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Complaints of violations of the *UCI Guidelines for Reporting and Responding to Reports of Sex Offenses* (hereafter referred to as, “Guidelines”) are initially referred to the Office of Equal Opportunity and Diversity (OEOD) for informal resolution or investigation. The complaint will be reviewed by OEOD, who may initiate an investigation to determine whether the Guidelines was violated. Once an investigative report and finding has been issued by OEOD to the Office of Student Conduct (OSC), these procedures are used for further handling.

I. Investigation by OEOD

OEOD will initiate investigations of alleged violations of the Guidelines. Investigations will incorporate the following:

A. The Investigator will meet separately with the parties to discuss the complaint, gather evidence, and receive information related to the alleged violations.

B. Investigative meetings will be closed to the public. No recording device (audio and/or video) of any kind is permitted for use by the Respondent, Complainant, witnesses, or advisors.

C. Respondents and Complainants are entitled to be assisted by an advisor (UC Irvine students, faculty or staff or an attorney or any other person) during the investigative meeting. Advisors are allowed to be present at the meeting with the consent of their advisee. Advisors cannot speak on behalf of the student. Students electing to be accompanied by an advisor must notify the Investigator at least two business days prior to the meeting.

D. Upon the completion of the investigation, OEOD will notify Complainant and Respondent in writing whether there is reasonable cause to believe the Guidelines was violated.

E. The Investigator will also forward a Report of the Findings to the OSC.
II. Student Conduct Process

Upon receipt of the Report of Findings from OEOD, the OSC will review the report.

A. If there is reasonable cause to believe the Guidelines or the UC Irvine Student Code of Conduct was violated, the OSC will notify the Respondent and Complainant of the initiation of the University disciplinary process. This notification letter will be sent to both students’ UCI email address and/or by U.S. Mail to the students’ current address of record.

B. All deadlines and time requirements in the student conduct process may be extended for good cause as determined by the Director of Student Conduct (or Designee). Requests for extensions of deadlines must be made in writing to the Director of Student Conduct (or Designee), who will determine, based on the totality of the circumstances, whether the extension is granted. If an extension is granted, the Director of Student Conduct (or Designee) will specify the date of the new deadline or event.

Student Conduct Process: Administrative Meeting

III. The Administrative Meeting is a meeting between a Student Conduct Officer from the OSC and the Complainant and Respondent individually to review and discuss the findings in the report from OEOD, hear and receive the student’s information and perspective, and if the Respondent accepts responsibility, impose fair and appropriate sanctions. The following provisions apply to Administrative Meetings.

A. If there is reasonable cause to believe the Guidelines was violated, the Student Conduct Officer will provide the Complainant and Respondent with the following information in writing:
   1. Notification of the alleged violation(s);
   2. Summary of the evidence relating to the alleged violation(s);
   3. Notice that the Respondent has seven business days from the notice to contact the Student Conduct Officer to schedule an Administrative Meeting;
   4. Information about how to review case materials prior to the meeting (e.g. Report of Findings, police report, etc.).

B. If the Complainant or Respondent cannot attend his or her scheduled Administrative Meeting, he or she must contact the Student Conduct Officer to request a new date and/or time for the meeting. Whether the meeting will be rescheduled is at the discretion of the Student Conduct Officer. If, after proper notice, the Complainant or Respondent does not appear at the scheduled date and/or time, the Student Conduct Officer may determine the Respondent’s responsibility for the alleged violation(s) without input from the absent party and may assign sanctions based on the information in his or her possession without the Complainant’s and/or Respondent’s participation.
C. Administrative Meetings will be closed to the public. No recording device (audio and/or video) of any kind is permitted for use by the Respondent, Complainant, witnesses, or advisors.

D. Respondents and Complainants are entitled to be assisted by an advisor (UC Irvine student, faculty, or staff, or an attorney or any other person) during the Administrative Meeting. Advisors are allowed to be present at the meeting but only to confer with their advisee. Advisors cannot speak on behalf of the student. Students electing to be accompanied by an advisor must notify the Student Conduct Officer at least two business days prior to the meeting.

E. At the meetings, the Student Conduct Officer will explain the Administrative Meeting process to the Complainant and Respondent. The Student Conduct Officer will provide each party an opportunity to review the Report of Findings, explain the parties' rights, and describe the alleged violations. Each party will then have the opportunity to present his or her version of the incident. At the conclusion of the meeting, the Student Conduct Officer will explain the potential sanctions.

IV. Sanctions

Sanctions for cases where a student is found responsible for violating the Guidelines are intended to equitably address the offending behavior, prevent its recurrence and remediate its effects in an educational context. The Respondent and Complainant will be notified of the sanctions in writing. Sanctions may include, but are not limited to, Warning, Disciplinary Probation, Suspension, Dismissal, Records Holds, Written Assignments, and other Required Participation in Educational Programs.

V. Challenges to Sanctions Imposed After the Administrative Meeting

A. Sanctions that are less than Suspension or Dismissal
   1. Appeal: Either party may appeal the determination of responsibility or sanction(s). The Complainant may appeal sanctions to the extent disclosure of sanctions to him or her is permissible under law and UC Irvine policy. Refer to VI. Procedures for the Appeal of the Administrative Meeting Decision for Disciplinary Action.
   2. Student Conduct Review Board: No Student Conduct Review Board proceeding is available to challenge sanctions that are less than Suspension or Dismissal.

B. Sanctions that include Suspension or Dismissal:
   1. Appeal: Either party may appeal the determination of responsibility or sanction(s). The Complainant may appeal sanctions to the extent disclosure of sanctions to him or her is permissible under law and UC Irvine policy. Refer to VI. Procedures for the Appeal of the Administrative Meeting Decision for Disciplinary Action.
   2. Student Conduct Review Board: Only suspensions or dismissals are eligible to be heard before the Student Conduct Review Board. Refer to VII of the Procedures for the Student Conduct Review Board. If the Respondent is found in violation of University
policy by the Student Conduct Review Board; the case may then be appealed to the Vice Chancellor of Student Affairs. Refer to IX Appeal of Student Conduct Review Board Decision.

VI. Procedures for the Appeal of the Administrative Meeting Decision for Disciplinary Action

Either party may appeal the determination of responsibility or sanction(s). The Complainant may appeal sanctions to the extent disclosure of sanctions to him or her is permissible under law and UC Irvine policy. In writing (email is acceptable) to the Dean of Students (or Designee) within seven business days after the notice of sanctions. All appeals will be reviewed in the following manner:

A. Appeals must be based upon one or more of the following grounds:
   1. Whether there is new evidence that could not be adduced at the time of the Administrative Meeting and that is likely to change the result;
   2. Whether there was a violation of due process; or
   3. Whether the imposed sanction was disproportionate to the findings of fact.

B. Once an appeal is submitted, the following protocol will normally apply:
   1. The Dean of Students (or Designee) will notify the non-appealing party via email of the appeal. The non-appealing party will have seven business days to submit a response to the appeal to the Dean of Students (or Designee). Both parties may submit an impact statement as part of their response.
   2. Upon completion of the review by the Dean of Students (or Designee), the Dean may affirm, modify, or reverse the sanction(s).
   3. The decision of the Dean of Students (or Designee) is final. Sanction(s) may not become effective until completion of this appeal process unless otherwise indicated.
   4. Notice of the decision of the appeal will be provided to both parties by the Dean of Students (or Designee) within 7 business days from the request for appeal.
   5. The decision on appeal will be final.

VII. Procedures for the Student Conduct Review Board

If the Respondent is found responsible for violating the Guidelines and Suspension or Dismissal is imposed, the Respondent has the right to have the case heard de novo before a Student Conduct Review Board. During the hearing, the Student Conduct Review Board will hear and receive the Respondent’s and Complainant’s information about the incident, review the OEOD’s Report of Findings, hear from relevant witnesses, determine the responsibility of the Respondent, and recommend appropriate sanctions. During the hearing, the Respondent and Complainant will
both have the opportunity to suggest questions to be asked by the Board to the other party and the opportunity to ask questions directly of other witnesses. Refer to VII O.

The Dean of Students will appoint a Coordinator to manage the formal hearing process. The Coordinator, with guidance from the Dean of Students, will be responsible for selecting the Board members. The Coordinator will notify the parties about essential hearing information (including date/time/location, witnesses, reports). Once the hearing is completed all communication about the Dean’s (or Designee) decision and sanctions is done by the Dean (or Designee).

A. If the Respondent requests a Student Conduct Review Board, the Dean of Students (or Designee) will appoint a Student Conduct Review Board consisting of three students and two staff or faculty members and one alternate. The Dean of Students (or Designee) will identify parties and witnesses allowing for recusal, if cannot be objective.

1. The Chair of the Board will be one of the staff or faculty members. The Chair shall rule on all questions of procedure, the admission or exclusion of evidence, and the relevance of testimony.

2. If a Board member is unable to participate in the hearing, the Dean of Students (or Designee) will select another Board member to replace the unavailable member.

3. Prior to the hearing, all Board members will be trained by the OSC, Campus Assault and Resources and Education (CARE), and OEOD regarding issues specific to sex offense, harassment or discrimination cases.

B. The Student Conduct Officer will serve as the University Representative for the case. The role of the University Representative will be to present information from the Report of Findings and other relevant documents supporting the alleged violations. The University Representative will also coordinate the appearance of witnesses, including the Complainant, supporting the alleged violations.

C. The Respondent will present information and other relevant documents supporting his or her case. The Respondent will also coordinate the appearance of his or her witnesses and advisor(s).

D. The Coordinator will provide the Respondent and Complainant with the following information in writing at least ten business days prior to the hearing:

1. Notification of the alleged violations;
2. Summary of the evidence relating to the alleged violations;
3. The date, time, place, and location of the hearing;
4. The name of the Chair;
5. Information about how to review case materials prior to the hearing (e.g. investigative report, police report, etc);
6. Information about how to request the presence of witnesses and advisors;
7. Information on the Pre-Hearing Meeting;
8. Contact information for the Coordinator, and;
9. Will circulate the witness list.

E. The hearing will be closed to the public. The University will handle documents prepared in anticipation of the hearing (e.g. the Report of Findings, the Notification Letter, and the pre-hearing submissions referenced below); documents, testimony, or other information introduced at the hearing; or any transcript of the hearing itself as required or authorized by law.

F. If circumstances warrant, the hearing may be held at any time, including, but not limited to, during the summer session(s), or between academic terms.

G. Requests to change the time, date, or place of the hearing must be made in writing by the Complainant or the Respondent to the Coordinator no later than five business days prior to the date of the hearing. The Chair will grant or deny the request.

H. Both the Complainant and the Respondent may be present at the entire hearing or may elect not to appear at the hearing. Additionally, the Respondent may remain silent throughout the hearing process and his or her silence will not be taken as an inference of responsibility for the alleged violations. Failure to appear at the hearing will not be cause to cancel, postpone, or reschedule the hearing and the hearing will be conducted in accordance with these procedures.

I. The Complainant and Respondent may have advisors present to support and assist them during all stages of the hearing process, including pre-hearing meetings. Either student may select and arrange for an advisor of his or her choosing, including a UCI student, staff, or faculty member, or an attorney.

1. The student must provide the name of an advisor who will be present to the Coordinator at least five business days prior to the date of the hearing.

2. The Chair may disallow a particular advisor in cases where an advisor might be a witness or where the advisor’s presence, in the Chair’s sole determination, would be obstructive to the process or for other good cause.

3. An advisor may not address the Board or witnesses in the hearing, but may consult with the student whom he or she is assisting. The Chair will not allow an advisor’s presence to inhibit the parties’ sharing of information or the conduct of the hearing. In certain circumstances the chairperson may allow the advisor to participate in the hearing.

4. In the interests of expediency, hearings shall not be delayed due to the unavailability of an advisor, attorney, or witnesses.

J. Either party may request a pre-hearing meeting in writing to the Dean of Students (or Designee) at least five business days prior to the date of the hearing. The Dean of Students (or Designee) may also schedule a pre-hearing meeting on the request of the Board Chair or University Representative. Typically, pre-hearing meetings are held separately for the Respondent and Complainant.

UC Irvine Student Conduct Process for Discrimination, Harassment and Sex Offenses
1. The purpose of the pre-hearing meeting is to address any procedural questions pertaining to the formal hearing process. For example, either party or the Chair may request a list of witnesses and specific information witnesses will discuss during the hearing.

2. During the pre-hearing meeting, the Chair may exclude from the hearing information that he or she deems irrelevant, or unnecessarily repetitive, and may make other rulings, as he or she deems necessary, to assure that the hearing is conducted fairly and efficiently.

K. Either party may suggest witnesses from whom the Board should hear during the hearing. The Respondent and the University Representative must submit their witness lists to the Coordinator at least five business days prior to the hearing. The Chair may take steps to prevent the harassment or intimidation of the Complainant, Respondent or witnesses.

1. If the Complainant, Respondent, or any other witness is not available to attend the hearing, the Chair in consultation with the Dean of Students (or Designee) may allow witness participation by video conferencing (e.g. Skype) or other means of communication. Requests to appear virtually must be made at least five business days prior to the hearing.

2. Witnesses other than the parties will be excluded from the hearing, except when they are providing information to the Board.

L. During the hearing, the Chair will explain the hearing process to all participants. The Board will hear from and receive information about the incident from the University Representative and Respondent, review the applicable report(s) and other evidence, and hear statements (including impact statements) from and ask questions of the Complainant, the Respondent and any other witnesses. The Board Chair will conclude the hearing by explaining the next steps in the process.

M. The Dean of Students (or Designee) will arrange for an audio recording of the hearing. This recording will be kept by the Dean of Students (or Designee) and a copy will be provided to either party upon request. The failure to record all or part of a hearing, such as a malfunctioning recorder, will not be grounds for invalidating the hearing or grounds for appeal. No recording device (audio and/or video) of any kind is permitted for use by the Respondent, Complainant, witnesses, or advisors.

N. The Board will receive and consider all relevant information and evidence for the alleged violations at issue in the case. Formal rules of evidence (e.g. California Evidence Code) do not apply. The Board will determine whether evidence of previous student conduct history or sanctions is relevant and should be heard.

O. The Board may ask questions to parties and witnesses during the hearing. Parties may provide questions in writing to the Chair to be asked of the other party at the Chair’s discretion and may ask questions directly of other witnesses. The Chair may exclude any unduly repetitious or irrelevant questions or information. Formal hearing participants are not required to provide information that would incriminate them. The Complainant or
Respondent may not personally question or cross-examine each other during the hearing.

P. The Chair may allow the Complainant or any witness to be visually or physically separated from the Respondent. This may include the use of a retractable wall or screen, television or computer monitor, or other appropriate technology. Requests for visual or physical separation should be made to the Dean of Students (or Designee) at least two business days prior to the hearing.

Q. After conducting a hearing, the Board will deliberate privately.

1. In determining whether the Respondent is responsible for the violations, the Board will base its fact-finding determination(s) on the preponderance of the evidence standard. The burden of proof rests with the University.

2. The Board will first determine whether there is a preponderance of the evidence that the Respondent is responsible for the alleged violation(s).

3. Preponderance of the evidence means that is “more likely than not” that a Respondent violated the UC Irvine Student Code of Conduct. In this context, the Respondent will be found to be responsible for the alleged violations if the Board concludes that the alleged violations more likely than not occurred based on careful review of all information presented.

4. If the Respondent is found responsible for one or more of the alleged violation(s), the Board will make fair and appropriate sanction recommendations to the Dean of Students (or Designee).

5. If the preponderance of the evidence indicates that the Respondent is not responsible for the alleged violations, the Respondent will be found not responsible and the matter will be dismissed and concluded without any further proceedings.

VIII. Hearing Report and Sanctions

A. Within 10 business days after the conclusion of deliberations, the Board will submit a Formal Hearing Report to the Dean of Students (or Designee) detailing the alleged violations, the Board’s findings as to each alleged violation, and sanction recommendations.

B. The Dean of Students (or Designee) will make a determination with respect to the Respondent’s alleged violation(s) and sanctions based on the Board’s Formal Hearing Report.

C. Potential sanctions for students found responsible for violating the UC Irvine Student Code of Conduct include, but are not limited to Warnings, Disciplinary Probation, Suspension, Dismissal, Records Holds, Written Assignments, and other Required Participation in Educational Programs.
D. Within five business days after receiving the Board’s Formal Hearing Report, the Dean of Students (or Designee) will notify the Respondent and Complainant in writing of the outcome.

IX. Appeal of Student Conduct Review Board Decision

A. Either party may appeal the determination of responsibility or sanction(s). The Complainant may appeal sanctions to the extent disclosure of sanctions to him or her is permissible under law and UC Irvine policy. In writing (email is acceptable) to the Vice-Chancellor of Student Affairs within seven business days after the notice of sanctions. All appeals will be reviewed in the following manner:

B. Appeals must be based only upon one or more of the following grounds:

1. Whether there is new evidence which could not be adduced at the time of the Student Conduct Review Board which is likely to change the result; or

2. Whether there was a violation of due process; or

3. Whether the imposed sanction was disproportionate to the findings of fact.

C. Once an appeal is submitted, the following protocol will normally apply:

1. The Vice Chancellor of Student Affairs (or Designee) will notify the non-appealing party via email of the appeal. The non-appealing party will have seven business days to submit a response to the appeal to the Vice Chancellor of Student Affairs (or Designee). Both parties may submit an impact statement as part of their response.

2. Upon completion of the review by the Vice Chancellor of Student Affairs (or Designee), the Vice Chancellor of Student Affairs may affirm, modify, or reverse the sanction(s).

3. The decision of the Vice Chancellor of Student Affairs (or their Designee) is final. Sanction(s) may not become effective until completion of this appeal process unless otherwise indicated.

4. Notice of the decision on the appeal will be provided to both parties by the Vice Chancellor of Student Affairs (or Designee) within seven business days from the request for appeal.

5. The decision on appeal will be final.

X. Student Conduct Records

The referral of a sex offense, harassment or discrimination Report of Findings to the OSC may result in the development of a student conduct record in the name of the Respondent.

A. Student conduct records will generally contain the applicable Report of Findings(s), incident report(s) and/or police report(s), meeting and decision letters, and other documents related to the incident.
B. In pending student conduct actions that could result in the suspension or dismissal of the Respondent, a temporary hold will normally be placed on the Respondent’s account by the OSC.

C. The student conduct record will normally be retained by the OSC as a student conduct record for not longer than seven years from the date of the incident. However, the record of a disciplinary matter resulting in a student’s suspension or dismissal will be retained permanently.

D. Whenever any information is included by the OSC or any University Official in a student conduct record, the student will be allowed to include in the record a brief written statement or response concerning the student conduct action. The student may not request a change in the underlying decision or sanction(s) through this process.

E. The OSC will forward the final results of sex offense, harassment or discrimination cases to OEOD once the appeals process has concluded. The notice will include the names of the Respondent and Complainant, determination(s) of responsibility, assessed sanctions (if any), and decision on appeal.