

knows or reasonably should have known of such incapacitation. Effective consent is also absent when the activity in question exceeds the scope of Effective consent previously given.

2. "Incapacitation" means the physical and/or mental inability to make informed, rational judgments. Where alcohol is involved, Incapacitation is determined by how the alcohol consumed impacts a person, including the person's decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the accused Student knew, or a sober, reasonable person in the position of the accused Student should have known, that the person was incapacitated.
3. "Sexual act" referenced in the terms above includes but is not limited to sexual intercourse, sodomy, oral-genital contact, or sexual penetration with a foreign object (including a finger), the touching of a person's intimate parts (defined as genitalia, groin, breast or buttocks, or clothing covering them), or compelling a person to touch her or his own or another person's intimate parts without effective consent.
4. Intoxication of the accused will not diminish her or his responsibility for any violations of this Section.

As described in Section IV.A, before final determination of alleged misconduct, Interim Suspension may be imposed by the Office of the Dean of Students when there is reasonable cause to believe that the Student's participation in University activities or presence at specified areas of campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

For incidents involving allegations of sexual misconduct, dating violence, and/or domestic violence, see the *UCLA Student Conduct Procedures for Allegations of Sexual Harassment, Sexual Misconduct, Domestic and Dating Violence, and Stalking*.

102.9 : Sexual Harassment

Student Employees: When employed by the University of California, and acting within the course and scope of that employment, Students are subject to the University of California *Policy on Sexual Harassment* for employees (<http://policy.ucop.edu/doc/4000385/SexualHarassment>). Should an investigation be conducted, a copy of the Investigator's Report and the written determination of whether or not Sexual Harassment occurred will be forwarded to the Dean, who may impose one or more sanctions, as appropriate.

Otherwise, the applicable standard for sexual harassment by students is conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities.

In compliance with UCLA Procedure 630.1, cases involving allegations of sexual harassment must be either resolved by the Dean or heard before the Student Conduct Committee within sixty Days of the referral of the complaint. This deadline may be extended on approval from the Vice

Chancellor of Student Affairs.

For incidents involving allegations of sexual harassment, see the *UCLA Student Conduct Procedures for Allegations of Sexual Harassment, Sexual Misconduct, Domestic and Dating Violence, and Stalking*.

- 102.10: **Stalking**
Stalking behavior in which a student repeatedly engages in a course of conduct directed at a specific person, that places that person in reasonable fear for her or his safety, or the safety of a third person or persons.

For incidents involving allegations of stalking, see the *UCLA Student Conduct Procedures for Allegations of Sexual Harassment, Sexual Misconduct, Domestic and Dating Violence, and Stalking*.

III. STUDENT CONDUCT PROCEDURES

The University strives to be fair in the handling of student conduct cases. The Chancellor has established these procedures and published this policy for the handling of student conduct cases involving matters of alleged sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking. The procedures outlined in this section represent the steps employed to reach a resolution in cases of alleged misconduct.

Questions concerning these procedures may be addressed to the Office of the Dean of Students, or to Student Legal Services.

Complaints involving alleged misconduct by students may be submitted in writing to the Office of the Dean of Students. Complaints to the Office of the Dean of Students should be made within one year following discovery of the alleged misconduct, unless an exception is granted by the Vice Chancellor of Student Affairs.

The Dean may provide information about other campus or community resources which may be of assistance to the Student (e.g., Counseling and Psychological Services, the UCLA Santa Monica Rape Treatment Center, Student Legal Services).

In addition, a Student may be directed to act or refrain from acting in a specified manner. These directions may include directing students not to intentionally contact, telephone, or otherwise disturb the peace of others specifically named for a specified period of time. These directions will not terminate the Student's status as a student, and will not be construed as a finding of responsibility on the part of any student. Violation of these directions may be a violation of 102.16 (Failure to Comply) of the *UCLA Student Conduct Code*.

A. Initial Investigation

Upon receiving a report regarding alleged violation(s), the Dean will consider information acquired from the reporting party and will conduct further investigation to augment that information. If the Dean determines that there is sufficient information to proceed with the Student conduct process, the Office of the Dean of Students will give written Notice to the Student of the alleged violation(s).

B. Notice to Student

Notice to Student shall include the following:

1. the nature of the conduct in question and the basis for the allegation, including a brief statement of the basis of the charges, the date or period of time and the location of the alleged incident.
2. the University policy(s) and/or campus regulation(s) allegedly violated; and information on how to access a full version of this policy;

3. that the Student has five Days from the date Notice was given to contact the Office of the Dean of Students for the purpose of scheduling an initial meeting;
4. that if the Student does not contact the Office of the Dean of Students within the five-day period, or fails to keep any scheduled appointment, a Hold may be placed on the Student's University records and the Student will be notified that this action has been taken. The placement of a Hold on the Student's University records may, for example, prevent the Student from registering and from obtaining transcripts, verifications, or a degree from the University. The Hold will be removed only when the Student either attends a scheduled meeting at the Office of the Dean of Students, or requests in writing that the case be referred to the Student Conduct Committee for a hearing; and
5. that no degree may be conferred on a student until any pending allegations against a Student and any assigned sanctions and conditions have been completed. The Office of the Dean of Students may place a Hold on that Student's University records to prevent him or her from receiving a degree.

In addition, the Dean may include language directing the Student to act or refrain from acting in a manner specified by the Dean. These directions may include directing the Student not to intentionally contact, telephone, or otherwise disturb the peace of others specifically named until the matter is resolved. Violation of these directions is separate misconduct under section 102.16 (Failure to Comply) of the *UCLA Student Conduct Code*.

In compliance with UCLA Procedure 630.1, cases involving allegations of sexual harassment must either be resolved by the Dean or heard before the Student Conduct Committee within sixty Days of the referral of the complaint. This deadline may be extended on approval from the Vice Chancellor of Student Affairs.

In cases involving an active police investigation, if the Dean, in conjunction with the University of California Police Department (UCPD), determines that Notice to the Student may interfere with the criminal investigation, the Dean may delay Notice to the Student for a reasonable period of time, for example when the investigation involves the safety of a member of the campus community.

c. Meeting(s) with the Dean

Meeting with the Dean provides the Student an opportunity to resolve the matter. At the initial meeting with the Student, the Dean will:

- ensure that the Student has been provided information on how to access this policy;
- discuss confidentiality; inform the Student that the content of this and all subsequent communication with the Office regarding information not relevant to the case will, insofar as allowed by law, be treated confidentially, unless such confidentiality is waived by the Student; and that information relevant to the case may be divulged to those who have a legitimate educational interest, including but not limited to the Student Conduct Committee;
- describe to the accused Student the nature of the conduct in question, and the University policy(s) and/or campus regulation(s) allegedly violated, hear the Student's response to such allegations, and counsel the Student as appropriate; and
- provide the Student with information about the right to inspect all documents relevant to the case which are in the possession of the Office of the Dean of Students; (Note: all documents will be redacted to comply with state and federal laws and regulations and University policies.)

- provide the Student with copies of the documents relevant to the case, at the Student's written request. (Note: all documents will be redacted to comply with state and federal laws and regulations and University policies.)

If you believe that you will require a reasonable accommodation to assist you in meeting with the Dean, you must contact and register with the Office for Students with Disabilities (OSD). OSD will provide the Dean with recommended accommodations. The Dean will either provide the recommended accommodation or work directly with OSD to discuss alternatives to the recommended accommodation.

D. Decisions in Absentia

If a Student absents herself or himself from the disciplinary process, or has withdrawn from the University while subject to pending disciplinary action, the Dean may move forward to resolve the matter without the Student's participation.

E. Resolution by the Dean

At the conclusion of the investigation, the Dean may take one of several actions listed below. Additionally, the Complainant will receive written notification of the outcome of any disciplinary action by the University from the Office of the Dean of Students.

1. Letter of Admonition

The Dean may provide Notice to a Student that her or his alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior may be subject to the disciplinary process.

2. Imposing Sanctions

If the Student acknowledges behavior that is prohibited by this policy, the Dean may impose one or more of the sanctions listed in Section IV.F.

3. Referral to the Student Conduct Committee

A case is referred to the Student Conduct Committee for a hearing when the Student does not acknowledge engaging in behavior prohibited by this policy, but the Dean concludes from the available information that the Student Conduct Committee may find that it is more likely than not that a violation of this policy has occurred.

At any time before the student conduct hearing occurs, if the Dean receives new information that leads to the conclusion that that a violation of this policy has not occurred, then the Dean may withdraw the case from the Student Conduct Committee. This disposition is binding and terminates that Student Conduct Committee proceeding.

4. Insufficient Information

If the Dean concludes there is insufficient information to issue a finding of responsibility for the alleged policy violation(s), then the matter will be closed with no further action taken.

F. Sanctions and Additional University Actions

When it is determined that a Student's behavior is in violation of University policy(s), the Dean will consider the context and seriousness of the violation in determining the appropriate sanction(s).

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

1. Warning

Notice or reprimand to the Student that a violation of specified University

policies or campus regulations has occurred and that continued or repeated violations of specified University policies or campus regulations may be cause for further disciplinary action.

2. Disciplinary Probation

A status imposed for a specific period of time in which a Student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the Student's privileges or eligibility for activities may be imposed. Further misconduct during the probationary period or violation of any conditions of the probation may result in disciplinary action.

3. Deferred Suspension

A status imposed for a specific period of time in which the Student must successfully complete conditions outlined by the Office of the Dean of Students. Further violations of the *Student Conduct Code*, violations of this policy, or failure to complete any assigned conditions may result in additional disciplinary action including but not limited to suspension or dismissal.

4. Deferred Dismissal

A status imposed for a specific period of time in which the Student must successfully complete conditions outlined by the Office of the Dean of Students. Further violations of the *Student Conduct Code*, violations of this policy, or failure to complete any assigned conditions will result in additional disciplinary action including but not limited to suspension or dismissal.

5. Suspension

Suspension is the termination of UCLA student status for a specified academic term or terms, to take effect at such time as the Dean or the Vice Chancellor of Student Affairs determines. A suspended student will be ineligible to enroll in UCLA Extension concurrent courses during the period of suspension. During the period of suspension, the Dean may place a Hold on the Student's University records which may prevent the Student from registering and from obtaining transcripts, verifications, or a degree from the University.

After the period of Suspension, the Student will be reinstated if:

- a. the Student has complied with all conditions imposed as part of the Suspension;
- b. the Student is academically eligible;
- c. the Student meets all requirements for reinstatement including, but not limited to, removal of Holds on records, and payment of restitution where payment is a requirement of reinstatement; and
- d. the Student meets the deadlines for filing all necessary applications, including those for readmission, registration, and enrollment.
- e. Graduate and professional students are required to apply for readmission following a suspension, and must meet all requirements for readmission.

Suspension may include a prohibition against entering specified areas of the campus. 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.

No Suspension from the University will become official until five Days from the date of Notice of the Dean's disposition or the completion of a Student's appeal.

6. Dismissal

Dismissal is the termination of University of California student status for an indefinite period and may include an exclusion from specified areas of the campus.

Readmission to any campus of the University of California after Dismissal may be granted only under exceptional circumstances and requires the specific approval of the Chancellor of the campus to which a dismissed Student has applied.

No dismissal from the University will become official until five Days from the date of Notice of the Dean's disposition or the completion of a Student's appeal.

In addition to the above sanctions, the Dean may also impose one or more of the following conditions:

- Exclusion from Areas of the Campus or from Official University Functions
- Loss of Privileges and Exclusion from Activities
- Community Service
- Restitution
- Participation in designated educational programs, services, or activities
- Letter of Apology
- Participation in a Restorative Justice conference

Failure to comply with the above conditions may subject the Student to additional disciplinary action. In addition, a Hold may be placed on the Student's University records for either a stated period or until the Student satisfies the conditions imposed as part of a sanction. The placement of a Hold on the Student's University records may prevent the Student from registering and from obtaining transcripts, University services, or a degree from the University.

H. Limits on Sanctions

The loss of University employment will not be a form of sanction under this policy. However, when student status is a condition of employment, the loss of student status will result in termination of the Student's employment. This section is not intended to preclude the disclosure to other appropriate University officials of information relating to any student's conduct records if that information may be reasonably construed to have bearing on the Student's suitability for a specific employment situation. This section is also not intended to preclude an employer from terminating a student's employment outside the disciplinary process.

In imposing sanctions other than Suspension or Dismissal, access to housing and health services will not be restricted unless the nature of the act that occasioned the sanction is appropriately related to the restriction.

I. Posting of Suspension or Dismissal on Academic Transcript

When, as a result of violations of this policy, a student is suspended or dismissed, the fact that the sanction was imposed must be posted on the academic transcript for the duration of the Suspension or Dismissal.

J. Appeal of the Sanction

If the Dean imposes a sanction of Deferred Suspension, Deferred Dismissal, Suspension, or Dismissal, the Student may appeal the sanction, to the Vice Chancellor of Student Affairs, on the grounds that the sanction assigned is substantially disproportionate to the severity of the violation. All appeals must be written and should clearly articulate and support the grounds for appeal. Appeals must be received within five Days of the date of Notice from the Dean of her or his action. Appeals may be submitted directly to the Vice Chancellor by e-mail sent from the Student's official University email account, or may be delivered to the Campus Hearing Coordinator.

The imposition of a sanction of Suspension or Dismissal will be deferred during such appeal. The Vice Chancellor of Student Affairs is not limited to those sanctions

imposed by the Dean and may impose any one or more of the sanctions listed in Section IV.F. above, even though such decision may result in the imposition of more severe disciplinary action.

The Vice Chancellor of Student Affairs will have ten Days after the receipt of the appeal to deliver her or his written decision. The decision of the Vice Chancellor of Student Affairs is final. A letter containing the decision will be delivered to the Dean, Student, and Complainant.

K. The Student Conduct Committee

When a case is referred to the Student Conduct Committee, the following will be provided to the Student to assure a fair hearing:

- The Student will be provided written Notice within a reasonable time before the hearing; this Notice will include a brief statement of the basis of the charges, the University policy(s) or campus regulations allegedly violated, and the time and place of the hearing.
- The Student will be provided the opportunity for a prompt hearing.
- The Student will be given the opportunity to present documents and to propose questions to be asked of any witnesses or about any information presented in the hearing.
- The Hearing Committee will evaluate information presented in the hearing to determine if it is more likely or not that the Student has violated this policy.
- Within ten Days following the conclusion of the hearing, the Student will receive a written report including a summary of the findings of fact.
- The Student will be provided an opportunity to respond to the hearing report; at the request of the Student, access to a copy of the recording of the hearing will be made available for use in preparation of a response to the hearing report.

1. Referral of Cases to the Student Conduct Committee

A hearing will be provided for all cases referred to the Student Conduct Committee under this policy.

2. Composition of the Student Conduct Committee

The Student Conduct Committee will consist of the following members:

- a. Chair(s): At least one Chair shall be appointed by the Chancellor.
 - i. The Chair(s) may be faculty members, staff members, faculty or staff emeriti, or volunteers who have either training in the law or experience with the hearing process.
 - ii. They will be appointed for not less than one nor more than three years; however, each may serve until a successor is appointed.
- b. Not fewer than three members from the faculty/faculty emeriti, in addition to the Chair(s) will be appointed by the Chancellor.
 - i. They will be appointed for not less than one nor more than three years; however, may each serve until a successor is appointed.
- c. Not fewer than three members from the staff/staff emeriti.
 - i. The staff members will be nominated by Staff Assembly and appointed by the Chancellor. ii. They will be appointed for not less than one nor more than three years, as determined by the Chancellor; however, each may serve until a successor is appointed.
- d. Not fewer than three undergraduate student members.
 - i. The undergraduate student members will be nominated by USAC and appointed by the Chancellor.
 - ii. They will be appointed for not less than one nor more than three years; however, each may serve until a successor is appointed.
 - iii. During the time of appointment, each student appointee must be a registered and enrolled student at UCLA during each quarter of service on the Committee except during summer periods.
 - iv. Each undergraduate student appointee must have at the time of

appointment, and must maintain throughout her or his period of service on the Committee, a cumulative grade point average of not less than 2.0.

- e. Not fewer than three graduate student members.
 - i. The graduate student members will be nominated by GSA and appointed by the Chancellor.
 - ii. They will be appointed for not less than one nor more than three years; however, each may serve until a successor is appointed.
 - iii. During the time of appointment, each student appointee must be a registered and enrolled student at UCLA during each quarter of service on the Committee except during summer periods.
- f. Alumni members may be appointed by the Chancellor. They will be appointed for not less than one nor more than three years; however, each may serve until a successor is appointed.

3. Training of the Student Conduct Committee

The Office of the Dean of Students is responsible for providing all Student Conduct Committee members with orientation and training on University Policies (including the *UCLA Student Conduct Code*, this policy, and the *UC Policy on Sexual Harassment*); on issues related to domestic violence, dating violence, sexual assault, and stalking; and on how to conduct a hearing in a way that protects the safety of all participants, promotes accountability, and assures a fair, unbiased hearing for the accused Student.

4. Assignment of Student Conduct Committee Panel Members

A panel will consist of at least three but no more than five members of the Student Conduct Committee, one of whom must be a Chair. To the extent possible, students, faculty and staff will be represented equally on hearing panels.

The accused Student or Complainant may, for good cause, challenge the assignment of any particular committee member. The Hearing Coordinator will adjudicate all challenges to committee members.

5. Scheduling of Hearing

It is the intention of this policy that hearings be set as soon as reasonably possible after referral to the Student Conduct Committee. In compliance with UCLA Procedure 630.1, cases involving allegations of sexual harassment must be either resolved by the Dean or heard before the Student Conduct Committee within sixty

Days of the referral of the complaint. This deadline may be extended on approval from the Vice Chancellor of Student Affairs.

The Hearing Coordinator will schedule a hearing of the case to be conducted no sooner than five Days after the date of Notice that the case was being referred to the Student Conduct Committee. Hearings are typically held on normal business days. With mutual consent of the accused Student, Complainant, and the Chair of the Student Conduct Committee, hearings may be held on Saturdays, Sundays, or days on which the campus is closed.

The Hearing Coordinator will give Notice of the time and place of the hearing and other relevant hearing information to the accused Student and Complainant at least five Days prior to the date of the hearing.

The Dean, the accused Student, and Complainant must provide the Hearing Coordinator with relevant material, including the identities of all witnesses as well as copies of any documents which the parties intend to produce at the hearing at least three Days prior to the hearing. To the extent feasible, the Hearing Coordinator will make available any materials to the other parties in the matter two Days prior to the hearing. Any witnesses or materials not submitted to the Hearing Coordinator at least three Days prior to the hearing may be introduced in the hearing at the discretion of the Student Conduct Committee Chair.

6. Hearing Procedures

The accused Student and Complainant will have the opportunity to present documents and witnesses, and to address all information being presented in the hearing. Specifically, the accused Student and Complainant will have the opportunity to propose questions to be asked of witnesses who appear at the hearing in person, or by telephone or other electronic means, and to propose questions to be asked about documents and written statements presented in the hearing.

The accused Student and Complainant may challenge the admission of any documents or written statements on the grounds that those documents or statements are unduly prejudicial. The Student Conduct Committee Chair will determine the appropriateness of all questions and the admissibility of documents and written statements.

The accused Student and Complainant is responsible for presenting his or her information and may choose to be assisted by a Campus Advocate. Either party may identify their own Campus Advocate, or may request to be assisted at no cost by a trained Campus Advocate assigned by the Hearing Coordinator.

Options for assistance may be discussed with the Office of Student Legal Services or the Hearing Coordinator.

If the accused Student does not speak in the hearing, no inferences can be drawn as a direct result of that silence.

The Student Conduct Committee Chair is responsible for the secure and orderly operation and administration of the hearing, and has the right to exclude persons from the hearing room if deemed necessary. All procedural questions are subject to the final decision of the Student Conduct Committee Chair.

A Student who believes he or she will require a reasonable accommodation in the hearing must contact and register with the Office for Students with Disabilities (OSD). OSD will provide the Hearing Coordinator with recommended accommodations. The Hearing Coordinator will either provide the recommended accommodations or work directly with

OSD to discuss alternatives to the recommended accommodations.

If a Student does not attend the hearing, the case may proceed to disposition without the Student's participation.

Information regarding the Complainant's past sexual history or the accused Student's past sexual history will not be admissible unless the Student Conduct Committee Chair makes a specific finding of relevance after an offer of proof has been submitted. The offer of proof must be submitted to and resolved by the Student Conduct Committee Chair before the Complainant testifies.

A screen will be used to separate the accused Student and the Complainant. The screen shall be placed so that the accused Student and the Complainant cannot see each other, but the Student Conduct Committee members can see both the accused Student and the Complainant.

7. Standard of Proof

The Standard of Proof which will be used in hearings is that the University must prove that it is more likely than not that the accused Student committed the misconduct of which he or she is accused.

8. Record of Hearing

The Hearing Administrator will make a single verbatim recording, such as a tape recording, of the hearing. (Deliberations shall not be recorded). This recording shall be the property of the University and will be maintained by the Hearing Coordinator as long as the Office of the Dean of Students maintains the student discipline records (see Section V, Privacy and Records Retention).

The documents submitted by the parties and accepted by the Student Conduct Committee Chair will constitute the official record of the hearing, and will become part of the Student's conduct record.

An accused Student or Complainant who is considering submitting a response to the hearing report will, upon request, be granted post-hearing access to review (but not copy) the recording. This access will be provided on the University campus, during regular business hours; the recording may not be removed from the premises or reproduced. The accused Student or Complainant may be accompanied by the Campus Advocate or Support Person(s) who accompanied the accused Student or complainant at the hearing. When the accused Student or Complainant is unable to be present on the University campus during regular business hours, the Student will be provided reasonable accommodations which may include access to review the recording either on campus on Saturdays, Sundays, or days on which the campus is closed, or at an alternate location.

9. Spectators

To protect the privacy of persons participating in the student conduct process, the hearing will be closed to spectators, including witnesses. Witnesses may only be present in the hearing when answering questions from the Student Conduct Committee.

The accused Student and the Complainant will each be entitled, for support, to have up to two Support Persons of their choice accompany them to the hearing, in addition to their Campus Advocate. A Support Person may not be called as a witness. The Student Conduct Committee Chair has the right to exclude Support Persons from the hearing room if deemed necessary for the secure or orderly conduct of the hearing.

The Complainant will have the right to be present during the entire hearing, notwithstanding the fact that the Complainant is to be called as a witness.

10. Continuing Resolution between the Student and the Dean

Until the Student Conduct Committee makes its report to the Vice Chancellor of Student Affairs, the accused Student may make an admission of responsibility to the Dean assigned to the case. This disposition of the matter will bind all parties and terminate all proceedings.

11. Reports to the Vice Chancellor of Student Affairs

At the conclusion of a hearing, the Student Conduct Committee Chair will provide the Hearing Administrator with:

- a. A summary of the allegations;
- b. a summary of the information presented;
- c. whether, in the opinion of a majority of the Student Conduct Committee Panel, the accused Student has violated one or more of the University policies or campus regulations the accused Student has been charged with violating, or whether there has been insufficient evidence to sustain such a finding and the basis for that opinion; and
- d. if it is the opinion of a majority of the Student Conduct Committee Panel that the accused Student has violated one or more of the University policies or campus regulations which the Student has been charged with violating, a recommendation of sanction(s).

Within ten Days of the conclusion of the hearing, the Hearing Administrator will prepare a report to the Vice Chancellor of Student Affairs which includes this information.

The identity of the Complainant will be disclosed to the accused Student and used in the hearing but reports will not include identifying information about the Complainant.

12. Copies of Reports

A copy of all reports required to be submitted to the Vice Chancellor of Student Affairs by the Student Conduct Committee will be sent to the accused Student, and the Dean when transmitted to the Vice Chancellor of Student Affairs. A copy of all reports will also be sent to both the accused Student and Complainant.

13. Response to the Report by the Accused Student

The accused Student will have five Days from the date of the letter forwarding the hearing report in which he or she may submit a written response challenging the findings and recommendations included in the report.

Such response shall be in writing; shall state on which of the following three grounds it is being submitted; and shall be signed by the Student. Responses may be submitted directly to the Vice Chancellor by e-mail sent from the Student's official University e-mail account, or may be delivered to the Campus Hearing Coordinator.

The three grounds on which a Student may respond are:

- a. The hearing was not conducted in accordance with the *UCLA Student Conduct Code*. Deviations from designated procedures will not be a basis for sustaining a challenge unless the procedural error substantially impacted the finding or sanction.
- b. There is new information, or other relevant facts, potentially sufficient to alter the findings, but that could not have been known to the Student at the time of the hearing.
- c. The Student Conduct Committee has recommended a sanction of a Deferred Suspension, Deferred Dismissal, Suspension, or Dismissal, and the Student believes the sanction(s) recommended are substantially disproportionate to the severity of the violation of the *UCLA Student Conduct Code* which the Student was found to have committed.

14. Response to the Report by the Complainant

The Complainant will have five Days from the date of the letter forwarding the

Hearing report in which he or she may submit a written response challenging the findings included in the report.

Such response shall be in writing; shall state on which of the following two grounds it is being submitted; and shall be signed by the Student. Responses may be submitted directly to the Vice Chancellor by e-mail sent from the Student's official University e-mail account, or may be delivered to the Campus Hearing Coordinator.

The two grounds on which a complainant may respond are:

- a. The hearing was not conducted in accordance with this policy. Deviations from designated procedures will not be a basis for sustaining a challenge unless the procedural error substantially impacted the finding.
- b. There is new information, or other relevant facts, potentially sufficient to alter the findings, but that could not have been known to the complainant at the time of the hearing.

L. Review by the Vice Chancellor of Student Affairs

1. Decision by the Vice Chancellor of Student Affairs

The final decision regarding a case that has been heard by the Student Conduct Committee will be made by the Vice Chancellor of Student Affairs.

2. Basis for Decision

The Vice Chancellor of Student Affairs will base her or his decision upon:

- a. the report submitted by the Hearing Administrator including the findings and recommended sanction of the Student Conduct Committee;
- b. counsel solicited from the Dean regarding sanction(s) imposed in similar cases and any previous cases of misconduct by the Student on file with the Office of the Dean of Students; and
- c. the content of any written response submitted by the accused Student or Complainant. In order to verify any statement submitted by an accused Student or by a Complainant, the Vice Chancellor of Student Affairs may contact persons reasonably expected to have knowledge of such matters.

3. Sanctions

The Vice Chancellor of Student Affairs may decide to impose one or more of the sanctions listed in Section IV.F. The Vice Chancellor is not limited to those sanctions recommended by the Student Conduct Committee, even though such decision may result in the imposition of more severe disciplinary action.

When a response based on new information or other relevant facts that could not have been known to the accused Student and/or Complainant at the time of the hearing and which are deemed sufficient to alter a decision is successful, the Vice Chancellor may opt to send the case back to the Committee to be reheard.

4. Notice of Decision

The Vice Chancellor of Student Affairs will have ten Days after the receipt of the report of the Student Conduct Committee, or the written response by the student and/or Complainant, whichever is latest, to deliver her or his written decision.

The written decision will be delivered to the Student, and to the Dean, and the Complainant.

The Vice Chancellor of Student Affairs may also notify other parties of her or his decision, or may direct the Dean to do so, if there is an institutional interest in doing so, and if such parties are authorized to receive such information under the provisions of Section 130.00 et seq. of the *University of California Policies Applying to Campus Activities, Organizations, and Students*.

IV. INTERIM AND EMERGENCY SUSPENSION

A. Interim Suspension

Before final determination of alleged misconduct, Interim Suspension may be imposed by the Office of the Dean of Students. Interim Suspension, as defined in Section 105.08 of the *University of California Policies Applying to Campus Activities, Organizations, and Students*, may include exclusion from classes or from other specified activities or areas of the campus.

A student will be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

1. Within twenty-four hours of the imposition of the Interim Suspension, the Chancellor or her or his designee will review the information upon which the Interim Suspension was based. If the Chancellor or designee does not affirm the Interim Suspension within twenty-four hours of its imposition, the Interim Suspension will be deemed void and a reasonable effort will be made to inform the Student who was suspended that the Interim Suspension is void. Should the Interim Suspension be voided, that will have no bearing on University disciplinary proceedings arising from the conduct which gave rise to the Interim Suspension. Any such disciplinary proceedings will be conducted under the normal procedures provided by this policy.
2. Upon imposition of the Interim Suspension, the Office of the Dean of Students will notify the Student under the Interim Suspension of the charges against him or her, the length and conditions of the Interim Suspension, and the opportunity for a hearing with the Dean of Students or designee to challenge the Interim Suspension.
3. Hearings to review Interim Suspensions will have scheduling priority. The Student may be assisted at the hearing by an assistant of the Student's choosing and at the Student's expense. The Student may present information in support of the contention that the Interim Suspension is unnecessary or that its conditions should be modified. The Dean of Students or designee is authorized to investigate the facts which gave rise to the Interim Suspension and may lift the Interim Suspension or modify its conditions. Within three Days of the conclusion of the hearing, the Dean of Students or designee will determine a) if the Interim Suspension is necessary; and b) if its conditions should be modified. The result of this hearing will have no bearing on other University disciplinary proceedings arising from the conduct which gave rise to the Interim Suspension. Any such disciplinary proceedings will be conducted under the normal procedures provided in this policy.
4. Disciplinary proceedings involving Students on Interim Suspension will follow the normal procedures provided in this policy, however, at each step of the proceedings they will have scheduling priority.

B. Emergency Suspension

During a state of emergency, the Chancellor may impose Emergency Suspension on a student as described in Section 53.00 of the *University of California Policies Applying to Campus Activities, Organizations, and Students* when there is reasonable cause to believe:

1. The individual has participated in a disturbance of the peace or unlawful assembly, or has acted in violation of the campus emergency orders, has committed an act of physical violence, or has threatened to commit such an act, or has committed a theft or has damaged property; or
2. The individual's presence on campus will lead to violation of campus emergency orders, violence, intimidation, damage to property, or other disruptive activity incompatible with the orderly operation of the campus.
 - a. If Emergency Suspension is imposed by a designated representative of the Chancellor, such representative will immediately inform the Chancellor and will submit a written report on the action to the Chancellor as soon as it is reasonably possible. The report will contain a description of the person suspended, including the person's name and, if available, address and telephone number, and a statement of the facts giving rise to the Suspension. If the Chancellor does not affirm the action of the designated representative within twenty-four hours after being informed that the Emergency Suspension has been imposed, the Emergency Suspension will be deemed void and a reasonable effort will be made to inform the person who was suspended that the Emergency Suspension is void.
 - b. Any Student placed on Emergency Suspension will be given Notice of Emergency Suspension, either by delivering it to the individual personally or by mailing it to the individual's last known address of record. The Notice of Emergency Suspension will inform the individual of the procedures by which the validity of the Emergency Suspension can be appealed, including the opportunity to obtain a special hearing on the Emergency Suspension. If an individual is found to have been unjustifiably placed on Emergency Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist such an individual who has been disadvantaged in her or his employment or academic status.
 - c. Any Student placed on Emergency Suspension will not, during the period of Emergency Suspension, enter upon specified areas of the campus or engage in specified activities, as set forth in the Notice of Emergency Suspension.

The exclusion or restriction will be limited to the minimum extent necessary to protect the health and safety of persons or property, or to maintain the orderly operation of the campus
 - d. The outcome of the appeal will have no bearing on University disciplinary proceedings arising from the conduct which gave rise to the Emergency Suspension
 - e. Violation of any condition set forth in the Notice of Emergency Suspension will subject the individual to disciplinary proceedings based upon such violation.

V. PRIVACY AND RECORDS RETENTION

Student conduct records are confidential. The disclosure of information from such records is subject to section 130.00 of the *University of California Policies Applying to Campus Activities, Organizations and Students* (<http://policy.ucop.edu/doc/2710533/PACAOS-130>), UCLA Policy 220—*Disclosure of Information From Student*

Records (<http://www.adminpolicies.ucla.edu/pdf/220.pdf>) to the California Information Practices Act, and to the Family Educational Rights and Privacy Act.

In cases where the final disposition is Dismissal, the Office of the Dean of Students retains student conduct records indefinitely.

For cases that do not result in dismissal but which are required to be included in the *UCLA Jeanne Clery Crime Statistics Report*, the Office of the Dean of Students retains student conduct records for seven years from the date of the Notice of final disposition. Student conduct records in all other cases are retained for four years from the date of the Notice of final disposition. When there have been repeated violations of the *UCLA Student Conduct Code*, all student conduct records pertaining to an individual student will be retained for four years (seven years for cases which are required to be included in the *UCLA Jeanne Clery Crime Statistics Report*) from the date of the final disposition in the most recent case.

Upon receipt of a request from professional schools, graduate programs, employers, or others, for the disciplinary records of a student, after the student provides an appropriate confidentiality waiver (where applicable), the Office of the Dean of Students will only report and/or release records where violations resulted in a sanction of suspension and/or dismissal, either imposed and deferred, or in the revocation of the awarding of a degree.

VI. AMENDMENT AND MODIFICATION

Amendment of this policy may be made by the Chancellor in consultation with students, faculty, staff, and the Office of the Dean of Students. Prior to adoption, such amendments will be submitted to the Office of General Counsel for review for consistency with the policies of the University of California and state and federal law.

