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INTRODUCTION

The student disciplinary system at the University of California, Davis, has been established to support the mission of the campus by upholding standards of academic excellence, promoting integrity and fairness, and confronting behaviors that impair the teaching and learning environment.

UC Davis Tradition

Honesty, fairness and respect are essential to learning, teaching, and research, as well as maintaining a productive and safe campus environment. As members of our academic community and of society at large, UC Davis students are held to the high standards of conduct set by the University and the campus, as well as to general requirements of law. UC Davis students are expected to uphold these standards in all their academic and extracurricular activities.

UC Davis has a strong tradition of student involvement in campus efforts to encourage academic integrity, promote responsible behavior, and enforce standards of student conduct. For example, the UC Davis Code of Academic Conduct, adopted in 1976, builds upon a previous student-run honor system first created in 1911. Our Code describes mutual expectations for students and faculty to maintain academic integrity. Students must "take group as well as individual responsibility for honorable behavior," and "make every effort to prevent and avoid academic misconduct."

Student Discipline

At UC Davis, the Office of Student Judicial Affairs oversees the student disciplinary system for reports of suspected student misconduct, both academic (e.g., cheating, plagiarism, and unauthorized collaboration) and social (e.g., computer misuse, alcohol and other residence hall violations, theft, and conduct that threatens health and safety).

Most reports of suspected misconduct are resolved by agreement, with the student accepting responsibility and sanctions for his/her actions. Sanctions imposed as part of this informal process range from Warning or disciplinary Probation to Suspension or Dismissal from the University, depending upon the seriousness of the violation and whether the student has any prior disciplinary history. Emphasis is placed on holding students accountable for their actions, promoting their ethical development, upholding standards of academic excellence and responsible conduct, and protecting the welfare of members of the UC Davis community.

In the rare case that a fact-finding hearing becomes necessary, it is held before a neutral student-faculty panel or hearing officer. Each party speaks on her/his own behalf, and the goal is finding the truth through a fair process in which both sides are given a full opportunity to be heard. Formal court procedures and evidentiary rules do not apply to student discipline matters.

Educational Purposes of the Disciplinary Process

UC Davis campus disciplinary procedures are intended to promote reasoned, fair, and impartial consideration of suspected student misconduct, with respect for the rights and interests of all concerned: the accused student, the reporting party, and the University. The discipline process itself is a meaningful educational experience: students learn from admitting their errors and accepting the consequences of their actions. In addition, honest students are protected when those who violate the rules are sanctioned. Student discipline is thus a shared responsibility that is integral to the University's mission and helps to fulfill the aspirations of our academic community.
1.00 STUDENT JUDICIAL AFFAIRS AND THE ADMINISTRATION OF THE STUDENT DISCIPLINE SYSTEM

1.10 The Office of Student Judicial Affairs ("SJA"). UC Davis has designated SJA to administer the student disciplinary system for academic and social misconduct, recognizing that centralized authority, responsibility and record-keeping are essential to a balanced and impartial student discipline process. SJA reviews and resolves reports of suspected violations of standards of student conduct (Appendix A) and academic integrity (Appendix C). SJA determines jurisdiction, maintains confidential discipline records, and administers the informal disposition and formal fact-finding hearing processes.

1.20 Delegation of Authority. Authority for student discipline at UC Davis is delegated from the Chancellor to the Vice Chancellor for Student Affairs ("the VC"), the Assistant Vice Chancellor for Student Affairs ("the AVC") and/or the Executive Director for Judicial Affairs ("the Executive Director"), and the Director of Student Judicial Affairs ("the Director"). The Director, and under the Director's supervision, the SJA staff, have authority to impose disciplinary sanctions (Appendix B). All disciplinary action taken by the Director, other SJA staff, or any hearing body or hearing officer, operates by delegation of the Chancellor's authority.

1.30 Overview of Process. Most cases are resolved through an informal process in which professional SJA staff meet with the accused student, consult with the reporting party, and, if appropriate, enter a written disciplinary contract specifying agreed sanctions for any admitted violations of conduct standards. Students are advised of their rights provided by UC Davis disciplinary procedures, including the right to request a formal fact-finding hearing if they do not admit the conduct, and also to consult and be accompanied by an advisor during the informal and/or formal processes. Cases that cannot be resolved informally are heard by a student-faculty or student-staff panel, normally the Campus Judicial Board, or by a hearing officer, in accordance with procedures described below and with requirements set forth in University policy.

2.00 REPORTING SUSPECTED STUDENT MISCONDUCT.

2.10 Reporting Suspected Misconduct to SJA. Suspected student misconduct falling within SJA's jurisdiction (see Sections 9.00 to 9.60) should be reported in writing to SJA. Reports should include the following, if known: the accused student's name and identifying information, the nature of the
suspected violation, a description of the circumstances, including the date of the incident, names of witnesses, copies of supporting documents, and how to reach the reporting party (report forms are available on-line).

A. Reporting parties. Reports of suspected misconduct may be made to SJA by faculty, students, staff, or others (including parties not affiliated with the University). The reporting party may be the person directly affected by the behavior, or someone acting on his/her behalf. Where the reporting party is different from the affected party, the affected party may have the same rights as the reporting party under these policies, if authorized by SJA.

B. Student Request for Disciplinary Review. A student who has been assigned a "Y" grade or subject to other adverse action, but who has not been reported to SJA, may bring the matter to SJA and elect to have his/her case reviewed through the disciplinary process.

2.20 Preliminary Review by SJA. Upon receiving a written report or a request for review, SJA will evaluate the matter. If SJA determines that, in its judgment, no further action is warranted, the person reporting the case or requesting the review will be so informed. SJA may decline further action if the report is untimely; if there is no substantial evidence to support the report; if the suspected behavior does not constitute a violation of student conduct standards; or if the suspected incident should be addressed through other policies or procedures.

2.30 Initiating a Discipline Case. If SJA determines that further inquiry is appropriate, SJA will notify the accused student and reporting party that a disciplinary case has been opened. SJA sends written notice (by email) to the student of the report of suspected misconduct, and directs the student to schedule a meeting with SJA.

3.00 INFORMAL PROCESS

3.10 Informal Disposition (Definition). "Informal disposition" means resolution without a formal fact-finding hearing, usually by agreement between the student and SJA. Informal disposition can also include unilateral disciplinary action if a student fails to participate in the disciplinary process, or when a sanction is imposed as specified in a prior deferred sanction agreement (see Section 3.40(D)). In cases that cannot be resolved informally, a fact-finding hearing is held (see Section 4.00).

3.20 Procedures for Informal Disposition.

A. Meetings/communications with accused student. If the accused student participates in informal disposition, the process usually includes one or more meetings or other communications (e.g., phone calls, emails) between the student and SJA to discuss the facts of the case, possible outcomes (including sanctions), and terms of agreement. At the first meeting with the accused student, the SJA staff member describes disciplinary procedures, and provides details regarding the information supporting the report of misconduct. The accused student is afforded an opportunity to respond, to ask questions, and to discuss possible options for resolving the case.

B. Information Provided by Accused Student. While the accused student is required to respond to SJA, he/she may choose not to provide information in response to the charges (remain silent regarding the allegations) and request a formal hearing. Any information provided by the student in the informal disposition process (whether at a meeting, during a phone call, or in an email or other writing) must be truthful. This information may be shared with the reporting party, and may become evidence in a later formal process.

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4 In cases such as alleged sexual or other physical assault, it is common for the reporting party to be a campus official such as a police officer, Resident Advisor, or Victim Advocate. This assures University representation, and means the victim is not necessarily the reporting party.
5 For example, a party directly affected by the behavior may have the same rights to attend a formal hearing and to be accompanied by an advisor as the accused student or the reporting party.
6 In most cases, the reporting party receives an email copy of the notice to the student.
C. **Advisors.** An accused student may consult and/or be accompanied by an advisor of his/her choice at any point during the informal process.

D. **Consultation with Reporting Party.** SJA normally consults with the reporting party before reaching an agreement with the student or otherwise resolving the case informally, and may advise the referring party if the accused student has a disciplinary history.

E. **Resolution by Another.** Rather than reach agreement regarding the facts and/or sanction, the student and SJA may agree to have the case resolved by another, such as a mediator.

3.30 **Informal Disposition by Agreement.** SJA may offer to resolve the case informally by agreement between the student and SJA. If an agreement is reached, it should be stated in writing and signed by the student, and should contain the following terms, as appropriate:

A. **Violation Admitted.** 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.

B. **Terms of Agreed Sanction(s).** If the student and SJA agree on the appropriate sanction(s), the agreement should describe the terms of the sanction(s) to be imposed.

3.40 **Informal Disposition by Unilateral Action.** SJA may resolve a report of suspected misconduct unilaterally by taking administrative action or imposing sanctions under the conditions listed below, depending upon the circumstances of the case, including factors such as the seriousness of the violation, whether the student has a prior disciplinary history and/or has signed a deferred sanction agreement, and the length of time the student has delayed in responding:

A. **Failure to Respond.** If the student has failed or refused to respond within 30 days after SJA's first attempt to contact him or her, or has failed or refused to participate in or cooperate with the disciplinary process, despite reasonable efforts by SJA to contact him/her;

B. **Break in Enrollment.** If the student has withdrawn or failed to re-register while discipline is pending, and the student fails to respond and participate in the disciplinary process;

C. **Failure to Comply with Previous Disciplinary Agreement.** If the student fails to complete community service hours, submit a paper, or comply with other requirements of a disciplinary agreement, including, but not limited to, violating a prior agreement that the student will not contact certain individuals or enter certain areas of campus.

D. **Previous Deferred Sanction Agreement.** If the student previously agreed to a deferred sanction and subsequently violates the disciplinary contract.

3.50 **Types of Unilateral Action SJA May Take.** SJA has discretion to take any of the following unilateral actions:

A. **Administrative actions.** (See Appendix B.) Administrative actions are not disciplinary sanctions, and do not constitute a disciplinary record.

1. **Administrative Holds.** SJA may place holds on a student's registration, graduation, diploma, and transcripts; or

2. **Administrative Notice.** SJA may issue administrative notices regarding University standards and policies (See page 21, and University of California Policies Section 104.80).

B. **Sanctions:**

1. SJA may impose sanctions unilaterally, including Censure, Probation, Suspension, Interim Suspension, or Dismissal, as long as the student is provided notice and an opportunity to be heard through the informal disposition process either before the sanctions are imposed, or, if the student fails to respond or cooperate, when the student appeals the unilateral sanctions.

2. If the student has previously agreed to a deferred sanction, SJA may impose the agreed deferred sanction or a lesser sanction.
C. *Submit the case for formal fact-finding hearing* in the student's absence (see Sections 4.00 and 5.00, and specifically Section 5.50.A).

3.60 **Effect of Withdrawal or Failure to Register on Discipline Process.** If the student has withdrawn or failed to re-register, the sanctions will take effect immediately upon re-admission, or sooner if appropriate, as determined by SJA.

3.70 **Appeal of Administrative Action or Unilateral Discipline.** The student who is subject to holds or to sanctions imposed under section 3.40 may appeal SJA's decision as follows:

A. *Release of holds.* SJA may place administrative holds on a student's registration, graduation, diploma, and/or transcripts. Such holds may be placed because a student has failed to respond to SJA, has failed to complete community service or other requirements of a prior discipline contract, or is not currently enrolled at UC Davis. Generally, administrative holds are promptly removed as soon as the student contacts SJA and meets with SJA staff, but in certain cases the holds will not be released until the student resolves the matter, and/or complies with the prior requirements. A student may contact SJA to request that administrative holds be released. If SJA declines to release the holds, the student may appeal as described in (B), below.

B. *Appeals from Unilateral Discipline Imposed for Failure or Refusal to Respond.* Appeals from unilateral discipline 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 disposition or formal hearing. If the Director sustains the original action, the student may appeal under section 3.70 (C), below.

C. *Appeals from Discipline Imposed under A Previous Deferred Sanction Contract.* An appeal of sanctions imposed by SJA under a deferred sanction contract must be submitted to the AVC or the Executive Director in writing within 10 business days after the student receives written notice of SJA’s decision, and must be based on one or more of the grounds stated in Section 7.30. The AVC or the Executive Director, or her or his designee, may take any of the following actions:

1. *Modify the Sanction.* Affirm, increase, reduce, or rescind the original sanction;

2. *Return the Case to SJA.* Return the case to SJA for the accused to present evidence under these procedures; or

3. *Refer the Case for Formal Hearing.* When appropriate, refer the matter for a new formal hearing. If a formal hearing has been held in the student's absence, University witnesses will not be required to appear again nor must the University repeat its presentation, but may represent the same evidence or present new evidence at its discretion.

4.00 **FORMAL FACT-FINDING HEARINGS**

4.10 **Setting a Formal Hearing.** If SJA is unable to resolve a matter informally after a reasonable time for review, and if attempts at informal disposition are unsuccessful because issues remain in dispute, SJA may refer the case to an appropriate body for a formal fact-finding hearing.

A. *Nature of the Hearing.* A formal disciplinary hearing, consistent with the University's educational mission, is a process whereby members of our academic community – students, faculty, and staff – meet to make determinations of fact. It is not a court proceeding. The goal is to find the truth through a fair, prompt, and effective process, respecting and preserving the rights of the accused student, the University community, the reporting party, and any witnesses.

1. *Purpose of Hearing.* These procedures are intended to implement the University's educational goals while providing the student notice and an opportunity to be heard, which includes questioning witnesses and presenting his/her own evidence and witnesses.
2. **Self-Representation.** In general, students and reporting parties speak on their own behalf, but may each be assisted in preparing and accompanied at any informal or formal hearing by an advisor of his/her choice (Section 4.50).

B. **Subject of the Hearing.** Issues in dispute may involve the nature and facts of the suspected misconduct, whether there has been a violation of University policy or campus regulations, and/or evaluating and recommending appropriate sanctions for the violation.

C. **Recommended Sanction.** SJA may consult with the reporting party in determining a recommended sanction and in deciding whether to refer a case for formal hearing.

4.20 **Hearing Authorities.** A matter may be referred for a fact-finding hearing to a hearing body or to a hearing officer as described below.

A. The role of the hearing panel or hearing officer is to determine the facts and whether or not a preponderance of the evidence establishes a violation of conduct standards. If a violation is found, the hearing authority may receive information and recommend appropriate sanctions.

B. Types of Hearing Authorities:

   1. The Campus Judicial Board (may conduct fact-finding hearings or sanction hearings).
   2. Hearing Officers and Ad Hoc Hearing Panels.

4.30 **The Campus Judicial Board (“CJB”).** 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 staff may hear social misconduct cases as assigned and appropriate.

A. **Student Members of the CJB.** The Vice Chancellor for Student Affairs ("VC") 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. For information about the CJB, including the selection process and criteria membership, see [http://sja.ucdavis.edu/cjb.html](http://sja.ucdavis.edu/cjb.html).

   1. **Student CJB Educational Outreach Programs.** In addition to serving on hearing panels, CJB student members develop, implement, and present outreach programs and educational materials, such as the Campus Judicial Report and other publications, to encourage academic integrity and responsible and ethical conduct in the campus community.

   2. **Other Student CJB responsibilities.** Student CJB members hold office hours and provide information and advising to students with questions about the discipline process or grievances. Student CJB members who are not serving on the designated panel for a specific hearing may serve as advisors to the accused student or reporting parties for that hearing. CJB student members may also meet with accused students as part of the informal disposition process or to follow up with a student who has completed an educational task or community service.

B. **Faculty Members of the CJB.** The VC may appoint up to 15 faculty (Academic Senate and Academic Federation members) to the Campus Judicial Board. Any faculty member may serve as chair or a hearing officer without special appointment. Faculty CJB members will normally serve two-year terms and may be reappointed. Faculty normally serve as hearing panel members or hearing officers only in academic misconduct cases.

C. **Staff Members of the CJB.** The VC may appoint staff to serve as hearing officers or as CJB panel members. Staff will normally serve two year terms and may be reappointed. Staff serve on student-staff panels or as hearing officers only in social misconduct cases.
D. **CJB Hearing Panels.** Normally, a CJB hearing panel will consist of an odd number of students and faculty (or staff). A CJB hearing panel may be chaired by a student or a faculty member, as appropriate. A quorum is three panel members, including at least one student and one faculty member, and the maximum membership of a panel is five individuals.

### 4.40 Other Types of Hearings and Hearing Authorities.

A. **Sanction Hearings.** If a student has admitted the offense, but SJA and the student are unable to reach an agreement regarding the appropriate sanction, the matter may be submitted to a sanction panel or hearing officer (unless there is a pre-existing deferred sanction agreement). An agreed statement of facts should be put in writing and approved by the student and SJA to serve as the basis for the sanction hearing. A sanction panel is comprised of no more than three individuals (student, staff, or faculty) from the CJB or separately appointed by the VC. The panel will consider and make recommendations on the appropriate sanction as set forth in Section 6.00.

B. **Hearing Officers or Ad Hoc Hearing Panels.** Hearing Officers or members of Ad Hoc Hearing Panels are University faculty, students, or staff members, generally with prior hearing experience and/or training, appointed by the VC to hear student disciplinary cases. They may serve in appropriate cases, for example, during academic break periods and summer sessions, in campus emergencies, or at times when the CJB cannot meet. An appointed student, faculty, or staff member of the CJB may serve on ad hoc hearing panels, or as a hearing officer or advisor in disciplinary matters as long as such service is documented in the VC’s original letter of appointment. The VC may make additional ad hoc appointments as necessary.

C. **Graduate Studies, Graduate School of Management, Law School, or School of Education Hearing Panels.** If the accused student is a graduate student or a student in the Graduate School of Management, the Law School, or the School of Education, and a formal hearing becomes necessary, an Ad Hoc Hearing Panel may be appointed including 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.

D. **School of Medicine and School of Veterinary Medicine Hearing Panels.** 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. Disciplinary records for students at the Schools of Medicine or Veterinary Medicine are kept by the school in question, and SJA is notified of any disciplinary action taken against such students.

### 4.50 Preparation and Presentation of Cases.

A. **Parties represent themselves.** In keeping with the University’s educational purposes, accused students and reporting parties speak on their own behalf and present their own case at the hearing. See Section 4.10 (A) (1) and (2).

B. **Advisors.** The accused student and the reporting party may each have an advisor of their choice to help with preparation for the hearing and who may accompany them at the hearing.

1. Student members of the CJB may serve as advisors.

2. The accused student and the reporting party are each responsible for preparing and presenting their own evidence and witnesses at a formal hearing. Advisors may provide assistance to the parties prior to and at a hearing, but advisors do not prepare or present the case for the parties.

3. Generally, advisors will not take a direct part in hearings without the approval of the panel or hearing officer. With approval, advisors may ask questions of those who testify, and if the party so chooses, present the summarizing statement for the party at the close of the hearing.

4. 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 where the party is a non-native English speaker or wishes to exercise the right to remain silent.
5. The panel or hearing officer 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.

5.00 HEARING PROCEDURES

5.10 Applicability. These procedures apply to all disciplinary hearings unless specifically waived by the accused student or reporting party. Additional procedures specific to cases involving allegations of sexual violence and sexual harassment are set forth in Appendix F.

A. Hearing panels and officers may adopt other procedures consistent with these procedures as necessary in exceptional cases, if reasonable notice is given before the hearing.

B. An SJA representative attends all hearings to ensure compliance with these procedures and facilitate the hearing process.

5.20 Scheduling the Hearing. Hearings are scheduled and concluded (a) with reasonable speed to avoid unnecessary hardship for the student, reporting party, or witnesses; and (b) to permit the parties reasonable time to prepare. Hearings may be held during summer sessions or academic break periods.

5.25 Notice of the Hearing. Once it is determined that a formal hearing is necessary to resolve the matter, SJA sends the student written notice within a reasonable time before the hearing.

A. Delivery of Notice. The notice of hearing may be emailed, sent by U.S. mail, and/or picked up by the accused student in person from SJA. Normally, the notice must be picked up by the student, emailed, and/or postmarked at least ten days before the scheduled hearing date, unless the student agrees to a shorter period.

B. Presumption of Delivery. It is presumed that the accused student has received notice if the student has picked up the notice from SJA, 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 SJA, 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.

C. Contents of Notice. The notice should include the following information:

1. 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;

2. A brief description of the factual basis of the suspected violation, a list of the University policies or campus regulations reportedly violated, and a summary of the information (documents or other evidence and names of witnesses) to be provided at the hearing;

3. A statement that the student is entitled to be accompanied/assisted by an advisor; and

4. An outline of the hearing process.

5. 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 5.35)

5.30 Access to Information to be Provided at the Hearing. The accused student may request and receive information in the possession of the University which will be provided at the hearing and other non-confidential information which the chair finds to be relevant and necessary to a fair hearing.

A. Submitted in advance. Any information to be provided at the hearing must be submitted in advance to SJA, including (1) copies of documents and other evidence and (2) lists of the names of witnesses who will be called with a brief description of the subject of each witness’s testimony.

B. Deadline for submission. The accused student and reporting party will each submit copies of their documents and witness lists at least two days before the hearing so that SJA may make copies for
the panel. Anything submitted after this deadline will be considered as evidence only with the approval of the chair and the agreement of both parties.

5.35 **Disqualification of a Panel Member.** 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.

A. **Challenge for cause.** Either party may challenge a panel member for stated reasons. A challenge should be made to SJA within three days after receiving notice of the names of the panel members.

B. **Disqualification.** SJA 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.

C. **Reasons.** SJA or the chair should provide a brief statement of reasons if a challenge is denied.

D. **Lack of quorum.** If disqualification of a panel member prevents a quorum, an alternate panel member will be assigned to the hearing.

5.40 **Pre-Hearing Conference.** 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 SJA. At the pre-hearing conference, the parties will submit documents and lists of witnesses and the general facts to which they will testify. The chair or 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. The chair or hearing officer may also ask for and decide any challenges under Section 5.35.

5.45 **Closed and Open Hearings.** 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. SJA will deny the request if 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 SJA determines that the hearing may be open, it should be scheduled in a room that provides reasonable space for spectators 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.

5.50 **Who May Be Present at the Hearing.**

A. The accused student and the reporting party are both entitled to be present throughout the hearing, with their advisors, if any, but may choose not to appear. The accused student's failure to appear shall not be construed as proof of culpability.

B. **Multiple accused students.** Where more than one student is reported in connection with a single incident or set of facts, SJA will usually schedule a joint hearing for all of the accused students in order to conduct a full and fair consideration of the case. All of the accused students may be present at the joint hearing. SJA may, at its discretion, schedule and conduct separate hearings.

C. **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. Other individuals (e.g., family or friends of the accused or reporting party), may be permitted to attend only at the discretion of the chair and/or SJA.

D. **Deliberations** are always conducted in closed session, with only members of the panel present.

5.60 **Evidence and Testimony.**

A. **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.
B. **Information and Evidence that May Be Considered at Hearings.** The hearing panel may receive and consider spoken, written, or other evidence of the kind on which reasonable persons are accustomed to rely in serious matters, as described below.

1. The accused student and the reporting party shall each have the opportunity to testify themselves and present witnesses and other evidence regarding the facts of the suspected violation and whether or not a violation occurred. Parties may also present evidence on the issue of an appropriate sanction.

2. An SJA staff member may present evidence regarding an appropriate sanction, considering the nature of the violation admitted or found to have occurred, aggravating or mitigating circumstances, and SJA policies and practices regarding sanctions imposed in similar cases.

3. Eyewitness testimony and circumstantial evidence in any form (e.g., documents, pictures, electronic, and/or physical evidence) may be presented to the panel.

4. 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.

5. 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.

6. The panel may weigh credibility and make findings based on the testimony of one witness against another or against other evidence.

7. The panel may exclude irrelevant or unduly repetitious evidence.

C. **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 him/herself.** The accused student may remain silent and his/her silence should not be taken as inference of culpability.

3. **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.

4. **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, SJA 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, with the consent of the parties.

5.70 **Introductory and Summary Statements.** At the beginning of the hearing, the accused student and reporting party may each make a brief introductory statement. After all evidence has been heard, the accused and the reporting party, or, if either so chooses, his/her advisor, may make a brief summary.

5.80 **Burden of Proof.** At any formal hearing, no violation can be found unless it has been shown by a preponderance of the evidence that the accused committed the reported offense.

A. **Findings of fact must be based on a determination that it is more likely than not that the accused student committed the violation (preponderance of the evidence).**

B. **Findings and determinations whether or not a violation occurred may be based only upon evidence received at the hearings.**

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7 The standards of "beyond a reasonable doubt" (used in criminal prosecutions) and "clear and convincing evidence" (used, for example, in cases of involuntary civil commitment for psychiatric treatment) do not apply to UC Davis student disciplinary proceedings.
5.90 Hearing Records. An audio recording of the hearing (but not the deliberations) will be made.
   A. A written log/index of the timing of each witness's testimony may be kept, but is not required.
   B. After the hearing, the accused student and the reporting party may each have access to review the
      hearing recording and index and take notes.
   C. The audio recording is retained as part of the record for as long as the discipline record is retained.
   D. Other than for the purpose of the official record as provided above, mechanical or electronic
      devices for recording or broadcasting are excluded from the hearing.

6.00 REPORT BY HEARING PANEL OR OFFICER

6.10 Findings of Fact and Recommendations. The hearing panel or officer will prepare a brief written
report summarizing the findings of fact and recommendations for sanctions, if any.

6.20 Submission of Reports. The report should normally be submitted within 21 days after the panel or
hearing officer concludes all deliberations.
   A. Reports from decisions of the CJB, ad hoc hearing panels, sanction panels, or hearing officers are
      normally submitted to the Director.
   B. If the recommended sanction is Suspension or Delay of Graduation for more than one calendar
      year, or for Dismissal, the report is submitted to the AVC or Executive Director.
   C. If the hearing concerns a graduate student, law student, Graduate School of Management student,
      or School of Education Student, the Director, the AVC, or the Executive Director will normally
      consult with the designated Assistant or Associate Dean before acting on the report.
   D. If the report is from a School of Medicine or School of Veterinary Medicine hearing, it is
      submitted to the designated Assistant or Associate Dean for that school.

6.30 Contents of Report. 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. Where appropriate, the report
shall make recommendations as to the sanction to be imposed. (For list of sanctions, see Appendix B.)

   A. Finding of No Violation. If the finding is that no violation occurred, the accused student is notified
      of the decision and informed that the reporting party has 10 business days to appeal the decision.
      If there is no appeal, the decision is final.
   B. Finding of Violation. If the accused is found in violation, the official reviewing the report may
      1. approve the report and impose the recommended sanction;
      2. approve the findings of fact and impose either a more serious or a mitigated sanction if
         warranted by the circumstances [taking into consideration aggravating and mitigating factors,
         sanctions imposed by SJA and hearing panels in comparable cases, etc.]; or
      3. return the report for reconsideration or clarification. If a report is returned for
         reconsideration, the issues/evidence to be considered should be specified.

6.50 Notice of the Decision. A written notice of the decision is provided to the accused student and to
reporting parties who are campus officials, in accord with legitimate educational interest criteria,
together with a copy of the panel's findings and recommendations. See Appendix E, "Confidentiality
of Student Disciplinary Records." 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 (see Section 7.40). In addition, notice of the
decision may be provided a follows:
A. To the alleged victim of a sex offense. If the report involved an alleged forcible or non-forcible sex offense, the alleged victim will be informed of the results of the disciplinary action and appeal (see P&PM Section 320-21).

B. To alleged victims of sexual harassment. If the report involved an alleged incident of sexual harassment, the alleged victim may be informed of the results of the disciplinary action and appeal when required by policy. See P&PM Section 380-12).

C. To Members of the Press/Public: 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).

7.00 APPEALS

7.10 Time for Appeal. Appeals must be filed within the time set in the Notice of Decision, generally ten business days after the Notice of Decision is emailed or postmarked.

7.20 Who May Appeal. Either the accused student or the reporting party may appeal a decision of the Director on one or more of the grounds specified below. Each party has the right to make one appeal. Unless the matter is referred for a re-hearing or a new hearing, or the panel is directed to receive additional evidence, there is no further appeal.

7.30 Grounds for Appeal. The appeal must be in writing, and may request that the decision and/or sanction be amended or overruled on the following grounds:

   A. The decision lacks substantial basis in fact to support the findings.
      1. On appeal, 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 on the issue of whether a preponderance of evidence supports the finding of violation.
      2. A reporting party may not appeal a finding of “no violation” on this ground, as the panel has already determined that the preponderance of the evidence does not support a finding of violation.
   
   B. There is incongruity between the proposed sanction and findings;

   C. There has been unfairness in the hearing proceedings; or

   D. There is newly discovered important evidence not known at the time of the hearing or decision.

7.40 Where Appeal Must Be Filed.

   A. Appeals from a decision by the Director must be filed with the AVC or the Executive Director.
   
   B. Appeals from a decision by the AVC or the Executive Director must be filed with the VC.
   
   C. Appeals from a student disciplinary panel decision at the School of Medicine or the School of Veterinary Medicine must be filed with the designated Dean (or Assistant/Associate Dean) of the school.

7.50 Decision on Appeal. 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.

   A. For example, if the appeal is based on a claim of newly discovered evidence, the decision may be returned to the hearing panel for presentation of new evidence and reconsideration in light of that evidence.

   B. If the appeal is from the reporting party (for example, on the grounds that there is an incongruity between the proposed sanction and findings), the appeal may be denied, the sanction may be increased, or other appropriate relief may be granted.
7.60 Notice of Decision on Appeal. Notice regarding the appeal shall be provided as provided in Section 6.50. The student may prepare a statement in response to the decision to be kept on file in his/her disciplinary record.

8.00 TIMELINESS OF COMPLAINTS

8.10 Academic Misconduct Reports. Reports to SJA for suspected academic misconduct must be sent to SJA within 60 days after the end of the quarter in which the suspected misconduct occurred or was discovered, or reasonably should have been discovered, or within 30 days after the end of an official investigation (e.g. an investigation of alleged Research Misconduct under P & PM Section 210-25).

8.20 Social Misconduct Reports. Reports of suspected social misconduct must be sent to SJA within 60 days of when the suspected conduct occurred or was discovered, or reasonably should have been discovered, or within 30 days after the end of an official investigation (e.g. an investigation of alleged sexual harassment under P & PM Section 380-12), unless SJA determines that law or policy provides for a longer reporting period.

8.30 Late Reports. Late reports may be addressed through the informal disposition process by agreement, but may not be the subject of unilateral discipline or a formal hearing, unless the complaining party provides proof of substantial hardship or justifiable excuse for the delay. If the delay is excused or justified, the Director has discretion to refer the matter to a formal hearing, with concern for the impact of the delay in reporting upon the accused student including availability of witnesses or evidence.

9.00 JURISDICTION OF SJA

SJA has jurisdiction over various types of disciplinary violations, over students and student organizations, and over on- and off-campus incidents, as described below.

9.10 Types of Cases. Cases involving reported misconduct under the following categories of rules governing student conduct shall be referred to SJA:

A. University-wide policies, including the University of California Standards of Conduct for Students, Sections 102.00 to 102.23;\(^8\)

B. Campus-wide rules, such as the UC Davis Code of Academic Conduct; UC Davis PPM Section 270-21, "Consumption of Alcoholic Beverages;"\(^9\) and PPM Section 380-12, "Sexual Harassment;"\(^10\)

C. Rules established by campus entities (such as departments, residence units, education abroad programs, and professional schools) applying to students within such schools, departments, programs, or residence units.

9.20 Individuals and Organizations Subject to Student Disciplinary Action.

A. Definition of “Student.” The UC Standards of Conduct apply to all current UC Davis students, including individuals who are enrolled in or registered with any academic program of UC Davis; who have completed the preceding term and are eligible for reenrollment (e.g., during the recess periods between academic terms); or who are on an approved educational leave or other approved leave status, or on filing-fee status.

B. Applicants, former students, and registered student organizations. The UC Standards of Conduct also apply to

8 http://www.ucop.edu/ucophome/ unwnews aospol/ uc100.html
1. **Applicants who become students**, for offenses committed as part of the application process; on a University of California campus and/or while participating in University-related events or activities; or following submittal of the application through his or her official enrollment, if off-campus jurisdiction would otherwise apply;

2. **Former students (including graduates)** for offenses committed while a student and for offenses involving forgery or misuse of University transcripts, diplomas, or records; and

3. **Registered Student Organizations.** In general, the Student Programs and Activities Center oversees administrative and/or disciplinary action against registered student organizations, including Greek-letter organizations. Under University Policies and campus procedures, registered student organizations are not subject to the same disciplinary process nor guaranteed the same procedural rights as individual students.

9.30 **Geographic (On and Off-Campus) Jurisdiction.**

SJA has jurisdiction over academic or social misconduct by students that occurs on UC Davis property or in connection with campus functions, activities, equipment or facilities; SJA also has jurisdiction over off-campus conduct and alleged crimes, as described below.

A. **Off-campus conduct.** SJA has discretion to exercise jurisdiction over off-campus conduct when the suspected misconduct indicates either that the student may be a threat to the safety or security of members of the campus community or to campus property, functions, activities, equipment, or facilities, or involves academic work or University records, documents, or identification.

B. **Factors weighed in determining whether to exercise off-campus jurisdiction.** SJA will consider the seriousness of the suspected offense, the injury, damage, and/or risk of harm involved, whether the complainant(s) and/or witnesses are members of the campus community, whether the off-campus conduct occurred at, or in connection with activities of, a registered student organization, or whether the conduct is part of a series of actions which occurred both on- and off-campus.

C. **Discretionary SJA jurisdiction over off-campus conduct.** SJA may choose to exercise jurisdiction over off-campus conduct for reasons of safety or security where the suspected conduct involves matters including but not limited to

1. rape, sexual assault, other physical assault; threats of violence; or conduct that threatens the health or safety of any person;
2. stalking or sexual harassment;
3. manufacture, possession or use of weapons, explosives, or destructive devices;
4. manufacture, sale, consumption or distribution of controlled substances (alcohol and other drugs), driving under the influence, or similar offenses;
5. hate crimes;
6. hazing; and
7. other serious misconduct jeopardizing the safety or security of the campus (e.g., conduct which would constitute burglary, robbery, theft, including identity theft, or credit card fraud).

D. **Student organizations are subject to off-campus jurisdiction.** Registered student organizations may be disciplined for off-campus conduct by SJA and SPAC under these same factors.

9.40 **Effect of Health Condition on Student Disciplinary Process.** If a student’s behavior violates conduct standards, the student is subject to disciplinary action and sanctions under these procedures.

A. **A health condition does not excuse a violation of student conduct standards,** and the campus may use the student disciplinary process and impose sanctions, unless the behavior was committed involuntarily or under duress, or unless 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. (See Appendix D.)

B. **Interim Suspension, threat assessment, or other emergency actions.** If there is reason to believe that a student has engaged, or threatens to engage, in behavior which poses a significant danger to the student or to the safety or property of others, or other disruptive activity incompatible with the orderly operation of the campus, SJA may place the student on Interim Suspension (see Appendix B) and may, in addition, refer the student for a mental health evaluation and/or threat assessment.

9.50 **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 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.

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. **SJA discretion.** If a reported incident of misconduct results in criminal investigation and/or prosecution as well as student disciplinary action, SJA 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.

9.60 **Disciplinary Reports Related To Student Employment.** Student employees (including student academic appointees) may be disciplined for violating the *Standards of Conduct* and may also be subject to personnel action by their employer (e.g., reprimand or release from employment) in accordance with applicable contract or policy.  

10.00 **CONFIDENTIALITY OF SJA RECORDS**

10.10 **SJA Records Are Confidential Student Records.** SJA records containing personally identifiable information about students relating to any disciplinary action or proceeding are confidential student records. Disciplinary actions or proceedings include investigation, informal and/or formal hearings, and/or imposition of sanctions for violation(s) of the University of California *Standards of Conduct for Students*, the UC Davis *Code of Academic Conduct*, or campus regulations. (See P&PM 320-21, Section II. F., and UC Policies Section 130.00)

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11 UC Policies Section 104.10 provides: "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."

12 UC Policies Section 104.40
SJA Records Are Protected from Disclosure. Confidential SJA student records are protected from disclosure under the Federal Educational and Privacy Rights Act (FERPA), as well as privacy provisions of the California Information Practices Act and the California State Constitution. (See Appendix E.)

REVISION OF STUDENT CONDUCT POLICIES AND PROCEDURES

11.10 Review and Revision of the Administration of Student Discipline. This policy is subject to review and revision in accordance with University and campus policies. Revisions to UC Davis student conduct policies and procedures are coordinated and published by SJA.

A. Recommendations for revision or amendment to these procedures:

1. SJA periodically reviews and proposes revisions to student conduct policies and procedures.
2. Any hearing authority, in addition to making recommendations on a particular discipline case, may recommend to SJA that identified University policies and/or campus regulations (including these procedures) be modified for stated reasons.
3. The Campus Judicial Board, Student Faculty Relationships Committee of the Academic Senate, the ASUCD, or other constituencies, related advisory committees, or affected units may recommend revisions or amendments to student conduct policies and procedures.

B. Prior consultation regarding substantive revisions. In general, SJA consults with constituencies, related advisory committees, and affected departments (e.g., the CJB, the ASUCD and GSA, the Academic Senate and Academic Federation, and Student Housing) regarding proposed substantive revisions to student conduct policies and procedures.

C. 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.

11.20 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 Administration of Student Discipline) are submitted to the Vice Chancellor of Student Affairs, the Chancellor, and the UC Office of the President for review.

11.30 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
UNIVERSITY OF CALIFORNIA STANDARDS OF CONDUCT FOR STUDENTS
http://sja.ucdavis.edu/scs.html (Revised October 12, 2005)

Students may be disciplined for violating or attempting to violate the following standards:

102.01 Academic Misconduct. All forms of academic misconduct such as cheating, fabrication, plagiarism, or facilitating academic dishonesty (see UC Davis Code of Academic Conduct).

102.02 Other Dishonest Acts. Other forms of dishonesty such as fabricating information, furnishing false information, or reporting a false emergency to the University.

102.03 Forgery, Alteration, or Misuse. Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification.

102.04 Theft, Misappropriation, Possession of Stolen Property, or Vandalism. Theft of, conversion of, destruction of, or damage to any property of the University of others, or possession of any property when the student knew or reasonably should have known that it was stolen.

102.05 Computer and/or Electronic Resource Theft, Misuse, or Abuse. Theft or abuse of University electronic communications resources such as computer and electronic communications facilities, systems, and services. Examples of abuses include unauthorized entry, use, transfer, or tampering with the communications or accounts of others, or interference with the work of others or with operation of computer/electronic communications facilities, systems, and services. Use of University computer and electronic communications facilities, systems, or services that violates other University policies or campus regulations (see UC Davis Policy on Acceptable Use of Electronic Communications Resources).

102.06 Unauthorized Entry, Use, or Possession. 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 Residence Hall or Housing Policies. Violation of policies, regulations, or rules governing University housing facilities or other housing facilities located on University property (see UC Davis Guide to Residence Hall Life (13 MB)).

102.08 Assault, Threats of Violence, or Conduct Threatening Health or Safety. Physical assault including but not limited to rape and other sexual assault; threats of violence; or other conduct that threatens the health or safety of any person.

102.09 Sexual Harassment. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. The University responds to reports of any such conduct (see University Policy on Sexual Harassment and Complaint Resolution Procedures and UC Davis Sexual Harassment Policy).

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

102.11 Other Harassment. Harassment by a student of any person by a) using, displaying, or making other demonstrations of words, gestures, imagery, or physical materials, or engaging in any form of bodily conduct, on the basis of race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, or physical or mental disability, that has the effect of creating a hostile and intimidating
environment sufficiently severe or pervasive to substantially impair a reasonable person's participation in University programs or activities, or use of University facilities. The conduct must target a specific person(s) and must be addressed directly to that person(s). Before applying this policy, the campus must consult with the Office of General Counsel regarding its interpretation and application in light of the specific circumstances.

102.12 **Hazing.** 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 (see UC Davis *Definition of Hazing*).

102.13 **Obstruction or Disruption.** Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.

102.14 **Disorderly or lewd conduct.**

102.15 **Disturbing the Peace.** Participation in a disturbance of the peace or unlawful assembly.

102.16 **Failure to Comply with Directions of Official, or Resisting or Obstructing Official.** Failure to identify oneself to, or comply with the directions of, a University official or other public official acting in the performance of his/her duties while on University property or at official University functions; or resisting or obstructing such officials in the performance of or the attempt to perform their duties.

102.17 **Unlawful Possession, Use or Distribution of Controlled Substances.** 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.

102.18 **Possession, Use or Distribution of Alcohol in Violation of Policy.** 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. (See UC Davis *Guide to Residence Hall Life*.)

102.19 **Possession, Use or Manufacture of Explosives or Destructive Devices.** Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.

102.20 **Possession, Use or Manufacture of Prohibited Weapons.** Possession, use, or manufacture of a firearm or other weapon as prohibited by campus regulations.

102.21 **Violation of Disciplinary Action.** Violation of the conditions contained in the terms of a disciplinary action imposed under these Policies or campus regulations.

102.22 **Violation of Emergency Order or Suspension.** Violation of the conditions contained in a written Notice of Emergency Suspension or violation of orders issued during a declared state of emergency (See *University of California Policy on Campus Emergencies*).

102.23 **Unauthorized Preparation, Sale, or Distribution of Notes or Recordings of University Courses, or Copying of Course Materials.** 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).
APPENDIX B

DISCIPLINARY SANCTIONS AND ADMINISTRATIVE ACTIONS

The following disciplinary sanctions and administrative actions may be applied at UC Davis. Sanctions may be imposed, and administrative actions may be taken, separately or in combination. (See UC Policies, Section 105.00 http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html):

DISCIPLINARY SANCTIONS (sanctions can only be imposed in accord with campus procedures; records of disciplinary sanctions are retained for one or more years, or indefinitely, depending on the sanction)

DISMISSAL

Defined as “termination of student status for an indefinite period.” A Dismissed student may not re-enroll in any academic program at UC Davis or any other UC campus unless and until his or her readmission is specifically approved by the Chancellor of that campus. Readmission after dismissal may be granted only under exceptional circumstances. (Section 105.06 UC Policies)

REVOCATION OF DEGREE

Subject to the concurrence of the Academic Senate, a student's degree may be revoked if it was obtained by fraud. A student whose degree is revoked is barred from enrolling in any academic program at any UC campus unless the Chancellor of the campus specifically approves readmission. Readmission after a degree is revoked may be granted only under exceptional circumstances. (Section 105.10 UC Policies)

SUSPENSION

Defined as “termination of student status at the campus for a specified period of time … .” A student who is Suspended may not enroll as a student during the period of Suspension. Reinstatement after a Suspension is assured, provided that the student has complied with all conditions imposed as part of the suspension and 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. (Section 105.05 UC Policies.)

INTERIM SUSPENSION

Defined as “[exclusion of a] student from classes, or from other specified activities or areas of the campus, before final determination of an alleged violation.” A student may be placed on Interim Suspension 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. A student on Interim Suspension shall be restricted only to the minimum extent necessary and shall be given prompt notice of the charges, the duration of the Suspension, and the opportunity for a prompt hearing on the Interim Suspension. The Chancellor shall review the Interim Suspension within 24 hours. If a student is found to have been unjustifiably placed on Interim Suspension, the University's policy is to take reasonable efforts to assist an individual who has been disadvantaged with respect to employment or academic status. (Section 105.08 UC Policies.)

DELAY OF GRADUATION

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

Posting Suspension or Dismissal on Transcripts: Suspension and Dismissal must be posted on the student’s academic transcript for the duration of the sanction. 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 Judicial Affairs.” Transcripts of Dismissed students bear the statement “Readmission to the University of California Subject to Approval of the Chancellor.” Notations of Suspension are removed at the end of the Suspension; notation of Dismissal is removed if the student is readmitted to UC Davis. (Section 106.00 UC Policies) No other disciplinary actions appear on transcripts.

**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.

**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 SJA officer of having committed a subsequent violation of specified conduct standards, the deferred Suspension or Dismissal may be implemented at that time. "Deferred Separation" means that SJA officer may impose any appropriate sanction, including Dismissal, after determining that violation has occurred.

**EXCLUSION FROM AREAS OF THE CAMPUS OR OFFICIAL UNIVERSITY FUNCTIONS**

As part of a disciplinary sanction, a student may be excluded from specified areas of the campus or other University facilities, or from official University functions, when there is reasonable cause 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.

**DISCIPLINARY PROBATION**

Defined as “a status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards of conduct.” The Probation may include conditions and restrictions on the student's privileges or eligibility for activities. 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. (Section 105.03 UC Policies)

**LOSS OF PRIVILEGES AND EXCLUSION FROM ACTIVITIES**

Defined as “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 sanction, may result in further discipline, normally Probation, Suspension or Dismissal. (Section 105.04 UC Policies)

**CENSURE OR WARNING:**

Defined as a written notice or reprimand issued to a student after a meeting between that student and SJA. The Warning or Censure is notice that the student has violated specified University policies or campus regulations and that additional violations may result in further disciplinary action, normally Probation, Suspension, or Dismissal. (UC Policies 105.01)

**NAME ON FILE:**

Defined as a written record of a student violation reported to SJA by other campus officials. The student’s name is reported to SJA after another campus official (e.g., faculty, Resident Advisor, or
Bookstore staff) has met with the student regarding the misconduct. A "Name on File" is equivalent to a written Warning or Censure. The student is notified of the report and given an opportunity to respond. If the student does not respond, or if, after a response, SJA determines the report is supported by the evidence, the violation may be considered in assessing a sanction for any later similar offense.

RESTITUTION

Defined as "reimbursement ... for expenses incurred by the University or other parties resulting from a violation of these policies." Reimbursement may be by monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on students who alone or through group activities participate in causing damages or costs. (Section 105.09 UC Policies)

SPECIAL ASSIGNMENT

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

Educational Projects -- As part of a disciplinary contract or hearing panel decision, 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 academic misconduct, by developing ways to reach and warn other students so they do not make similar mistakes. Educational assignments may include a requirement that the student write a paper, perform community service, or meet with the Learning Skills Center or the Alcohol and Drug Abuse Prevention program (ADAPT) for assessment, follow-up workshops and/or training.

Research Paper/Personal Essay -- 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.

Workshop/Training -- A student who violates drug/alcohol policies may be assigned to attend educational workshops such as those offered by ADAPT; a student who plagiarizes from the Internet may be assigned to work with the Learning Skills Center to improve writing skills.

Community Service -- A student may be assigned to complete a specified number of hours of community service, usually arranged through the UCD Human Corps Office.

Sanction Payment -- A student may agree to design/draft an educational outreach project about the importance of ethical behavior and pay for publication to the campus community.

DE-REGISTRATION

Applies to registered student organizations. Defined as "forfeit ...[of] registered status with the accompanying loss of rights and privileges." Such forfeiture shall remain in effect for the period of time specified in the Notice of De-registration. (See SPAC website.)

ADMINISTRATIVE ACTIONS (these are not sanctions and do not result in a disciplinary record)

Administrative Holds - Administrative holds may be placed on students’ registration, transcript, diploma, or graduation to ensure that they respond to SJA, and to enforce certain sanctions. Holds prevent students from registering or graduating, or from receiving copies of diplomas or transcripts, while a disciplinary matter is pending or while a sanction of suspension, dismissal, revocation of degree, or delay of graduation is in force.

Administrative Notice - An administrative notice provides official notice of University standards and policies, but does not imply a finding that the student has committed a violation, and does not constitute disciplinary action. If the student is referred subsequently for similar misconduct, the notice may be relevant to the student’s knowledge of University and campus standards, policies, and regulations.
APPENDIX C

ACADEMIC INTEGRITY AT UC DAVIS: THE CODE OF ACADEMIC CONDUCT

History of the Code
The first student Honor Council was created at UC Davis in 1911, and the campus had a student-run honor for 65 years. The Code of Academic Conduct was approved and issued by the Chancellor, with the support of the Academic Senate and a student referendum, in November 1976. University policy grants the Chancellor authority and responsibility for establishing student conduct regulations; the Code was established pursuant to this authority.

The Code and Academic Integrity
Integrity means being honest and living up to moral and ethical principles. It is an essential ingredient of a successful college career. The UC Davis Code of Academic Conduct reflects a campus tradition of integrity and honor extending over 90 years. Under the Code, students and faculty share responsibility for upholding this tradition. UC Davis students are expected to behave honestly, fairly, and with respect for others. The Code maintains our high standards, and ensures all students a fair opportunity to pursue academic excellence.

Examples of Academic Misconduct
Cheating, including
* receiving or providing unpermitted help on an exam; copying or sharing test answers; unauthorized communication during or about an exam; giving test questions to one who hasn’t taken the exam
* using unauthorized material during an exam
* submitting an altered exam for regrading
* taking a test for another or having a "ringer" take a test
* continuing to work on an exam when time is up
* stealing others’ work

Plagiarism, including using others’ work (e.g., words, ideas, pictures, or data) from any source (Internet, books, articles, etc.) without giving credit. Others’ words must be put in quotation marks and cited, and others’ ideas must be cited even if paraphrased in the student’s own words.

Fabrication, including fabricating or falsifying data, results, or references, e.g., in reports or papers submitted for class or in a thesis or dissertation.

Providing False Information, including giving forged excuses to postpone or avoid assignments or add or drop classes, or signing another's name or having another sign in to a class.

Unauthorized Collaboration or assistance, including working with others on graded work in-class or take-home tests, papers, labs, or assignments) without the instructor's permission.

Re-Using Work Without Permission, e.g., submitting the same work in more than one course or re-using work submitted in another course or for a different purpose, without instructor’s permission.

Unfair or Disruptive Exam Conduct, e.g.,
* talking or “wandering eyes” (not keeping eyes on one’s own paper)
* leaving unauthorized notes, books, or other materials out or visible
* having an unauthorized device (e.g., cell phone, PDA, computer) on or out
* exiting the exam room without permission

Student Responsibilities under the Code:
• Be honest at all times, and do their own work to help them develop their skills, knowledge, and abilities.
• Act fairly and treat others with respect. If students have problems or concerns, they must ask for help.
• Know the rules. Ignorance is no defense. Students who violate the rules are subject to discipline.
• Uphold campus standards. Students who witness or learn of academic misconduct should report it to faculty, staff, or Student Judicial Affairs. Reports may be made confidentially.
APPENDIX D

EFFECT OF HEALTH CONDITION ON STUDENT DISCIPLINARY PROCESS
(Section 9.40 of the Administration of Student Discipline)

In accord with the Americans with Disabilities Act, UC Davis makes reasonable accommodations to enable otherwise qualified disabled individuals to participate successfully in the education program of the University. Accommodations are made for identified and documented disabilities, if recommended and approved through the Student Disability Center.

Disabled students are held to the same behavioral standards as other students; a health condition does not excuse a violation of student conduct standards. The campus may use the student disciplinary process and impose sanctions unless the behavior in question was committed involuntarily or under duress, defined below, or unless 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. (See “Guidelines for Administration of Withdrawals for Health Reasons,” copy available from Student Judicial Affairs.)

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.

If information presented to SJA or to a hearing panel is sufficient to establish that, as a result of a health condition, the student is incapable of responding to pending disciplinary charges; is incapable of participating in the disciplinary process; or could not comprehend the nature or wrongfulness of the conduct at the time of the offense, then such incapacity constitutes sufficient basis for involuntary administrative withdrawal from the University for psychological reasons, and for the imposition of conditions on his/her return to campus.

A student who is accused of violating conduct standards may provide documentation of a health condition that may have affected the student's behavior, but must execute releases authorizing the disclosure of medical records pertaining to the health condition. A student who wishes to provide such documentation must inform SJA in writing as soon as possible, but not less than seven days prior to the date of the formal hearing.

If the student lacks capacity as defined above, the disciplinary action may be stayed until the student is no longer incapacitated. A student found to lack capacity under the Guidelines for the Administration of Withdrawals for Health Reasons on the grounds that he/she could not comprehend the nature of the act constituting the offense/violation is subject to withdrawal with conditions placed on his/her return to the campus.

If there is reason to believe that a student has engaged, or threatens to engage, in behavior which poses a significant danger to the student or to the safety or property of others, or other disruptive activity incompatible with the orderly operation of the campus, SJA may refer the student for a psychological/psychiatric evaluation and/or threat assessment under the Withdrawal Guidelines, and/or place the student on Interim Suspension. If the behavior violates student conduct standards, the student may be subject to disciplinary sanctions in accord with these procedures.

14 Section 171.11 of the UC Policies provides that students have the right, “To the extent appropriate to the circumstances, to be free from University discipline for actions committed involuntarily or under duress. However, violations committed under the influence of drugs, alcohol, or illegal substances will be subject to student disciplinary procedures.”

15 See Guidelines for Administration of Withdrawals for Health Reasons, copy available from Student Judicial Affairs.
APPENDIX E
CONFIDENTIALITY OF STUDENT DISCIPLINARY RECORDS

SJA records containing personally identifiable information about students relating to any disciplinary action or proceeding are confidential student records within the meaning of the Federal Educational and Privacy Rights Act of 1974 (FERPA). Such records are subject to protection under FERPA, as well as the privacy provisions of the California Information Practices Act of 1977 (Civil Code Section 1798 et seq.) and the California State Constitution. Disciplinary actions or proceedings include investigation, informal and/or formal hearings, and/or imposition of sanctions for violation(s) of the University of California Standards of Conduct for Students, the UC Davis Code of Academic Conduct, or campus regulations.

DISCLOSURE OF SJA RECORDS REGARDING DISCIPLINARY MATTERS.

I. SJA disciplinary records may be disclosed under the following specific circumstances (See P&PM 320-21, Section II. F, and University of California Policies Applying to ... Students Section 130.70):

   A. With the student's written consent, discipline records may be disclosed to designated recipients.

   B. To campus officials in connection with the discipline of a student, and to campus officials having a legitimate educational interest in the records.

      1. Disclosures of Records in Connection with Disciplinary Action.

         If the reporting party is a campus official, he/she may be informed of the progress and disposition of the case as such information is “relevant and necessary to perform … task[s] that [are] specifically related to the discipline of the student.” In general, campus officials who are reporting parties will be provided with a copy of the agreement resolving the disciplinary case, in accordance with legitimate educational interest criteria (see below).

         a. In addition, SJA may receive information from, and make disclosures to, referring parties or others in connection with performing tasks related to a student’s disciplinary referral.

         b. Information regarding a student’s disciplinary record may be disclosed to other appropriate University officials if that information may be reasonably construed to have bearing on the student’s suitability for a specific employment situation. (Section 104.40 UC Policies)

      2. Disclosures to and Receipt of Information from Other UC Davis Campus Officials Having a Legitimate Educational Interest in the Record.

         a. "Legitimate educational interest" means the information or record is relevant and necessary to accomplishing some task or determination, and the task or determination is an employment responsibility for the inquirer or is a properly assigned subject matter for the inquirer. UC Davis defines a campus official to have a "legitimate educational interest" in a particular record if the information requested is relevant and necessary for that official to (i) perform a task or make a determination that is an employment responsibility or is a properly assigned subject matter for the inquirer; (ii) perform a task that is specifically related to the official's participation in the student's education; (iii) perform a task that is specifically related to the discipline of the student; or (iv) provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

         b. A "campus official" is any individual designated by UC Davis to perform an assigned function on behalf of the campus, including (i) a person employed by the University in an administrative, supervisory, academic, research, support staff, or student assistant position; (ii) a person serving on a campus governing body; (iii) a person employed by, under contract with, or having entered into an agreement with the University to perform a special task, such as an attorney, an auditor, or a volunteer; or (iv) a student serving on an official committee,
such as a disciplinary or grievance committee, or assisting another University official in performing his or her tasks. Students having access to student records by virtue of their employment with SJA or service on the Campus Judicial Board sign a confidentiality agreement.

C. To appropriate parties in an emergency, when the information is necessary to protect the health or safety of the student or other persons. Student records may be disclosed without prior consent to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health and safety of the student or others. Appropriate parties are those whose knowledge of the information is necessary to provide immediate protection of the health and safety of the student or other individuals. An emergency is a situation that presents imminent danger to a student, or other students, or members of the school community, or that requires an immediate need for information from education records in order to avert or defuse serious threats to the safety or health of a student or other individuals.

D. To the reporting party [and affected party, see Section 2.10.A] where there is an alleged sex offense, SJA may disclose the following information from student discipline records: the final determination regarding the alleged sex offense, and any sanction that is imposed against the alleged offender. The reporting party shall be advised that the results of any disciplinary action or appeal are confidential and may not be disclosed without the consent of the student to whom the disciplinary record pertains but shall not be required to sign an agreement not to disclose the information. Certain disclosures may also be made in cases of alleged sexual harassment.

E. To other educational institutions. SJA may forward disciplinary records to other UC campuses in connection with a UC Davis student who commits a violation at another UC campus, or in connection with a student from another UC who commits a violation at UC Davis. SJA may also forward disciplinary records to other educational institutions (a) in which a student seeks or intends to enroll if the institution has requested the records or (b) if the student is enrolled in or receives services from that institution.

F. To comply with a judicial order or subpoena. Student disciplinary records will be disclosed pursuant to subpoena or other court or administrative order, after reasonable attempt to notify the student of the order unless the subpoena or order directs otherwise.

G. To the court in connection with a lawsuit by a student or parent against the University, or by the campus against the student or parent.

II. Public Disclosure of Student Information. Information regarding specific student disciplinary cases may not be disclosed to the press or public except in the case of an open hearing or where the affected students have signed written releases authorizing such disclosures, unless otherwise authorized by law.
APPENDIX F

SEXUAL VIOLENCE AND SEXUAL HARASSMENT CONDUCT POLICY

1.00 This section provides additional procedures that apply to conduct referrals involving sexual violence and sexual harassment. In the event of a conflict between these additional procedures and the procedures set forth in the Administration of Student Discipline, the provisions of this Appendix F shall govern.

A. Sexual violence includes charges of sexual assault, unwanted sexual touching, domestic or dating violence, and stalking. Additional information on conduct that constitutes sexual violence or sexual harassment can be found in the University's Policy and Procedure Manual, Section 400-20 (Sexual Harassment and Sexual Violence).

B. The reported victim of sexual violence or harassment shall be identified as the complainant even though this person may not be the reporting party. The student reported for the alleged sexual violence or sexual harassment shall be identified as the respondent.

1.10 For sexual violence and sexual harassment cases, SJA will take all reasonable steps to enable complainants to participate in the conduct process while providing appropriate due process for respondents.

A. SJA will allow late reports alleging sexual violence or sexual harassment to be addressed through both informal disposition as well as a formal hearing. SJA defines a "late report" as a report submitted more than 60 calendar days following the end of the quarter in which the alleged incident occurred.

B. An individual who participates as a complainant or witness in an investigation of sexual violence or sexual harassment will not be subject to disciplinary sanctions for a violation of the University’s student conduct policy at or near the time of the incident, unless the University determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

C. Normally, the University’s Title IX Officer will charge an investigation into allegations of sexual violence, which will result in an investigation report with written findings regarding the charges. Consistent with the UC Davis Policy on Sexual Harassment and Sexual Violence (PPM 400-20) both the complainant and the respondent have the right to request and receive a copy of the investigation report.

D. Both the complainant and the respondent will receive periodic updates throughout the adjudication process.

1.20 Upon receipt of a report of sexual violence or sexual harassment,

A. SJA will review and determine if interim suspension of the respondent is warranted.

B. SJA will issue a no contact directive to the respondent if the complainant requests such a directive.

C. SJA will contact the respondent by e-mail and direct the respondent to meet with SJA within three calendar days of sending the e-mail. Failure to do so may result in holds being placed on the respondent’s records.

D. At a first meeting, SJA will provide the respondent with the following:
(1) A written copy of the University's procedures for addressing reports of alleged sexual violence or sexual harassment;
(2) A written statement of the respondent’s rights in the process;
(3) A description of the reported allegation; and
(4) Information about available support resources.

E. SJA will collaborate with the Harassment, Discrimination, Assistance and Prevention Program (HDAPP), the Center for Advocacy, Resources, and Education (CARE), or other appropriate office to ensure that the complainant also receives written information about the student conduct process and the complainant’s rights in the process.

1.30 Sexual violence and sexual harassment cases may be resolved through informal disposition, a formal hearing, or unilateral action as provided in this policy.

A. If a Title IX investigation is conducted and the report does not substantiate the charges of sexual violence or sexual harassment against the respondent, SJA will dismiss these charges for lack of evidence. SJA may, however, still pursue other charges of misconduct associated with the incident.

B. Resolution through informal disposition requires written agreement between the University and the respondent.
   (1) SJA may resolve a referral by informal disposition at any time during the investigation or conduct process.
   (2) Prior to any resolution by informal disposition, SJA will inform the complainant of any proposed written agreement and seek input in writing from the complainant.
   (3) Informal disposition by mediation is not an available option in any sexual violence complaint.

C. When unilateral discipline is warranted such as when the respondent has a current status of deferred separation, deferred dismissal, or has failed to participate in the student conduct process, the findings established through the Title IX investigation report may be used as a basis for a finding on the conduct charges.

1.40 Formal hearing process for cases involving sexual violence and sexual harassment. This section supplements the Hearing Procedures established under Sections 5.00, 6.00, and 7.00. In the event of a conflict between this section and the provisions in Section 5.00, 6.00, and 7.00, the provisions in this section shall govern.

A. SJA will complete the formal hearing excluding the appeal process in a timely manner, normally within 60 business days of receiving a copy of the closure letters to the parties from the University Title IX Officer.

B. Burden of proof. The University has the burden of proving, by a preponderance of the evidence, that the respondent engaged in the sexual violence or sexual harassment as charged. Preponderance of the evidence means that it is more likely than not that the sexual violence or sexual harassment occurred.

C. Both the complainant and the respondent have a right to:
   1. Be present during the entire hearing.
   2. Have a support person present during the hearing who will not take an active part in the hearing.
   3. Have an advisor who, with the permission of the Hearing Officer, may ask questions and give the closing statement for the person they are advising.
4. Receive a copy of the Notice of Hearing.
5. Receive information and names of witnesses submitted by the University and the respondent prior to the hearing.
6. Submit information and names of witnesses to be provided to the parties and the Hearing Officer prior to the hearing as established under Section 5.30 A.
7. Consistent with section H.2, question the respondent, the complainant and any other witnesses that testify at a hearing.
8. Provide information and recommendations regarding proposed disciplinary sanctions.
9. Receive concurrent written notice of the outcome of any University disciplinary process, findings of fact, and disciplinary sanctions.
10. Receive written notice about University procedures for appealing the results of the hearing.
11. Appeal the decision of a formal hearing as established under Section 7.00.
12. Receive a copy of any appeal submitted by the other party and be allowed to respond in writing to the appeal.
13. Receive written notice of the decision on appeal and any changes to the results.
14. Not be required to accept a non-disclosure agreement, in writing or otherwise, as a condition of receiving information about the findings or outcome of the disciplinary process.
15. Be informed when the results become final.
16. Any other rights established by law, University policy, or as granted in the discretion of SJA or the Hearing Officer.

D. When an investigation has been conducted, the investigation report is admissible in the formal hearing process.

E. Hearing Officers.
1. Hearing Officers will be assigned to adjudicate formal hearings involving sexual violence or sexual harassment.
2. In addition to the general training that all campus conduct officials receive to fairly adjudicate student disciplinary cases, campus conduct officials involved in addressing or adjudicating sexual violence or sexual harassment cases are required to receive specific training every calendar year that will include:
   (a) The definition of sexual assault, sexual harassment, domestic or dating violence, and stalking.
   (b) The definition of what constitutes affirmative consent in situations involving sexual assault.
   (c) Understanding victim dynamics and how to conduct trauma informed interviews.
   (d) Information on the applicable confidentiality requirements surrounding a sexual violence or sexual harassment hearing.
   (e) Other topics as required by law or University policy or required to fairly address or adjudicate these cases.
3. Hearing Officers are impartial and neutral fact-finders. As such, any real or perceived conflicts of interests between the Hearing Officer and the parties should be disclosed to SJA.

F. The Hearing Officer may receive oral or written testimony from the complainant, the respondent, and any witnesses. The Hearing Officer is authorized to ask questions regarding any oral or written testimony provided.

G. The complainant may not be questioned about prior sexual history except for any sexual history with the respondent. The Hearing Officer has the right to exclude any other testimony that he/she finds to be irrelevant or inappropriate for a full and fair hearing on the matter.

H. Special hearing procedures.

1. SJA and the Hearing Officer may allow the complainant, respondent, and witnesses to be visually or physically separated during the hearing. This may include, but is not limited to, the use of a physical partition, a separate physical location, telephone or video conference, and/or any other appropriate technology.

2. The Hearing Officer and SJA shall determine the format for questioning the complainant, respondent, or any witness.
   (a) The Hearing Officer will have the first opportunity to ask questions of any person who testifies.
   (b) For testimony by the complainant or the respondent, the parties (and their advisors) will normally direct questions or submit questions to the Hearing Officer. The Hearing Officer may conduct a conference with the advisors and SJA administrator to identify and discuss questions that will be asked.
   (c) The Hearing Officer may conduct indirect questioning of witnesses other than the complainant or respondent or allow direct questioning.

3. SJA and the Hearing Officer, in their sole discretion, are authorized to take any additional reasonable and appropriate steps to protect participants in the hearing and the integrity of the hearing process.

I. Following the formal hearing, the Hearing Officer will prepare a written report summarizing his/her findings of fact.

J. The Director of SJA will review the report and issue a written decision letter to the complainant and respondent.

K. Both the complainant and the respondent have the right to appeal a decision in writing to the Associate Vice-Chancellor of Student Affairs.

1. The deadline for submitting an appeal is ten business days following the delivery of the decision letter.

2. The complainant and respondent will receive a copy of the other party's appeal.

3. The Associate Vice-Chancellor of Student Affairs will issue a decision on appeal within 21 business days of receiving the appeal(s).

L. The list of possible sanctions that may be imposed upon a respondent in a sexual violence or sexual harassment case can be found in Appendix B.

1.50 The Director of SJA can extend deadlines under this Policy for good cause. If extended, the complainant and the respondent will receive written notice of the extension.
SJA may extend the same rights enumerated in this section to a complainant for other conduct cases including but not limited to incidents involving physical assault, threats of violence, or conduct that poses a serious threat to the health or safety of the complainant.