

University of California, Riverside STUDENT CONDUCT PROCEDURES

1.00 GENERAL DESCRIPTION AND ADMINISTRATION

1.10 Principles

The University of California, Riverside (“UCR”) is committed to providing its students with the best education possible. UCR strives to attract the finest faculty members, maintain excellent educational and research facilities, and support co-curricular activities that enhance students' experience at this campus. UCR also seeks to create an environment that fosters individual growth, the freedom of expression and a sense of community. The viability of this community depends on a common understanding among its members regarding their rights and responsibilities. Adapted from the *University of California Policies Applying to Campus Activities, Organizations, and Students (PACAOS), Section 100- Policy on Student Conduct and Discipline*, the UCR Standards of Conduct (“the *Standards*”), lays the foundation for that understanding and governs the conduct of all UCR students. It articulates the University's expectations regarding standards of conduct, both academic and non-academic, and with respect to the rights of others.

1.20 Description

This document, The Student Conduct Procedures, (“the *Procedures*”) provides a system intended to provide fair and reasonable hearings that will proceed with reasonable speed and efficiency without sacrificing fairness to either the student or the University. The *Standards* and *Procedures* apply to students as individuals, as members of organizations, and to the student organizations themselves, where appropriate. Whenever possible, disciplinary matters will be handled at the Administrative Review level, with emphasis placed on the personal growth and development of the student.

1.30 Actions in the Courts

The *Procedures* and *Standards* described here are intended as a general notice of our community standards and should therefore be viewed as a framework to educate through an accountability process. They are separate and distinct from criminal or civil proceedings which may arise from identical circumstances and that apply to students as citizens at large. Except under exceptional circumstances, student conduct proceedings shall not be deferred on the grounds that civil or criminal proceedings are pending, nor will they be subject to challenge on the ground that charges involving the same incident have been dismissed or the outcome determined in favor of the student.

1.40 Administration

The Office of Student Conduct & Academic Integrity Programs (SCAIP) operates by delegation from the Chancellor through the Vice Chancellor for Student Affairs and through the Dean of Students, and for academic misconduct, through the UCR Academic Senate. Academic misconduct involving graduate students is administered by the Graduate Division. SCAIP administers student conduct policies and procedures for academic (behavior that allegedly violates *Standards* 102.01 *All Forms of Academic Misconduct*) and non-academic, e.g. social, behavioral, misconduct. Alleged violations of the *Standards* pertaining to non-academic misconduct shall be administered in accordance with the procedures set forth herein. Incidents of alleged academic misconduct will be addressed under the procedures set forth in [Academic Integrity for Students at the University of California, Riverside](#). SCAIP may utilize UCR students,

faculty, and staff to hear cases, determine sanctions, and review appeals as described in these procedures.

Alleged violation of policies, regulations or rules (e.g., *Housing Resident Conduct Policies*) governing University Housing by residential students are normally administered by Residential Life staff. Alleged violations of policies, regulations or rules governing University-owned or operated housing facilities may be resolved in accordance with Housing procedures and/or referred to SCAIP for resolution pursuant to these *Procedures*, as violations of *Standards* 102.07 Violation of Policies Governing University Housing Facilities. All disciplinary action taken by any Housing hearing body or officer operates by delegation from the Chancellor through the Vice Chancellor for Planning, Budget, & Administration.

Where students are alleged to have violated the University's policy on Sexual Violence and Sexual Harassment, the UC Policy on Sexual Violence and Sexual Harassment outlines the procedures and associated PACAOS appendices which are used in lieu of these *Procedures*. In the interest of fair administration of the *Procedures* and *Standards*, and consistent with law and University policy, the Dean of Students or their designee may interpret, determine, and make reasonable adjustments to procedures and other provisions herein.

Where timeframes are described in this document, the Dean of Students or their designee may extend processing timeframes for good cause. The actual time required for administration depends on the specific circumstances, including the complexity of the matter and the severity and extent of the alleged conduct. The Respondent will be notified in writing of any extension.

1.50 Availability of the Policies

Copies of all campus and system-wide policies referenced herein are available at SCAIP. The *Standards* and *Procedures* are posted on the SCAIP website: <https://conduct.ucr.edu/policies/standards-of-conduct>, and the *Standards* are published in each year's General Catalog. A student cannot reasonably claim innocence of a violation of the *Standards* on the grounds of ignorance, or cultural or national tradition that may differ from those *Standards*. Whenever a student is not sure whether a particular action would violate the *Standards*, it is the responsibility of the student to inquire of SCAIP.

1.60 Revisions to the Standards and the Procedures

The Dean of Students shall consult faculty, staff, and students, including representatives of student governments, through the Campus Board of Review, in the revision of the *Standards* and the *Procedures* except when such revisions result from changes to system-wide policies or are specifically mandated by law. Any member of the campus community may submit written proposals to change the provisions of these policies to the Dean of Students at any time. Prior to the adoption of a revised policy, all proposed modifications shall be submitted to the Office of Legal Affairs for review for consistency with system-wide policies and the law.

1.70 Procedural Due Process

All substantive modifications to these *Procedures* shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with PACAOS and the law. (See also Section 13.40 of PACAOS.)

PACAOS 103.10 Procedural Due Process states: Procedural due process is basic to the proper enforcement of University policies and campus regulations. (These) campus regulations provide for the handling of student conduct cases in accordance with basic standards of procedural due process. Consistent with this requirement, procedures specified in such regulations shall be appropriate to the nature of the case and the severity of the potential discipline. 103.11 When a

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

- 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 Respondent 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 Respondent;
- 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.

2.0 DEFINITIONS: For the purposes of these *Procedures*, the following definitions apply:

2.0.1 Administrative Review

A review process where information is gathered by a Student Conduct Officer regarding alleged violation(s) of the *Standards*. The process can include a meeting(s) with the Respondent and others with information about the alleged misconduct. The review will result in a determination regarding responsibility, and, if applicable, assignment of sanctions, or referral to another hearing body, such as the Student Conduct Committee.

2.0.2 Advisor

A person chosen by a Respondent involved in the student conduct process to assist them during the process. The advisor may be anyone of the person's choosing (this could include an attorney, at their own cost) who is not directly involved in the case. The advisor may not represent the Respondent or speak on their behalf during the student conduct process and may not disrupt the conduct process. Advisors may be removed from conduct proceedings if they engage in disruptive behavior.

2.0.3 Calendar Days

Any day of the week including weekends, holidays, and inter-quarter recesses.

2.0.4 Campus

A University of California campus. The term 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.

2.0.5 Chair

The UCR student, staff, or faculty member responsible for facilitating the procedures of a Student Conduct Committee Hearing.

2.0.6 Reporting person

Any person who submits a report of alleged violations of the *Standards* or other University policies.

2.0.7 Dean of Students

The Associate Vice Chancellor/Dean of Students for Student Affairs, or (if that position is vacant) a person designated by the VCSA to act as Dean of Students.

2.0.8 Held In Abeyance

To temporarily suspend the student conduct investigation, review, or sanctions by SCAIP while another University administrative action is in process.

2.0.9 Interim Action

The temporary suspension or termination of some or all of a student's privileges before final resolution of a case.

2.0.10 Preponderance of the Evidence

The standard used by the University when determining whether a Respondent violated the *Standards*. This means that it is "more likely than not" the Respondent violated the *Standards*.

2.0.11 Reasonable Cause

Sufficient information alleging that a Respondent has violated the *Standards*, and the conduct process should begin. Information is sufficient if a reasonable person evaluating the information concludes that if true, the allegations would constitute a violation of University policy.

2.0.12 Recognized Campus Organization and Student Organization

Any group or organization of students of UCR that has obtained recognition as a registered campus organization through Student Life.

2.0.13 Respondent

A student or student organization alleged to have violated the *Standards*.

2.0.14 Standards of Conduct

The University's Grounds for Discipline as described in PACAOS Section 102.00 and these *Procedures*; "the *Standards*."

2.0.15 Student

For the purpose of enforcing the *Standards*, an individual as described in PACAOS 14-40:

- For whom the University maintains student records and who:
- is currently enrolled in or registered with an academic program of the University; or
- has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment, including the recess periods between academic quarters; or
- is on an approved educational leave, other approved leave status or disciplinary suspension or is on filing-fee status.

The *Standards* also apply to:

- applicants who become students, for offenses committed as part of the application process; or
- applicants who become students, for offenses committed on campus and/or while participating in University-related events or activities that take place following a student's submittal of the application through (their) official enrollment; or
- former students for offenses committed while a student; or
- students enrolled concurrently through University Extension.

2.0.16 Student Conduct Committee

A group of students, staff, and faculty appointed to resolve alleged violations of the *Standards*.

2.0.17 Student Conduct Committee Advisor

The Director of SCAIP or a designee not directly involved in the case who assists the Chair of the Student Conduct Committee with procedural matters.

2.0.18 Student Conduct Committee Hearing

A formal hearing with the Student Conduct Committee and one or more Respondents to resolve alleged violations of the *Standards*. Sanctions may be issued as a result.

2.0.19 Student Conduct Officer

A University Official who has been authorized by the Vice Chancellor of Student Affairs or a designee to manage cases of alleged violations of the *Standards*. The Student Conduct Officer is responsible for conducting Administrative Reviews and/or presenting information at Student Conduct Committee Hearings regarding alleged violations of the *Standards* and to impose sanctions or recommend sanction(s) to a hearing body.

2.0.20 University

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

2.0.21 University Official

Any person employed by the University performing administrative, professional, research, teaching, or paraprofessional responsibilities.

2.0.22 University Policy

Any written policy of the University, including, but not limited to these *Procedures*, and the *Standards*.

2.0.23 University Property

Any University-owned, -operated or -leased property, including all grounds and structures or such other property as shall be designated by the campus as property subject to the *Standards*. University property also includes computers and network systems owned, maintained or controlled by the University or funded by University budgets or designated by the campus as subject to the *Standards*.

3.00 JURISDICTION**3.10 Types of Cases**

Cases involving alleged misconduct by Students and/or Student Organizations under the following categories may be referred to SCAIP:

- UCR Standards of Conduct (The *Standards*-See Appendix A)
- University of California system-wide policies
- UCR Policies established by campus entities (such as the Chancellor, departments, Housing, and professional schools).

3.20 On-Campus Jurisdiction

The *Standards* govern student conduct on, or as it relates to University property as defined in **2.0.23 University Property**, or at official University functions and University-sponsored programs conducted away from the campus.

3.30 Off-Campus Jurisdiction

SCAIP will consider the below factors when determining whether to exercise off-campus jurisdiction over student conduct that occurs outside University property, or that does not involve University programs. Off-campus student conduct that has an impact on the University environment may be subject to the *Standards* where it:

- 1) adversely affects the health, safety, or security of any member of the University community (including but not limited to conduct such as aggravated assault, assault with a deadly weapon, murder), or the mission of the University, and/or
- 2) Involves sexual violence or sexual assault;
- 3) Has a significant disruptive impact on the ability of the University to fulfill its mission;
- 4) Involves academic work or any records, or documents of the University;
- 5) Involved activities of a registered student organization;
- 6) Impairs the ability of another student(s) to participate in or have equal access to University facilities, programs, or activities;
- 7) Egregiously and/or repeatedly has negatively impacted or constitutes a nuisance to members of the surrounding off-campus community, which may also constitute a violation of federal, state or local laws/ordinances; or
- 8) Severely impacts or strains emergency response abilities in the surrounding community.

The above list is not exhaustive. In determining whether to exercise jurisdiction over such conduct, the University shall consider the seriousness of the alleged offense, the risk of harm to the campus community or University property, whether the victim(s) are members of the campus community and/or whether the off-campus conduct is part of a series of actions that occurred both on and off University property. Recommendations by SCAIP to extend jurisdiction will be reviewed by the Dean of Students or their designee.

3.40 Online Jurisdiction

SCAIP may review reports of online behavior by students to evaluate whether it violates the *Standards* and whether to extend jurisdiction over such conduct. SCAIP will exercise online jurisdiction consistent with PACAOS Policy on Speech and Advocacy.

3.50 Procedures and Timelines

Each case is handled individually and, while due process is always provided, every procedure outlined in the *Standards* may not be used in a particular case. All deadlines and time requirements in this document may be extended for good cause as determined by the Dean of Students or designee, or upon the agreement of SCAIP and the Respondent. Requests for extensions of deadlines must be made in writing to the Dean of Students and the Dean of Students or designee will notify appropriate parties whether the extension is granted, and if an extension is granted, the specific date of the new deadline or event.

4.00 FILING AND REVIEW OF COMPLAINTS

4.10 Filing a Complaint

Any person may file a report alleging academic or non-academic misconduct by a student or student organization with SCAIP. Reports must be filed in writing through an online report form at the SCAIP website at www.conduct.ucr.edu or in person at the SCAIP office. SCAIP may independently follow up on information concerning student misconduct from any source, including, but not limited to police and/or press reports, even where no formal report has been filed. Alleged academic misconduct by Graduate Students may be reported to the Graduate Division in accordance with the procedures set forth in Academic Integrity for Students at the University of California, Riverside.

4.20 Review of Complaints

Upon receipt of a report, SCAIP will review the report, determine if there is reasonable cause, identify alleged violations of the *Standards*, and, if applicable, assign charges, and determine how the incident will be adjudicated. SCAIP will determine how complaints will be adjudicated based on the nature and severity of the alleged violations of the *Standards*. Most alleged violations will be adjudicated through the Administrative Review process; however, the Student Conduct Committee will hear serious and/or chronic cases of alleged misconduct where a sanction of suspension or dismissal of a student or student organization is possible.

4.2.1 Cases involving behavior that presents a threat to the health or safety of others

In cases where there is reasonable cause to believe that the student's participation in University activities or presence at specific areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health and safety of any person on University property or at official university functions, or that the student would engage in other disruptive activity incompatible with the orderly operational campus, interim suspension and/or exclusion pursuant to California Penal Code Section 626 may be invoked in addition to or instead of the initiation of disciplinary action.

5.00 NOTIFICATION OF CHARGES

5.0.1 SCAIP shall send Notification of Charges to the Respondent's UCR email account or, in cases involving a student organization, the UCR email account of the principal officer on record with Student Life. The Notification shall be sent within twenty (20) calendar days of the determination there is reasonable cause to assign charges. The Respondent will have fourteen (14) calendar days from the Notification date to meet with a Student Conduct Officer.

The University may bring charges against a former student, for offenses committed while a student, within six months after termination of student status. This limitation does not apply to cases that involve academic dishonesty or fraud affecting the acquisition of a degree, over which the University maintains indefinite jurisdiction.

5.0.2 Method of Notice

It shall be conclusively presumed that written notice to the Respondent has been furnished if the notice was sent according to the provisions described in sections 5.0.1 above.

5.0.3 Notice Content

The written *Notification of Charges* shall contain:

- A summary of the allegations and potential policy violations;
- A statement that the findings regarding whether there has been a violation of University policy will be based on a preponderance of the evidence standard;
- A link to the policy to be used in adjudication of the case;
- A summary of the process, including the expected timeline;
- A statement of the Respondent's right to be assisted by an advisor (including an attorney at the student's own expense) at any stage of the student conduct process;
- A statement that the Respondent has the opportunity to meet with a Student Conduct Officer to discuss resolution of the charges and/or to contest the allegations;
- A statement that SCAIP will proceed with unilateral action if the Respondent does not meet with a Student Conduct Officer or Student Conduct Committee to resolve the charges.

5.0.4 Break Periods

Administrative Reviews and Student Conduct Committee Hearings may be held during summer sessions or academic break periods.

5.0.5 Holds

Holds may be placed on registration, requests for transcripts, diplomas, or other student records. Such holds may be placed in circumstances including, but not limited to:

- When a student fails to respond to a written notice from SCAIP;
- To prevent a student from transferring or having their degree conferred until all allegations against a student or any assigned sanctions and student disciplinary conditions have been fully resolved;
- When a student fails to comply with the terms of a disciplinary sanction.

In the *Notification of Charges*, or any Notice involving a hold, the student will be informed of the hold, the conditions under which a hold will be removed, and the process for allowing the student to request the removal of the hold. A student may submit a written request to SCAIP for the removal of administrative holds. SCAIP has discretion whether to release administrative holds and the conditions under which they may be released. SCAIP will notify the student in writing of the decision, and their decision is final.

5.0.6 Unilateral Disciplinary Action

If the Respondent has failed or refused to respond, or to participate in or cooperate with the disciplinary process, despite reasonable efforts to contact the Respondent, or the Respondent has withdrawn or failed to re-register while discipline is pending, SCAIP may proceed unilaterally, without a formal hearing, to determine if a violation exists, and impose discipline if a violation is found. Unilateral action may include, but is not limited to: placement of holds in accordance with 5.0.5 above; formal adjudication without the Respondent's presence.

5.0.7 Disability Accommodations

At any stage in the process, Respondents, witnesses, and parties whose participation in the process is requested by SCAIP may request disability accommodations by contacting SCAIP at the time of notification. SCAIP determines if there will be a reasonable delay to the procedures in order to provide accommodations, and may request the party follow interactive processes as outlined by the Student Disability Resource Center (SDRC).

6.00 ADJUDICATION OPTIONS AND PROCEDURES

6.10 Administrative Reviews

A Student Conduct Officer shall meet with the Respondent to explain the alleged violation(s), and where appropriate, discuss information that was received to support the allegation(s), and shall provide the Respondent an opportunity to respond to the allegation(s) and present any information that may assist in investigation and resolution of the case. In reviewing all the facts and information available, the Student Conduct Officer shall determine whether the Respondent has *more likely than not* violated the Standards and, if so, what sanctions or informal action should be taken, or whether the case should be referred to the Student Conduct Committee for hearing. The decision or Notice of Student Conduct Committee shall be forwarded in writing to the Respondent within twenty (20) calendar days absent an extension for good cause. Mechanical or electronic devices for recording or broadcasting shall be excluded from the Administrative Review meetings, except when provided as an accommodation pursuant to Section 5.0.7 of this policy.

6.20 Student Conduct Committee Hearings

Student Conduct Committees (SCC) are comprised of up to five committee members and a Chair drawn from a pool of pre-selected and trained students, faculty, and staff to ensure ready availability. A quorum of the SCC consists of three committee members, of which there must be at least one student and one faculty or staff member. The Chair must also be present for the quorum. In the absence of a quorum, the Hearing must be rescheduled.

Undergraduate student committee members are approved by the recognized student government; graduate student committee members are approved by the Graduate Student Association; staff committee members are appointed by the Vice Chancellor for Student Affairs; and faculty committee members are appointed by the Academic Senate. Students must have completed at least two quarters at UCR before serving as a committee member. Students who have been suspended or are on academic or disciplinary probation, evicted from University Housing for reasons related to conduct, or who have a case pending before the SCC are not eligible to serve as committee members.

6.2.1 Referral to SCC Hearing

For cases to be resolved through an SCC Hearing, SCAIP shall send a *Referral to Committee Notice* to the student's UCR email account or in cases involving a student organization, the UCR email account of the principal officer on record with Student Life. The Referral will include the date, time, and place of the scheduled SCC Hearing. The Respondent must be notified at least seven (7) calendar days before the scheduled hearing. The University reserves the right to conduct hearings in the Respondent's absence when proper notice has been given. Failure to appear after proper notice does not constitute grounds for an appeal.

6.2.2 Requests to Reschedule a Hearing

All requests for rescheduling an SCC Hearing must be directed in writing to the Director of SCAIP with a statement of the grounds for the request, at least five (5) calendar days prior to the scheduled hearing. Requests are considered, but rescheduling is not automatic, and SCAIP's decision is final.

6.2.3 Consolidated Hearing Assignments

Cases in which more than one Respondent is charged with violating the same regulation(s) and which depend on common evidence may, at the discretion of SCAIP, either be considered jointly in a single consolidated SCC Hearing or be assigned to separate hearings.

6.2.4 Evidence in SCC Hearings

Respondent(s) will be provided access to and/or copies of all the documentary information that will be presented in support of the charges at the SCC Hearing and a list of witnesses, if any, that may be called by the University. Any such evidence will be made available for inspection as soon as practicable but in any case, no later than seven (7) calendar days before the hearing. The release of information pursuant to this section may be subject to limitations imposed by state and federal law. (See University of California, Riverside Policies Applying to the Disclosure of Information from Student Records for further information.)

No later than five (5) calendar days prior to the hearing, the Respondent must provide SCAIP with copies of documentary evidence to be presented at the SCC Hearing and a list of witnesses they would like to call. Evidence submitted by the Respondent after less than five (5) calendar days before the hearing shall be excluded absent a showing of good cause for failure to produce the evidence by the deadline, as determined by the Chair of the hearing. The Chair will rule on the admissibility of all proposed witness testimony and submitted evidence, based on the relevance of such testimony/evidence.

The privacy interests of the parties should be considered by the Chair in making decisions about the introduction of evidence.

Formal rules of evidence or court procedures are not used and do not apply in the student disciplinary process. Student discipline hearings are not court proceedings; the procedures used in civil or criminal trials, motions, or other proceedings before a court or administrative agency do not apply.

6.2.5 Presence of Parties

SCC Hearings are closed to the public. The Respondent is entitled to be present throughout the SCC Hearing, excluding the deliberation phase, but may elect not to appear. The Respondent's failure to appear shall not be construed as evidence of responsibility for violating policy. Witnesses will be excluded from SCC Hearings during all testimony but their own.

6.2.6 Procedure and Evidence

The Chair shall rule on all questions of procedure and evidence, including but not limited to, the order of presentation of evidence, admissibility of evidence, applicability of regulations to a particular case, and relevance of testimony. The purpose of the hearing is to establish findings of fact. Therefore, issues of constitutionality or legality of University or campus policies will not be considered at the hearing.

6.2.7 Record of the SCC Hearing

A recording of the SCC Hearing, but not the deliberations, shall be made and retained as part of the record for as long as the disciplinary record is retained, according to local and UC retention policies. Respondent(s) may obtain a copy of the recording upon paying the expense of making such copy, and it will be provided in a reasonable amount of time at the discretion of SCAIP, provided that the hearing decision has been issued. Either party may arrange for a transcriptionist to make a full transcript of the proceedings at their own expense. SCAIP must be notified at least five (5) calendar days prior to the Hearing if a transcriptionist will be present. Other than for the purpose of the official record as provided above, mechanical or electronic devices for recording or broadcasting shall be excluded from the Hearings. (Note: Exceptions may be provided on a case-by-case basis for Respondent(s) requiring ADA/504 accommodations.)

6.2.8 Decisions

The SCC shall deliberate in closed session to determine whether a Respondent is responsible or not for the violation(s) in question. The determination shall be based on a preponderance of the evidence and shall be based only upon evidence received and deemed admissible at the committee hearing. For cases in which the Committee determines a Respondent is not responsible for violating the *Standards*, no sanctions will be recommended. For cases in which it is determined that the Respondent is responsible for violating the *Standards*, the Committee will include consideration of the Respondent's disciplinary record at the University. Except in cases in which the disciplinary history of the Respondent is a basis of the alleged violation(s) under review (e.g., a continuing pattern of behavior), consideration of that history will occur subsequent to the Committee's determination of responsibility.

The SCC findings and recommendations shall be forwarded to the Director of SCAIP (*Director*) or their designee not previously associated with the case, within ten (10) calendar days after the conclusion of the hearing, which may be extended for good cause. The report may be written by the Chair and shall include the Committee's findings of fact about the alleged misconduct, recommendations for determination of responsibility for policy violations and, when a policy violation has occurred, a recommendation regarding a sanction or sanctions to be imposed.

The Director shall review the report of findings and recommendations of the Student Conduct Committee and may modify the recommended finding on policy violations, and/or sanctions received from the Student Conduct Committee.

The sanction(s) imposed by the Director shall become effective if the appeal period ends without an appeal being filed.

6.2.9 Recommendations for Amendment to Policy/Regulation/Procedures

The SCC, apart from its finding on a particular disciplinary case, may recommend to the Dean of Students the modification of any University policy and/or campus regulation (including these *Procedures*) for stated reasons in a letter separate from the findings.

6.30 Advisors

The Respondent and the reporting party (if they are a student and present at the review or SCC Hearing), are entitled to the assistance of one (1) advisor at the hearing. Advisors may be anyone of the party's choosing who is not directly involved in the case and who provides support or counsel. The Respondent may retain an attorney to serve as an advisor at any stage of the conduct process, at their own expense, but the advisor may not represent the Respondent in the conduct process. The advisor may consult with their Respondent but may not speak on behalf of the Respondent unless they are directed to answer questions by the Chair (in SCC Hearings) or by the Student Conduct Officer (in Administrative Reviews). Advisors may be excluded by the Chair (in SCC Hearings) or by the Student Conduct Officer (in Administrative Reviews) if they interrupt, disrupt, or attempt to directly participate in the Administrative Review or SCC Hearing.

7.00 NOTICE OF THE DECISION

SCAIP or the SCC Chair will notify the Respondent and University Representative of the decision promptly after the conclusion of the Administrative Review or SCC Hearing, but not later than twenty (20) calendar days after the Review or SCC Hearing, absent good cause for an extension. Notice of the decision shall be given as follows:

- To the Respondent: SCAIP or the Chair shall provide written notice to the Respondent of the decision in the case. A copy of the notice will be forwarded to SCAIP, the Dean of Students and others consistent with the Family Educational Rights and Privacy Act (FERPA). The notice shall include findings as to each of the specified charges, and whether the conduct as found does or does not violate the policies or regulations as alleged. Where appropriate, the notice shall identify the sanction(s) to be imposed. The notice of the decision will contain a summary of the information upon which the decision relied. The notice of decision will include information on the appeal process.
- To the alleged victim of a crime of violence: If the referral involved a violent crime, the alleged victim of the crime must be informed of the results of any disciplinary action and appeal, in accordance with law and University policy.

8.00 MAINTENANCE OF DISCIPLINARY RECORDS

The record of a disciplinary case and all supporting documentation shall be maintained according to the University policies and applicable State and Federal laws concerning maintenance and disclosure of student records, protection of a student's right of privacy, and the disclosure of personal student information.

The file of a student found in violation of campus regulations (including the transcripts or recordings of the hearing) will be maintained by SCAIP for a period of at least seven years from the date of the letter providing notice of final disciplinary action, unless otherwise determined by the Dean of Students.

Reports and other information about conduct cases, including outcomes and sanctions, may be shared with other University officials, in accordance with FERPA and University policy.

8.10 Notations on Transcripts

When, as a result of a violation of the *Standards*, a student is suspended, the fact that suspension was imposed must be posted on the academic transcript for the duration of the suspension. When a student is dismissed, the fact that dismissal was imposed must be posted on the academic transcript permanently.

9.00 APPEAL OF SCAIP OR STUDENT CONDUCT COMMITTEE DECISIONS

9.10 Appeal Submission

Appeals of a decision by SCAIP or the SCC shall be addressed to the Dean of Students. Within fifteen (15) calendar days of receiving written notification of the decision, the Respondent may submit a written appeal to the Dean of Students. When an appeal is submitted by the Respondent, the Dean of Students or their designee ("Appeal Officer") must promptly send a copy of the appeal to SCAIP. Within seven (7) calendar days of receiving the copy, SCAIP may submit a written response to the Appeal Officer.

9.20 Sanctions During Appeal

The filing of a timely appeal suspends the imposition of sanctions until the appeal is decided, but interim action may be taken as determined by the Dean of Students. Grades or degrees may be withheld pending conclusion of the appeal.

9.30 Grounds for Appeal

An appeal must be based on one or more of the following: 1) New evidence not reasonably available at the time of the original hearing, the absence of which can be shown to have had a detrimental impact on the outcome of the hearing; 2) Procedural error that can be shown to have had a detrimental impact on the outcome of the hearing; 3) Errors in the interpretation of University policy so substantial as to deny one of the parties a fair hearing; 4) Grossly inappropriate sanction having no reasonable relationship to the charges.

9.40 Appeal Decisions

The Appeal Officer shall make the final determination of all cases appealed under these policies. Except in cases where the appeal is based upon newly discovered evidence, the Appeal Officer shall review the record of the hearing and will not consider evidence that was not part of that record, other than the Respondent's prior discipline record, if any. The Appeal Officer may uphold, overturn, or modify the decision and sanction in question. Where the appeal is based upon new evidence, the case may be referred back to the hearing authority for further consideration. The action taken shall be communicated in writing to the Respondent, SCAIP, and other appropriate officials within twenty (20) calendar days after receipt of the appeal and related documents.