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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 (see University of California Standards of Conduct for Students [link]). The student discipline process itself can be a significant educational experience: we learn from facing our errors and accepting responsibility for the consequences of our actions.

Honesty, fairness and respect are essential to learning, teaching, and research, and to maintaining a productive and safe campus environment. As members of our academic community and of society at large, students have both rights and responsibilities, and are expected to comply with the general law, University policies, and campus regulations. 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 conduct, and enforce University standards of student conduct. The UC Davis Code of Academic Conduct [link], adopted in 1976, builds upon a previous student-run honor system that existed for more than 50 years. Our Code describes mutual expectations for students and faculty to maintain academic integrity. Students are to “take group as well as individual responsibility for honorable behavior,” and “make every effort to prevent and avoid academic misconduct.”

At UC Davis, the Office of Student Judicial Affairs oversees the student disciplinary system. Most reports of suspected misconduct are resolved by agreement, with the student accepting responsibility and sanctions for his/her actions. Emphasis is placed on accountability and the ethical development of the student. In the rare case that a fact-finding hearing becomes necessary, it is held before a neutral student-faculty panel. Formal court procedures and evidentiary rules do not apply to student disciplinary matters. They are a product of the adversarial nature of the courts, where the outcome often depends upon the relative skills of the advocates rather than the merits ~ or the truth ~ of the case.

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. 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 THE OFFICE OF STUDENT JUDICIAL AFFAIRS AND ADMINISTRATION OF THE STUDENT DISCIPLINARY SYSTEM

1.10 The Office of Student Judicial Affairs ("SJA"). UC Davis has designated SJA to administer the student disciplinary system for both 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 (see Appendix A) and academic integrity (see Appendix B). SJA determines jurisdiction, maintains confidential disciplinary 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 through the Vice Chancellor for Student Affairs, and is supervised by the Director of Student Judicial Affairs ("the Director"). The Director, and under the Director's supervision, the SJA staff, have authority to impose any of the disciplinary sanctions described in 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 panel, normally the Campus Judicial Board, or 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 8.00 to 8.70) should be reported in writing to SJA. Reports should include the student's name and other identifying information and the nature of the violation, and may include some or all of the following additional information: the date of the incident and a description of the circumstances, names of witnesses, copies of supporting documents, and the contact information for the reporting party. (Report forms are available on-line at http://sja.ucdavis.edu/rptg.htm)

A. Reporting parties. Reports of suspected misconduct may be made to SJA by faculty, students, staff, or other parties (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 has the same rights as the reporting party under these policies.

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 **Initial Review by SJA.** Upon receiving a written report or a request for review, SJA will review the case. 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; if the suspected incident should be addressed through other policies or procedures; or for other appropriate reasons.

2.30 **Initiating a Disciplinary Inquiry.** If SJA determines that a disciplinary inquiry should be initiated, SJA will notify the student and the reporting party that the case is being reviewed.

   A. **Notice of Report of Suspected Misconduct.** To initiate a disciplinary inquiry, SJA notifies the student in writing of the reported misconduct, and directs the student to schedule a meeting with SJA.

   B. **First Meeting.** At the first meeting, the student is advised of campus disciplinary procedures, and informed of the specific details supporting the report of misconduct. The student is provided with an opportunity to respond and to discuss possible options for resolving the case.

   C. **Advisors.** An accused student and/or a reporting party may consult an advisor of his/her choice at any stage of the disciplinary proceeding.

3.00 **INFORMAL DISPOSITION**

3.10 **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 3.30(C)). In cases that cannot be resolved informally, a fact-finding hearing is held (see Section 4.00).

   A. **Information Provided by Student.** Any information provided by the student in the informal disposition process must be truthful. This information may be shared with the reporting party, and may become evidence in a later formal process.

   B. **Consultation with Reporting Party.** SJA will normally consult with the reporting party before reaching an agreement with the student or other informal disposition.

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

3.20 **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 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.

### 3.30 Informal Disposition by Unilateral Action

SJA may resolve a report of suspected misconduct unilaterally by taking administrative action or imposing sanctions under the following circumstances:

A. **Failure to Respond.** If the student has failed or refused to respond, or 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;

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

### 3.40 Types of Unilateral Action SJA May Take

A. **Place holds** on the student's registration, graduation, diploma, or transcripts;

B. **Impose discipline,** including suspension or dismissal;

C. **Submit the case for formal fact-finding hearing;** or

D. **If the student has previously agreed to a deferred sanction,** impose the agreed deferred sanction or a lesser sanction or submit the matter for a sanction hearing in accordance with Section 4.50 (C).

### 3.50 Effect of Withdrawal or Failure to Register on Discipline Process

If the student has withdrawn or failed to re-register, the decision imposing sanctions shall take effect immediately upon re-admission.

### 3.60 Appeal of Unilateral Discipline

The student subject to holds or sanctions imposed under section 3.40 may appeal SJA's decision to the Executive Director.

A. **Form of Appeal.** Appeals from actions taken because of a student's lack of response must be in writing and set forth reasonable grounds for the student's non-cooperation, or failure to respond during the original process.

B. **Time Limit.** Appeals from holds placed on the student's registration, graduation, diploma or transcripts must be filed within 30 days after the student receives notice of the holds.

C. **Grounds for Appeal.** An appeal of sanctions imposed under a deferred sanction contract must be supported on one or more of the grounds specified in Section 7.00.

### 3.70 Action on Appeal of Unilateral Discipline

The Executive Director or designee may take any of the following actions:

A. **Modify Sanction.** Affirm, increase, reduce, or rescind the original sanction;
B. **Return Case to SJA.** Return the case to SJA for the accused to present evidence under these procedures; or

C. **Refer 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 is the University required to repeat its presentation.

### 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 hearing.

A. **Subject of 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, or determining the appropriate sanction for the violation.

B. **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 Educational Process

A formal disciplinary hearing is an educational process and an administrative proceeding, not a court hearing. 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, the affected party, and any witnesses.

A. **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.

B. **Self-representation.** In general, students and reporting parties speak on their own behalf, but may be assisted in preparation and accompanied at any informal or formal hearing by an advisor of their choice (see Section 4.70).

#### 4.30 Hearing Authorities

A matter may be referred for a fact-finding hearing to one of the hearing bodies or a hearing officer as described below in Sections 4.40 or 4.50.

A. In general, student-faculty panels (normally the Campus Judicial Board) hear cases of suspected academic misconduct and hearing officers or student-staff panels will hear social misconduct cases.

B. Faculty normally serve as hearing panel members or hearing officers only in academic misconduct cases, and staff serve only in social misconduct cases.

#### 4.40 The Campus Judicial Board (“CJB”)

A. **Student Members of the CJB.** The 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.
1. **Student CJB Educational Outreach Programs.** In addition to their responsibilities for serving on hearing panels, CJB student members develop, implement, and present outreach programs and educational materials 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 also may serve as advisors or advocates to students and reporting parties, and may 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.

C. **Staff Members of the CJB.** The VC may appoint staff to serve as hearing officers or as CJB panel members as appropriate.

D. **CJB Hearing Panels.** Normally, a CJB hearing panel will consist of an odd number of students and faculty (or staff). A quorum shall be three, including at least one student and one faculty member, and the maximum membership of a panel shall be five individuals.

E. **Chair of Hearing Panel.** At the discretion of the Director and depending upon the nature and severity of the charges, the Director may designate either a student or faculty member to chair a CJB hearing panel.

F. **Fact-Finding Hearing Panel.** The role of the CJB fact-finding hearing panel is to determine the facts, and whether or not a preponderance of the evidence establishes a violation. If so, the CJB may receive information and make recommendations as to an appropriate sanction based on SJA sanctioning guidelines.

G. **Sanction Panel.** 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.

1. A sanction panel is comprised of no more than three individuals (student, staff, or faculty) from the CJB or separately appointed by the VC.

2. The accused student and the reporting party shall have the opportunity to present evidence on the issue of sanction.

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

4. The panel will consider and make recommendations on the appropriate sanction.
4.50 Other Hearing Authorities.

A. Hearing Officers or Ad Hoc Hearing Panels. Hearing officers or Ad Hoc Hearing Panels are University faculty, students, or staff members, generally with prior hearing experience and/or training, specially appointed by the VC to hear student disciplinary cases. They may also serve during academic break periods and summer sessions, in campus emergencies, or at times when the CJB cannot meet. An appointed student or faculty member of the CJB may serve on ad hoc hearing panels, or as a hearing officer or advisor in student disciplinary matters, without special appointment, 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.

B. Graduate Division, 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.

C. 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 cases involving their own students for student discipline cases. Disciplinary records for students at the Schools of Medicine or Veterinary Medicine will be kept by the school in question, and SJA shall be notified of any disciplinary action taken against such students.

4.60 Preparation And Presentation Of Cases.

A. Parties Speak on Their Own Behalf. In keeping with the educational nature of the process, accused students and reporting parties shall speak on their own behalf.

B. Parties May Be Accompanied by an Advisor. Both the accused student and the reporting party may be assisted in preparing for the hearing and accompanied by an Advisor.

1. Normally, advisors will be student members of the CJB, but a student may always choose his or her own advisor.

2. An Advisor assists a party in preparing for the hearing, and may accompany the accused student and/or reporting party during the hearing.

3. The accused student and the reporting party may each confer with his/her Advisor during the hearing, but Advisors may not take a direct part in hearings (i.e., they may not address the panel, present arguments or question witnesses) without the consent of the panel or hearing officer.

C. Representation by Attorneys or Other Advocates at Formal Hearing Only in Exceptional Circumstances. Accused students and/or reporting parties may not be represented by attorneys at formal disciplinary hearings, nor shall they be represented by Advocates except under exceptional circumstances, described below in paragraph (D).

1. Attorneys as Advisors. If the hearing concerns a matter for which the accused student has been or may be criminally investigated, arrested, and/or charged with a crime, the student may, at his/her own expense, have an attorney as his/her advisor. If so, the
accused student must notify the Director as soon as possible, but in no event later than 5 days after receiving notice of the hearing.

2. Attorneys serving as advisors may not take a direct part in formal hearings (see Section 3.32 (C)), even if the matters considered at the hearing also are or may be the subject of criminal charges; attorneys may advise students in the informal disposition process.

D. **Student Advocates May Be Appointed in Exceptional Circumstances.** In exceptional circumstances (see below), a student advocate may be authorized to represent a party in preparing for and conducting the hearing.

1. Generally, unless otherwise permitted by the Director, an advocate must be a student member of the CJB.

2. The advocate speaks on the party's behalf, presenting arguments and evidence and questioning witnesses.

3. The accused student, or a reporting party, may request an Advocate to speak on his/her behalf on the grounds that
   a. he/she is disabled or a non-native-English speaker, and will be unfairly disadvantaged if not permitted a representative;
   b. he/she wishes to exercises the right not to testify, and will jeopardize this right if required to represent him/herself; or
   c. in other appropriate circumstances.

4. If a student advocate is appointed to represent the accused student, the reporting party may also be represented by a student advocate. The accused student must request permission to have an advocate at least ten days before the hearing.

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**5.00 HEARING PROCEDURES**

**5.10 Applicability.** These procedures apply to all disciplinary hearings unless specifically waived by the accused student or reporting party.

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 will attend 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 Hearing.** Once it is determined that a formal hearing must be held 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 is emailed, sent by U.S. mail, and/or picked up by the student in person from SJA. Normally, the notice must be picked up by the student,
or e-mailed, 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 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 e-mail 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 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* and 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 or hearing officer finds to be relevant and necessary to a fair hearing.

A. 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. The 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.

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

D. 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/Open Hearings.** Hearings will normally be "closed," but the accused student may request that the hearing be "open" if 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 which provides reasonable space for persons not involved in the hearing 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.

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

A. **Accused Student and Reporting Party.** The accused student and the reporting party are both entitled to be present throughout the hearing, but may choose not to appear. The accused student's failure to appear shall not be construed as proof of culpability.

B. **Hearings Involving More Than One Accused Student.** Where more than one student is reported in connection with a single incident, set of facts, or series of incidents, SJA will usually schedule a joint hearing involving all of the accused students in order to conduct a full and fair consideration of the case, and all accused students may be present at the joint hearing. SJA may, at its discretion, schedule and conduct separate hearings.

C. **Presence of Others at the Hearing.** Witnesses wait outside the hearing room until testifying. 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.** Deliberations are always conducted in closed session, with only members of the panel present.

5.60 **Evidence and Testimony.**

A. **Student Disciplinary Hearings Are Not Court Hearings.** The student disciplinary process at UC Davis does not use formal rules of evidence, nor do the procedures used in civil or criminal trials, motions, or other proceedings before a court of law or administrative agency apply to campus 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, including the following:
1. Both eyewitness testimony and circumstantial evidence in any form (e.g., documents, pictures, electronic, and/or physical evidence).

2. Hearsay evidence [one person's report of another's statements]. The hearing panel may discount hearsay evidence if the original source is not available for questioning.

3. Criminal transcript, plea, or conviction. A criminal plea, trial, and/or conviction, including a court order, opinion, transcript of sworn testimony, or other official record.

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

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

C. Testimony and Questioning of Witnesses.

1. Testimony Must Be Truthful. No party or other witness may testify unless he/she agrees before testifying that his/her testimony will be truthful. Witnesses may be subject to disciplinary action 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. Questioning. Questioning of parties and other witnesses is initiated by the hearing panel; parties may ask questions of each other and any witnesses with the chair’s permission and in the order determined by the panel.

4. Witnesses. 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 or the hearing panel may arrange for testimony to be taken in advance under conditions providing an opportunity for oral or written questioning.

5.70 Introductory and Closing Statements. The accused student and reporting party may each make a brief introductory statement and, after all evidence has been heard, a brief summary.

5.80 Burden of Proof. At any formal hearing, the University bears the burden of proving that the accused committed the reported violation by a preponderance of the evidence.

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.

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.

B. After the hearing, the accused student may have access to review the hearing recording and index and take notes.

C. The audio recording will be retained as part of the record for as long as the discipline record is retained, or for five years from the date of decision, whichever is shorter.
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 its findings of fact and recommendations for sanctions, if any.

6.20 Submission of Reports. The report should be submitted after the conclusion of the hearing, normally within 21 days after the hearing ends.

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 Executive Director.

C. If the hearing concerns a graduate student, law student, Graduate School of Management student, or School of Education Student, the Director or 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.

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.


A. Finding of No Violation. If the panel finds that no violation occurred, the accused student is notified of the decision and informed that the reporting party has 10 days to appeal the decision. If there is no appeal, the decision is final.

B. Finding of Violation. If the panel finds the accused student in violation, the official receiving 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. 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 to the following:
A. **To the Alleged Victim of a Crime of Violence.** If the report involved an alleged violent crime, the alleged victim of the crime will be informed of the results of any disciplinary action and appeal (see P&PM Section 320-21).

B. **To Members of the Press/Public:** The notice of decision will be provided to the public only if the hearing was open and/or if the student(s) named in the decision give(s) written consent (see 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.

#### 7.30 Grounds for Appeal

The appeal must be in writing, and may request that the decision be overruled or the sanction amended, 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. If the appellant is the reporting party, he/she may not appeal a finding of no violation on this ground, as the panel has already resolved that factual issue.

B. **There is incongruity between the proposed sanction and findings;**

C. **There is unfairness in the proceedings; or**

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

E. **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.

#### 7.40 Where Appeal Must Be Filed

A. Appeals from a decision by the Director must be filed with the Executive Director.

B. Appeals from a decision by the Executive Director must be filed with the Vice Chancellor – Student Affairs.

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 referred back to the hearing panel for presentation of new evidence and reconsideration in light of that evidence.

B. Similarly, if the appeal is based on a claim of procedural unfairness, the appeal may be referred to an individual or group appointed to investigate whether the procedures used were unfair or tainted by bias.

7.60 Notice of Decision on Appeal. Notice regarding the appeal shall be provided consistent with Section 6.60. The student can prepare a statement in response to the decision to be kept on file in his/her disciplinary record.

8.00 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.

8.10 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 102.21;vi

B. Campus-wide rules, including the UC Davis Code of Academic Conduct;vii UC Davis PPM Section 270-21, "Consumption of Alcoholic Beverages;"viii and PPM Section 380-12, "Sexual Harassment;"ix

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.

8.20 Individuals and Organizations Who Are Subject to Student Disciplinary Action.

A. Definition of “Student.” The UC Standards of Conduct [link] 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, including 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 [link] also apply to

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
3. **Registered Student Organizations.** In general, the Student Programs and Activities Center [link] 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.

8.30 **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. **Misconduct occurring off-campus.** SJA has discretion to exercise jurisdiction over conduct that occurs off-campus when the suspected misconduct either indicates 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. **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 such as

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);
5. hate crimes;
6. hazing; and
7. other serious misconduct which jeopardizes the safety or security of the campus community, e.g., conduct which would constitute felony burglary, robbery, theft (including identity theft), or credit card fraud.

C. **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.

D. **Student Organizations Subject to Off-Campus Jurisdiction.** Registered student organizations are subject to off-campus jurisdiction by SJA and SPAC under these same factors.

8.40 **Effect Of Health Condition On Student Disciplinary Process.** If a student’s behavior violates student conduct standards, the student may be subject to disciplinary action and sanctions in accord with 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 [link].

B. *Emergency actions, threat assessment, and/or Interim Suspension.* 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 mandatory mental health evaluation and/or threat assessment.

8.50 **Disciplinary Reports Related To Alleged Crimes** [link]

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, or has plead guilty or no contest to a crime, the conviction, plea, and any evidence introduced or transcripts of trial court proceedings may be used as evidence in the student disciplinary system.

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.

B. If a reported incident of student misconduct results in criminal investigation and/or prosecution as well as student disciplinary action, SJA has the 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 action pending resolution of the criminal charges; and/or

4. Proceed with the disciplinary action.

8.60 **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.

8.70 **Timeliness Of Complaints.**
A. 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 within 30 days after the end of an official investigation (e.g. an investigation of alleged Research Misconduct under P & PM Section 210-25).

B. Reports for suspected *social* misconduct must be sent to SJA within 60 days of occurrence or discovery, unless SJA determines that law or policy provides a longer reporting period.

C. 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 for a formal hearing, with concern for the impact of the delay in reporting upon the accused student including the unavailability of witnesses or evidence.

9.00 CONFIDENTIALITY OF SJA RECORDS

9.10 **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.) (See --- [link to web information])

9.20 **Protected from Disclosure.** Confidential SJA student records are protected from disclosure under the Federal Educational and Privacy Rights Act (FERPA), as well as the privacy provisions of the California Information Practices Act and the California State Constitution.

10.00 REVISION OF STUDENT CONDUCT POLICIES AND PROCEDURES

10.10 **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 student disciplinary hearing authority, in addition to its recommendation 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 Change 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.

10.20 Review by Vice Chancellor, Chancellor, and Office of the President. Before adoption, proposed substantive revisions to UC Davis student conduct policies and procedures are submitted to the Vice Chancellor of Student Affairs, the Chancellor, and the UC Office of the President for review.

10.30 Publication of Revised Policies and Procedures. After final review and revision, the revised policies and procedures are published and made available on the Internet.

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1 or hearing officer selected from our academic community.

4 With respect to student organizations, UC Davis has assigned primary responsibility for administrative oversight, review, and action to SPAC [see website http://spac.ucdavis.edu/registration.htm/]. SPAC may, at its discretion, coordinate with SJA in conducting any formal review of the proposed suspension or revocation of a student organization’s registration.

6 Misconduct by students in the residence halls may be resolved either through the student disciplinary system or by using housing contract remedies, or both. The Student Housing Residential Education Office includes two SJA Officers that report jointly to Student Housing and to SJA, and have authority to resolve cases under either or both processes. In addition, student members of the Campus Judicial Board and/or SJA student employees may be designated to perform assigned functions on behalf of SJA, including student meetings.

7 In addition, "SJA staff" includes student members of the Campus Judicial Board and/or SJA student employees designated to perform assigned functions on behalf of SJA.

8 A party directly affected by the behavior has the same rights to attend a formal hearing and to be accompanied by an advisor as the accused student or reporting party.

9 Link to: http://www.ucop.edu/ucophome/uu/news/aospol/uc100.html

10 Link to: http://sja.ucdavis.edu/eac.htm


12 Link to: http://manuals.ucdavis.edu/ppm/380/380-12.htm

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

14 Link to: UC Policies Section 104.40