

UC DAVIS POLICY ON STUDENT CONDUCT AND DISCIPLINE
Effective September 1, 2020

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UC DAVIS POLICY ON STUDENT CONDUCT AND DISCIPLINE

I. POLICY SUMMARY

The Policies Applying to Campus Activities, Organizations and Students are a compendium of university-wide policies relating to student life. Section 100.00 describes the university's policy on student conduct and discipline.

When a formal investigation is deemed appropriate for cases involving reports of Sexual Violence, Sexual Harassment, or other prohibited conduct by the UC Policy on Sexual Violence and Sexual Harassment, campus shall implement the procedures set forth in PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework. Campuses under local procedures may also apply PACAOS Appendix E to adjudicate student conduct violations that occur in connection with violations of sexual violence and sexual harassment.

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

II. DEFINITIONS

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

- A. Student disciplinary records are educational records under state and federal law and UC Davis Policy and Procedure Manual, 320-21 Privacy and Disclosure of Information from Student Records.
- B. Days are counted as university business days.
- C. The terms "UC Davis" and "University" are used interchangeably.

III. POLICY TEXT

100.00 Policy on Student Conduct and Discipline

101.00 Student Conduct

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

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

As specified under Section 14.40 (c) of UC PACAOS, “enrolled in or registered with an academic program of the university” is not limited to taking classes at the university. It includes actions by an individual previously accepted and taking classes who engages in activity reasonably interpreted as continuing to pursue an academic program or representing completion of an academic program at the university.

They also apply to:

1. applicants who become students, for offenses committed as part of the application process;
2. applicants who become students, for offenses committed on campus and/or while participating in university-related events or activities that take place following a student's submittal of the application through their official enrollment;
3. and former students for offenses committed while a student.
4. at UC Davis, “student” includes individuals who are enrolled in or registered in any academic course at UC Davis. In addition to individuals seeking a degree at UC Davis, this includes, but is not limited to, individuals taking courses through UC Davis Continuing and Professional Education or UC Davis Study Abroad.

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

- 101.00.1 Off Campus Jurisdiction. OSSJA has jurisdiction over academic or social misconduct by students that occurs on UC Davis property or involving campus functions, activities, equipment, facilities or locations that are operated under the

university's control. OSSJA also has jurisdiction over conduct that occurs outside of UC Davis property or that does not involve campus functions, equipment or facilities as described below.

- A. OSSJA will consider the following factors in determining whether to exercise off-campus jurisdiction.
 1. The conduct involved the completion of academic work.
 2. The seriousness of the conduct warrants a response by the university.
 3. The conduct involved injury, damage, and/or risk of harm to oneself or others.
 4. The complainant(s) and/or witnesses are members of the campus community.
 5. The off-campus conduct occurred at, or involved activities of a registered student organization.
 6. The conduct is part of a series of actions which occurred both on- and off-campus.
 7. The conduct may also constitute a violation of local, state or federal laws.
 8. The conduct impairs the ability of another student(s) to participate and/or have equal access to university activities.
 9. The incident involves any form of sexual violence or sexual assault or physical assault.
- B. Off campus jurisdiction does not depend on geographic proximity to campus, but may be a factor in determining the impact of the behavior on the university educational environment.
- C. Off campus jurisdiction does not require a reporting party to be a member of the UC Davis community.
- D. The Director has final discretion whether to extend off-campus jurisdiction to alleged student misconduct.

101.00.2 False Information in the Application Process. The University Office of the Registrar has authority to determine whether an applicant's work submitted as part of the application process prior to enrollment is not the applicant's own work or that an applicant has withheld information or submitted information that is false or misleading. If determined to be false or misleading by the Office of the Registrar,

the university may withdraw an admission offer, rescind admission and/or cancel registration. Such action may apply to the UC Davis campus or other campuses of the University of California. Decisions under this section do not require adjudication through OSSJA.

101.00.3 Misconduct Prior to Class Enrollment. Other alleged misconduct that occurs prior to enrollment may be adjudicated through the Office of Student Support and Judicial Affairs and may result in withdrawal of admission and/or disciplinary sanctions including dismissal from the University of California and/or revocation of a University of California degree.

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

102.00.1 UC Davis Standards of Conduct for Students

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

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

- A. Cheating on exams or other coursework
 1. Copying or attempting to copy from another student, allowing another student to copy, or collaborating on an exam
 2. Displaying or using any unauthorized material such as notes, cheat-sheets, or electronic devices, or content generated by artificial intelligence

3. Looking at another student's exam
 4. Not following an instructor's directions
 5. Talking, texting or communicating during an exam
 6. Altering assignments or exams for re-grading purposes
 7. Bringing pre-written answers to an exam
 8. Having another person take an exam for the student, or taking an exam for another student
 9. Theft of academic work
 10. Unexcused exit and re-entry during an exam period
- B. Plagiarism
1. Taking credit for any work not created by the student; work includes, but is not limited to, books, articles, experimental methodology or results, compositions, images, lectures, computer programs, internet postings, and content generated by software or artificial intelligence
 2. Copying any work not created by the student without indicating that it is copied and properly citing the source of the work
 3. Using ideas that are not the student's without putting such work in their own words or form and/or failing to provide proper citation
 4. Using false citations that do not correspond to the submitted work
 5. Representing previous work as if it is original or new work
 6. Submitting the same or similar work in more than one course without prior permission of the instructor
- C. Unauthorized Collaboration on evaluated coursework
1. Working together on evaluated coursework without permission of the instructor
 2. Working with another student beyond the limits set by the instructor
 3. Providing or obtaining unauthorized assistance on evaluated coursework
- D. Misuse of an instructor's course materials or the materials of others
1. Posting, purchasing, obtaining, sharing, or copying any course materials of an instructor without the explicit written permission of that instructor
 2. Unauthorized use of another student's work

- E. Lying or fraud
 1. Giving false excuses to obtain exceptions for deadlines, to postpone an exam or assignment, or for other reasons
 2. Forging signatures or submitting documents containing false information
 3. Making false statements regarding attendance at class sessions, requests for late drops, incomplete grades, or other reasons
- F. Misuse of university properties or resources
 1. Purchasing or selling (or attempting to) one's registration in a class

102.02 Other forms of dishonesty, including, but not limited to,

- A. Fabricating information
- B. Furnishing false information
- C. Reporting a false emergency to the university
- D. Withholding material information

102.03 Forgery, alteration, or misuse of any university document, record, key, electronic device, or identification

102.04 Theft of, conversion of, destruction of, or damage to any property of the university, or any property of others while on university premises, or possession of any property when the student had knowledge or reasonably should have had knowledge that it was stolen

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

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

Please refer to the UC Electronic Communications Policy
(<https://policy.ucop.edu/doc/7000470/ElectronicCommunications>)

Also, refer to:

UC Davis [PPM 310-23 Electronic Communications – Allowable Use](#)

UC Davis [PPM 250-05 Digital Millennium Copyright Act](#)

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

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

- A. See [UC Davis Student Housing and Dining Services Guide to Residence Life](#)
- B. Regulations and Rules governing other university-owned or -operated housing facilities located on or off university property

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

- A. Physical assault
- B. Threats of Violence
- C. Conduct that threatens the health or safety of any person; behavior in which a reasonable person would be placed in fear of bodily harm or the conduct would reasonably cause bodily harm to a person.

Sexual Violence (including Sexual Assault-Penetration, Sexual Assault-Contact and Relationship Violence) is defined by the University of California Policy on Sexual Violence and Sexual Harassment. Please refer to 102.26.

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

Harassment includes, but is not limited to, conduct that is motivated on the basis of a person's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identify, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition (cancer-related or genetic characteristics), or perceived membership in any of these classifications.

The classifications also include conduct motivated by gender, gender expression, and genetic information (including family medical history).

Pursuant to Section 104.90, sanctions may be enhanced for conduct motivated on the basis of the above classifications.

Sexual Harassment is defined by the University of California Policy on Sexual Violence and Sexual Harassment. Please refer to 102.26.

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

Stalking of a sexual or romantic nature is defined by the University of California Policy on Sexual Violence and Sexual Harassment. Please refer to 102.26.

102.11 deleted on October 9, 2009:

102.12 Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace resulting in psychological harm to any student or other person

A. Conducting and/or engaging in activities of initiation or pre-initiation that involve physical, verbal or emotional abuse, harassment, presence or use

of alcohol, humiliation, mistreatment of animals, unreasonable or meaningless acts or services, or acts that are illegal, perverse, publicly indecent, contrary to the individual's genuine moral and/or religious beliefs, or contrary to the rules, policies, and regulations of the university.

- B. Such activities are considered hazing regardless of an individual's willingness to participate or option not to participate.

Examples of hazing activities may be found at the Center for Student Involvement website. <https://csi.ucdavis.edu/policies/hazing/>

- 102.13 Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university activities
- A. Obstruction or disruption means that the behavior has caused interruption or interference of the teaching, research or public service missions of the university, the orderly operation of the campus and its administrative functions, campus disciplinary procedures, or other university activities.
1. What is considered interruption or interference will depend on the totality of the circumstances, including, but not limited to, the nature of the event or environment in which the conduct occurs, the seriousness of the behavior, prior notice of expectations, and persistence of the behavior.
 2. University activities include curricular or extra-curricular events on campus that support the educational mission of the university or the free expression of speech or ideas on campus. This includes events hosted by students or student groups and applies to university-sponsored events that occur off-campus. It includes activities or operations on campus in which individuals have a lawful right to access.
- B. An attempt to retaliate against, influence, or interfere with any witness or party in a university investigation or student conduct process
- C. Obstruction or disruption includes, but is not limited to:

1. interfering with the orderly operation of the campus involving teaching, research, administration, disciplinary procedures or other university activities.
2. pressuring an instructor or teaching assistant to regrade work, change a final grade, or obtain an exception such as changing the date of an exam, extending a deadline, or granting an incomplete grade.
3. refusing to leave an office when directed to do so.
4. physically or verbally intimidating or threatening an instructor, teaching assistant, or staff person, including, but not limited to, invading personal space, or engaging in any form of harassment.
5. repeatedly contacting or following a faculty or staff person when directed not to do so.
6. misusing a classroom electronic forum by posting material unrelated to the course.
7. interfering with an instructor's or teaching assistant's ability to teach a class, or interfering with other students' participation in a class.
8. conduct that interferes with a speaker or presenter from delivering their message or an audience from receiving the message.
9. conduct that interferes with others' lawful access to university activities or university-owned, -operated, or -controlled facilities

102.14 Disorderly or lewd conduct

102.15 Participation in a disturbance of the peace or unlawful assembly

102.16 Failure to identify or comply with directions

- A. Failure to identify oneself to, or comply with the directions of, a university official or other public official acting in the performance of their duties while on university property or at official university functions
- B. Resisting or obstructing such university or other public officials in the performance of or the attempt to perform their duties
- C. Failure to comply with a university No Contact Directive issued by a university official

- 102.17 Unlawful manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of controlled substances, identified in federal and state law or regulations
- A. Prohibited manufacture, distribution, dispensing or sale of controlled substances
 - B. Prohibited use or possession of controlled substances
- 102.18 Manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, university policy or campus regulations
- A. Prohibited manufacture, distribution, dispensing or sale of alcohol
 - B. Prohibited use or possession of alcohol
- 102.19 Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices
- 102.20 Possession, use, or manufacture of a firearm or other weapon as prohibited by campus regulations
- 102.21 Violation of the conditions contained in the terms of a disciplinary action imposed under these Policies or campus regulations
- 102.22 Violation of the conditions contained in a written Notice of Emergency Suspension issued pursuant to Section 53.00 of these Policies [UC PACAOS] or violation of orders issued pursuant to Section 52.00 of these Policies [UC PACAOS], during a declared state of emergency
- 102.23 Selling, preparing, or distributing for any commercial purpose course lecture notes or video or audio recordings of any course unless authorized by the university in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a student is a violation of these Policies whether it was the student or someone else who prepared the notes or recordings.

Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a University of California course unless authorized by the university in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder)

- 102.23.1 Copying, posting or distributing materials provided by an instructor for any non-commercial purpose
- 102.24 Conduct, where the actor means to communicate a serious expression of intent to terrorize, or acts in reckless disregard of the risk of terrorizing, one or more university students, faculty, or staff. 'Terrorize' means to cause a reasonable person to fear bodily harm or death, perpetrated by the actor or those acting under their control. 'Reckless disregard' means consciously disregarding a substantial risk. This section applies without regard to whether the conduct is motivated by race, ethnicity, personal animosity, or other reasons. This section does not apply to conduct that constitutes the lawful defense of oneself, of another, or of property
- 102.25 Making a video recording, audio recording, taking photographs, or streaming audio/video of any person in a location where the person has a reasonable expectation of privacy, without that person's knowledge and express consent
- Looking through a hole or opening, into, or otherwise viewing, by means of any instrumentality, the interior of a private location without the subject's knowledge and express consent
- Making a video recording, audio recording, or streaming audio/video of private, non-public conversations and/or meetings, without the knowledge and express consent of all recorded parties
- These provisions do not extend to public events or discussions, nor to lawful official law or policy enforcement activities. These provisions may not be utilized

to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

Definitions

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

“Private locations” are settings where the person reasonably expected privacy. For example, in most cases the following are considered private locations: residential living quarters, bathrooms, locker rooms, and personal offices.

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

Invasions of Sexual Privacy are defined by the University of California Policy on Sexual Violence and Sexual Harassment. Please refer to 102.26.

- 102.26 Violation of the University of California Policy on Sexual Violence and Sexual Harassment
- 102.27 Violation of the [UC Davis Interim Freedom of Expression Policy, Section 400-01](#)
- 103.00 Student Discipline Procedures
- 103.10 Procedural Due Process
- Procedural due process is basic to the proper enforcement of university policies and campus regulations. Chancellors shall establish and publish campus regulations providing for the handling of student conduct cases in accordance with basic standards of procedural due process. Consistent with this requirement, procedures specified in such regulations shall be appropriate to the nature of the case and the severity of the potential discipline.

103.10.1 UC Davis Student Discipline Procedures

103.10.2 Reporting Suspected Student Misconduct to OSSJA

A. Faculty, students, staff, or others, including parties not affiliated with the university, may submit reports of suspected misconduct to OSSJA. The person directly affected by the behavior, or someone acting on their behalf may submit a report. At a minimum, a report should include the following information:

1. Name and contact information of reporting party
2. Approximate date of alleged violation
3. Brief description of alleged misconduct

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

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

103.10.3 Timeliness of Complaints

- A. Reports to OSSJA for suspected academic misconduct must be sent to OSSJA within 45 days after the end of the quarter in which the suspected misconduct occurred, or reasonably should have been discovered.
- B. Reports of suspected social misconduct must be sent to OSSJA within 60 days of when the suspected conduct occurred, or reasonably should have been discovered, unless OSSJA determines that a longer reporting period is warranted.
- C. Late reports may not be the subject of a formal hearing, unless the Director grants an extension for cause. The Director has final authority to decide whether to extend a reporting deadline.
- D. Exceptions to time deadlines for reporting misconduct include, but are not limited to,
1. reports involving alleged physical abuse.

2. reports in which the law or other policy provides for a longer reporting period.
3. reports in which the complaining party provides justifiable excuse for the delay. The Director has discretion whether to grant an exception taking into consideration the impact of the delay in reporting upon the accused student including availability of witnesses or evidence.

103.10.4 Preliminary Review by OSSJA

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

103.10.5 Notice to Reported Student

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

103.10.6 Procedures for Resolving Conduct Referrals

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

103.10.7 Informal Resolution.

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

A. Procedures for Informal Resolution

1. If the reported student participates in informal resolution, the process usually includes one or more meetings or other communications between the student and OSSJA to discuss the reported misconduct.
2. The student is required to appear in person for the first meeting unless OSSJA determines that there is reason for the meeting to be conducted by phone or other electronic means.
3. At the first meeting with the reported student, the Judicial Officer describes the student conduct process, informs the student that the university has the burden of proof and the student is considered not in violation until admitted or found in violation through the appropriate fact-finding or hearing process, and explains verbally the information supporting the report of misconduct. The first meeting is part of the informal resolution process. The reported student is afforded an opportunity to respond, to ask questions, and to discuss possible options for resolving the case. OSSJA is not obligated to provide copies of the information supporting the report. The student, however, may request access to their educational records as provided in University PPM 320-21.
4. A student has the right to remain silent without any inference of culpability. Any information the student provides in the informal resolution process must be truthful. Providing false information in the conduct process may be considered a basis for additional charges or be considered an aggravating factor for assigning disciplinary sanctions. Information from the informal resolution process may be shared with the reporting party and may become evidence in a later formal process.
5. A reported student may consult and/or be accompanied by an advisor of their choice at any point during the informal process;

however, students are expected to speak for themselves if the student chooses to do so. The advisor may, at the student's own expense, be an attorney. The advisor may not be another student who has been reported for the same incident or is a potential witness to the incident. OSSJA also reserves the right to limit the number of individuals who may accompany a student to a conduct meeting. Generally, OSSJA allows one person to accompany a reported student as an advisor.

6. OSSJA will consider requests from the reported student for disability related accommodations.
7. OSSJA will consider requests from the reported student for language interpretation.
8. OSSJA may consult with the person who submitted the report before resolving a referral. OSSJA may also inform the reporting party if the accused student has a disciplinary history.
9. If the reporting party is a student or university non-affiliate, OSSJA will not release information as limited by policy and law regarding the confidentiality of student records.
10. OSSJA may offer to resolve the case informally by agreement between the student and OSSJA. If agreement is reached, it will be stated in writing and either be signed or accepted in writing, electronic signature or e-mail by the student, and generally contains the following terms, as appropriate:
 - a. The agreement should state whether a violation is acknowledged, and if so, describe the agreed facts of the incident and the nature of the admitted violation.
 - i. OSSJA may offer a student to resolve a matter by "not contesting" the misconduct as reported.
 - ii. "Not contesting" the reported misconduct is equivalent to admitting that the information is sufficient to establish the misconduct as charged and the student chooses to accept a disciplinary sanction for the misconduct.
 - iii. Normally, OSSJA will not offer to resolve cases of academic misconduct by "no contest."

- iv. OSSJA has sole discretion whether to offer resolution by “no contest.”
- b. If the student and OSSJA agree on the appropriate sanction(s), the agreement will describe the terms of the sanction(s) to be imposed. A grade penalty is not a disciplinary sanction.

103.10.8 Sanction Review by Director

- A. If a reported student admits to a reported violation, but does not agree with the proposed disciplinary sanction, the student may request, in writing, that the Director determine the appropriate sanction.
- B. The Director’s decision regarding the disciplinary sanction for admitted academic misconduct does not affect an instructor’s authority regarding assigning grades.
- C. A student on a deferred sanction is not eligible for the Director’s review.
- D. Process for Sanction Review by Director
 - 1. The Judicial Officer will provide the student with a written description that states whether a violation is acknowledged, and if so, describes the agreed facts of the incident and the nature of the admitted violation. The student may accept the written description by e-mail, electronic signature or written signature. If the student does not accept the written description, a sanction review is not available.
 - 2. If accepted, the student is provided the opportunity to present relevant information, in writing or in person to the Director for consideration regarding disciplinary sanction(s).
 - 3. The purpose of the review is not to reargue the facts of the case, but to consider appropriate sanctions.
 - 4. OSSJA will send a written notice of Sanction Review to the student containing the following information:
 - a. The subject of the Sanction Review
 - b. The statement of agreed facts
 - c. The admitted policy violation
 - d. The procedures that will be followed
 - 5. Timeframe

- a. Normally, the student may submit materials and/or meet with the Director no later than seven (7) days after the date of the Notice of Sanction Review.
 - b. The Director will decide the appropriate disciplinary sanction and notify the student in writing no later than 10 days after the deadline for the student to submit materials or meet with the Director.
6. A student may appeal the Director's decision under Section 103.11.7.D for Grounds 2 and 3 only.

103.10.9 Unilateral Action

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

- A. Circumstances in which unilateral action may be imposed.
1. A reported student fails to respond/participate despite reasonable efforts by OSSJA to contact the student. Reasonable efforts are defined as: OSSJA has contacted the student in writing at least twice without response and has subsequently notified the student in writing of pending unilateral disciplinary action without response. OSSJA will provide a deadline of at least seven (7) days after sending the notice of pending disciplinary action before imposing the stated unilateral action.
 2. The student withdraws or fails to re-register while a conduct referral is pending and the student fails to respond and participate in the conduct process as described in (1) above.
 3. The student fails to complete an imposed condition of any disciplinary sanction, including, but not limited to completing community service hours, submitting a monetary fine, submitting an assigned paper, attending educational workshops.

4. A student has previously agreed to or been placed on a status of a deferred sanction and subsequently is found in violation of the deferred sanction. See 105.13 for definitions of deferred sanctions.
 5. When there is reasonable cause to believe that the student's participation in university activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person, or other disruptive activity incompatible with the orderly operation of the campus.
 6. When another university official, including, but not limited to, a faculty member or other university official meets with a student regarding a violation of university policy and requests that OSSJA retain the student's name on file as a written record of the violation by the student.
 7. When there is a reasonable basis for the university to direct a student not to have further contact with identified individuals. A reasonable basis means there is concern that the health or safety of the protected person, or the ability of the protected person to access university's resources and opportunities may be impacted by contact with the student. A No Contact Directive or order is considered a direction by a university official.
- B. OSSJA has discretion to take any of the following unilateral actions:
1. Administrative actions. Administrative actions are not disciplinary sanctions, and do not constitute a conduct record.
 - a. OSSJA may place administrative holds on a student's registration, graduation, diploma, and transcripts in the following circumstances:
 - i. Failure to meet deadlines to schedule appointments
 - ii. Pending disciplinary referrals
 - iii. Conditions of a disciplinary sanction have not been completed
- OSSJA will provide written notice that administrative holds will be placed by a stated date for above circumstances.

- b. OSSJA may issue administrative notices regarding university standards and policies ([UC PACAOS Section 104.80.1](#)).
 - c. OSSJA informs a student not to have further contact with another individual in any form ([UC PACAOS Section 104.80.2](#)).
2. Disciplinary Sanctions
- a. Disciplinary holds. OSSJA may impose disciplinary holds on a student's registration, graduation or transcripts as a final resolution of a student's referral.
 - b. OSSJA may impose Censure, Probation, Suspension, or Dismissal.
 - c. OSSJA may retain a student's name on file (Name on File) as a written record of a student violation reported to OSSJA by other university officials. The student is notified that their name will be kept on file by OSSJA regarding the violation.
 - d. Interim Suspension; OSSJA may impose an interim suspension from the university in keeping with Section 105.08 of these Policies.
- C. Appeal of Unilateral Action. The student who is subject to administrative action or disciplinary sanctions imposed under this section may appeal OSSJA's decision as follows:
- 1. Appeal of Administrative Holds.
 - a. A student may request in writing to OSSJA for the removal of administrative holds.
 - b. The Director has final discretion whether to release administrative holds and the conditions under which they may be released.
 - c. The Director will notify the student in writing of the decision.
 - d. There is no further appeal regarding administrative holds.
 - 2. Appeals from Unilateral Discipline imposed for failure or refusal to respond must be submitted to the Director in writing within ten days of the date in which the unilateral discipline was imposed. The appeal must state reasonable grounds for the student's non-cooperation or failure to respond during the original process. The

Director may sustain the original unilateral discipline, or may reopen the discipline process for informal resolution or formal hearing. If the Director sustains the original action, the student may appeal as provided in Section 103.11.7 below.

3. Appeals from discipline imposed under a deferred sanction must be submitted as provided in Section 103.11.7 below.
 4. A student is provided an opportunity to meet with a OSSJA staff person to respond to a Name on File. The OSSJA staff person may dismiss the case, resolve the referral with an Administrative Notice, or reopen the disciplinary process for informal resolution or a formal hearing.
 5. An Administrative Notice or a No Contact Directive is not a disciplinary sanction and is not subject to appeal.
- D. Unilateral action in response to campus COVID-19 regulations under Section 102.27.
1. Upon receipt of a report of non-compliance by a student, OSSJA will review the report. The report should include the student's name, student ID number (if available), approximate date/time/location of the reported violation, and nature of the violation.
 2. This Section applies to reported violations of Section 102.27. It may also apply to violations of other UC Davis Standards of Conduct (Sections 102.01 through 102.25) that are reasonably related to the incident; herein referred collectively as, Section 102.27 &c.
 3. OSSJA may take one or more of the following steps after reviewing the report.
 - a. Notify the student, in writing, of the reported violation and issue a non-disciplinary Administrative Notice (104.80.1) to the student.
 - b. Notify the student, in writing, of the reported violation, and impose disciplinary sanctions that do not involve Suspension (105.05) or Dismissal (105.06) from the university, if OSSJA determines that a preponderance of the evidence supports that the student violated Section 102.27 &c.

- c. Within three days of receiving notice, the student may submit information to OSSJA and/or request a meeting with OSSJA to respond to the report; however, OSSJA has final authority to determine whether the student violated Section 102.27 &c. and impose disciplinary sanctions as allowed under (b) for the violation(s).
 - d. If the reported violation of 102.27 &c. warrants Suspension or Dismissal from the university, OSSJA will follow standard UC Davis disciplinary procedures provided in the UC Davis Policy on Student Conduct and Discipline outside of Section 103.10.9.D.
 - e. The appropriate disciplinary sanctions will depend on the seriousness of the violation and whether the student has prior violations of Section 102.27 &c.
 - f. Appeals
 - i. A student may not appeal findings and/or sanctions that OSSJA issues under this Section for violating Section 102.27 &c.
 - ii. A student may appeal findings and/or sanctions that affects a student's status such as suspension or dismissal, as provided under Section 103.11.7.
 - g. The university may use Interim Suspension (Section 105.08) and its implementing procedure under 105.08.1 to address incidents that involve 102.27 &c.
 - h. OSSJA will not report disciplinary records of violations involving Section 102.27&c. to third parties outside the university unless the sanctions include Suspension or Dismissal.
4. Registered Student Organizations
- a. The university will apply the standards of behavior under Section 102.27 &c., to Registered Student Organizations, including Greek letter organizations.
 - b. The university will address reported violations by Registered Student Organizations under Appendix B of this Policy.

5. Student housing management may address reported violations of Section 102.27 &c. under this Section for university disciplinary sanctions.
 - a. On campus student housing includes any university-owned, -operated, or -leased housing facilities or public private partnership (P3) properties located on university property.
 - b. Reported violations of Section 102.27 &c. may be referred for university disciplinary sanctions and/or administrative action in accordance with this Section and/or student housing regulations.
 - c. Student housing management may also establish conduct standards that apply specifically to student residences or grounds directly adjacent to student residences.
6. Off campus jurisdiction.
 - a. The university will apply behavioral requirements under Section 102.27 &c. to behavior that occurs off campus and creates a health or safety risk to the campus community.
 - b. The university will use the procedures outlined under this Section for reported incidents under 6.a. for off campus behavior by students.
 - c. For Registered Student Organizations, the university shall use the procedures under Appendix B for reported violations of 102.27 &c. that occur off campus.
7. Amnesty
 - a. The university may provide amnesty for violations of Section 102.27 &c. for individuals who comply in good faith with contact tracing for reported incidents.
 - i. An offer of amnesty will depend on factors, including, but not limited to the seriousness of the incident, intent to violate Section 102.27 &c., and whether amnesty has been provided previously.
 - b. An individual who participates as a complainant or witness in an investigation of sexual violence will not be subject to disciplinary sanctions for a violation of Section 102.27 at or near the time of the incident, unless the institution

determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk.

- 103.10.10 A health condition does not excuse a violation of student conduct standards, and the campus may use the student disciplinary process and impose sanctions. If the student demonstrates that they lack the capacity to respond, to participate in the disciplinary process, or to comprehend their actions, OSSJA may review and determine the possible impact on the disciplinary process. The Director may decide not to pursue the disciplinary process or to proceed with the process and allow the accused student to present the information and supporting evidence in the formal hearing process.
- 103.10.11 Involuntary acts or acts committed under duress. An action is "involuntary" if it is entirely without volition, will, or power of choice (e.g., disruption, injury or property damage resulting from a seizure). Violations committed under the influence of drugs, alcohol, or other controlled substances are not involuntary and are subject to discipline. An action is taken "under duress" if the individual is compelled to act by injury or explicit threat of physical harm. A student who claims that their actions were involuntary or taken "under duress" as defined above has the burden of presenting information to support the claim. OSSJA will review and determine the possible impact on the disciplinary process. The Director may decide not to pursue the disciplinary process or proceed and allow the accused student to present the information and supporting evidence in the formal hearing process.
- 103.11 When a formal hearing is deemed to be appropriate for fact finding, campus implementing regulations shall provide the following minimum procedural standards to assure the accused student a fair hearing:
1. Written notice, including a brief statement of the factual basis of the charges, the university policies or campus regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing;
 2. The opportunity for a prompt and fair hearing where the university shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and

cross-examine witnesses presented by the university; no inference shall be drawn from the silence of the accused;

3. A record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and
4. An appeals process.

103.11.1 Formal Hearing Procedures

103.11.2 If OSSJA is unable to resolve a matter informally after a reasonable time for review, and if attempts at informal resolution are unsuccessful because issues remain in dispute, OSSJA may refer the case to an appropriate body (hearing authority) for a formal fact-finding hearing.

- A. A formal disciplinary hearing is a process whereby members of our community (students, faculty, and/or staff), or in exceptional circumstances, a third party not affiliated with the university, receives evidence and makes recommended findings of fact. It is not a court proceeding.
 1. Third parties, not affiliated with the university, may be assigned to serve as a hearing authority for social misconduct cases. Third parties may only be assigned in exceptional circumstances and the Director has sole discretion whether to assign a third party to serve in this capacity.
 2. Third parties may be faculty or staff at other UC campuses or the Office of the President or individuals who are not affiliated with the University of California.
- B. Hearings are scheduled and concluded (a) with reasonable promptness to avoid unnecessary hardship for the student, reporting party, or witnesses and (b) to permit the parties reasonable time to prepare.
 1. Hearings may be held during summer sessions or academic break periods depending on availability of parties and a hearing authority.
 2. A formal hearing will normally be charged and held within 75 days of the date of the first meeting with the student regarding the matter unless extended by the Director.
- C. At a minimum, a reported student has the following rights when OSSJA pursues a conduct referral through a formal hearing.

1. Written notice of the date, time and place of the formal hearing with a reasonable time to prepare for the hearing
2. A brief statement of the factual basis of the charges
3. The university policies allegedly violated
4. The university bears the burden of proof, that is, a student is considered not in violation unless adjudicated through the conduct process
5. The opportunity to present documents and witnesses
6. The opportunity to question witnesses
7. The right to remain silent without any inference of culpability, however, when a student selectively participates in the process – such as choosing to answer some but not all questions posed, the hearing authority may consider the selective participation in evaluating the party's credibility
8. An audio record of the hearing
9. Written findings of fact
10. A decision in writing based on a preponderance of the evidence.
11. An appeal process.

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

- A. The role of a hearing authority is to conduct a formal hearing and recommend findings to OSSJA whether a preponderance of the evidence establishes a violation of conduct standards.
- B. Types of Hearing Authorities:
 1. Campus Judicial Board (CJB) panel
 2. Hearing Officers
 3. Hearing Panels
 4. Graduate and Professional School Hearing Panels
- C. The term "hearing authority" applies to 1, 2, 3, or 4 above.
- D. Formal hearings involving charges of alleged academic misconduct will be heard by hearing panels composed of faculty and students, or a faculty hearing officer.
- E. Campus Judicial Board (CJB) panel

A CJB panel, normally comprised of students and faculty, has primary responsibility for hearing disputed cases of suspected academic misconduct. CJB panels comprised of students and faculty or staff may hear social misconduct cases at the discretion of the Director.

1. The Vice Chancellor for Student Affairs ("Vice Chancellor") or designee may appoint 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 chair without special appointment. Student CJB members serve one-year terms and may be reappointed.
 - a. CJB student members will receive annual training regarding university policies for student conduct, the student disciplinary process, and procedures to be followed in formal hearings.
 - b. Under the general direction of OSSJA, additional roles for CJB student members may include but are not limited to:
 - i. Developing, implementing, and presenting outreach programs and educational materials to encourage academic integrity and responsible and ethical conduct in the campus community.
 - ii. Providing information to students about the student discipline process.
 - iii. Serving as advisors to an accused student or reporting party for a formal hearing if the CJB member is not assigned to serve on a hearing panel associated with the case.
 - iv. Meeting with accused students as part of the informal resolution process or to follow up with a student who has completed an educational task or community service.
2. The Vice Chancellor, or designee, may appoint faculty members (Academic Senate and Academic Federation members) to the Campus Judicial Board as nominated by the Davis Division Committee on Committees. Any faculty member may serve as chair

or a hearing officer without special appointment. Faculty CJB members serve one or two year terms and may be reappointed.

3. The Vice Chancellor, or their designee, may appoint staff members to serve as hearing officers or as hearing panel members. Staff members serve one or two year terms and may be reappointed. Staff serve on hearing panels or as hearing officers only for social misconduct cases.
4. Normally, a CJB or hearing panel will consist of three persons. A hearing panel may be chaired by a student, staff or faculty member, as appropriate. Panels must include at least one student member.
5. By agreement between a reported student and reporting party and with approval by the Director, the composition of the hearing panel may include fewer than three persons.

F. Hearing Officer

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

1. The Director has sole discretion to determine whether a hearing officer or hearing panel conducts a formal hearing.
2. Cases of reported social misconduct are normally heard by a hearing officer.
3. An appointed CJB student or faculty member may serve as a hearing officer in disciplinary matters without special appointment.
4. With agreement by the reported student(s), a faculty member may be assigned to serve as a hearing officer for cases of academic misconduct when it is difficult to assemble a hearing panel such as during the summer or other break periods.
5. Unless previously trained as a CJB member, hearing officers will receive training from OSSJA regarding university policies, the student disciplinary process, and the procedures to be followed in conducting a formal hearing.

G. Hearing Panels

university faculty, students, staff members may be appointed by the Vice-Chancellor or designee to hear student disciplinary cases as hearing panel members.

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

H. Graduate and Professional Schools

Cases involving graduate students or professional students in the Graduate School of Management, the Law School, the School of Education, or the School of Nursing, may be heard before a graduate and professional school hearing panel.

1. A graduate and professional hearing panel will receive appropriate training in university disciplinary policies and procedures.
2. For cases involving alleged academic dishonesty, the graduate and professional hearing panel should include at least one graduate-level student and one faculty member with graduate-level teaching and research experience, preferably from the Division or School in question.
3. For cases involving alleged social misconduct, a hearing officer may be appointed consistent with E. above.

- I. The UC Davis Schools of Medicine and Veterinary Medicine have established their own hearing bodies and written procedures for resolving student discipline cases involving their own students. If requested by the school, OSSJA may assist or adjudicate cases involving students in these schools. Disciplinary records for students at the Schools of Medicine or Veterinary Medicine are kept by the school in question, and OSSJA may be notified of any disciplinary action taken against such students.

103.11.4 Preparation and Presentation of Cases

- A. Reported students and reporting parties normally speak on their own behalf at the hearing.

1. In academic cases, the reporting party is generally the instructor of record (IOR) for the class, a teaching assistant, an associate instructor, or university staff person who reported the matter to Student Support and Judicial Affairs regarding the suspected misconduct.
 - a. If the reporting party is not the IOR, OSSJA will notify the IOR about the report and provide an outline of the case with the submitted evidence.
 2. In social cases, a university student, staff person or faculty member may be assigned to serve as a university representative to present information in support of the charges.
 3. An OSSJA staff person or CJB student member may serve in the role of a university representative for academic or social cases.
- B. The reported student and the reporting party may each have one advisor of their choice to help understand the hearing process and who may accompany them at the hearing.
1. Advisors may include, but are not limited to, the following:
 - a. Student or faculty members of the CJB.
 - b. OSSJA Judicial Officers.
 - c. Attorneys. The party must notify the Director within three days of the date of the Notice of Hearing letter.
 2. A student who is a party to the referral or an individual who is a potential witness may not serve as an advisor.
 3. The accused student and the reporting party generally are responsible for preparing and presenting their own evidence and witnesses at a formal hearing. Advisors may assist the parties prior to, and at a hearing, but advisors do not prepare or present the case for the parties.
 4. Generally, advisors do not take a direct part in hearings without the approval of the hearing authority.
 5. The role of the advisor may be expanded in exceptional cases at the discretion of the Director if a party will be unfairly disadvantaged in the absence of such additional assistance.

6. The hearing authority may exclude an advisor from the hearing if the advisor fails to comply with the hearing procedures, becomes disruptive, or impedes or interferes with the hearing process.

103.11.5 Hearing Procedures

- A. These procedures apply to all disciplinary hearings unless specifically waived by the accused student or reporting party.
 1. A hearing authority may adopt other procedures consistent with these policies to ensure a fair hearing for all parties, if reasonable notice is given before the hearing.
 2. An OSSJA representative attends all hearings and may provide directions and instructions to a hearing authority to ensure compliance with these policies and to facilitate the hearing process. The OSSJA representative may serve in one or more of the following capacities:
 - a. Attend the hearing to ensure that procedures are properly followed
 - b. Answer procedural questions that arise during the hearing
 - c. Lead the hearing process performing the ministerial tasks of the Chair
 - d. The OSSJA staff person will not attend, nor participate in deliberations.
- B. Once OSSJA determines that a formal hearing is necessary to resolve the matter, OSSJA sends the student written notice within a reasonable time before the hearing.
 1. The notice of hearing will normally be e-mailed at least ten days before the scheduled hearing date, unless the student agrees to a shorter period or the Director has determined that the student has received adequate notice from prior communications.
 2. The notice should include the following information:
 - a. The time, date, and place of the hearing, or notice that the hearing will be held at a time and place to be specified in a later notice

- b. A brief description of the suspected violation that the university alleges and the university policies or campus regulations reportedly violated
 - c. A statement that the university bears the burden of proof and that an accused student is considered not in violation until otherwise established
 - d. A statement that a student has the right to remain silent without any negative inference; however, when a student selectively participates in the process – such as choosing to answer some but not all questions posed, the hearing authority may consider the selective participation in evaluating the party’s credibility.
 - e. A statement of the initial information to be provided prior to the hearing such as documents and other materials and the names of any witnesses with a brief description of the purpose of their testimony
 - f. A deadline by which the university and the reported student must submit information and the names of witnesses with a brief description of the purpose of their testimony
 - g. A statement that the student is entitled to be accompanied/assisted by an advisor
 - h. An outline of the hearing process
 - i. Either in the notice of hearing, or as soon as possible afterwards, the name(s) of the hearing panel members or hearing officer so that the student may submit a challenge (Section 103.11.5.D)
- C. The accused student may request records in the possession of the university to be considered as evidence at the hearing. The Director or hearing authority may exclude material that is determined to be repetitious or otherwise not relevant. The Director or hearing authority will provide a brief explanation as to why the information will not be included.
- 1. Any information to be provided at the hearing must be submitted in advance to OSSJA, including:(1) copies of documents and other evidence and (2) the names of potential witnesses with a brief description of the purpose of each witness’s testimony.

2. The university and reported student will submit information to OSSJA described in 1. above at least four (4) days prior to the hearing. The information will be made available to the parties three (3) days prior to the hearing.
 3. The university and reported student may submit additional information limited to rebuttal of the other party's submission of information no later than two (2) days prior to the hearing and be made available to the parties one (1) day prior to the hearing. Any information submitted after this deadline will be considered at the hearing by exception with the approval of the Director or the hearing authority.
- D. Hearing authorities should have no prior involvement in the case and should disqualify themselves for any conflict of interest or if they believe they cannot render a fair decision.
1. Either party may challenge a panel member or hearing officer for stated reasons. A challenge will be made to OSSJA within three (3) days after receiving notice of the names of the panel members.
 2. OSSJA or the chair may disqualify the challenged panel member upon a finding that he or she is unable to make an impartial decision, or may overrule the challenge.
 3. OSSJA or the chair may provide a brief statement of reasons if a challenge is denied.
 4. If disqualification of a panel member prevents a quorum, an alternate panel member will be assigned to the hearing.
- E. If several witnesses will be presented, the issues are complex, or if otherwise deemed useful, a pre-hearing conference may be scheduled at the discretion of the hearing panel chair, hearing officer, or OSSJA. At the pre-hearing conference, the parties will submit documents and lists of witnesses and the general facts to which they will testify. OSSJA, the hearing panel chairperson or the hearing officer may decide any procedural issues and may exclude proposed testimony that is irrelevant, unduly repetitive, or unreasonably time consuming, or may reserve such determinations until the hearing.
- F. Hearings will normally be "closed," but the accused student may request that the hearing be "open" if the request is submitted no later than three

days after receiving the notice of hearing. The Director has authority to deny the request if the Director determines that an open hearing would invade the privacy rights of others; if it might reasonably be expected to result in threats to or intimidation of witnesses; or for other substantial reasons. If OSSJA grants the request for an open hearing, it should be scheduled in a room that provides reasonable space for the public to be present. If there is interference with the orderly progress of an open hearing, the hearing authority may adjourn and reconvene as a closed hearing. If the hearing is open to the public, notice of the decision may be made public.

G. Who May Be Present at the Hearing

1. The accused student and the reporting party are both entitled to be present throughout the hearing and to hear (or, if hearing impaired, to access through auxiliary aids for services) testimony of all individuals who testify at the hearing, with their advisors, if any. The accused student's failure to appear will not be construed as evidence of culpability; however, the hearing authority will reach its findings on the evidence presented at the hearing.
2. OSSJA or the hearing authority may implement measures they deem appropriate to protect the well-being of the parties and witnesses. This may include:
 - a. visual or physical separation of the parties,
 - b. the use of a physical partition,
 - c. a separate physical location,
 - d. videoconference and/or other appropriate technology,
 - e. arrangement that questions for the parties or witnesses will be directed through the hearing authority.

To assess credibility, the hearing authority must have sufficient access to the parties or witnesses presenting information.

3. When more than one student is reported about a single incident or set of facts, OSSJA will generally schedule a joint hearing for all the accused students to conduct a full and fair consideration of the case. All the accused students may be present at the joint hearing. OSSJA may, at its discretion, schedule and conduct separate hearings.

4. Witnesses wait outside the hearing room when not testifying. Witnesses are excused upon completion of their testimony, but may be recalled, if necessary.
 5. An accused student is entitled to one support person to accompany them at a hearing. The support person may not take an active part during the hearing. The support person may not testify as a witness.
 6. Deliberations are conducted in closed session, with only members of the panel or hearing officer present.
 7. OSSJA will consider requests from the parties and witnesses for disability-related accommodations.
 8. OSSJA will consider requests from parties and witnesses for language interpretation.
- H. Evidence and Testimony
1. Formal rules of evidence or court procedures are not used and do not apply in the student disciplinary process. Student discipline hearings are not court proceedings; the procedures used in civil or criminal trials, motions, or other proceedings before a court or administrative agency do not apply. For example, discovery procedures, requirements for pleadings, and the hearsay rule do not apply in student disciplinary hearings.
 2. The hearing panel or hearing officer may receive and consider spoken, written, or other evidence of the kind on which reasonable persons are accustomed to rely on in serious matters, as described below.
 3. The accused student and the reporting party will have the opportunity to testify and present witnesses and other evidence regarding the facts of the suspected violation and whether a violation occurred.
 4. A Judicial Officer may present evidence (a) regarding an alleged violation or (b) regarding an appropriate sanction, considering the nature of the violation admitted or found to have occurred, aggravating or mitigating circumstances, and OSSJA policies and practices regarding sanctions imposed in similar cases.

5. Eyewitness testimony and circumstantial evidence in any form (e.g., documents, pictures, electronic, and/or physical evidence) may be presented to the hearing authority.
 6. One person's report of another's statements (hearsay) may be received by the hearing authority. The hearing authority may discount hearsay evidence in part or in whole as appropriate. A hearing authority may not base a decision solely on hearsay evidence.
 7. A criminal plea, trial, and/or conviction, including a court order, opinion, transcript of sworn testimony, or other official record may be received as evidence.
 8. The findings and report of a university investigation may be received as evidence. The person who conducted and prepared the investigation report will normally testify at the hearing about the investigation process and the findings.
 9. The panel may weigh credibility and make findings based on the testimony of one witness against another or against other evidence.
 10. The panel may exclude irrelevant or unduly repetitious evidence.
 11. The hearing authority may choose to limit the length of testimony so that the hearing can be completed in a reasonable length of time.
- I. Testimony and Questioning of Witnesses
1. Testimony must be truthful. All parties and witnesses must specifically agree before testifying that their testimony will be truthful. Individuals may be subject to appropriate disciplinary procedures and actions if they provide false information in the hearing process.
 2. No student witness may be compelled to incriminate themselves.
 3. The accused student may remain silent and their silence should not be taken as inference of culpability. If either party or witnesses decide to selectively testify, the hearing authority may consider the selective participation when evaluating credibility.

4. Parties may ask questions of each other and witnesses in the order determined by the chair, unless hearing authority decides that questions will be posed through the hearing authority.
 5. Both the accused student and the reporting party may request that specified witnesses attend the hearing and testify. If a witness is unavailable to testify at a hearing, OSSJA may arrange for testimony to be taken at an alternate time under conditions providing an opportunity for oral or written questioning by both parties and the panel members. OSSJA does not have authority to compel the attendance or testimony of witnesses.
- J. After all evidence has been heard, the accused and the reporting party may present a brief closing summary. No new evidence may be presented during a closing summary. The closing summary allows the parties to review and highlight evidence for the panel that was provided at the hearing.
- K. To substantiate charges of misconduct in the formal hearing process, the university bears the burden of proof based on a preponderance of the evidence.
1. A preponderance of the evidence is a standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.
 2. The standards of "beyond a reasonable doubt" and "clear and convincing evidence" do not apply to UC Davis student disciplinary proceedings.
 3. Findings and determinations whether a violation occurred may be based only upon evidence considered during hearings.
- L. OSSJA will audio record the hearing, but not the deliberations.
1. A written log/index of the timing of each witness's testimony may be kept, but is not required.
 2. After the hearing, the accused student and the reporting party may request access to review the hearing recording and index.
 3. The audio recording is retained as part of the record for as long as the discipline record is retained.

4. Other than the official record provided above, mechanical or electronic devices for recording or broadcasting are excluded from the hearing.

103.11.6

Report by Hearing Authority

- A. The hearing authority will prepare a brief written report and recommend findings of fact to the Director.
- B. At the discretion of the Director, the Director may request that the hearing authority consider and submit recommendations for sanctions as part of their deliberations.
- C. The report should normally be submitted within ten days of the hearing unless extended by the Director.
- D. The report will include findings of fact as to each specified charge and recommend whether the conduct as found violates the policies or regulations as reported. If the decision is not unanimous, both a majority and a minority report may be submitted.
- E. Upon receipt of the recommended findings, the Director will review and has authority to take the following actions.
 1. Accept the recommended findings.
 2. Return the recommended findings for clarification or reconsideration. If a report is returned for reconsideration, the issues/evidence to be considered should be specified.
 3. Not accept the recommended findings. The Director may decide that a reasonable person would not reach the hearing authority's findings based on the evidence the hearing authority relied upon. The Director will explain the reasoning for reaching the decision.
 4. If the Director finds the student in violation, the Director will decide appropriate disciplinary sanction(s).
 - a. Professional schools may adopt their own standards regarding expected disciplinary sanctions for their students who violate university policy.
- F. OSSJA will notify the parties of the Director's decision and include a copy of the hearing authority's findings and recommendations within ten (10) days of receiving the final findings of fact from the hearing authority. The Director will also provide written notice of the decision and findings to

reporting parties who are campus officials, in accordance with legitimate educational interest criteria.

1. The notice of decision may be sent to the UC Davis email address of record for that individual, and should specify the due date of any appeal, and the name and address of the official to whom the appeal must be submitted.
2. The decision may be made public only if the hearing was open.

103.11.7 Appeals

- A. Appeals from either party must be filed within the time set in the notice of decision letter, generally ten (10) days after the notice of decision is emailed or postmarked.
- B. Appeal authority
Appeals from a decision regarding undergraduate students are decided by the Associate Vice Chancellor. Appeals from a decision regarding graduate and professional students are decided by a designated official from Graduate Studies or the professional school to which the reported student belongs.
- C. Who May Appeal
 1. The accused student may appeal a decision of the Director on one or more of the grounds specified in 103.11.7.D below.
 2. In cases involving academic misconduct, the reporting party may appeal on one or more of the grounds specified in 103.11.7.D below.
- D. The appeal must be in writing, and may request that the decision and/or sanction(s) be amended or overruled on the following grounds:
 1. The decision is not based on substantial evidence. The appellant has the burden of persuading the appeal authority that a reasonable person could not reach the same conclusion based upon the evidence that the hearing authority or Director relied upon in their decision.
 2. There is incongruity between the findings and the sanction(s). The appellant has the burden of persuading the appeal authority that the imposed sanctions are disproportionate to the findings. The appeal authority may consider all relevant information including the record of the case, the reasons that supported the sanction

decision, and any information submitted by the parties in the appeal process.

3. There has been unfairness or procedural error in the proceedings that materially affects the findings. The appealing party has the burden of persuading the appeal authority that (i) the university did not follow its procedures during the hearing or (ii) there was demonstrated bias, such that, if true, is substantial and sufficient to alter the findings and decision.
 4. There is newly discovered evidence not known or available at the time of the hearing that is material to the findings. The appealing party has the burden of persuading the appeal authority that there is new information that was not known or available or would reasonably have not been known or available at the time of the hearing that is substantial and sufficient to alter the findings and decision.
- E. At the discretion of the Director, a copy of the appeal may be provided to the non-appealing party who may submit a written response within three days of receiving a copy of the appeal.
 - F. The appeal authority may deny the appeal; grant the appeal in whole or part; return the matter to a hearing authority for a new hearing; or direct such other relief as they deem appropriate.
 - G. A Notice of Decision on Appeal will be provided in the same manner as Section 103.11.5.B. The student may prepare a statement in response to the decision to be kept on file in their disciplinary record.
 - H. The Decision on Appeal will be completed within 14 days of submission of the appeal unless extended by the appeal authority.
 - I. The Decision on Appeal is final. No additional appeal rights are available to either party.

104.00 Administration of Student Discipline

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

104.10.1 Disciplinary Reports Related to Alleged Crimes

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

OSSJA is not required to delay the disciplinary process if there is a criminal investigation or prosecution, and has sole discretion in determining how to proceed.

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

- 104.30 A student, as defined in Section 14.40 of these Policies [UC PACAOS], at one campus of the university, who is accused of violation of university policies or campus regulations on another campus of the university or at an official function of that campus, shall be subject to the disciplinary procedures of either the former or the latter campus as an outcome of conferral between designees of both campuses. The imposition of any recommendations for disciplinary sanctions arising from these procedures must be reviewed and approved by both campuses before the sanctions are imposed.
- 104.31 If an alleged violation of university policies occurs regarding an official university-wide function not on a campus, the student accused of the violation shall be subject to the disciplinary procedures of the campus at which the individual is a student, except in those cases in which the President directs otherwise.
- 104.40 The loss of university employment shall not be a form of discipline under these Policies. However, when student status is a condition of employment, the loss of student status will result in termination of the student's employment. This section is not intended to preclude the disclosure to other appropriate university officials of information relating to any student's judicial records if that information may be reasonably construed to have bearing on the student's suitability for a specific employment situation. This section is also not intended to preclude an employer from terminating a student's employment outside the disciplinary process.
- 104.40.1 Student employees (including student academic appointees) may be disciplined for violating the UC Davis Policy on Student Conduct and Discipline, and be subject to personnel action by their employer (e.g., reprimand or release from employment) in accordance with applicable agreement or policy.
- 104.50 In imposing discipline other than Suspension or Dismissal, access to housing and health services shall not be restricted unless the act that occasioned the discipline is appropriately related to the restriction.
- 104.60 If because of an official campus appeal it is determined that the student was improperly disciplined, the Chancellor shall, if requested by the student, have the record of the hearing sealed, and have any reference to the disciplinary process

removed from the student's record. In such case, the record of the hearing may be used only in connection with legal proceedings. The Chancellor also may take other reasonable actions to ensure that the status of the student's relationship to the university shall not be adversely affected.

104.70 [Rescinded – January 1, 2015]

104.71 [Rescinded October 13, 2005]

104.80 Whether or not a hearing is conducted, campuses may provide written notice to a student that their alleged behavior may have violated university policy or campus regulations and that, if repeated, such behavior will be subject to the disciplinary process. Evidence of the prior alleged behavior as detailed in the written notice may be introduced in a subsequent disciplinary action in order to enhance the penalty.

104.80.1 Administrative Notice

Official written notice to a student that their alleged behavior may have violated university policy or campus regulations and that, if repeated, such behavior will be subject to the disciplinary process. Evidence of the prior alleged behavior as detailed in the written notice may be introduced in a subsequent disciplinary action regarding the student's knowledge of university and campus policies and to determine the appropriate disciplinary sanction.

104.80.2 No Contact Directive

A. A No Contact Directive (NCD) is a direction issued by a university official notifying a student not to have any further contact with an individual through any means whether in person or through any other means, including but not limited to, electronic communication or communication through third parties.

B. A No Contact Directive (NCD):

1. Is an administrative record, not a disciplinary sanction, and does not constitute a disciplinary record.
2. Is issued for reasonable cause, as determined by the Director of OSSJA.

3. Identifies a student as the subject of the No Contact Directive and an individual as the protected party.
 4. Can only be issued to individuals who are students as defined under these Policies.
 5. Will take into consideration the needs and circumstances of each case and be issued to promote the safety and well-being of the campus community, to protect the involved parties, and protect the integrity of a conduct process or an investigation.
 6. May be considered a mutual directive when appropriate.
 7. May direct communication involving a campus or registered student organization to occur through third parties.
- C. Protected persons may be any members of the university community including, but not limited to students, faculty, staff, and alumni.
- D. No Contact Directives may remain in place until both parties request that it be lifted, OSSJA determines that it will no longer be considered valid, until a student's degree is awarded by the Academic Senate or the student permanently leaves the university.
- E. A No Contact Directive is not a restraining order or protective order with force of law. It does not establish a minimum distance in which the parties must remain separated.
- F. Limitations on No Contact Directives. A No Contact Directive cannot:
1. Abridge a person's legal rights. If communication is necessary because of legal action, then a No Contact Directive cannot preempt these rights.
 2. Limit student employment or other employment. The university may be able to work with the employer to rearrange shifts or reduce communication.
 3. Limit a student's enrollment in or participation in a class. The university may direct students regarding entrances and seating arrangements or by agreement with the parties, assist in transferring students to alternative sections of a class.
 4. Limit official communication if both parties belong to an organization not affiliated with the university. Any communication must be limited in scope to the purpose that is required. Personal

subject matter outside the scope may violate the No Contact Directive.

5. Limit persons from communicating with others about an incident if it does not involve third party contact directed by one party to the other or that a reasonable person would conclude would result in third party contact with the other party.
- G. If there is an alleged violation of the No Contact Directive, OSSJA will review and decide whether to pursue disciplinary action. OSSJA may issue an administrative notice, pursue disciplinary action, or impose interim suspension.

104.81 Campuses may set forth in campus implementing regulations, policies for placing holds on requests for transcripts, diplomas, or other student records. Such holds may be placed when a student fails to respond to a campus written notice of charges or to prevent a student from transferring or having their degree conferred until all allegations against a student or any assigned sanctions and student disciplinary conditions have been fully resolved. Such campus implementing regulations will include processes for notifying the student of the hold, the conditions in which a hold will be removed, and the process for allowing the student to request the removal of the hold. (see 103.10.9 B. and C.)

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

The classifications also include conduct motivated by gender, gender expression, and genetic information (including family medical history).

105.00 Types of Student Disciplinary Action
When a student is found in violation of university policies or campus regulations, any of the following types of student disciplinary action may be imposed. Any

sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation.

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

105.04.1 Restrictions on University Employment and Surrender of University Identification and Property

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

105.05 Suspension

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

A student may not transfer or register for courses at another campus or location of the University of California during the period of Suspension.

During Suspension:

- Student status is terminated.
- Students may not register for, enroll in, or audit any classes at UC Davis or other UC campus, including summer sessions, Extension, or Open Campus.
- Students may not attend any classes or complete work to resolve an incomplete grade.
- Students may not participate in any university activities or employment for which student status is required.
- Students may not arrange for internships, study abroad, or other opportunities through any UC department or program.
- Students may use university services available to non-students at the non-student rate.

- Students may take courses at colleges or universities outside of the University of California; however, the ability to transfer coursework is determined by the student's College or other appropriate academic unit.

105.06 Dismissal

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

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

- A. This Policy applies to former UC Davis students seeking readmission after Dismissal and former students of other UC campuses seeking admission to UC Davis after Dismissal from another UC campus.
- B. Absent exceptional circumstances, the university will not consider a petition for readmission for three years following Dismissal.
- C. Students must submit a petition, in writing, to the Office of the Chancellor and Provost or their designee. Readmission is rarely granted.
- D. The Chancellor or their designee may identify conditions that a student is required to complete prior to return or upon return.
- E. If granted, the Chancellor or their designee will specify the quarter in which a student is permitted to return.
- F. If a petition is denied, the student may not submit another petition for at least one year.
- G. Other UC campuses establish their own deadlines and criteria for considering petitions for readmission.

105.07 Exclusion from Areas of the Campus or from Official University Functions

Exclusion of a student as part of a disciplinary sanction from specified areas of the campus or other university-owned, -operated, or -leased facilities, or other facilities located on university property, or from official university functions, when there is reasonable cause for the university to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on university property or at official university

functions, or other disruptive activity incompatible with the orderly operation of the campus.

- 105.071 In accordance with California Penal Code 626.2, a student who, after a hearing, has been suspended or dismissed from the university for disrupting the orderly operation of the campus or facility of the institution, and as a condition of the suspension or dismissal has been denied access to the campus or facility, or both, of the institution for the period of the suspension or in the case of dismissal for a period not to exceed one year; who has been served by registered or certified mail, at the last address given by that person, with a written notice of the suspension or dismissal and condition; and who willfully and knowingly enters upon the campus or facility of the institution to which they been denied access, without the express written permission of the chief administrative officer of the university, is guilty of a misdemeanor.

The chief administrative officer for the purpose of this section is the Vice Chancellor of Student Affairs, or their designee.

- 105.08 **Interim Suspension**
 Exclusion from classes, or from other specified activities or areas of the campus, as set forth in the Notice of Interim Suspension, before final determination of an alleged violation. A student shall be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in university activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on university property or at official university functions, or other disruptive activity incompatible with the orderly operation of the campus. A student placed on Interim Suspension shall be given prompt notice of the charges, the duration of the Interim Suspension, and the opportunity for a prompt hearing on the Interim Suspension. Interim Suspension shall be reviewed by the Chancellor within 24 hours. If a student is found to have been unjustifiably placed on Interim Suspension, the university is committed to a policy whereby reasonable efforts are taken to assist an individual who has been disadvantaged with respect to employment or academic status.

- 105.08.1 Procedures for Interim Suspension
- A. The university may consider the following criteria in deciding whether to issue an interim suspension:
 1. Seriousness of the alleged incident, including but not limited to, aggravated assault, possession of weapons, threats of violence, and sexual misconduct.
 2. Level of fear for safety or well-being caused by the reported individual involving any member of the university community.
 3. Level of disruption to campus activities.
 - B. The Vice-Chancellor of Student Affairs or other designated officials may review Notices of Interim Suspension as delegated by the Chancellor.
 - C. The student is entitled to request and have a prompt hearing before the Director at which time the student has a right to respond regarding the imposition of the interim suspension or the alleged misconduct.
 - D. The Director will inform the student in writing within two days of a requested hearing whether to lift the interim suspension, modify it, or keep it in place while a disciplinary matter is pending.
 - E. There is no appeal process following a decision to lift, modify or keep an interim sanction in place.
 - F. The student retains all rights under this policy to any disciplinary proceedings involving the charges for which the interim suspension was issued.
 - G. While in place, the university will normally review interim suspensions each quarter and determine whether the interim suspension should be retained, modified, or overturned.
- 105.08.2 In accordance with UC Davis Policy and Procedure Manual, Section 390-20 Maintenance of Order, the Director may withdraw consent to be on campus or order a student to leave campus as described in California Penal Code 626. The Director will follow the procedures stated in PPM 390-20 for issuing this order.
- 105.09 Restitution
- A requirement for restitution in the form of reimbursement may be imposed for expenses incurred by the university or other parties resulting from a violation of these policies. Such reimbursement may take the form of monetary payment or

appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student who alone, or through group or concerted activities, participates in causing the damages or costs.

105.10 Revocation of Awarding of Degree

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

105.11 Other

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

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

A. Educational Projects

A student may be assigned to complete a specific educational task or project. The purpose of such assignments is to help the student build skills and coping strategies so the misconduct is not repeated, to help restore the community and repair the harm arising from the misconduct, and to give students the opportunity to help prevent misconduct by developing ways to reach and warn other students so they do not make similar mistakes. Educational assignments include, but are not limited to:

1. Writing Assignment

A student may be assigned to research a topic related to ethics, read assigned books, and write a paper. Another project may require the student to write a personal code of conduct. The purpose of these writing assignments is to help the student reflect on and learn from what has happened.

2. Workshop/Training/Meetings

A student may be assigned to complete workshops, trainings, or other meetings, including, but not limited to, improving academic or personal skills, receiving academic advising, improving decision

making skills, receiving alcohol or drug education, addressing anger management. The student may be required to pay the cost, if any, for completing the workshop, training, or meeting.

3. Community Service

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

B. Monetary Fine or Sanction Payment

C. Other

105.11.2 Restorative Justice

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

105.12 Deferred Separation

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

Dismissal, after determining that a violation has occurred.

106.00 Posting Suspension or Dismissal on Academic Transcripts

When, because of violations of the Policy on Student Conduct and Discipline, a student is suspended or dismissed, a notation that the discipline was imposed must be posted on the academic transcript for the duration of the suspension or dismissal. Thereafter, notations of suspension or dismissal reflected on a student's transcript may be removed as set forth in campus regulations.

- A. Suspension for misconduct is annotated on student transcripts with the statement "Disciplinary Suspension from UC Davis".
- B. Dismissal is annotated on student transcripts with the statement "Disciplinary Dismissal from the University of California".
- C. Suspension, Suspension of Graduation, or Dismissal for academic misconduct will include the phrase "for Academic Misconduct" appended to the language in A. or B.
- D. Notations of Suspension are removed at the end of the Suspension; notation of Dismissal is removed if the student is readmitted to UC Davis. No other disciplinary actions appear on transcripts.

IV. COMPLIANCE / RESPONSIBILITIES

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

V. PROCEDURES

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

requirements do not permit such consultation. (See also Section 13.10 of these Policies [UC PACAOS].)

Chancellors shall consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these Policies that have been specifically mandated by law. Campuses shall specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised. (See also Section 13.30 of these Policies [UC PACAOS].)

Prior to their adoption, all proposed campus implementing regulations, including all substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these Policies and the law. (See also Section 13.40 of these Policies [UC PACAOS].)

- A. Revisions to UC Davis student conduct policies and procedures are coordinated and published by OSSJA in accordance with university and campus policies.
 1. Recommendations for revision or amendment to these procedures:
 - a. OSSJA periodically reviews and proposes revisions to student conduct policies and procedures.
 - b. Any hearing authority, in addition to making recommendations on a discipline case, may recommend to OSSJA that identified university policies and/or campus regulations (including these procedures) be modified for stated reasons.
 2. The Campus Judicial Board, ASUCD, or other constituencies, related advisory committees, or affected units may recommend revisions or amendments to student conduct policies and procedures.
 3. Revision resulting from changes in UC systemwide policies, Academic Senate regulations, or law. If a substantive revision results from a change of university-wide policy that has been specifically mandated as above, no consultation is required.

- B. Review by Vice Chancellor, Chancellor, and Office of the President. Before adoption, proposed substantive revisions to UC Davis student conduct policies and procedures are submitted to the Vice Chancellor of Student Affairs, the Chancellor, and the UC Office of the President for review.
- C. Publication of Revised Policies and Procedures. After final review and revision, the revised policies and procedures are published and made available on the Internet.

APPENDIX A RECORD RETENTION POLICY OF STUDENT DISCIPLINARY RECORDS

- I. OSSJA will retain disciplinary records according to the following schedule:
 - A. Disciplinary Records involving Censure/Warning, Disciplinary Probation, and Deferred Separation will be maintained until the student receives their degree.
 - B. Disciplinary Records involving Suspension will be maintained for three years after a student's expected date of receiving a degree or actual date of receiving a degree. A student's actual date of receiving a degree takes precedence over a student's expected date of graduation for retention purposes.
 - C. Disciplinary Records involving Dismissal will be maintained indefinitely.
 - D. Receipt of degree is defined as the date in which the Academic Senate formally approves the awarding of a degree following graduation.
 - E. At its sole discretion, OSSJA may retain a disciplinary record for a longer or shorter period than provided above.
 - F. At its sole discretion, OSSJA may re-categorize a disciplinary record as a non-disciplinary record for administrative purposes or as required by law. Such records will not be released except as required by law.

APPENDIX B REGISTERED STUDENT ORGANIZATION CONDUCT

- A. Registered Student Organizations (RSOs), as recognized through the Center for Student Involvement (CSI), are responsible for following the UC Davis Standards of Conduct for Students (UC Davis Standards of Conduct) Sections 102.01 through 102.26, as well as university administrative policies (see Section J).
- B. Alleged individual misconduct arising from participation in an activity sponsored or engaged in by a RSO does not excuse an individual student's accountability under the provisions of UC Davis Policy on Student Conduct and Discipline. Likewise, individual student accountability for actions while participating in an organization's activity does not excuse the RSO's accountability.
- C. Student Officers of a RSO may be held accountable individually for knowingly, negligently permitting, or condoning any violation of the UC Davis Standards of Conduct by the RSO. Student Officers are expected to intervene to prevent violations of the university policy by the RSO in which they are an Officer, and at minimum, notify an appropriate staff/advisor when they become aware of a potential violation.
- D. A RSO may be affiliated with state, regional, national or international organizations. The university may report alleged violations of university regulations by a RSO to the organization's governing body or affiliated organizations.
- E. Reports of misconduct by a RSO are categorized as Tier 1 or Tier 2 policy violations.
 - 1. Tier 1 policy violations involve minor violations of university administrative policies identified in, but not limited to, Section J. CSI may address Tier 1 policy violations with a RSO according to CSI policy.
 - 2. Tier 2 policy violations include alleged violations of the UC Davis Standards of Conduct and/or repeated or serious Tier 1 violations.
- F. Under University of California policy (University of California PACAOS 70), the following summarizes the basic standards of due process provided to a RSO for reports adjudicated by the Office of Student Support and Judicial Affairs (OSSJA) as Tier 2 violations.
 - 1. Upon receipt of a report of alleged misconduct, OSSJA reviews the report to determine whether the alleged behavior, if true, violates the UC Davis Standards of Conduct.
 - 2. For alleged violations involving potential threat to the health and safety of any person, or conduct that disrupts the orderly operation of the campus, or conduct

of a similar serious nature, OSSJA may direct the RSO to cease operations while the conduct matter is pending.

3. OSSJA will notify the RSO, in writing, of an alleged violation and direct the RSO to schedule a meeting, normally within three days of the notice.
 - a. The e-mail address of the primary listed officer for the RSO will be considered the official contact address for the RSO.
 - b. The RSO will designate one individual to respond to the incident (Responding Official), normally the president or primary officer of the RSO.
 - c. If the RSO fails to respond to OSSJA within three days, OSSJA may place holds on the RSO's registration privileges and proceed to adjudicate the referral based on the evidence.
 4. At the scheduled meeting, OSSJA will inform the Responding Official of the nature of the referral and the policies that may have been violated.
 5. The Responding Official may be accompanied by one advisor, including, at the RSO's expense, an attorney. The advisor does not take an active role in the process and is expected to be a silent observer.
 6. The RSO may present evidence regarding the reported incident including the names of potential witnesses.
 7. OSSJA investigates and reviews all information related to the incident. This includes, but is not limited to, witness interviews, collecting documents and other evidence. The RSO does not have right to the identity of witnesses or cross-examination of witnesses.
 8. The RSO may review any written documentation supporting the report.
 9. OSSJA issues a written decision to the RSO, based on a preponderance of the evidence, with findings and determination whether the organization violated the UC Davis Standards of Conduct for Students and/or administrative policies.
- G. If found in violation, OSSJA imposes the appropriate sanctions and/or outcomes. This includes:
1. Conditional Registration (that may include stated conditions).
 2. Revocation of Registration for stated period. The standard term of Revocation of Registration is five (5) years. Future registration is not guaranteed by CSI.
 3. Loss of privileges
 4. Restitution
 5. Restorative Justice

- a. Restorative Justice is appropriate when a RSO has accepted responsibility for its conduct.
 - b. Restorative Justice is an opportunity for the RSO and other affected parties to address the harm caused by the violation.
 - c. OSSJA has sole discretion whether to offer Restorative Justice as an outcome.
 - d. Restorative Justice does not replace disciplinary sanctions.
 - e. All parties must agree to participate in the process in good faith.
 - f. Restorative Justice may be considered a mitigating factor in determining sanctions.
- H. Appeal procedures:
- 1. For Revocation of Registration, the RSO has the right to appeal, in writing, to the Associate Vice Chancellor (AVC) of Student Life or designee within ten days of the notice of decision from OSSJA.
 - 2. An appeal may be based on the following grounds:
 - a. The decision is not based on substantial evidence. The appellant has the burden of persuading the appeal authority that a reasonable person could not reach the same conclusion based upon the evidence that the hearing authority or Director relied upon in their decision.
 - b. There is incongruity between the findings and the sanction(s). The appellant has the burden of persuading the appeal authority that the imposed sanctions are disproportionate to the findings. The appeal authority may consider all relevant information including the record of the case, the reasons that supported the sanction decision, and any information submitted by the parties in the appeal process.
 - c. There has been unfairness or procedural error in the proceedings that materially affects the findings. The appealing party has the burden of persuading the appeal authority that (i) the university did not follow its procedures during the hearing or (ii) there was demonstrated bias, such that, if true, is substantial and sufficient to alter the findings and decision.
 - d. There is newly discovered evidence not known or available at the time of the hearing that is material to the findings. The appealing party has the burden of persuading the appeal authority that there is new information that was not known or available or would reasonably have not been known

or available at the time of the hearing that is substantial and sufficient to alter the findings and decision.

3. Upon review, the AVC may grant the appeal, deny the appeal, return the matter to OSSJA for additional information for the AVC to review, or provide other relief as appropriate.
 4. The Decision on Appeal by the AVC is final. There are no further appeal rights.
- I. OSSJA maintains records of misconduct by Registered Student Organizations
1. The records of RSOs are not confidential.
 2. OSSJA maintains records of RSOs for seven (7) years following the closing date of any conduct case.
 3. CSI may also retain records of misconduct by RSOs according to their retention policy.
- J. university administrative policies. These can also be found on the Center for Student Involvement Policy and Guidelines webpage.

Alcohol-PPM 270-21 Sales, Service, and Consumption of Alcoholic Beverages
 Amplified Sound- PPM 270-20, Use and Reservation of University Properties/Event Arrangements
 Candle Light Vigil Protocol-PPM 390-40 Fire Safety
 Commercial Activity Policy and Guidelines- 270-25, Commercial Activities (270-25)
 Distribution of Literature-PPM 310-25 Distribution of Information and Literature
 Facility Attendants-PPM 270-20 Use and Reservation of University Properties/Event Arrangements
 Facility Decorations and Alterations-PPM 270-20 Use and Reservation of University Properties/Event Arrangements
 Film and Video Copyrights-PPM 250-01 Copyright
 Fire Safety-PPM 390-40 Fire Safety
 Food-PPM 290-40 Health and Safety Services
 Fundraising-PPM 270-16 Fund Raising on University Property
 Nondiscrimination Policy-UC PACAOS Section 70 – Policy on Registered Campus Organizations
 Political and Religious Activities-PPM 400-01 Freedom of Expression
 Posting Policy-PPM 310-27 Posting of Information
 Symbolic Structures-PPM 400-01 Freedom of Expression
 Ticket Sales- PPM 270-45 Ticket Sales

APPENDIX C AGGIES ACT/RESPONSIBLE ACTION PROTOCOL

I. Purpose

The Aggies Act has been developed with the intention of reducing the health risks associated with the overconsumption of alcohol and/or controlled substances, removing barriers to seeking medical assistance and promoting community wellbeing and safety. The goal of this Protocol is to foster a responsible and caring community.

II. Protocol

- A. Students receiving medical assistance in an alcohol and/or controlled substance medical-related emergency, to be defined as the ‘at-risk student,’ and students initiating medical assistance, to be defined as the ‘assisting student,’ will not be subject to the formal housing violation or student conduct process if all of the following apply:
1. The at-risk student, assisting student, or another person contacts university staff and/or university affiliate or emergency services for medical assistance on behalf of the at-risk student;
 - a. When notified by an assisting student, UC Davis Police will share the name of the assisting student with OSSJA and/or Student Housing only with the individual's consent.
 2. With the exception of use and/or possession, no other major UC Davis Standards of Conduct violations (including, but not limited to, disorderly conduct, distribution of controlled substances, hazing, physical assault, vandalism, etc.) were committed by the assisting student or at-risk student during the same incident; and
 3. Neither the at-risk student nor the assisting student has used this Protocol more than once in a 2-year period. The 2-year period begins on the day the protocol is first used.
- B. A medical related emergency involves a situation in which a reasonable person would conclude that contacting emergency medical services or a someone who directly contacts emergency medical services is necessary to avoid imminent harm to the individual who has consumed alcohol and/or other controlled substances.

- C. Other students involved in seeking service on behalf of the at-risk student or assisting the at-risk individual may be able to use the protocol at the discretion of the Office of Student Support & Judicial Affairs (OSSJA) and/or the Student Housing Office. The student obtaining amnesty can call on behalf of someone regardless of whether that someone is a student.
- D. The at-risk student, as well as the assisting student, will be referred to OSSJA or Student Housing to review the incident. OSSJA and Student Housing have the authority to require the person(s) using the Protocol to complete an assigned educational program/intervention (e.g., Alcohol Education Group, Alcohol Tobacco and Other Drug Intervention Services consultation, etc.), by a deadline established by OSSJA or Student Housing.
 - a. Failure to participate in or complete an assigned educational program(s) will nullify a student's eligibility under this Protocol. The student will be subject to university disciplinary procedures for the original incident.
 - b. Participation in and completion of an assigned educational program will not be maintained as a student disciplinary record. OSSJA and the Student Housing Office will instead retain a separate non-disciplinary administrative record of the incident.
- E. Subsequent Incidents
 - a. If the assisting student calls for another student during an alcohol or controlled substance medical-related emergency within 2 years after use of this Protocol, the subsequent incident will not be eligible under this Protocol.
 - b. If the at-risk student is directly involved in an alcohol or controlled substance medical-related emergency within 2 years after participation under this Protocol, the subsequent incident will be reviewed by OSSJA for appropriate action.
- F. OSSJA will retain records of all reports addressed by this Protocol in accordance with their record retention policy.
- G. Graduate and professional students are eligible for use of this Protocol. However, they may also be subject to discipline by their respective school for violating school-specific professional conduct policies relating to the use of alcohol and/or controlled substances. If a student is enrolled in multiple schools, then each school to which the student is enrolled act at their discretion for the event.

- H. Nothing in this Protocol will prevent an individual who is obligated by local, state or federal law from reporting, charging or taking other action related to the possible criminal prosecution of any student or non-affiliate.
- I. Nothing in this Protocol will preclude an individual from their past, present, or future employment related contractual obligation(s). The Protocol only applies to a student's UC Davis conduct record as retained by OSSJA and/or Student Housing.

References:

California Assembly Bill 1999

<http://awareawakealive.org/downloads/California-amnesty-law.pdf>

UCOP Protocol Proposal

UC San Diego Tritons Act: Responsible Action Protocol

https://students.ucsd.edu/_files/student-conduct/Responsible-Action-Protocol-FINAL-2-27-14.pdf