability of parties and a hearing authority.
  - 2. A formal hearing will be charged and held within 60 days of the date of the first meeting with the student regarding the matter unless extended for cause by the Director.
- A. At a minimum, a reported student has the following rights when OSSJA pursues a conduct referral through a formal hearing.

1. Written notice of the date, time and place of the formal hearing within a reasonable time to prepare for the hearing.
2. A brief statement of the factual basis of the charges.
3. The University policies allegedly violated.
4. The University bears the burden of proof.
5. The opportunity to present documents and witnesses.
6. The opportunity to question witnesses.
7. The right to remain silent without any inference of culpability.
8. An audio record of the hearing.
9. A written decision based on a preponderance of the evidence.
10. A written finding of fact.
11. An appeal process.

103.11.3 A matter may be referred for a fact-finding hearing to a hearing authority as described below.

- A. The role of a hearing authority is to determine the facts and whether a preponderance of the evidence establishes a violation of conduct standards. If a violation is found, the Director may ask the hearing authority to recommend appropriate sanctions.
- B. Types of Hearing Authorities:
  1. The Campus Judicial Board (CJB).
  2. Hearing Officers.
  3. Ad Hoc Hearing Panels.
  4. Graduate and Professional School Hearing Panels.
- C. For this document, the term "hearing authority" will apply to 1, 2, 3, or 4 above. The term "hearing authority" may be used interchangeably with hearing panel, panel, or hearing officer.
- D. Formal hearings involving charges of alleged academic misconduct shall be heard by hearing panels composed of faculty and students or a faculty hearing officer.

E. The Campus Judicial Board

The Campus Judicial Board is a panel, normally comprised of students and faculty, that has primary responsibility for hearing disputed cases of suspected academic misconduct. CJB panels comprised of students and faculty or staff may hear social misconduct cases at the discretion of the Director.

1. The Vice Chancellor for Student Affairs ("Vice-Chancellor") may appoint up to 15 students to the Campus Judicial Board, and may appoint a student chair or co-chairs from among the student members of the CJB. If the appointed chair is unavailable to serve at a hearing, another student member may serve as ad hoc chair without special appointment. Student CJB members serve one-year terms and may be reappointed.
  - a. CJB student members shall receive annual training regarding University policies for student conduct, the student disciplinary process, and procedures to be followed in formal hearings.
  - b. Under the general direction of OSSJA, additional roles for CJB student members may include but are not limited to:
    - i. Developing, implementing, and presenting outreach programs and educational materials to encourage academic integrity and responsible and ethical conduct in the campus community.
    - ii. Providing information and advising to students with questions about the student discipline process.
    - iii. Serving as advisors to an accused student or reporting party for a formal hearing if the CJB

member is not assigned to serve on a hearing panel associated with the case.

- iv. Meeting with accused students as part of the informal resolution process or to follow up with a student who has completed an educational task or community service.

2. The Vice-Chancellor may appoint up to 15 faculty members (Academic Senate and Academic Federation members) to the Campus Judicial Board as nominated by the Academic Senate and Academic Federation Committee on Committees. Any faculty member may serve as chair or a hearing officer without special appointment. Faculty CJB members serve one or two year terms and may be reappointed.
3. The Vice-Chancellor may appoint staff members to serve as hearing officers or as ad hoc hearing panel members. Staff members serve one or two year terms and may be reappointed. Staff serve on hearing panels or as hearing officers only for social misconduct cases.
4. Normally, a CJB, ad hoc, or professional school hearing panel will consist of three persons. A hearing panel may be chaired by a student, staff or faculty member, as appropriate. Panels must include at least one student member.

#### F. Hearing Officer

University faculty, students, staff members or third parties appointed by the Vice-Chancellor to hear student disciplinary cases.

1. The Director has sole discretion to determine whether a referral is heard before a hearing officer or hearing panel.
2. Cases of reported social misconduct are normally heard by a hearing officer.

3. An appointed CJB student or faculty member may serve as a hearing officer in disciplinary matters without special appointment.
4. A faculty member may be assigned to serve as a hearing officer for cases of academic misconduct when it is difficult to assemble a hearing panel such as during the summer or other break periods.
5. Unless previously trained as a CJB member, hearing officers will receive training from OSSJA regarding University policies, the student disciplinary process, and the procedures to be followed in conducting a formal hearing.

G. Ad Hoc Hearing Panels

University faculty, students, staff members appointed by the Vice-Chancellor to hear student disciplinary cases as ad hoc panel members.

1. Ad Hoc hearing panels may be assigned when CJB hearing panels are not available or when OSSJA determines that an ad hoc panel is required to ensure fairness.
2. An appointed CJB student or faculty member may serve on ad hoc hearing panels in disciplinary matters without special appointment.
3. Unless previously trained as a CJB member, ad hoc hearing panel members will receive training from OSSJA regarding University policies, the student disciplinary process, and the procedures to be followed in conducting a formal hearing.

H. If the accused student is a graduate student or a student in the Graduate School of Management, the Law School, the School of Education, or the School of Nursing, and a formal hearing becomes necessary, an ad hoc hearing panel or hearing officer may be appointed.

1. For cases involving alleged academic dishonesty, the hearing panel should include at least one graduate-level student and one faculty member with graduate-level teaching and research experience, preferably from the Division or School in question.
  2. For cases involving alleged social misconduct, a hearing officer may be appointed consistent with E. above.
- I. The UC Davis Schools of Medicine and Veterinary Medicine have established their own hearing bodies and written procedures for resolving student discipline cases involving their own students. If requested by the school, OSSJA may assist or adjudicate cases involving students in these schools. Disciplinary records for students at the Schools of Medicine or Veterinary Medicine are kept by the school in question, and OSSJA may be notified of any disciplinary action taken against such students.

#### 103.11.4 Preparation and Presentation of Cases.

- A. In keeping with the University's educational purposes, accused students and reporting parties normally speak on their own behalf at the hearing.
1. In academic cases, the reporting party is generally the instructor of record for the class, a teaching assistant, an associate instructor, or University staff person who reported the matter to Student Support and Judicial Affairs regarding the suspected misconduct.
  2. In social cases, a University student, staff person or faculty member may be assigned to serve as a University representative to present information in support of the charges.

3. A OSSJA Officer or CJB student member may serve in the role of a University representative for academic or social cases.
- B. The accused student and the reporting party may each have one advisor of their choice to help understand the hearing process and who may accompany them at the hearing.
1. Advisors may include, but are not limited to the following:
    - a. Student members of the CJB may serve as advisors.
    - b. OSSJA Officers may serve as advisors.
    - c. An attorney may serve as an advisor. If a party decides to have an attorney serve as an advisor, the party must notify the Director within three days of receiving the notice of hearing letter.
  2. A student who is a party to the referral or an individual who is a potential witness may not serve as an advisor.
  3. The accused student and the reporting party generally are responsible for preparing and presenting their own evidence and witnesses at a formal hearing. Advisors may assist the parties prior to and at a hearing, but advisors do not prepare or present the case for the parties.
  4. Generally, advisors will not take a direct part in hearings without the approval of the hearing authority. With approval, advisors may ask questions of those who testify and present the closing statement for the party.
  5. The role of the advisor may be expanded in exceptional cases at the discretion of the Director if a party will be unfairly disadvantaged in the absence of such additional assistance, such as when the party is a non-native English speaker or wishes to exercise the right to remain silent.
  6. The hearing authority may exclude an advisor from the hearing if the advisor fails to comply with the hearing

procedures, becomes disruptive, or impedes or interferes with the hearing process.

#### 103.11.5 Hearing Procedures

- A. These procedures apply to all disciplinary hearings unless specifically waived by the accused student or reporting party.
  - 1. A hearing authority may adopt other procedures consistent with these procedures to ensure a fair hearing for all parties, if reasonable notice is given before the hearing.
  - 2. An OSSJA representative attends all hearings and may provide directions and instructions to a hearing authority to ensure compliance with these procedures and to facilitate the hearing process.
- B. Once OSSJA determines that a formal hearing is necessary to resolve the matter, OSSJA sends the student written notice within a reasonable time before the hearing.
  - 1. The notice of hearing may be emailed, sent by U.S. mail, and/or picked up by the accused student in person from OSSJA. Normally, the notice must be picked up by the student, e-mailed, and/or postmarked at least ten days before the scheduled hearing date, unless the student agrees to a shorter period or the Director has determined that the student has received adequate notice from prior communications.
  - 2. It is presumed that the accused student has received notice if the student has picked up the notice from OSSJA, or if the notice has been sent to the student by (1) email at the student's primary UC Davis email address; and/or (2) regular U.S. mail at the local address provided by the student to OSSJA, or the local address and/or email addresses most



recently filed with the Registrar's Office; or, if undeliverable at a local address, at the permanent address of record.

3. The notice should include the following information:
  - a. The time, date, and place of the hearing, or notice that the hearing will be held at a time and place to be specified in a later notice;
  - b. A brief description of the suspected violation that the University alleges the student, a list of the University policies or campus regulations reportedly violated.
  - c. A list describing the initial information to be provided prior to the hearing such as documents and other materials and the names of any witnesses with a brief description of the purpose of their testimony.
  - d. A deadline by which the University and the reported student must submit information and the names of witnesses with a brief description of the purpose of their testimony.
  - e. A statement that the student is entitled to be accompanied/assisted by an advisor;
  - f. An outline of the hearing process.
  - g. Either in the notice of hearing, or as soon as possible afterwards, the student is provided with the name(s) of the hearing panel members or hearing officer so that he or she may, if there is good cause, submit a challenge (Section 103.11.5.D).
- C. The accused student may request records in the possession of the University to be considered as evidence at the hearing. The Director or hearing authority may exclude material that is determined to be repetitious or otherwise not relevant. The Director or hearing authority will provide a brief explanation as to why the information will not be included.

1. Any information to be provided at the hearing must be submitted in advance to OSSJA, including (1) copies of documents and other evidence and (2) lists of the names of potential witnesses with a brief description of the purpose of each witness's testimony. Reported students and reporting parties should submit documents and names of witnesses as early as possible to provide a full exchange of information.
  2. The accused student and reporting party must submit all documents and names of witnesses no later than three days prior to the hearing. Anything submitted after this deadline will be considered as evidence with the approval of the Director or the hearing authority.
  3. Final documents and names of witnesses will be distributed to the parties no later than two days prior to the hearing.
- D. Members of a panel should have no prior involvement in the case, and should disqualify themselves if they believe they cannot render a fair decision.
1. Either party may challenge a panel member or hearing officer for stated reasons. A challenge shall be made to OSSJA within three days after receiving notice of the names of the panel members.
  2. OSSJA or the chair may disqualify the challenged panel member upon a finding that he or she is unable to make an impartial decision, or may overrule the challenge.
  3. OSSJA or the chair may provide a brief statement of reasons if a challenge is denied.
  4. If disqualification of a panel member prevents a quorum, an alternate panel member will be assigned to the hearing.
- E. If several witnesses will be presented, the issues are complex, or if otherwise deemed useful, a pre-hearing conference may be scheduled at the discretion of the hearing panel chair, hearing

officer, or OSSJA. At the pre-hearing conference, the parties will submit documents and lists of witnesses and the general facts to which they will testify. OSSJA, the hearing panel chairperson or the hearing officer may decide any procedural issues and may exclude proposed testimony that is irrelevant, unduly repetitive, or unreasonably time consuming, or may reserve such determinations until the hearing. OSSJA, the chair or hearing officer may also ask for and decide any challenges under Section 103.11.5.D.

- F. Hearings will normally be "closed," but the accused student may request that the hearing be "open" if the request is submitted no later than three days after receiving the notice of hearing. The Director has authority to deny the request if the Director determines that an open hearing would invade the privacy rights of others; if it might reasonably be expected to result in threats to or intimidation of witnesses; or for other substantial reasons. If OSSJA determines that the hearing may be open, it should be scheduled in a room that provides reasonable space for the public to be present. If there is interference with the orderly progress of an open hearing, the hearing panel may adjourn and reconvene as a closed hearing. If the hearing is open to the press/public, notice of the decision may be made public.
- G. Who May Be Present at the Hearing.
1. The accused student and the reporting party are both entitled to be present throughout the hearing, with their advisors, if any. The accused student's failure to appear shall not be construed as proof of culpability.
  2. When more than one student is reported about a single incident or set of facts, OSSJA will generally schedule a joint hearing for all the accused students to conduct a full and fair consideration of the case. All the accused students may be

present at the joint hearing. OSSJA may, at its discretion, schedule and conduct separate hearings.

3. Witnesses wait outside the hearing room when not testifying. Witnesses are excused upon completion of their testimony, unless the chair determines that a witness should remain available for further testimony.
4. An accused student may request that a family member or other person be able to attend the hearing for support. The support person may not take an active part during the hearing. OSSJA or the hearing authority have discretion to allow or deny the request.
5. Deliberations are always conducted in closed session, with only members of the panel or hearing officer present.

#### H. Evidence and Testimony.

1. Formal rules of evidence or court procedures are not used and do not apply in the student disciplinary process. Student discipline hearings are not court proceedings; the procedures used in civil or criminal trials, motions, or other proceedings before a court or administrative agency do not apply. For example, discovery procedures, requirements for pleadings, and the hearsay rule do not apply in student disciplinary hearings.
2. The hearing panel or hearing officer may receive and consider spoken, written, or other evidence of the kind on which reasonable persons are accustomed to relying in serious matters, as described below.
3. The accused student and the reporting party shall have the opportunity to testify and present witnesses and other evidence regarding the facts of the suspected violation and whether a violation occurred.

4. An OSSJA Officer may present evidence (a) regarding an alleged violation or (b) regarding an appropriate sanction, considering the nature of the violation admitted or found to have occurred, aggravating or mitigating circumstances, and OSSJA policies and practices regarding sanctions imposed in similar cases.
  5. Eyewitness testimony and circumstantial evidence in any form (e.g., documents, pictures, electronic, and/or physical evidence) may be presented to the panel.
  6. One person's report of another's statements (hearsay) may be received by the panel. The hearing panel may discount hearsay evidence in part or in whole as appropriate. A hearing authority may not base a decision solely on hearsay evidence.
  7. A criminal plea, trial, and/or conviction, including a court order, opinion, transcript of sworn testimony, or other official record may be received as evidence.
  8. The findings and report of a University investigation may be received as evidence. The person who conducted and prepared the investigation report will normally testify at the hearing about the investigation process and the findings.
  9. The panel may weigh credibility and make findings based on the testimony of one witness against another or against other evidence.
  10. The panel may exclude irrelevant or unduly repetitious evidence.
  11. The hearing authority may choose to limit the length of testimony so that the hearing can be completed in a reasonable length of time.
- I. Testimony and Questioning of Witnesses.

1. Testimony must be truthful. All parties and witnesses must specifically agree before testifying that their testimony will be truthful. Individuals may be subject to disciplinary action if they provide false information in the hearing process.
  2. No student witness may be compelled to incriminate themselves.
  3. The accused student may remain silent and their silence should not be taken as inference of culpability.
  4. The panel initiates questioning of parties and other witnesses. Parties (and, with approval of the panel, their advisors) may ask questions of each other and witnesses in the order determined by the chair.
  5. Both the accused student and the reporting party may request that specified witnesses attend the hearing and testify. If a witness is unavailable to testify at a hearing, OSSJA may arrange for testimony to be taken at an alternate time under conditions providing an opportunity for oral or written questioning by both parties and the panel members. OSSJA does not have authority to compel the attendance or testimony of witnesses.
- J. After all evidence has been heard, the accused and the reporting party (or with permission, their advisors), may present a brief closing summary. No new evidence may be presented during a closing summary.
- K. To substantiate charges of misconduct in the formal hearing process, the University bears the burden of proof based on a preponderance of the evidence.
1. A preponderance of the evidence is defined as "more likely than not"; "a probability greater than 50% "; or that "the superiority of the weight of evidence is greater than or preponderates over the other side." Although there

- may be two or more conclusions that are reasonable based on a certain set of facts, if the evidence shows that one conclusion is in any measure more reasonable than another, then a preponderance of the evidence supports the finding.
2. The standards of "beyond a reasonable doubt" and "clear and convincing evidence" do not apply to UC Davis student disciplinary proceedings.
  3. Findings and determinations whether a violation occurred may be based only upon evidence received hearings.
- L. An audio recording of the hearing (but not the deliberations) will be made.
1. A written log/index of the timing of each witness's testimony may be kept, but is not required.
  2. After the hearing, the accused student and the reporting party may request access to review the hearing recording and index and take notes.
  3. The audio recording is retained as part of the record for as long as the discipline record is retained.
  4. Other than the official record provided above, mechanical or electronic devices for recording or broadcasting are excluded from the hearing.

#### 103.11.6 Report by Hearing Panel or Officer

- A. The hearing panel or officer will prepare a brief written report summarizing the findings of fact.
- B. At the discretion of the Director, the Director may request that the panel or hearing officer consider and submit recommendations for sanctions as part of their deliberations.
- C. The report should normally be submitted within 7 days of the hearing unless extended by the Director.

- D. Reports from decisions of the CJB, ad hoc hearing panels, or hearing officers are submitted to the Director.
- E. If the hearing concerns a graduate student, law student, Graduate School of Management student, or School of Education Student, the Director, will normally consult with the designated Assistant or Associate Dean before acting on the report.
- F. The report will include findings of fact as to each specified charge, and whether the conduct as found does or does not violate the policies or regulations as reported. If the decision is not unanimous, both a majority and a minority report may be submitted.
- G. Action on the Report.
  - 1. If the finding is that there was insufficient evidence to support the charges, the Director will notify the accused student and the reporting party or University representative in writing.
  - 2. If the accused is found in violation, the Director may
    - a. approve the report and impose disciplinary sanctions;
    - b. return the report for reconsideration or clarification. If a report is returned for reconsideration, the issues/evidence to be considered should be specified.
- H. The Director will provide a written notice of the decision to the accused student and a copy of the hearing authority's findings and recommendations within seven days of receiving the final findings of fact from the hearing authority. The Director will also provide written notice of the decision and findings to Reporting Parties who are campus officials, in accord with legitimate educational interest criteria.
  - 1. The notice of decision may be sent to the UC Davis email address of record for that individual, and should specify the due date of any appeal, and the name and address of the



official to whom the appeal must be submitted. In addition, the notice of the decision may be provided as follows:

2. The decision is made public only if the hearing was open or if the student(s) named in the decision give(s) written consent (P&PM Section 320-21).

### 103.11.8 Appeals

- A. Appeals from either party must be filed within the time set in the notice of decision letter, generally ten days after the notice of decision is emailed or postmarked.
- B. Who May Appeal.
  1. The accused student may appeal a decision of the Director on one or more of the grounds specified in 103.11.8.C below.
  2. A reporting party may appeal a decision on grounds 2, 3 and 4.
- C. The appeal must be in writing, and may request that the decision and/or sanction be amended or overruled on the following grounds:
  1. The decision lacks substantial basis in fact to support the findings. The appellant has the burden of proving that there is no substantial evidence to support the decision. It is not enough to assert that the hearing panel made an incorrect decision whether a preponderance of evidence supports the finding of violation. The appellant has the burden of showing that the hearing authority's decision was made without supporting evidence such that no reasonable person could reach the conclusion of the hearing authority based on the evidence that supported the decision.
  2. There is incongruity between the sanction(s) and findings;
  3. There has been unfairness in the hearing proceedings that materially affects the findings. "Materially" means that the

unfairness or procedural error, if true, would alter the findings and decision.

4. There is newly discovered evidence not known at the time of the hearing or decision that is material to the findings. "Material" means that the evidence would be sufficient to alter the findings and decision.
- D. Appeals from a decision by the Director must be filed with the Associate Vice-Chancellor.
  - E. The official to whom the appeal is submitted may deny the appeal; grant the appeal in whole or part; or direct such other relief as he/she deems appropriate.
  - F. Notice of Decision on Appeal shall be provided in the same manner as Section 103.11.5.B. The student may prepare a statement in response to the decision to be kept on file in their disciplinary record.
  - G. The Decision on Appeal shall be completed within 14 days of submission of the appeal unless extended by the Associate Vice-Chancellor.
  - H. The Decision on Appeal is final. No further appeal rights are available.

#### 104.00 Administration of Student Discipline

104.10 Chancellors may impose discipline for violations of University policies or campus regulations whether or not such violations are also violations of law, and whether or not proceedings are or have been pending in the courts involving the same acts.

##### 104.10.1 Disciplinary Reports Related to Alleged Crimes

- A. The same act may be both criminally prosecuted and subject to student discipline. Discipline may be imposed for violations of

University policies or campus regulations whether such violations are also violations of law, and whether proceedings are or have been pending in the courts involving the same acts.

1. If a student has been convicted after trial, has entered a plea of "guilty" or "no contest" to a crime, or has entered a diversion or other program under which the entry of judgment is delayed and the case is then resolved with a lesser charge or with dismissal of the charges, the conviction, plea, or other court orders or records, as well as any evidence introduced or transcripts of court proceedings, may be used as evidence in the student disciplinary case.
  2. Even if criminal charges are dismissed or reduced against a student, or the defendant is acquitted or permitted to enter a diversion program, the campus may proceed with a disciplinary hearing and impose student discipline if the student admits a violation of student conduct standards or is found in violation after a hearing.
- B. If a reported incident of misconduct results in criminal investigation and/or prosecution as well as student disciplinary action, OSSJA has discretion to take the following actions:
1. Impose an interim Suspension if the student's presence on campus poses a threat to campus security;
  2. Enter an interim agreement with stated conditions (e.g., permitting the student to remain enrolled while criminal charges are pending but limiting the student's entrance to campus or participation in campus activities);
  3. Delay the disciplinary process pending resolution of the criminal charges; and/or
  4. Proceed with the disciplinary process.

5. For cases involving sexual harassment or sexual violence, the University will proceed with the adjudication process regardless of a criminal investigation and/or prosecution.

- 104.20 Each Chancellor may appoint faculty, student, or other advisory committees, or hearing officers, as specified in campus regulations, but the final authority for administration of student discipline rests with the Chancellor.
- 104.20.1 Delegation of Authority.  
 Authority for student discipline at UC Davis is delegated from the Chancellor to the Vice Chancellor for Student Affairs ("Vice-Chancellor"), the Associate Vice Chancellor for Student Affairs ("Associate Vice-Chancellor"), and the Director of Student Support and Judicial Affairs ("Director").
- A. Within this policy, the term Director, and under the Director's supervision, the OSSJA staff, have authority to impose conduct sanctions. All conduct action taken by the Director, other OSSJA staff, or any hearing body or hearing officer, operates by delegation of the Chancellor's authority.
  - B. The term "Director" applies to the Director, the Associate or Assistant Director or to other OSSJA Officers as delegated.
  - C. The term "Vice-Chancellor" and "Associate Vice-Chancellor" applies to the Vice-Chancellor and Associate Vice-Chancellor or to other University officials as delegated.
- 104.20.2 The Office of Student Development has responsibility for conduct policies and procedures involving registered student organizations.
- 104.20.3 Misconduct by students in the residence halls may be resolved through the student conduct process, by using housing contract remedies, or both.

The Office of Student Development staff includes OSSJA Officers who have authority to resolve cases under both processes.

- 104.30 A student, as defined in Section 14.40 of these Policies [UC PACAOS], at one campus of the University, who is accused of violation of University policies or campus regulations on another campus of the University or at an official function of that campus, shall be subject to the disciplinary procedures of either the former or the latter campus as an outcome of conferral between designees of both campuses. The imposition of any recommendations for disciplinary sanctions arising from these procedures must be reviewed and approved by both campuses before the sanctions are imposed.
- 104.31 If an alleged violation of University policies occurs in connection with an official University-wide function not on a campus, the student accused of the violation shall be subject to the disciplinary procedures of the campus at which the individual is a student, except in those cases in which the President directs otherwise.
- 104.40 The loss of University employment shall not be a form of discipline under these Policies. However, when student status is a condition of employment, the loss of student status will result in termination of the student's employment. This section is not intended to preclude the disclosure to other appropriate University officials of information relating to any student's judicial records if that information may be reasonably construed to have bearing on the student's suitability for a specific employment situation. This section is also not intended to preclude an employer from terminating a student's employment outside the disciplinary process.
- 104.40.1 Student employees (including student academic appointees) may be disciplined for violating UC Policies and may also be subject to personnel

action by their employer (e.g., reprimand or release from employment) in accordance with applicable agreement or policy.

- 104.50 In imposing discipline other than Suspension or Dismissal, access to housing and health services shall not be restricted unless the act that occasioned the discipline is appropriately related to the restriction.
- 104.60 If because of an official campus appeal it is determined that the student was improperly disciplined, the Chancellor shall, if requested by the student, have the record of the hearing sealed, and have any reference to the disciplinary process removed from the student's record. In such case, the record of the hearing may be used only in connection with legal proceedings. The Chancellor also may take other reasonable actions to ensure that the status of the student's relationship to the University shall not be adversely affected.
- 104.70 [Rescinded – January 1, 2015]
- 104.71 [Rescinded October 13, 2005]
- 104.80 Whether or not a hearing is conducted, campuses may provide written notice to a student that his or her alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior will be subject to the disciplinary process. Evidence of the prior alleged behavior as detailed in the written notice may be introduced in a subsequent disciplinary action in order to enhance the penalty.
- 104.80.1 Administrative Notice  
Official written notice to a student that his or her alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior will be subject to the disciplinary process. Evidence of the

prior alleged behavior as detailed in the written notice may be introduced in a subsequent disciplinary action regarding the student's knowledge of University and campus policies and to determine the appropriate disciplinary sanction.

104.80.2 No Contact Directive

A no contact directive is a direction issued by a university official (OSSJA Officer) notifying a student not to have any further contact with a student through any means whether in person or through any other means including but not limited to electronic communication or communication through third parties.

104.90 Sanctions [for any violations of Section 102.00, Grounds for Discipline] may be enhanced where an individual was selected because of the individual's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.

105.00 Types of Student Disciplinary Action

When a student is found in violation of University policies or campus regulations, any of the following types of student disciplinary action may be imposed. Any sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation.

105.01 Warning/Censure:

Written notice or reprimand to the student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of University policies or campus regulations may be cause for further disciplinary action, normally in the form of Disciplinary

Probation, and/or Loss of Privileges and Exclusion from Activities, Suspension, or Dismissal.

- 105.01.1 Name on File:  
A written record of a student violation reported to OSSJA by other campus officials. A Name on File is equivalent to a University Warning or Censure. The violation may be considered as a prior violation to enhance the sanction for any later similar offense. A student may appeal a Name on File as described in Section 103.10.9 C.4.
- 105.02 [Rescinded May 17, 2002]
- 105.03 Disciplinary Probation:  
A status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the student's privileges or eligibility for activities may be imposed. Misconduct during the probationary period or violation of any conditions of the probation may result in further disciplinary action, normally in the form of Suspension or Dismissal.
- 105.04 Loss of Privileges and Exclusion from Activities:  
Exclusion from participation in designated privileges and activities for a specified period of time. Violation of any conditions in the written Notice of Loss of Privileges and Exclusion from Activities, or violation of University policies or campus regulations during the period of the sanction may be cause for further disciplinary action, normally in the form of Probation, Suspension or Dismissal.
- 105.04.1 Restrictions on University Employment and Surrender of University Identification and Property



If Suspension or Dismissal arises from employment-related conduct, the student may be barred from University employment. While loss of University employment is not a form of student discipline, the student's employer may release the student through applicable employment/job action processes. If student status is a condition of employment, a student's Suspension, Dismissal, or other loss of student status (for any reason) will result in termination of the student's employment. A student who is no longer employed or eligible for employment may be required to return all University identification (e.g., registration card), keys, or other University property at the time of the Suspension or Dismissal.

105.05 Suspension:

Termination of student status at the campus for a specified period of time with reinstatement thereafter certain, provided that the student has complied with all conditions imposed as part of the suspension and provided that the student is otherwise qualified for reinstatement. Violation of the conditions of Suspension or of University policies or campus regulations during the period of Suspension may be cause for further disciplinary action, normally in the form of Dismissal.

105.06 Dismissal:

Termination of student status for an indefinite period. Readmission to the University shall require the specific approval of the Chancellor of the campus to which a dismissed student has applied. Readmission after dismissal may be granted only under exceptional circumstances.

105.06.1 Petitions for Readmission to UC Davis following Dismissal from the University of California.

- A. This Policy applies to former UC Davis students seeking readmission after Dismissal and former students of other UC campuses seeking admission to UC Davis after Dismissal from

another UC campus.

- B. Students must submit a petition, in writing, to the Office of the Chancellor and Provost.
- C. The Chancellor or designee shall review and provide a written response to the petition normally within 21 days of date in which the petition is submitted. This deadline may be extended as needed to prepare a response.
- D. The Chancellor or designee is not required to provide a rationale for granting or denying a petition for readmission.
- E. If granted, the Chancellor will specify the quarter in which a student is permitted to return.
- F. If a petition is denied, the student may not submit another petition for at least one year after submitting a petition that has been denied.
- G. Other UC campuses establish their own deadlines and criteria for considering petitions for readmission.

105.07 Exclusion from Areas of the Campus or from Official University Functions: Exclusion of a student as part of a disciplinary sanction from specified areas of the campus or other University-owned, -operated, or -leased facilities, or other facilities located on University property, or from official University functions, when there is reasonable cause for the University to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

105.071 In accordance with California Penal Code 626.2, a student who, after a hearing, has been suspended or dismissed from the University for disrupting the orderly operation of the campus or facility of the institution, and as a condition of the suspension or dismissal has been denied

access to the campus or facility, or both, of the institution for the period of the suspension or in the case of dismissal for a period not to exceed one year; who has been served by registered or certified mail, at the last address given by that person, with a written notice of the suspension or dismissal and condition; and who willfully and knowingly enters upon the campus or facility of the institution to which he or she has been denied access, without the express written permission of the chief administrative officer of the University, is guilty of a misdemeanor.

105.08 Interim Suspension:

Exclusion from classes, or from other specified activities or areas of the campus, as set forth in the Notice of Interim Suspension, before final determination of an alleged violation. A student shall be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus. A student placed on Interim Suspension shall be given prompt notice of the charges, the duration of the Interim Suspension, and the opportunity for a prompt hearing on the Interim Suspension. Interim Suspension shall be reviewed by the Chancellor within twenty-four hours. If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist an individual who has been disadvantaged with respect to employment or academic status.

105.08.1 Procedures for Interim Suspension

- A. The University may consider the following criteria in deciding whether to issue an interim suspension:

1. Seriousness of the alleged incident including but not limited to aggravated assault, possession of weapons, threat of violence toward campus, and sexual misconduct.
  2. Level of fear of safety caused by the reported individual involving any member of the University community.
  3. Level of disruption to campus activities.
- B. The student is entitled to request and have a prompt hearing before the Director at which time the student has a right to respond regarding the imposition of the interim suspension or the alleged misconduct.
- C. The Director will inform the student in writing within two days of a requested hearing whether to lift the interim suspension, modify it, or keep it in place while a disciplinary matter is pending.
- D. There is no appeal process following a decision to lift, modify or keep an interim sanction in place.
- E. The student retains all rights under this policy to any disciplinary proceedings involving the charges for which the interim suspension was issued.

105.09

**Restitution:**

A requirement for restitution in the form of reimbursement may be imposed for expenses incurred by the University or other parties resulting from a violation of these policies. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student who alone, or through group or concerted activities, participates in causing the damages or costs.

105.10

**Revocation of Awarding of Degree:**

Subject to the concurrence of the Academic Senate, revocation of a degree obtained by fraud. Such revocation is subject to review on appeal by the Chancellor.

105.11 Other:

Other disciplinary actions, such as monetary fines, community service, or holds on requests for transcripts, diplomas, or other student records to be sent to third parties, as set forth in campus regulations.

105.11.1 Defined as assignment of costs, labor, duties, educational projects, or other responsibilities that are appropriate considering the violation, or relevant to the student's role on campus or living area.

- A. Educational Projects -- a student may be assigned to complete a specific educational task or project. The purpose of such assignments is to help the student build skills and coping strategies so the misconduct is not repeated, to help restore the community and repair the harm arising from the misconduct, and to give students the opportunity to help prevent misconduct, by developing ways to reach and warn other students so they do not make similar mistakes. Educational assignments include, but are not limited to:
1. Writing Assignment. A student may be assigned to research a topic related to ethics, read assigned books, and write a paper. Another project may require the student to write a personal code of conduct. The purpose of these writing assignments is to help the student reflect on and learn from what has happened.
  2. Workshop/Training/Meetings. A student may be assigned to complete workshops, trainings, or other meetings including, but not limited to improving academic or personal skills, receiving academic advising, improving decision making skills, receiving alcohol or drug education, addressing anger

management. The student may be required to pay the cost, if any, for completing the workshop, training, or meeting.

3. Community Service -- A student may be assigned to complete a specified number of hours of community service, usually arranged through the UC Davis Community Resource Center.

B. Monetary fine or Sanction Payment

C. Other

#### 105.11.2 Restorative Justice:

The University may facilitate a restorative justice circle to allow the parties to express their perspective about the incident and to address the harm caused by the violation. Unless there are exceptional circumstances, restorative justice is not used as an alternative to disciplinary sanctions for violations of University policy. All parties who participate must voluntarily agree to use the process.

#### 105.12 Suspension of Graduation

Defined as suspending the award of a degree, after the student has completed all academic requirements, until the end of the specified period of suspension. Once the period of suspension has elapsed, the degree will be awarded as of that date, provided that the student has complied with all conditions imposed as part of the suspension of graduation and that he/she is otherwise qualified to graduate under degree requirements applicable at the time the suspension was imposed. During the suspension, the student may not enroll in any classes at UC Davis. Violation of University policies or campus regulations during the suspension may be cause for further disciplinary action, normally in the form of dismissal.

#### 105.13 Deferred Separation, Deferred Suspension and/or Deferred Dismissal:

Defined as a delay in imposing a Suspension or Dismissal, which means that a Suspended or Dismissed student may be permitted to remain in school on condition that he/she agrees to waive the right to a formal fact-finding hearing. If the student whose Suspension/Dismissal has been deferred is later reported again, and admits or is found in violation by an OSSJA officer of having committed a subsequent violation of specified conduct standards, the deferred Suspension or Dismissal may be implemented at that time. If referred the student has an opportunity to meet with a judicial officer for an informal hearing. At the informal hearing, the judicial officer tells the student the information supporting the report, allows the student to respond and to submit any relevant information on his or her behalf. The student retains the right to remain silent and the student may bring an advisor; however, the student is expected to speak for himself or herself. The student does not have the right to present witnesses or confront or question any witnesses, although the OSSJA officer may contact and talk with others to help evaluate the alleged misconduct "Deferred Separation" means that OSSJA officer may impose any appropriate sanction, including Dismissal, after determining that a violation has occurred.

- 106.00 Posting Suspension or Dismissal on Academic Transcripts
- When, because of violations of the Policy on Student Conduct and Discipline, a student is suspended or dismissed, a notation that the discipline was imposed must be posted on the academic transcript for the duration of the suspension or dismissal. Thereafter, notations of Suspension or Dismissal reflected on a student's transcript may be removed as set forth in campus regulations.
- A. Suspensions are annotated on student transcripts with the statement "Readmission Prior to [quarter in which student may re-enroll in UC Davis] Subject to Approval of Director of Student Support and Judicial Affairs."

- B. Suspensions of Graduation are annotated on student transcripts with the statement “Graduation Prior to [quarter in which student is eligible to graduate from UC Davis] Subject to Approval of Director of Student Support and Judicial Affairs.”
- C. Dismissals are annotated on student transcripts with the statement “Readmission to the University of California Subject to Approval of the Chancellor.”
- D. Notations of Suspension are removed at the end of the Suspension; notation of Dismissal is removed if the student is readmitted to UC Davis. No other disciplinary actions appear on transcripts.

#### IV. COMPLIANCE / RESPONSIBILITIES

Chancellors shall adopt campus implementing regulations consistent with these Policies. The University shall publish these Policies and make them widely available, and Chancellors shall do the same with respect to the implementing regulations for their campuses. This requirement may be satisfied through the on-line publication of these Policies and their respective campus implementing regulations. (See also Section 13.20 of these Policies [UC PACAOS].)

#### V. PROCEDURES

The President shall consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and University-wide advisory committees prior to amending these Policies. Chancellors shall consult with faculty, students, and staff prior to submitting to the President any campus recommendations related to proposed amendments to these Policies. Amendments that are specifically mandated by law, however, do not require consultation with campus representatives or University-wide advisory committees to the extent that legal requirements do not permit



such consultation. (See also Section 13.10 of these Policies [UC PACAOS].)

Chancellors shall consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these Policies that have been specifically mandated by law. Campuses shall specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised. (See also Section 13.30 of these Policies [UC PACAOS].) Prior to their adoption, all proposed campus implementing regulations, including all substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these Policies and the law. (See also Section 13.40 of these Policies [UC PACAOS].)

- A. Revisions to UC Davis student conduct policies and procedures are coordinated and published by OSSJA in accordance with University and campus policies.
  1. Recommendations for revision or amendment to these procedures:
    - a. OSSJA periodically reviews and proposes revisions to student conduct policies and procedures.
    - b. Any hearing authority, in addition to making recommendations on a discipline case, may recommend to OSSJA that identified University policies and/or campus regulations (including these procedures) be modified for stated reasons.
  2. The Campus Judicial Board, ASUCD, or other constituencies, related advisory committees, or affected

units may recommend revisions or amendments to student conduct policies and procedures.

3. Prior consultation regarding substantive revisions. In general, OSSJA consults with constituencies, related advisory committees, and affected departments regarding proposed substantive revisions to student conduct policies and procedures.
  4. Revision resulting from changes in University policy required by law. If a substantive revision results from a change of University-wide policy that has been specifically mandated by law, no consultation is required.
- B. Review by Vice Chancellor, Chancellor, and Office of the President. Before adoption, proposed substantive revisions to UC Davis student conduct policies and procedures (e.g., the Student Conduct Policy and Procedures) are submitted to the Vice Chancellor of Student Affairs, the Chancellor, and the UC Office of the President for review.
- C. Publication of Revised Policies and Procedures. After final review and revision, the revised policies and procedures are published and made available on the Internet.

## APPENDIX A RECORD RETENTION POLICY OF STUDENT DISCIPLINARY RECORDS.

- I. OSSJA will retain disciplinary records according to the following schedule:
  - A. Disciplinary Records involving Censure/Waring, Disciplinary Probation, and Deferred Sanctions will be maintained until the student receives their degree.
  - B. Disciplinary Records involving Suspension or Suspension of Graduation will be maintained for three years after a student's expected date of receiving a degree or actual date of receiving a

degree. A student's actual date of receiving a degree takes precedence over a student's expected date of graduation for retention purposes.

- C. Disciplinary Records involving Dismissal will be maintained indefinitely.
- D. Receipt of degree is defined as the date in which the Academic Senate formally approves the awarding of a degree following graduation.
- E. At its sole discretion, OSSJA may retain a disciplinary record for a longer/shorter period than provided above.
- F. At its sole discretion, OSSJA may re-categorize a disciplinary record as a non-disciplinary record for administrative purposes or as required by law. Such records will not be released except as required by law.