

Code of Student Conduct



University of California, Irvine
Code of Student Conduct

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I. PREAMBLE AND GENERAL PROVISIONS

(Refer to University Policy 10.00)

In carrying out its teaching, research, and public service activities, the University has an obligation to maintain conditions under which the work of its members—the faculty, students and staff—can go forward freely, in accordance with the highest standards of excellence, institutional integrity, and freedom of expression, and with full recognition by all concerned of the rights, privileges, and responsibilities of those who comprise the University community.

Where applicable, descriptions of the Irvine campus implementation follow immediately after each numbered section of the University of California policies, and are identified by boldface print as well as corresponding section numbers. Members of the University community may propose amendments to these regulations by filing proposals with the Vice Chancellor, Student Affairs for review.

These Policies address the rights and responsibilities of members of the University community as well as others while on University property. These Policies also address the responsibilities of students as defined herein and provide Universitywide standards for campus implementing regulations as a means of sustaining this community.

Each member of the University shares in the responsibility for maintaining this unique community so that the University's mission of teaching, research, and public service can be achieved.

These Policies and their campus implementing regulations are designed to protect and promote the rights of members of the University, prevent interference with University functions or activities, and assure compliance with all pertinent laws and other applicable University policies.

II. PRINCIPLES OF COMMUNITY

UCI is a multicultural community of people from diverse backgrounds. Our activities, programs, classes, workshops, lectures, and everyday interactions are enriched by our acceptance of one another, and we strive to learn from each other in an atmosphere of positive engagement and mutual respect.

Our legacy for an increasingly multicultural academic community and for a learning climate free from expressions of bigotry is drawn from the United States and California Constitutions and from the charter of the University of California, which protects diversity and reaffirms our commitment to the protection of lawful free speech. Affirmation of that freedom is an effective way of ensuring that acts of bigotry and abusive behavior will not go unchallenged within the University. Tolerance, civility and mutual respect for diversity of background, gender, ethnicity, race, and religion is as crucial within our campus community as is tolerance, civility and mutual respect for diversity of political beliefs, sexual orientation, and physical abilities. Education, and a clear, rational, and vigorous challenge are positive responses to prejudice and acts of bigotry.

The University's nondiscrimination policy, in compliance with applicable federal and state law, covers treatment in University programs and activities as well as admission and employment. UCI expects all those affiliated with it to adhere to the letter and the spirit of University nondiscrimination policies and related federal and state laws.

Allegations of physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or in connection with official University functions will be investigated promptly, and where found to exist, appropriate actions will be taken in accordance with University policy.

All who work, live, study, and teach at UCI are here by choice and, as part of that choice, should be committed to these Principles of Community which are an integral part of the guidelines by which the University community can successfully conduct its affairs.

III. DEFINITIONS

(Refer to University Policy 14.00)

For the purposes of these Policies and the campus implementing regulations adopted pursuant to them, the following definitions are provided:

Campus

The term "campus" means a University of California campus. The term "campus" also applies to the Office of the President, the Division of Agriculture and Natural Resources, and each Department of Energy Laboratory operated by the University.

Property

The term "property" means any University-owned, -operated or -leased property, including all University grounds and structures or such other property as shall be designated by a campus as property subject to these Policies.

Registered Campus Organization

The term "Registered Campus Organization" means an organization whose membership predominantly comprises students, faculty, and/or staff of a particular University campus, and that attains recognition as a Registered Campus Organization by complying with the requirements and procedures set forth in Section 70.10 of these Policies and in campus implementing regulations.

Student

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

University

The term "University" means the University of California and includes all campuses, the Office of the President, the Division of Agriculture and Natural Resources, and each Department of Energy Laboratory operated by the University.

IV. STUDENT RIGHTS

(Refer to University Policy 170.00)

University of California, Irvine recognizes its responsibility to support and uphold the basic freedoms and rights of all students. As members of the University community students shall have the following rights:

- A. To participate in the governance of the University, consistent with the University's stated goal (see Section 120.00 of these Policies) of enhancing student participation in the governance process by seeking student opinions and viewpoints on matters affecting both their academic and non-academic experiences and especially those decisions that directly affect their welfare, through drawing upon official student representation, as well as additional means for seeking student input as appropriate;
- B. To petition to appear before the Board of Regents under procedures set forth in the Bylaws. Individual students are entitled to seek an appearance before the Board to speak in open committee or Board session on matters on The Regents' agenda. Students must follow administrative procedures established by their respective campuses to appeal individual academic or administrative decisions relating to the above;
- C. To petition for any change in these Policies, or in campus implementing regulations, through the appropriate campus office or the Office of the President;
- D. To have published annually by the University those schedules of both system-wide and campus-

- based fees and charges that must be paid by all students to whom the fees and charges apply as a condition of attendance. Such schedules shall not be subject to change during the year, except upon recommendation of the Chancellor or the President (as appropriate) or as required by action of The Regents. Each campus shall issue procedures as appropriate for challenging whether a particular fee or charge is due and, if it has already been paid and is subsequently determined by the campus not to be due, for securing a refund;
- E. To have all academic decisions affecting their academic standing, including the assignment of grades, based upon academic considerations only, administered fairly and equitably under policies established by the Academic Senate. In professional curricula, such decisions may include consideration of performance according to accepted professional standards. Equitable grievance procedures, established pursuant to [Section 114.00](#) of these Policies, shall be developed in consultation with student representatives and implemented;
 - F. To petition the Academic Senate on matters within the jurisdiction of the Senate;
 - G. To have published annually by the University refund schedules for new and continuing students. This provision may also be satisfied by the publication by the University of annual written notice that such schedules are available electronically on the Internet on official University websites;
 - H. To have published annually by the University information about graduation rates of enrolled students and student athletes, as well as information in compliance with all other notification requirements to students that may be satisfied by publication, as specified by applicable law. This provision may also be satisfied by the publication by the University of annual written notice that such information is available electronically on the Internet on official University websites;
 - I. To receive annually from the University written information on campus crime statistics, as well as information in compliance with all other notification requirements to students that rise above simple publication to require individual distribution of the information to students, as specified by applicable law. This provision may also be satisfied by the publication by the University of annual written notice that such information is available electronically on the Internet on official University websites, subject to the additional requirement that, if the campus crime statistical information is made available by posting on the Internet, notice must be provided directly to the enrolled student that includes the exact electronic address at which the information is posted, a brief description of the information, and a statement that the campus will provide a paper copy of the information upon request (for the specific language of the requirements see the [Department of Education Clery Handbook](#));
 - J. To receive annually written information on the campus' standards of conduct regarding the unlawful use, possession, and distribution of drugs, alcohol, and other illegal substances; a statement affirming that disciplinary sanctions will be imposed for violations of the standards of conduct; a description of the sanctions; and other information as specified by applicable law;
 - K. To be protected against the improper collection of information on students' political and social views, beliefs, and associations;
 - L. To have access to, and be protected against the improper disclosure or withholding of, information from student records in accord with applicable State and federal law, [Section 130.00](#) of these Policies, and campus implementing regulations. When the law and regulations are unclear in their application, the University shall be guided by two principles: (1) the privacy of an individual student is of great weight, and (2) the information in a student's file should be disclosed to the student upon request;
 - M. To the extent appropriate to the circumstances, to be free from University discipline for actions committed involuntarily or under duress. However, violations committed under the influence of drugs, alcohol, or illegal substances will be subject to student disciplinary procedures;
 - N. To have access to equitable grievance procedures established pursuant to [Sections 111.00 and 112.00](#) of these Policies;
 - O. If registered for a current term on any University campus, to have access to basic outpatient health care services of any other University campus, under conditions that apply to students registered on that campus.

[V. NON-DISCRIMINATION POLICY](#)

(Refer to University Policy 20.00)

The University is committed to a policy against legally impermissible, arbitrary, or unreasonable discriminatory practices. All groups operating under the authority of The Regents, including administration, faculty, student governments, University-owned residence halls, and programs sponsored by the University or any campus, are governed by this policy of nondiscrimination. The intent of the University's policy on nondiscrimination is to reflect fully the spirit of the law. In carrying out this Policy, the University also shall be sensitive to the existence of past and continuing societal discrimination. (See also Appendix C [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters]; Section 140.00; Section 150.00; and Section 160.00.)

VI. SPEECH AND ADVOCACY POLICY

(Refer to University Policy 30.00)

The University is committed to assuring that all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship.

It is the responsibility of the Chancellor to assure an ongoing opportunity for the expression of a variety of viewpoints. The time, place, and manner of exercising the constitutionally protected rights of free expression, speech, assembly, and worship are subject to campus regulations that shall provide for non-interference with University functions and reasonable protection to persons against practices that would make them involuntary audiences or place them in reasonable fear, as determined by the University, for their personal safety.

The University has a special obligation to protect free inquiry and free expression. On University grounds open to the public generally, all persons may exercise the constitutionally protected rights of free expression, speech, and assembly. Such activities must not, however, interfere with the right of the University to conduct its affairs in an orderly manner and to maintain its property, nor may they interfere with the University's obligation to protect rights of all to teach, study, conduct business, and fully exchange ideas. Physical force, the threat of force, or other coercive activities used to subject anyone to a speech of any kind is expressly forbidden.

A. Time, Place, and Manner Regulations

Orderly behavior and the normal conduct of University affairs shall govern time, place, and manner of exercising free speech and advocacy. Regard for the privacy of others shall be observed, and reasonable precautions shall be taken against practices which would make persons on campus involuntary audiences.

Activities that are determined to pose a risk to personal safety, university property, or facility security will be rescheduled until such time that adequate and appropriate security can be made available, as determined by the UCI Police Department. Refer to UCI Administrative Policies and Procedures Section 905.

B. Areas for Public Gatherings

Specific areas and properties available for public meetings and gathering are made possible through the UCI Student Center & Event Services or appropriate scheduling office on a first-come, first-served basis.

C. Amplification

Amplification may be used only at specified times and is prohibited at all other times and places. Guidelines for amplification and hours of use are available from Student Center & Event Services, or the appropriate scheduling office. Refer to UCI Administrative Policies & Procedures [Section 900-10](#).

D. Non-University Speakers

Non-University persons are permitted to speak in areas of the campus open to the public without invitation; however, because such areas are limited, a reservation through Student Center & Event Services or the appropriate scheduling office is suggested.

Except as provided in Section 40.40 and subject to Section 30.00, non-University persons may address meetings in all other areas only by invitation from a Registered Campus Organization, student governments (Irvine Campus) mentioned in [Appendix A](#), University departments, recognized academic and administrative units, and official University of California alumni organizations. Faculty members may invite non-University persons to appear in classes in accordance with the academic policy on guest lecturers. Refer to UCI Administrative Policies & Procedures [Section 900-20](#).

The University recognizes, supports, and shall not abridge the constitutional rights of faculty, students, or staff to participate, either as individuals or as members of a group, in the political process of supporting candidates for public office or any other political activity.

VII. REGISTERED STUDENT ORGANIZATION RIGHTS

(Refer to University Policy 70.00)

A Registered Campus Organization is an organization whose membership predominantly comprises students, faculty, and/or staff of a particular University campus, and that attains recognition as a Registered Campus Organization by complying with the requirements and procedures set forth in campus implementing regulations. Such regulations shall require that the organization furnish a written statement of its name and its purposes, signed by its officers or other authorized representatives, and that includes as well such other pertinent information as the campus may specify. Membership in a Registered Campus Organization shall be open to any student, consistent with the [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters](#), with the exception that membership in an officially recognized sorority or fraternity may be limited by gender. Membership in a Registered Campus Organization may be extended to individuals other than students, faculty, and staff, under conditions specified in campus implementing regulations. An authorized student government of a campus shall not be eligible for registration also as a Registered Campus Organization of that campus.

All Registered Campus Organizations comprising of a majority (50% +1) of student members are entitled to a variety of services through the Office of the Dean of Students such as assistance with program planning, and advice on publicity, fund raising, and campus regulations. Organizations are strongly encouraged to find faculty or staff advisors. Assistance in securing advisors is provided by the Office of the Dean of Students.

CONDUCT AND DISCIPLINE

A Registered Campus Organization is required to comply with University policies and campus regulations as well as applicable laws or it will be subject to revocation of registration, loss of privileges, or other sanctions. In denying or revoking registration or applying sanctions, campus regulations shall provide an opportunity for a hearing with basic standards of procedural due process.

Whether on or off campus, Registered Campus Organizations members are expected to comply with University policies and campus regulations. Violations may result in the revocation of registration or other sanctions as listed in Section 105.00. Situations or incidents involving alleged violations will be referred to the proper conduct officer or body for review and/or action. See Section 103.00 for Student Discipline Procedures.

Section 110.00 (Student Grievance Procedures) establishes the process for review of a denied or revoked registration of a campus organization.

USE OF UNIVERSITY NAME

A Registered Campus Organization shall not use the name of the University of California or abbreviations thereof as a part of its own name except in accordance with applicable law and University policy (including, but not limited to, State of California Education Code, Section 92000, and the Presidential Policy to Permit Use of the University's Name) as well as campus implementing regulations.

USE OF THE UNIVERSITY NAME BY A REGISTERED CAMPUS ORGANIZATION

Permission to use the name of the University of California, Irvine, or any abbreviation thereof as part of the Registered Campus Organization's name may be granted only by the Chancellor or the Chancellor's designee.

1. A Registered Campus Organization shall not use the name of the University of California or abbreviations thereof as part of its own name. For the purpose of geographical designation, "at UCI" may be used as part of the directions.
2. A Registered Campus Organization may state that its membership is composed of students, faculty, and staff of the University of California, but shall not indicate or imply that it is acting on behalf of the University or with its approval or sponsorship.
3. Student-produced publications, student-operated radio television stations, and Registered Campus Organizations may take positions on issues but must avoid any implications that they are representing the views of the University, or the student government, or the student body as a whole.

USE OF UNIVERSITY PROPERTIES

Any use of University properties and services by a Registered Campus Organization must conform to Section 40.00 of these Policies and applicable campus time, place, and manner regulations.

VIII. STUDENT RESPONSIBILITIES

(Refer to University Policy 100.00-106.00)

The University of California, Irvine is a public institution responsible for providing instruction in higher education, for advancing knowledge through scholarship and research, and for providing related services to the community. As a center of learning, the University has an obligation to maintain conditions under which the work of the University can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression.

Admission to the University carries with it the *expectation* that students will conduct themselves as responsible members of the academic community. As a condition of enrollment, all students assume responsibility to observe standards of conduct that will contribute to the pursuit of academic goals and to the welfare of the academic community. Students who allegedly violate the University's standards of conduct will be afforded basic standards of procedural due process. The primary goal of the Office of Academic Integrity & Student Conduct is to afford students an opportunity to learn from their mistakes and to promote positive behavior and lifestyle changes that ensure academic and professional success.

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*. They also apply to:

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

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.

OFF-CAMPUS BEHAVIOR

(Refer to University Policy 101.00a)

In addition to conduct which occurs on University property or in connection with official university functions, the University has the discretion to exercise jurisdiction over off-campus behavior if it:

- a) Adversely affects the health, safety, or security of any member of the campus community or
- b) Adversely affects the interests of the University.

In determining whether or not to exercise off-campus jurisdiction, the University will consider the seriousness of the alleged harm, the risk of harm involved, whether the victim(s) are members of the campus community and/or whether the off-campus conduct is part of a series of actions which occurred both on and off campus. The discretion to exercise off-campus jurisdiction includes but is not limited to the following behavior:

- **Physical abuse, including but not limited to, sexual assault, sex offenses, and other physical assault; threats of violence; or conduct that threatens the health or safety of any person. (See [Appendix 3](#)) (Refer to University Policy 102.08)**
- **Sexual harassment; unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (see section 102.09 below for details) (Refer to University Policy 102.09)**
- **Stalking behavior in which an individual willfully, maliciously, and repeatedly engages in a knowing course of conduct directed at a specific person which reasonably and seriously alarms, torments, or terrorizes the person, and which serves no legitimate purpose (Refer to University Policy 102.10)**
- **Hazing or any method of initiation or pre-initiation into a campus organization or any activity engaged in by the organization or members of the organization which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any student or other person. (See [Appendix 1](#)) (Refer to University Policy 102.12)**

GROUNDS FOR DISCIPLINE

(Refer to University Policies 102.00)

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

- **102.01:** All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty. Refer to Academic Senate Policy on Academic Integrity.
- **102.02:** Other forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the University.
- **102.03:** Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification.
- **102.04:** Theft of, conversion of, destruction of, or damage to any property of the University, or any property of others while on University premises, or possession of any property when the student had knowledge or reasonably should have had knowledge that it was stolen.
- **102.05:** Theft or abuse of University computers and other University electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others; interference with the work of others and with the operation of computer and electronic communications facilities, systems, and services; or copyright infringement (for example, the illegal

file-sharing of copyrighted materials).

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

Please refer to the UC Electronic Communications Policy (<http://policy.ucop.edu/doc/7000470/ElectronicCommunications>) and Digital Copyright Protection at UC (<http://www.ucop.edu/ir/policy/copyright.html>) for the University's position on digital copyright.

(Refer to the UCI Administrative Policies & Procedures Section 714-18 and 800-16.)

- **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.
- **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, including dating, and domestic violence. (See [Appendix 3](#)).
- **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 identity, gender, gender expression, genetic information (including family history), pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications. Pursuant to section 104.90, sanctions may be enhanced for conduct motivated on the basis of the above classifications.

- **102.10:** Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose.
- **102.11:** (deleted on October 9, 2009: see <http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>);
- **102.12:** Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace resulting in psychological harm to any student or other person. (See [Appendix 1](#)).
- **102.13:** Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.
- **102.14:** Disorderly or lewd conduct.
- **102.15:** Participation in a disturbance of the peace or unlawful assembly.
- **102.16:** Failure to identify oneself to, or comply with the directions of, a University official or other public official acting in the performance of his or her duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.
- **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.

- **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. (See [Section 900-13 of the UCI Administrative Policies & Procedures](#)).
- **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. (See [Appendix 7](#)).
- **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 or violation of orders issued pursuant to Section 52.00 of these Policies, during a declared state of emergency.
- **102.23:** Selling, preparing, or distributing for any commercial purpose course lecture notes or video or audio recordings of any course unless authorized by the University in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a student is a violation of these Policies whether or not it was the student or someone else who prepared the notes or recordings.

Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a University of California course unless authorized by the University in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder). (See [Appendix 5](#))

- **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 his/her 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.
- **102.26: Violation of campus regulations regarding pets and animals on campus.** (See the UCI Administrative Policies & Procedures [Section 905-40](#))
- **102.27: Violation of local, state, or federal laws otherwise not covered under these standards of conduct.**
- Violation of the [UC Policy on Sexual Violence and Sexual Harassment General Policy Statement](#)

The University of California is committed to creating and maintaining a community free of sexual violence and sexual harassment. Sexual violence and sexual harassment violate both law and University policy. Any member of the University community may report conduct that may constitute sexual violence, sexual harassment, retaliation, and other prohibited behavior ("Prohibited Conduct"). The University will respond promptly and equitably to such reports, and will take appropriate action to stop, prevent, and remedy the Prohibited Conduct, and when necessary, to discipline the Respondent.

In addition to sexual harassment, discrimination based on sex, gender, gender identity, gender expression, sex- or gender-stereotyping, and sexual orientation violates law and other University policies. Such discrimination may also contribute to the creation of a hostile work or academic environment based on sex and thus constitute or contribute to sexual harassment. Harassment that may not be sexual, but still contributes to a hostile work or academic environment, may also violate the University's other non-discrimination policies.

- Definitions for consent (section IIA), prohibited conduct (section IIB; including sexual violence (section IIB1), sexual harassment (section IIB2), and other prohibited behavior (section IIB3)), and retaliation (section IIC) are available in the [full text of the policy](#).

IX. PROCEDURES FOR IMPLEMENTATION OF THE CODE (Excluding Sex Offenses and Sexual Harassment: see Section X, page 18)

(Refer to University Policy 103.00)

PROCEDURAL DUE PROCESS

(Refer to University Policy 103.10)

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.

Basic standards of due process include the following:

- a. **Notice to the accused of the charges and evidence made.**
- b. **Opportunity of the accused to respond to the evidence made.**

CAMPUS DISCIPLINARY PROCEDURES FOR STUDENTS AND REGISTERED CAMPUS ORGANIZATIONS (Excluding Sex Offenses and Sexual Harassment: see Section X, page 18)

(Refer to University Policy 103.10)

Unless otherwise noted, these procedures shall similarly apply to individual students as well as Registered Campus Organizations. If, as part of the activities of a Registered Campus Organizations, individual students violate the standards of conduct, the organization as a whole may be subject to disciplinary action.

Allegations of academic dishonesty will be handled in accordance with the [Academic Senate Policy on Academic Integrity](#).

Unless otherwise noted, violations of campus housing policies by undergraduate residents will be handled in accordance with the "Housing Conduct Process" as set forth in the "Undergraduate Housing Handbook." Cases of housing violations may be referred to and reviewed by the Office of Academic Integrity & Student Conduct for potential imposition of additional disciplinary sanction.

Definitions

1. The term "student" means an individual for whom the University maintains student records and who: (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term and is eligible for enrollment, including the recess periods between academic terms; or (c) is on approved educational leave or other approved leave status, or is on filing-fee status.
2. Registered Campus Organization: Refer to 14.30
3. Notice: Wherever notice is required to be given to any student, it shall be conclusively presumed that the student has been given such notice if it has been sent to the student by mail to the address appearing on either the student's UCI email address or current local address or permanent address on record. Students are expected to maintain their current contact information with the Office of the Registrar.
4. Days: The term "days" shall be defined as the normal business day and shall not include Saturdays, Sundays, legal holidays, or University administrative holidays.

Notification of Alleged Violation(s) to Student

Cases involving alleged misconduct of students shall be referred to the Office of Academic Integrity & Student Conduct. The Office of Academic Integrity & Student Conduct will inform the student in writing of the following:

1. The University policies or campus regulations that the student has allegedly violated,
2. That the student has twelve (12) days from the date appearing on the letter of notification to schedule an Administrative Meeting with the Office of Academic Integrity & Student Conduct.
3. That prior to the investigative conference, he/she may seek legal advice and/or advice from the office of the University Ombudsman, and
4. That failure to schedule the investigative conference may result in an administrative hold being placed on his/her records.

Administrative Holds

If the student does not contact the Office of Academic Integrity & Student Conduct within the twelve (12) day period, a hold may be placed on the student's records which will prevent the processing of transcripts, grade posting, registration and/or enrollment materials, etc. No separate notice will be given that a hold has been placed on his/her records. The hold may be removed upon contacting the Office of Academic Integrity & Student Conduct.

Holds may also be placed on students' records at any point in the disciplinary process to assure compliance with sanctions, pending the resolution of disciplinary matters or a formal hearing. When the terms and conditions of sanctions have been satisfied and/or pending disciplinary matters have been resolved, holds may be removed.

Notification of Alleged Violation(s) to Registered Campus Organizations

When cases involving alleged misconduct by students as part of the activities of a Registered Campus Organization are referred to the Office of Academic Integrity & Student Conduct, The Office of Academic Integrity & Student Conduct shall inform the organizational representative(s) in writing of the following:

1. The University policies or campus regulations that the Registered Campus Organization has allegedly violated, and

2. That the two official representatives have twelve (12) days from the date appearing on the letter of notification to contact the Office of Academic Integrity & Student Conduct to schedule an Administrative Meeting.
3. Based on the serious nature of the allegations, the Office of Academic Integrity & Student Conduct may suspend the organization's recognition pending conclusion of the investigation. (Refer to Interim Suspension Process, Section 105.08a)
4. That, failure to schedule the Administrative Meeting within twelve (12) days may result in an administrative hold being placed on the official representative's records and disciplinary action may be taken in their absence.
5. That, prior to the Administrative Meeting, the official representative(s) may seek assistance from the Office of the Ombuds.

Administrative Meeting

The Administrative Meeting is an attempt to give the accused student an opportunity to respond to the charges, and implement sanctions if a violation is found. Other than the accused student and Office of Academic Integrity & Student Conduct, other parties, including legal counsel retained by the student, if any, may be excluded from participating in the Administrative Meeting.

At the Administrative Meeting, the Student Conduct Officer shall:

1. Inform the student of the specific allegations made against the student and the student conduct process;
2. Indicate the applicable University policy(ies) or campus regulations alleged to have been violated;
3. Make a reasonable effort, as permissible under federal and state law, to comply with requests by the student for access of documents relevant to the case; and
4. Give the student the opportunity to respond to the charges and evidence against them.

At the conclusion of the Administrative Meeting(s), the Office of Academic Integrity & Student Conduct may conclude that no violation has occurred and therefore, that no further action is warranted. If, however, the Office of Academic Integrity & Student Conduct believes that a violation has occurred based on the preponderance of the evidence, the case will be disposed of either informally or through formal hearing depending upon the potential sanction(s). Students subject to sanction(s) less than suspension or dismissal will have their case disposed of informally. Students subject to suspension or expulsion are entitled to a formal hearing before the Student Conduct Board. Students may waive their right to a formal hearing and accept as final and binding the proposed suspension or dismissal, by signing a waiver.

Registered Campus Organizations

Cases of alleged misconduct by a Registered Campus Organization will be resolved through an Administrative Meeting. As a result of the meeting, one or more of the following sanctions may be imposed on the campus organization:

1. Warning (Refer to Section 105.01)
2. Disciplinary Probation (Refer to Section 105.03)
3. Restitution (Refer to Section 105.09)
4. Suspension (Refer to Section 105.05)
5. Revocation of Recognition

Registered Campus Organizations subject to revocation of recognition are entitled to a hearing before the Student Conduct Board. Organizations subject to such sanctions less than suspension, revocation or recognition will have their case disposed of through the Administrative Meeting.

In cases of alleged misconduct by a Registered Campus Organization, if the organization is not found responsible for the alleged violation(s), this does not preclude the initiation of disciplinary action against an individual student for their misconduct.

Before a Registered Campus Organization residing in undergraduate student housing is subject to sanction(s) pursuant to the housing conduct process, the Director of the housing complex (or designee) will consult with a designated representative from the Office of Academic Integrity & Student Conduct to determine appropriate sanction(s) for minor infractions. In cases of more serious infractions (e.g. physical abuse, destruction of university property, etc.) that would potentially lead to more severe discipline, the Director of the housing complex will consult with the following individuals or their designee: Associate Director, Residential Life, Residence Life Coordinator, Associate Dean of Students and if applicable, Director of Greek Life.

Disposition of the Case and Notification of Sanction(s)

If after the Administrative Meeting, the Student Conduct Officer believes a violation has occurred, the Student Conduct Officer may unilaterally impose one or more of the sanctions listed in Section 105.00 (except 105.05, Suspension and 105.06, Dismissal, which require opportunity for hearing before the Student Conduct Board) and shall notify the student, in writing, of the sanction(s) to be imposed and of their right to appeal the sanction(s) within the stated period of time.

STUDENT AND REGISTERED CAMPUS ORGANIZATION APPEAL PROCESSES (Excluding Sex Offenses and Sexual Harassment: see Section X, page 18)

(Refer to University Policy 103.10)

Appeal of Sanction(s) After Disposition

1. After receiving written notice of the sanction(s) to be imposed, the student may appeal the decision to the Dean of Students (or designee) only if all of the following requirements are met: (a) the appeal is in writing, (b) the appeal is expressly based upon one of the grounds specified in Section (I) below, and (c) the appeal is received by the Dean of Students (or designee) by the stated deadline. The deadline shall not be more than seven (7) days from the date appearing on the notice of sanction.
2. A meeting to discuss the appeal will be held by the Dean of Students attended by the student and the Student Conduct Officer. All matters considered at this meeting will pertain only to the stated basis for the appeal.
3. Appeals of sanctions for housing violations by Registered Campus Organizations will be directed to the Vice Chancellor, Student Affairs. That appeal must: (a) be in writing from the organizational representative, (b) be expressly based upon one of the grounds specified in Section (I) below, and (c) be received by the Vice Chancellor, Student Affairs within seven (7) days from the date appearing on the notice of sanction.

The Appeal will be Accepted or Denied based on:

1. Whether there is new evidence which could not be adduced at the time of the Administrative Meeting which is likely to change the result;
2. Whether there was a violation of due process;
3. Whether the imposed sanction was too harsh given the finding of fact.

Upon completion of the review by the Dean of Students (or designee), he/she may affirm, modify, or reverse the sanction(s). The decision of the Dean of Students (or his/her designee) is final. Sanction(s) may not become effective until completion of this appeal process unless otherwise indicated.

For appeals of sanctions for housing violations by Registered Campus Organizations, the Vice Chancellor, Student Affairs may affirm, modify, or reverse the sanction(s). The decision of the Vice Chancellor, Student Affairs is final. Sanction(s) may not become effective until completion of this appeal process unless otherwise indicated.

Disposition if Student Withdraws from the University

If a student withdraws from the University before allegations or charges are made, no disciplinary action can be taken since these procedures apply to students as defined in Section 103.10. The University may initiate campus disciplinary procedures if the former student enrolls in the University at some future time.

If a student withdraws from the University

- a) during an investigation
- b) while subject to pending disciplinary action, or
- c) before resolution of allegation or charges are made

the Student Conduct Officer may proceed to disposition without the student's presence or participation in the campus disciplinary procedures. An effort will be made to notify the student of the campus disciplinary procedures and any action taken against the student.

FORMAL HEARING (Excluding Sex Offenses and Sexual Harassment: see Section X, page 18)

(Refer to University Policy 103.11)

When a formal hearing is deemed to be appropriate, campus-implementing regulations shall provide the following minimum procedural standards to assure the accused student a fair hearing:

- a) 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;
- b) 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;
- c) 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
- d) An appeals process.

Formal Resolution Disposition by the Student Conduct Board

A. Initiation of Hearing Process

In cases of proposed suspension or dismissal where the student has not waived the right to a hearing before the Student Conduct Board, a representative designated by the Dean of Students will make the necessary arrangements for convening the Student Conduct Board and shall notify the student in writing of the date, time, and place of the hearing. Refer to the Student Conduct Board Protocols and Procedures.

The designated representative may advise the student concerning the protocol or procedures to be followed in the hearing and/or may refer the student to the Office of the Ombuds for assistance. The student may also consult with representatives, or their own legal counsel. The designated representative will advise the Student Conduct Board on the protocol or procedures to be followed in the hearing as well as forward all necessary documents relevant to the hearing. The designated representative will not be involved in the hearing process other than as administrative support to the Student Conduct Board.

B. Jurisdiction of the Student Conduct Board

The Student Conduct Board shall hear all cases referred to it under these procedures. The Student Conduct Board will make a *de novo* finding of fact to determine whether the student violated University policies or regulations as alleged, and make a recommendation to the Dean of Students (or designee) regarding disposition of the case.

C. Composition of the Standing Pool for the Student Conduct Board

Members of the Student Conduct Board shall be selected by the Dean of Students (or designee) from a standing pool comprised of students and faculty/staff.

Undergraduate student members of this pool must be registered students at UCI making normal academic progress and be in good academic standing during each quarter of service on the Student Conduct Board except that the requirement of registration need not be met during the summer quarter.

Graduate student members must be registered UCI students making normal academic progress during every academic term of service on the Student Conduct Board except summer quarter.

D. Composition of the Student Conduct Board

The Dean of Students or designee shall select the members of the Student Conduct Board who shall be drawn from the standing pool of undergraduate and graduate students and faculty/staff as described above. Three students and two faculty/staff persons chosen from the standing pool shall comprise the Student Conduct Board. The Dean of Students (or designee) shall appoint one of the faculty/staff members as chair.

E. Hearings

It is the responsibility of the designated representative to promptly schedule a hearing of the case before the Student Conduct Board. Written notice must be given to the accused student, or if applicable, the designated representative of a Registered Campus Organization, (collectively referred to as the "student" or "accused student"), regarding the date, time, and place of the hearing.

1. Hearings shall be held in accordance with generally accepted standards of procedural due process, the opportunity to present evidence in an orderly manner, and the right to examine and cross-examine witnesses. The accused student must present their own case and may be accompanied by an attorney or advisor. During the hearing, the attorney or advisor may act as a consultant for the student, but may not speak on the student's behalf. The student shall pay all fees, costs and expenses for the retention of an attorney. If the student chooses to be accompanied by an attorney, the Office of the Dean of Students must be notified of this fact at least ten (10) days prior to the hearing. In the interests of expediency, hearings shall not be delayed due to the unavailability of an advisor or attorney.
2. The Chair of the Student Conduct Board shall rule on all questions of procedure, the admission or exclusion of evidence, and the relevance of testimony. Evidence may be received of the sort upon which responsible persons are accustomed to rely in the conduct of serious matters; however, the Student Conduct Board is not restricted to formal evidentiary rules used by a court of law. No inference shall be drawn from the silence of the accused. Findings shall be based on a preponderance of the evidence.
3. An audio recording shall be made of the hearing. The accused student may make an audio recording and may have the hearing recorded by a court reporter at the student's expense. Rulings shall not be based on precedents; it is contemplated that rulings may vary from case to case in accord with differences among types and the circumstances surrounding individual cases.
4. The hearing shall be closed unless the parties involved agree to an open hearing. Witnesses, if any, may be excluded from the hearing except for the time they are testifying or responding to cross-examination. The accused student may be present throughout the hearing while evidence is being presented. The referring party(ies) may also be present throughout the hearing while evidence is being presented.

If the hearing is open, the chair, unless overruled by a majority of the Student Conduct Board, has a right to exclude spectators from the viewing room if deemed necessary for the orderly, quiet, or secure conduct of the hearing.

F. Responsibility for Presentation of Cases

The Student Conduct Officer shall present the University's case of alleged student misconduct. The accused student shall present their defense.

G. Continuing Resolution

Until the Student Conduct Board makes its report to the Dean of Students (or designee), the accused student and the Student Conduct Officer, may enter into a binding, written agreement as to the disposition of the matter. This written agreement shall explicitly state that the accused student is waiving their right to a hearing and appeal pursuant to these procedures.

H. Disposition if the Student Withdraws from the University

If a student has withdrawn from the University while subject to pending disciplinary action and/or does not appear at the hearing after being notified of the same, the Student Conduct Board may proceed to disposition without the student's participation. If a student files an appeal, but fails to participate, the proceedings will end, the appeal will be dismissed, and the recommended discipline will be instituted.

I. Report of the Student Conduct Board to the Dean of Students

After the hearing, the Student Conduct Board shall submit written findings of fact together with a recommendation of sanction(s). The Student Conduct Board's finding that a violation has occurred must be supported by a preponderance of the evidence. A minority report may be submitted by any member or members of the Student Conduct Sanctions recommended by the Student Conduct Board may include but are not limited to restitution, warning, probation, loss of privileges, exclusion from activities, suspension, or dismissal. (Refer to Section 105.00) Other than its written findings of fact and recommendation of sanctions to the accused, deliberations of the Student Conduct Board are confidential.

J. Decision of the Office of the Dean of Students

The Dean of Students (or designee) shall notify the student in writing of their decision regarding the sanction(s) to be imposed, if any. A copy of the Student Conduct Board's findings of fact may be enclosed with the response.

If the Dean of Students chooses to take the case under review and imposes greater sanctions than those recommended by the Student Board, the student may meet with them to discuss the case.

K. Appeal to the Vice Chancellor, Student Affairs

If sanction(s) are upheld or imposed by the Dean of Students (or designee), a student may file a written appeal to the Vice Chancellor, Student Affairs within seven (7) days of the date appearing on the notice of sanction. A student who files an appeal after the deadline may be granted an appeal upon showing good cause for the delay and showing that the appeal was made as soon as possible under the circumstances.

Appeals shall be limited to the following:

1. Whether the Student Conduct Board's findings of fact sufficiently support the finding of violation of University policies or campus regulations for which the discipline was imposed;
2. Whether there is new evidence which could not be adduced at the time of the original hearing which is likely to change the result;
3. Whether there was a violation of due process at the hearing;
4. Whether the sanction imposed was too harsh given the finding of fact.

Upon completion of the review by the Vice Chancellor, Student Affairs, he/she may affirm, modify, or reverse the sanction(s). Sanction(s) may not become effective until completion of this appeal process unless otherwise indicated. The Vice Chancellor's (or designee's) decision is final and binding.

X. UCI STUDENT ADJUDICATION MODEL FOR SEX OFFENSES AND SEXUAL HARASSMENT

(Refer to [UCI Student Adjudication Model for Sex Offenses and Sexual Harassment](#))

I. PREFACE

The University of California, Irvine is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of sexual violence and sexual harassment. Consistent with its legal obligations under Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013, and California Education Code section 67386, the University responds promptly and effectively to reports of sexual violence and sexual harassment, and takes appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates the University's policy on Sexual Violence and Sexual Harassment. <http://www.oeod.uci.edu/policy.html>

The University's student conduct procedures emphasize education, personal growth, accountability, and ethical behavior—upholding standards of responsible conduct to protect the welfare of the University community. When formal fact-finding procedures are used, the procedures are designed to provide a prompt, fair, and impartial resolution of the matter.

The following describes the University's procedures for resolving complaints of sexual violence and sexual harassment where the parties are students, including the discipline of students found in violation of University policy.

II. RESOURCES RELATING TO SEXUAL VIOLENCE AND SEXUAL HARASSMENT

The University has a Title IX Office, which is located in the Office of Equal Opportunity and Diversity (OEOD), for receiving and responding to reports of sexual violence and sexual harassment. Confidential resources also are available both before and after a person communicates with the Title IX Office about potential violations of the [UCI Guidelines for Reporting and Responding to Reports of Sex Offenses](#) and the [UC Sexual Violence and Sexual Harassment policy](#). Confidential resources include CARE advocates, Ombuds, and licensed counselors at the counseling center. These resources can provide confidential advice and counseling without that information being disclosed to the Title IX Office or law enforcement without the student's consent, unless there is a threat of serious harm to the individual or others or a legal obligation that requires disclosure (such as suspected abuse of a minor).

III. REPORT OF SEXUAL VIOLENCE AND SEXUAL HARASSMENT

- A.** For purposes of this model, the University will consider any alleged victim of sexual violence or sexual harassment a "complainant," whether or not they make a report or participate in the investigation and resolution process. The accused will be referred to as the "respondent."
- B.** The University will strive to honor the stated wishes of the complainant concerning whether to move forward with an investigation. There may be circumstances, however, in which the University may need to move forward against the complainant's wishes, or in which the University may determine that an investigation will not occur despite the complainant's wish to pursue an investigation. Should a complainant request that their name not be used or that there be no investigation, the University will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported.
- C.** Throughout the resolution process, the University will offer and provide support services for complainants through the CARE office, and for respondents through the Respondent Services Coordinator. Services for complainants are available whether or not the complainant chooses to participate in a university investigation and whether or not the complainant files a complaint with law enforcement.
- D.** The University will also consider and take interim measures as appropriate to ensure the safety, wellbeing, and equal access to University programs and activities of its students. Interim measures include, but are not limited to, the following: no contact & stay away orders; housing assistance; academic support and

accommodations; visa and immigration assistance; student financial aid; and counseling. By jurisdiction of the Dean of Students (or designee) the University may place the respondent on an Interim Suspension as appropriate and consistent with the *Policies Applying to Campus Activities, Organizations and Students (PACAOS)*—105.08.

At all stages of the process, the complainant and respondent have the right to an advisor and a support person of their choosing.

1. An advisor can be an attorney, parent, friend, etc. During student conduct related meetings, an advisor may act as a consultant for the student, however, an advisor may not speak on behalf of the student. If a student chooses to have an attorney as the advisor, the student shall pay all fees, costs, and expenses for the retention of an attorney. If the student chooses to be accompanied by an advisor or attorney during an administrative meeting, the student must sign a Family Educational Rights and Privacy Act of 1974 (FERPA) waiver, to grant access to the information. If an attorney or advisor is to be present at the appeal hearing, the Office of the Dean of Students must be notified of this fact at least *ten (10) days prior to the hearing*. In the interest of expediency, as a general practice, hearings shall not be delayed due to the unavailability of an advisor/attorney.
 2. A support person provides emotional support but does not take an active role in the process.
- E. Neither the complainant nor the respondent is required to participate in the resolution process. The University will not draw any adverse inferences from a complainant or respondent's decision not to participate or to remain silent during the process. An investigator, decision-maker, or appeal body will reach findings and conclusions based on the information available. An investigator, decision-maker, or appeal body may draw adverse inferences when a student selectively participates in the process, such as choosing to answer some but not all questions posed.
- F. The campus Case Management Team (CMT) will track all stages of the resolution process—from receipt of the report through the investigation and, if applicable, the University student discipline process.
- G. All University officials involved in the resolution process will be trained to carry out their roles in an impartial manner in keeping with trauma-informed practices.
- H. The standard of proof at all stages of the process is preponderance of the evidence.
- I. The University will complete the process, including all appeals, within 120 business days from the date of Title IX's receipt of a report. This deadline and all deadlines contained herein may be extended for good cause shown and documented. The complainant and respondent will be notified in writing of any extension.

IV. INVESTIGATION OF ALLEGATION OF SEXUAL VIOLENCE AND SEXUAL HARASSMENT

- A. Upon receipt of a report of or information about alleged sexual violence and/or sexual harassment, the Title IX Officer will determine, consistent with the UCI Guidelines for Reporting and Responding to Reports of Sex Offenses and UC's Policy on Sexual Violence and Sexual Harassment, whether an investigation should be initiated.
- B. If an investigation will not be conducted, the Title IX Officer will notify the complainant in writing and explain the rationale for the determination.
- C. If an investigation will be conducted, the Title IX Officer and the Office of Academic Integrity & Student Conduct will jointly send written notice of the charges to the complainant and respondent. The written notice will include:
1. A summary of the allegations and potential policy violations;
 2. The purpose of the investigation;
 3. A statement that the investigative report, when issued, will make factual findings and a recommendation regarding whether there has been a violation of University policy;
 4. A statement that the findings and recommendation will be based on a preponderance of the evidence standard;
 5. A summary of the process, including the expected timeline; and
 6. A summary of the rights of the complainant and respondent.
- D. The Title IX Officer will oversee the investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation.
- E. During the investigation, the complainant and respondent will be provided an equal opportunity to meet with the investigator, submit information, and identify witnesses who may have relevant information.

- F. The investigator will meet separately with the complainant, respondent, and third party witnesses who may have relevant information, and will gather other available and relevant evidence and information. The investigator may follow up with the complainant or the respondent as needed to clarify any inconsistencies or new information gathered during the course of the investigation.
- G. The investigator may determine the relevance of any witness or other evidence to the findings and may exclude certain types of evidence or information that is irrelevant or immaterial.
- H. When a law enforcement agency is conducting its own investigation, the investigator should coordinate his or her fact-finding efforts with the law enforcement investigation. At the request of law enforcement, the investigation may be delayed as needed to meet any specific needs of the criminal investigation. Such a delay may be cause for extending the timelines to complete the process and delay will be communicated and documented.
- I. The investigator will prepare a written report that includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a recommendation regarding whether there are any policy violations. If the complainant or respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation why it was not considered.
- J. The investigation file must be retained and made available to the parties on request, and may be redacted as necessary to protect student privacy rights.

V. DECISION ON RESPONSIBILITY AND DISCIPLINARY SANCTIONS

- A. Upon completion of the Title IX Investigation, the Title IX Officer and the Office of Academic Integrity & Student Conduct will jointly send to the complainant and the respondent: a) written notice of the investigation findings and the investigator's recommended determinations, and b) a copy of the investigation report. The investigation report may be redacted if necessary to protect student privacy rights.
- B. The written notice of the findings and recommended determinations will include the following:
 1. A statement of the factual findings and recommendations regarding whether the charge(s) have been substantiated, including whether policies have been violated;
 2. An admonition against intimidation or retaliation;
 3. An explanation of any interim measures that will remain in place;
 4. A statement of the right to appeal that will be explained further in the notice of decision;
 5. A statement that the Office of Academic Integrity & Student Conduct will determine whether the charges have been substantiated and policies have been violated and, if so, assess the disciplinary sanctions and inform the complainant and respondent of the sanctions within ten (10) business days of the notice of findings; and
 6. A statement that the complainant and/or respondent may schedule a meeting with the Office of Academic Integrity & Student Conduct and/or submit a statement in writing to be heard on the question of the findings of any policy violations and the discipline prior to the decision and the imposition of sanctions.
- C. If the Office of Academic Integrity & Student Conduct determines that disciplinary sanctions are appropriate, the sanctions will be determined in accordance with the sanctioning guidelines that are included as an Appendix to these procedures.
 1. Disciplinary sanctions for sexual assault, domestic/dating violence, or stalking in which one or more of the following factors are present will result in a minimum sanction of Suspension for at least two years, up to dismissal:
 - i. force, violence, menace, or duress;
 - ii. deliberately causing a person to become incapacitated or deliberately taking advantage of a person's incapacitation; or
 - iii. recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.
 2. Disciplinary sanctions for sexual assault involving penetration, domestic/dating violence, or stalking will, absent exceptional circumstances, result in a minimum sanction of Suspension for two years, up to dismissal.
 3. Disciplinary sanctions for other sexual contact in violation of policy will, absent exceptional circumstances, result in a minimum sanction of Suspension for one year.

- D. The Office of Academic Integrity & Student Conduct may consult with the Title IX office at any point in the decision-making process.
- E. Within ten (10) business days¹ of the notice of findings and recommended determinations, the Office of Academic Integrity & Student Conduct will send written notice to the complainant and respondent setting forth the decision on whether the charges have been substantiated and any policies have been violated, and any sanctions to be imposed. The written notice will include the following:
 - 1. A description of the determinations on whether the charges have been substantiated and any policies have been violated, and if so, a description of the sanctions;
 - 2. The rationale for the determinations² and the sanctions;
 - 3. A statement of the right to appeal, the procedures for submitting an appeal, the procedures that will be followed in hearing the appeal, the grounds upon which the appeal may be based, and the office to which the appeal may be submitted; and
 - 4. An explanation that both the complainant and respondent will receive a copy of any appeal prior to a hearing. The Title IX investigation and the Office of Academic Integrity & Student Conduct's determination of responsibility and sanctions will be completed within 60 instructional business days from Title IX's receipt of a report absent an extension for good cause, as determined by a Title IX officer.

VI. APPEAL PROCESS

- A. The complainant and respondent may contest the decision and/or the sanctions by submitting an appeal. The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the following grounds:
 - 1. There was procedural error in the process that materially affected the outcome, such as the investigation was not fair, thorough or impartial;
 - 2. The decision was unreasonable based on the evidence;
 - 3. There is new, material information that was unknown and/or unavailable at the time the decision was made that should affect the outcome;
 - 4. The disciplinary sanctions were disproportionate to the findings;
- B. An appeal must be submitted in writing to the designated campus office, as designated in the written letter of notice from the Student Conduct officer within ten (10) business days following written notice of the decision and disciplinary sanctions, if imposed. The appeal must identify the grounds for appealing and contain a brief statement of the reasons supporting each ground for appeal.
- C. If an appeal is submitted, any disciplinary sanctions ordinarily will not be imposed until the appeal process is completed. Interim measures, such as no contact orders, academic accommodations, etc. will remain in effect during the appeal process.
- D. The appeal will be decided at a hearing by an Appeal Body composed of one to three individuals who may be University staff or academic appointees, or non-University officials, such as administrative law judges or experienced investigators. The Appeal Body will be appropriately trained. A Hearing Coordinator may assist the Appeal Body with the administration of the process.
- E. The Appeal Body will review the information and decide whether it contains sufficient information concerning the grounds for appeal and the reasons related to those grounds. The purpose of this review is not to decide the merits of the appeal, but to identify the nature and scope of the issues to be addressed in the hearing. If the written appeal is defective or incomplete, the appealing party should be given one opportunity to correct and resubmit the appeal.
- F. Conducting the Appeal Hearing
 - 1. Pre-Hearing Procedures

¹ The student will have 5 business days to meet with the Office of Academic Integrity & Student Conduct (AISC). Five (5) business days after the administrative meeting with the Complainant and Respondent, AISC will send notices of the decision.

² If the Office of Academic Integrity & Student Conduct adopts the investigator's recommended determinations, the notice may incorporate the investigation report by reference as the rationale for the decision. If the determinations differ from the investigator's recommendations, then the notice will explain the rationale for that decision.

- a. Not less than ten (10) business days before the appeal hearing, the Hearing Coordinator will send written notice to the complainant and respondent of the hearing date, time, location and procedures. The notice will include a copy of the appeal(s) to be considered at the hearing.
 - b. Prior to the hearing, the complainant and respondent will submit to the Appeal Body the information they intend to present at the appeal, including all documents to be presented, the names of all witnesses, and a brief summary of all witnesses' expected testimony. The Appeal Body reserves the right to call additional witnesses.
 - c. At least two days prior to the appeal hearing, the complainant and respondent will receive copies of all the information that will be considered at the appeal hearing, including the names of potential witnesses and a summary of the information they are expected to provide.
 - d. Prior to the appeal hearing and/or during the hearing, the Appeal Body may:
 - i. Exclude information and/or witness testimony that is irrelevant in light of the grounds for appeal, not in dispute, or unduly repetitive.
 - ii. Decide any procedural issues for the appeal hearing.
 - iii. Make any other determinations necessary to ensure an orderly, productive, and procedurally proper appeal hearing.
2. **Appeal Hearing Procedures:**
- a. The Title IX investigator will be present at the appeal hearing. The Appeal Body may question the investigator, the complainant, the respondent, and any witnesses as may be appropriate. The investigation report and any supporting documents or materials will be entered as evidence at the appeal hearing.
 - b. The Appeal Body may allow the complainant, respondent, and/or witnesses to be visually or physically separated during the appeal hearing. This may include, but is not limited to, the use of a physical partition, a separate physical location, videoconference and/or any other appropriate technology. The Appeal Body must be able to see the complainant, respondent and any witnesses when they are presenting information.
 - c. The complainant and respondent will have the opportunity to present the information they submitted pursuant to Section VLF.1.a (unless excluded by the Appeal Body pursuant to Section VLF.1.d.).
 - d. The complainant and respondent have the right to hear all individuals who testify at the hearing and to propose questions to be asked of all individuals who testify at the hearing.
 - e. The Appeal Body will determine the order of questioning. Whenever possible, the Appeal Body will ask the questions as they are submitted by the complainant and respondent and will not rephrase or change them. The Appeal Body may, however, exclude questions that are unduly repetitive, clearly not relevant, or unduly time consuming.
 - f. The appeal hearing will be audio recorded. Other than the official audio recording made at the direction of the Appeal Body, no other mechanical or electronic devices for recording or broadcasting are permitted.
 - g. Formal rules of evidence will not apply. The Appeal Body may consider the form in which information is presented, as well as the credibility of any party or witness, in weighing the information and reaching findings.
- G. **Appeal Decision:**
1. The Appeal Body will deliberate in private and reach a decision based on a preponderance of the evidence standard. The Appeal Body shall attempt to reach consensus on a decision, but the majority shall make the decision if consensus cannot be reached.
 2. The Appeal Body shall take into account the record developed by the investigator and the evidence presented at the hearing, and may make its own findings and credibility determinations based on all of the evidence before it.
 3. The Appeal Body may:
 - a. Uphold the findings and disciplinary sanctions;
 - b. Overturn the findings or sanctions; or
 - c. Modify the findings or sanctions.
 4. The Appeal Body will summarize its decision in a written report that includes the following:
 - a. A statement of the grounds for the appeal;

- b. **A summary of the process undertaken by the Appeal Body;**
 - c. **A summary of the information considered by the Appeal Body; and**
 - d. **The decision of the Appeal Body and the rationale for the decision including, where the findings or sanctions are overturned or modified, an explanation of why the findings were not reasonable or the sanctions were disproportionate, either at the time they were made or in light of the evidence considered by the Appeal Body.**
5. **The Hearing Coordinator will send the Appeal Body's written decision to complainant and respondent.**
- a. **If the findings and the sanctions are upheld, the Hearing Coordinator will inform the respondent and complainant that the matter is closed with no further right to appeal.**
 - b. **If the findings or sanctions are overturned or modified, the Hearing Coordinator will inform the respondent and complainant of the right to submit a written appeal to the Chancellor's designee within five (5) business days based on:**
 - i. **Procedural error that materially affected the outcome, or**
 - ii. **A sanction that is disproportionate to the findings.**
 - c. **If an appeal is submitted, the other party will receive a copy of the written appeal and may submit a written statement as well.**
6. **The Chancellor's designee will issue a written decision to the complainant and respondent, normally within ten (10) business days. There is no further right to appeal. The appeal process described above, including the appeal hearing and any appeal to the Chancellor's designee, will normally be completed within 60 business days of the date of the notice of decision and sanctions (where imposed).**

XI. ADMINISTRATION OF STUDENT DISCIPLINE

(Refer to University Policy 104.00)

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.

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.

A student, as defined in Section 14.40 of these Policies, 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 impositions of any recommendations for disciplinary sanctions arising from these procedures must be reviewed and approved by both campuses before the sanctions are imposed.

If an alleged violation of University policies occurs in connection with an official Universitywide 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.

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.

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.

If as a result 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.

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

XII. SANCTIONS

(Refer to University Policy 105.00)

A. General Sanctions: 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 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.

105.02 [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.

105.05 Suspension:

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

105.06 Dismissal:

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

105.07 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.

105.08 Interim Suspension:

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

105.08a

If an interim suspension is imposed, the Dean of Students (or designee), shall immediately inform the Vice Chancellor, Student Affairs (or designee). The notification to the Vice Chancellor (or designee) shall include the student's name, the reasons for imposing the interim suspension, and, if available, the student's address and phone number. Within twenty-four hours of the imposition of the interim suspension (not including weekends or holidays), the Vice Chancellor, Student Affairs (or designee) shall review the information provided by the Dean of Students (or designee).

If the Vice Chancellor, Student Affairs (or designee) does not affirm the interim suspension by the end of the twenty-four hours, it shall be deemed void and a reasonable effort shall be made to inform the student that the interim suspension is void. Should the interim suspension be voided, such a decision shall have no bearing on the University's disciplinary proceedings arising from the conduct which gave rise to the interim suspension. Any such disciplinary proceedings shall be conducted under the normal procedures provided in these policies.

A student placed on interim suspension which is also affirmed by the Vice Chancellor, Student Affairs (or designee) shall be given prompt written notice that the interim suspension was upheld and that the student may request, in writing, a meeting with the Vice Chancellor, Student Affairs (or designee) to challenge the interim suspension. The written request must be submitted within ten (10) days of the date that appears on the Notification of Interim Suspension. Upon receipt of the request, the student will immediately receive notice of the time, place, and date of the meeting. The Vice Chancellor, Student Affairs (or designee) shall convene this meeting within seven (7) days from the date of receipt of the request.

Convening the meeting shall not restrict the University's right to initiate disciplinary proceedings for the conduct which gave rise to the interim suspension. Any such disciplinary proceedings shall be conducted under the normal procedures provided for in these policies.

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.

105.11a Other Disciplinary Actions May Include:

- a. **Required participation as an unpaid volunteer in activities that serve the University.**
- b. **Specifying requirements relating to expectations of behavior.**
- c. **Revoking the registration of a Registered Campus Organization.**
- d. **Other actions as set forth in campus regulations.**

B. Sanctions for Violations of the UC Policy on Sexual Violence and Sexual Harassment

(Refer to UCI Adjudication Model for Sex Offenses and Sexual Harassment)

When a respondent has been found in violation, the University will provide written notice of the assigned disciplinary sanctions and a brief rationale for the sanctions.

Disciplinary sanctions will be assigned as follows:

1. **Sexual assault, domestic/dating violence, or stalking in which one or more of the following factors are present will result in a minimum sanction of Suspension for at least two years, up to dismissal:**
 - a. **force, violence, menace, or duress;**
 - b. **deliberately causing a person to become incapacitated or deliberately taking advantage of a person's incapacitation; or**
 - c. **recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.**
2. **Sexual assault involving penetration, domestic/dating violence, or stalking will, absent exceptional circumstances, result in a minimum sanction of Suspension for two years, up to dismissal.**
3. **Other sexual contact in violation of policy will, absent exceptional circumstances, result in a minimum sanction of Suspension for one year.**

Assigned disciplinary sanctions and the factors considered for each case will be documented and reported to the University of California Office of the President on a quarterly basis. The report is to ensure a reasonable level of consistency from campus to campus.

XIII. STUDENT CONDUCT RECORDS

(Refer to University Policy 130.00)

University of California campuses maintain various types of records pertaining to students. Some are maintained for academic purposes; others, such as medical records, are maintained for other specific purposes.

These policies apply only to records directly related to students as students, hereafter referred to as 'student records' in these policies (also see [Section 130.233](#)). The disclosure of information from student records is generally governed by the Federal Family Educational Rights and Privacy Act (FERPA).

These policies are not applicable to other records that are maintained for purposes unrelated to a student's status as a student. Specific categories of such records are identified in [Section 130.234](#). The disclosure of information from such records is governed by the California Information Practices Act.

It is the purpose of these policies to provide reasonable interpretations of the Federal Family Educational Rights and Privacy Act and to protect the student's right of privacy as guaranteed by the Constitution of the State of California and the Information Practices Act. When the law is silent, the campuses shall be guided by two principles: (1) the privacy of an individual is of great weight, and (2) the information in a student's file should be disclosed to the student on request.

These policies supersede the UCI campus implementation guidelines of "Policies Applying to Disclosure of Information from Student Records" published August 1996.

Although not strictly required under federal law, as a matter of University policy, for the purposes of implementing the provisions of the Family Educational Rights and Privacy Act, the University generally views itself as thirteen separate institutions, rather than as a single entity. The thirteen institutions include the eleven general campuses, the one health sciences campus, and the three Department of Energy Laboratories operated by the University. Therefore, personally identifiable information contained in student records maintained by one campus may not be disclosed to the other campuses without the written consent of the student, unless the disclosure is consistent with the provisions of [Section 130.70](#) of these Policies. Such information may be disclosed by any campus to the Office of the President, as permitted by [Section 130.721\(a\)\(2\)](#) of these *Policies*.

XIV. APPENDICES

The following referenced documents are available at <https://aisc.uci.edu/policies/pacaos/appendices.php>.

- Appendix A: Authorized Student Governments
- Appendix B: Use of the University's Name
- Appendix C: Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters
- Appendix D: Policy and Supplemental Guidelines on the Marketing of Credit Cards to Students
- Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework
- Appendix 1: Anti-Hazing Compliance**
- Appendix 2: Campus Policy on Dances Sponsored by Registered Campus Organizations**
- Appendix 3: UCI Guidelines for Reporting and Responding to Reports of Sex Offenses and UC Policy on Sexual Harassment and Sexual Violence**
- Appendix 4: Hate and Bias Incident Response Protocol (Reference to Section 102.11—Deleted on October 9, 2009)**
- Appendix 5: Policy on Authorized Use of Course Materials for Commercial Purposes (Reference to Section 102.23)**
- Appendix 6: Policy for Student Fee Funded Facilities**
- Appendix 7: Firearms on Campus**
- Appendix 8: UCI Guidelines for Reporting and Responding to Reports of Discrimination and Harassment (Reference to Section 102.09)**

