

UCLA

Student Conduct Procedures

for Allegations of Sexual Harassment,
Sexual Misconduct,
Domestic and Dating Violence, and Stalking



Effective March 25, 2015

This version of the Student Conduct Procedures for Allegations of Sexual Harassment, Sexual Misconduct, Domestic and Dating Violence, and Stalking replaces and supersedes all previous versions of these procedures.

UCLA students are proud to be members of this community. They take pride in the reputation of our faculty; they take pride in our unparalleled programs and services; they take pride in the wealth of diversity of our community members; and they take pride in our beautiful campus. Intertwined with our core values, Bruin Pride is at the very heart of what it means to be a TRUE BRUIN.

Bruins are committed to the values of Respect, Accountability, Integrity, Service, and Excellence. Bruins conduct themselves with integrity and understand that the quality of their educational experience is predicated on the quality of their academic work and service to the community.

Bruins hold themselves accountable to the commitments they make and for their conduct. When faced with adversity, Bruins engage in thoughtful reflection and exhibit superior ethical decision-making skills. They respect the rights and dignity of all members of our community by listening attentively, communicating clearly, and remaining open to understanding others and their diverse points of view.

Bruins embrace these values, for these are the values of a TRUE BRUIN.

For more information:

Office of the Dean of Students
1206 Murphy Hall
Box 951415
Los Angeles, CA 90095-1415

Phone: (310) 825-3871
Email: dean@saonet.ucla.edu

www.deanofstudents.ucla.edu

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INTRODUCTION

The University of California, Los Angeles is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community should be aware that the University is strongly opposed to sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking, and that such behavior is prohibited both by law and University policy.

Students are considered to be maturing adults, capable of making their own decisions, as well as accepting the consequences for those decisions. University policies, the *UCLA Student Conduct Code*, and the student conduct process have been established to respond promptly and effectively to incidents involving allegations of inappropriate behavior within our community.

Students are expected to make themselves aware of and comply with the law, and with University and campus policies and regulations. While many of UCLA's policies and regulations parallel federal, state and local laws, UCLA's standards may be set higher.

The *University of California Policy on Sexual Harassment and Sexual Violence*, *University of California Policies Applying to Campus Activities, Organizations, and Students* (UC PACAOS), the *UCLA Student Conduct Code*, and UCLA Procedure 630.1 (*Responding to Reports of Sexual Harassment*) have been incorporated into this policy either by adapting or inserting verbatim the language of the policies. The complete *University of California Policies Applying to Campus Activities, Organizations, and Students* is at <http://policy.ucop.edu>.

The *UCLA Student Conduct Code* is available at http://www.deanofstudents.ucla.edu/Code_choice.php.

UCLA Procedure 630.1 is at <http://www.adminpolicies.ucla.edu/pdf/630-1.pdf>.

Students may contact the Office of the Dean of Students or Student Legal Services for advice concerning these policies.

I. DEFINITIONS

A. Campus Advocate

A Campus Advocate is a member of the campus community (faculty, staff, or student) who may actively participate in a student conduct hearing by identifying clarifying questions to be asked of witnesses on behalf of the accused Student or the Complainant. Students may identify their own Campus Advocate, or may request to be assisted at no cost by a trained Campus Advocate assigned by the Hearing Coordinator.

B. Complainant

For purposes of this policy, the term “Complainant” refers to the alleged victim of sexual misconduct, sexual harassment, domestic violence, dating violence, or stalking, regardless of whether he or she has actually filed a complaint.

C. Days

For purposes of this policy, the term “Days” means University business days. It does not include Saturdays, Sundays, or days on which the campus is closed.

D. Dean

For the purposes of this policy, the term “Dean” refers to the Dean of Students or the Dean’s designee.

E. Hearing Administrator

The Hearing Administrator is a University employee designated to administer the proceedings of matters related to the Student Conduct Hearing (see Section IV.K.).

F. Hearing Coordinator

The Hearing Coordinator is a University employee designated to schedule and otherwise coordinate the proceedings of matters related to the Student Conduct Committee.

G. Notice

Whenever this policy requires giving Notice to any Student, sending such Notice to the electronic or physical mailing address most recently provided by the Student to the Registrar will give rise to a conclusive presumption that Notice has been given as of the date of the mailing.

H. Student

For the purposes of this policy, the term “Student” means an individual for whom the University maintains student records, and who:

1. is enrolled in or registered with an academic program of the University;
2. has completed the immediately preceding term and is eligible for reenrollment, including the recess periods between academic terms; or
3. is on an approved educational leave or other approved leave status, or is on filing-fee (i.e., the fee used in lieu of registration if all formal requirements for graduate degrees, except for taking comprehensive or oral examinations or filing theses or dissertations, are met prior to the first day of instruction of the term) status.

This policy also applies to the following:

1. applicants who become students, for offenses committed as part of the application process;
2. applicants who become students, for offenses committed on campus and/ or while participating in University related events or activities that take place following a student's submittal of the application through her or his official enrollment; and
3. former students for offenses committed while a student.

I. Support Person

A Support Person is any individual accompanying an accused Student or Complainant in a hearing for personal and emotional support (e.g. parent, counselor, attorney, friend, etc.). That person may be present, but may not serve as a witness, and may not speak on behalf of the Complainant or accused Student or otherwise interrupt the proceedings at any point during the hearing.

II. JURISDICTION

The University has jurisdiction over student conduct that occurs on University property, or in connection with official University functions whether on or off University property. The University may, at its sole discretion, exercise jurisdiction over student behavior that occurs off campus and that would violate student conduct policies or regulations when the alleged misconduct indicates the student poses a threat to the safety or security of any member(s) of the University community.

In determining whether or not to exercise off-campus jurisdiction, the University will consider the seriousness of the alleged misconduct; whether an alleged victim is a member of the campus community; the ability of the University to gather information, including the statements of witnesses; and whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

III. TYPES OF MISCONDUCT

Students may be held accountable for the types of misconduct set out below and in the *UCLA Student Conduct Code*. The Dean may take action whether or not such misconduct also violates the law, and whether or not proceedings are, have been, or may be brought in the courts involving the same acts. Because of this, students may be involved in University conduct proceedings before, after, or during court proceedings.

Students may be held accountable for committing or attempting to commit a violation of this policy or for assisting, facilitating, or participating in the planning of an act that violates this policy (or an act that would be in violation of this policy if it were carried out by a student). These procedures will apply to alleged misconduct of the three following *UCLA Student Conduct Code* sections:

102.08: Conduct that Threatens Health or Safety

Conduct that threatens the health or safety of any person including, but not limited to physical assault, sexual misconduct, domestic violence, dating violence, threats that cause a person reasonably to be in sustained fear for one's own safety or the safety of her or his immediate family, incidents involving the use or display of a weapon likely to cause great bodily harm, and intoxication or impairment through the use of alcohol or controlled substances to the point one is unable to exercise care for one's own safety.

This *Policy* prohibits sexual harassment and sexual violence as defined by the *University of California Policy on Sexual Harassment and Sexual Violence*:

Sexual violence is defined as physical sexual acts engaged without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Sexual assault occurs when physical sexual activity is engaged without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication).

Consent is defined as follows:

Consent is informed. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity.

Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment.

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the Complainant was incapacitated.

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

This *Policy* prohibits retaliation against a person who reports sexual misconduct or dating or domestic violence, assists someone with a report of sexual misconduct or dating or domestic violence, or participates in any manner in an investigation or resolution of a sexual misconduct or dating or domestic violence report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

An individual who participates as a Complainant or witness in an investigation of sexual assault, domestic violence, or dating violence will not be subject to disciplinary sanctions for a violation of the Student Conduct Code at or near the time of the incident, unless the University determines that the violation was egregious (including but not limited to academic dishonesty and conduct that places the health or safety of any person at risk.)

102.09: Sexual Harassment

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile, or offensive. Sexual harassment includes sexual violence. The University will

respond to reports of any such conduct in accordance with the *Policy*.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Consistent with the *University of California Policies Applying to Campus Activities, Organizations, and Students*, Policy 100.00 on Student Conduct and Discipline, Section 102.09, harassment of one student by another student is defined as unwelcome conduct of a sexual nature 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.

Student Employees: When employed by the University of California, and acting within the course and scope of that employment, an investigation may be completed by the Title IX Officer, or her designee per the UC Policy on Sexual Harassment and Sexual Violence (<http://policy.ucop.edu/doc/4000385/SHSV>). Should an investigation be conducted, a copy of the Investigator's Report and the written determination of whether or not Sexual Harassment occurred will be forwarded to the Dean, who may impose one or more sanctions, as appropriate.

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

This *Policy* prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment; or participates in any manner in an investigation or resolution of a sexual harassment report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

102.10: Stalking

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

This *Policy* prohibits retaliation against a person who reports stalking, assists someone with a report of stalking; or participates in any manner in an investigation or resolution of a stalking report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

An individual who participates as a Complainant or witness in an investigation of stalking will not be subject to disciplinary sanctions for a violation of the Student Conduct Code at or near the time of the incident, unless the University determines that the violation was egregious (including but not limited to academic dishonesty and conduct that places the health or safety of any person at risk.)

102.25: Violations of Law

Students may be subject to discipline on the basis of a conviction under any federal, California state, or local criminal law, when the conviction constitutes reasonable cause to believe that the Student poses a threat to the health or safety of any person, or to the security of any property, on University premises or at official University functions, or to the orderly operation of the campus.

IV. STUDENT CONDUCT PROCEDURES

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

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

Complaints involving alleged misconduct by students may be submitted in writing to the Office of the Dean of Students. Reports of sexual harassment or sexual violence should be brought forward to the Office of the Dean of Students as soon as possible after the alleged conduct occurs. While there is no stated timeframe for reporting, prompt reporting will better enable the University to respond to the report, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report may impede the University's ability to conduct an investigation and/or to take appropriate remedial actions.

The Dean will provide a written explanation of available rights and options, including procedures to follow, when the University receives a report that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on- or off-campus or in connection with any University program. The written information shall include:

- to whom the alleged offense should be reported;
- options for reporting to law enforcement and campus authorities, including the option to notify local or on-campus law enforcement authorities; the right to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses and the right to decline to notify such authorities;
- the rights of Complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts and the University's responsibilities regarding such orders;

- the importance of preserving evidence as may be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a protection order;
- existing campus and community services available for victims including counseling, health, mental health, victim advocacy, legal assistance, and other services (e.g., Counseling and Psychological Services, the UCLA Santa Monica Rape Treatment Center, Student Legal Services);
- options for, and available assistance to, change academic, living, transportation, and working situations, if requested by the Complainant and if reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
- a copy of this *Policy*.

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

A. Initial Investigation

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

B. Notice to Complainant

If an individual reports to the University that the individual has been a victim of domestic violence, dating violence, sexual misconduct, or stalking, the Complainant shall be provided with a written explanation of the individual's rights and options whether the offense occurred on- or off-campus or on any University location.

C. Notice to the accused Student

Notice to the accused Student shall include the following:

1. the nature of the conduct in question and the basis for the allegation, including a brief statement of the basis of the charges, the date or period of time and the location of the alleged incident.
2. the University policy(s) and/or campus regulation(s) allegedly violated; and information on how to access a full version of this policy;
3. that the Student has five Days from the date Notice was given to contact the Office of the Dean of Students for the purpose of scheduling an initial meeting;

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

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

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

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

D. Meeting(s) with the Dean

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

- ensure that the Student has been provided information on how to access this policy;
- discuss confidentiality; inform the Student that the content of this and all subsequent communication with the Office regarding information not relevant to the case will, insofar as allowed by law, be treated confidentially, unless such confidentiality is waived by the Student; and that information relevant to the case may be divulged to those who have a legitimate educational interest, including but not limited to the Student Conduct Committee;

- describe to the accused Student the nature of the conduct in question, and the University policy(s) and/or campus regulation(s) allegedly violated, hear the Student's response to such allegations, and counsel the Student as appropriate; and
- provide the Student with information about the right to inspect all documents relevant to the case which are in the possession of the Office of the Dean of Students; (Note: all documents will be redacted to comply with state and federal laws and regulations and University policies.)
- provide the Student with copies of the documents relevant to the case, at the Student's written request. (Note: all documents will be redacted to comply with state and federal laws and regulations and University policies.)

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

E. Decisions in Absentia

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

F. Resolution by the Dean

At the conclusion of the investigation, the Dean may take one of several actions listed below. Additionally, the Complainant will receive written notification of the outcome and any disciplinary action by the University from the Office of the Dean of Students, in accordance with the Privacy provisions in *The University of California Policy on Sexual Harassment and Sexual Violence*.

1. Letter of Admonition

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

2. Imposing Sanctions

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

3. Referral to the Student Conduct Committee

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

this policy has occurred.

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

4. Insufficient Information

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

G. Sanctions and Additional University Actions

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

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

1. Warning

Notice or reprimand to the Student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of specified University policies or campus regulations may be cause for further disciplinary action.

2. Disciplinary Probation

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

3. Deferred Suspension

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

4. Deferred Dismissal

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

5. Suspension

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

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

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

Suspension may include a prohibition against entering specified areas of the campus or being present at official University functions. Further violations of the *Student Conduct Code*, violations of this procedure, or failure to complete any assigned conditions may result in additional disciplinary action including but not limited to suspension or dismissal.

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

6. Dismissal

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

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

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

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

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

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

H. Limits on Sanctions

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

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

I. Posting of Suspension or Dismissal on Academic Transcript

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

J. Appeal of the Sanction

If the Dean imposes a sanction of Deferred Suspension, Deferred Dismissal, Suspension, or Dismissal, the Student may appeal the sanction, to the Vice Chancellor of Student Affairs, on the grounds that the sanction assigned is substantially disproportionate to the severity of the violation. All appeals must be written and should clearly articulate and support the grounds for appeal. Appeals must be received within five Days of the date of

Notice from the Dean of her or his action. Appeals may be submitted directly to the Vice Chancellor by e-mail sent from the Student's official University email account, or may be submitted in writing to the Campus Hearing Coordinator, signed by the Student .

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

The Vice Chancellor of Student Affairs will have ten Days after the appeal due date to deliver her or his written decision. The imposition of a sanction will be deferred during such appeal period. Notifications will be made simultaneously to both the accused Student and the Complainant.

The Vice Chancellor of Student Affairs is not limited to those sanctions imposed by the Dean and may impose any one or more of the sanctions listed in Section IV.F. above, even though such decision may result in the imposition of more severe disciplinary action. The decision of the Vice Chancellor of Student Affairs is final. A letter containing the decision will be delivered to the Dean, Student, and Complainant.

K. The Student Conduct Committee

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

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

1. Referral of Cases to the Student Conduct Committee

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

2. Composition of the Student Conduct Committee

The Student Conduct Committee will consist of the following members:

- a. Chair(s): At least one Chair shall be appointed by the Chancellor.
 - i. The Chair(s) may be faculty members, staff members, faculty or staff emeriti, or volunteers who have either training in a relevant subject area or experience with the hearing process.
 - ii. They will be appointed for not less than one nor more than three years; however, each may serve until a successor is appointed.
- b. Not fewer than three members from the faculty/faculty emeriti, in addition to the Chair(s) will be appointed by the Chancellor.
 - i. They will be appointed for not less than one nor more than three years; however, may each serve until a successor is appointed.
- c. Not fewer than three members from the staff/staff emeriti.
 - i. The staff members will be nominated by Staff Assembly and appointed by the Chancellor.
 - ii. They will be appointed for not less than one nor more than three years, as determined by the Chancellor; however, each may serve until a successor is appointed.
- d. Not fewer than three undergraduate student members.
 - i. The undergraduate student members will be nominated by USAC and appointed by the Chancellor.
 - ii. They will be appointed for not less than one nor more than three years; however, each may serve until a successor is appointed.
 - iii. During the time of appointment, each student appointee must be a registered and enrolled student at UCLA during each quarter of service on the Committee except during summer periods.
 - iv. Each undergraduate student appointee must have at the time of appointment, and must maintain throughout her or his period of service on the Committee, a cumulative grade point average of not less than 2.0.
- e. Not fewer than three graduate student members.
 - i. The graduate student members will be nominated by GSA and appointed by the Chancellor.
 - ii. They will be appointed for not less than one nor more than three years; however, each may serve until a successor is appointed.

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

3. Training of the Student Conduct Committee

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

4. Assignment of Student Conduct Committee Panel Members

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

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

5. Scheduling of Hearing

It is the intention of this policy that hearings be set as soon as reasonably possible after referral to the Student Conduct Committee. In compliance with UCLA Procedure 630.1, cases involving allegations of sexual harassment must be either resolved by the Dean or heard before the Student Conduct Committee within sixty Days of the referral of the complaint. This deadline may be extended on approval from the Vice Chancellor of Student Affairs.

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

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

The Dean, the accused Student, and Complainant must provide the Hearing Coordinator with relevant material, including the identities of all witnesses as well as copies of any documents which the parties intend to produce at the hearing at least three Days prior to the hearing. To the extent feasible, the

Hearing Coordinator will make available any materials to the other parties in the matter two Days prior to the hearing. Any witnesses or materials not submitted to the Hearing Coordinator at least three Days prior to the hearing may be introduced in the hearing at the discretion of the Student Conduct Committee Chair.

6. Hearing Procedures

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

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

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

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

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

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

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

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

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

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

7. Standard of Proof

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

8. Record of Hearing

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

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

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

9. Spectators

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

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

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

10. Continuing Resolution between the Student and the Dean

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

11. Reports to the Vice Chancellor of Student Affairs

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

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

If it is the opinion of a majority of the Student Conduct Committee Panel that the accused Student has violated one or more of the University policies or campus regulations which the Student has been charged with violating, the Dean will provide the Hearing Administrator with a recommendation of sanction(s).

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

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

12. Copies of Reports

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

13. Response to the Report by the Accused Student

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

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

The three grounds on which a Student may respond are:

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

14. Response to the Report by the Complainant

The Complainant will have five Days from the date of the letter forwarding the Hearing report in which he or she may submit a written response challenging the findings included in the report.

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

The three grounds on which a Complainant may respond are:

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

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- c. The Complainant believes the sanction(s) recommended by the Student Conduct Committee are substantially disproportionate to the severity of the violation of the *UCLA Student Conduct Code* which the Student was found to have committed.

L. Review by the Vice Chancellor of Student Affairs

1. Decision by the Vice Chancellor of Student Affairs

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

2. Basis for Decision

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

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

3. Sanctions

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

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

4. Notice of Decision

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

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

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

V. INTERIM AND EMERGENCY SUSPENSION

A. Interim Suspension

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

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

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

conditions should be modified. The result of this hearing will have no bearing on other University disciplinary proceedings arising from the conduct which gave rise to the Interim Suspension. Any such disciplinary proceedings will be conducted under the normal procedures provided in this policy.

4. Disciplinary proceedings involving Students on Interim Suspension will follow the normal procedures provided in this policy, however, at each step of the proceedings they will have scheduling priority.

B. Emergency Suspension

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

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

- c. Any Student placed on Emergency Suspension will not, during the period of Emergency Suspension, enter upon specified areas of the campus or engage in specified activities, as set forth in the Notice of Emergency Suspension.

The exclusion or restriction will be limited to the minimum extent necessary to protect the health and safety of persons or property, or to maintain the orderly operation of the campus

- d. The outcome of the appeal will have no bearing on University disciplinary proceedings arising from the conduct which gave rise to the Emergency Suspension
- e. Violation of any condition set forth in the Notice of Emergency Suspension will subject the individual to disciplinary proceedings based upon such violation.

VI. PRIVACY AND RECORDS RETENTION

Student conduct records are confidential. The disclosure of information from such records is subject to section 130.00 of the *University of California Policies Applying to Campus Activities, Organizations and Students* (<http://policy.ucop.edu/doc/2710533/PACAOS-130>), UCLA Policy 220 – *Disclosure of Information From Student Records* (<http://www.adminpolicies.ucla.edu/pdf/220.pdf>) to the California Information Practices Act, and to the Family Educational Rights and Privacy Act.

In cases where the final disposition is Dismissal, the Office of the Dean of Students retains student conduct records for fifty years from the date of the Notice of final disposition.

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

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

VII. AMENDMENT AND MODIFICATION

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

UCLA ^{TRUE} BRUIN

AS A BRUIN, I COMMIT MYSELF TO THE HIGHEST ETHICAL STANDARDS

RESPECT

I will respect the rights & dignity of others.

ACCOUNTABILITY

I will be accountable as an individual & member of this community for my ethical conduct.

INTEGRITY

I will conduct myself with integrity in my dealings with & on behalf of the University.

SERVICE

I will make an impact in our global community through public service.

EXCELLENCE

I will conscientiously strive for excellence in my work.