

## Procedure for Adjudicating Student Conduct SA507.1

Last Reviewed: June 2021

### A) Purpose and Scope

In conjunction with UNEX policy SA507 and related University policy, the purpose of this procedure 507.1 is to enable and support Extension staff in addressing and resolving concerns and complaints regarding student conduct. This procedure outlines the process, roles, responsibilities, and scope of work to ensure compliance with policy and the timely, proper handling of student conduct cases.

### B) Roles and Responsibilities

Staff are expected to know policy with the following roles having key responsibilities:

Role	Responsible for
Student Rights & Responsibilities Center (SRRC) Manager	Enforcing the student conduct code and facilitating the adjudication process for conduct cases; serving as Conduct Officer (CO), conducting the informal BAP resolution process, serving as Extension's liaison with campus responding offices; tracking institutional data on conduct cases, and conducting required training
Program Director/CE; Program Reps and academic program staff	Reporting or facilitating the reporting of incidents; assisting as needed in the collection of information regarding an incident
Civil Rights Office (CRO): DPO, Title IX, SD&C, ADA/504	In coordination with SRRC, adjudicating student conduct cases in regard to discrimination, SVSH and Title IX; providing consultation on disability-based discrimination cases
Assistant Dean of Student Services (ADSS) or designee	Hearing appeals of a decision made in the BAP process and in conduct cases for Pathway, ALC or other specially designated programs; rendering a decision from the ESCC findings and recommendations in the formal resolution of a conduct case; and in some cases, may serve, or designate an Extension administrator to serve, as an ex officio member of the ESCC
Dean or designee	Hearing appeals of a decision made by the Assistant Dean of Student Services

## C) Procedures

### 1) Reporting Concerns about Student Conduct

Any member of the Extension community may report an incident of concern. Extension centralizes reporting of student conduct concerns with the *Incident Reporting Form* (IRF). The IRF functions as the first step for the SRRC to track and document incidents and serves as the point of in-take for reporting. IRFs are triaged to the responsible Extension staff or unit for address.

The IRF may be found on:

- the institutional website, on the SRRC page
- the Instructor site
- Extension's intranet

IRFs must be submitted and signed by the complainant. The SRRC and EHR will provide assistance with disability accommodations if needed.

As stated in policy, reports on alleged student misconduct may be filed anonymously, and the IRF notifies the complainant that this may limit Extension's ability to address and resolve the matter.

There is no minimum threshold for reporting an incident of alleged student misconduct via the IRF. Similar to main campus practices, it is better to be notified of concerns rather than allow them to go unaddressed.

As with students, staff are expected to know policy *SA507 Student Rights & Responsibilities*, and the student code of conduct. Students may find it daunting to understand policies of the University and Extension. Staff are advised to be conscientious when helping and interacting with students.

### 2) Initial Review

When an IRF is submitted, the SRRC reviews the information and allegation. During the initial review and assessment, the SRRC manager, as the Conduct Officer, will provide impartial procedural advice to both the complainant and respondent, and will manage the overall resolution process for student conduct cases. As needed, the SRRC manager/CO may work with staff to implement interim measures to mitigate an immediate risk or emergency.

As outlined in policy SA507, section F, the initial review of a report of alleged misconduct may follow different paths to resolution. Based on the nature of the allegation and the student's response, the SRRC manager/CO will determine if the allegation constitutes a conduct code violation, and if the matter is best resolved with a Brief Adjudicative Proceeding (BAP) or warrants formal resolution with the ESCC. The SRRC manager/CO consults with the ADSS as needed. Severe and complex allegations in which the sanction could be suspension in excess of ten days or dismissal will go directly to the formal resolution process.

In the initial review, the SRRC verifies which policies may be violated given the alleged action and behavior. Claims of discrimination, SVSH, and Title IX will be directed to the campus Civil Rights Office, which includes the Discrimination Prevention Office (DPO), Title IX Office (T9), and Staff Diversity & AA/EEO Compliance Office (SD&C). The SRRC functions as a liaison with these offices and will assist and facilitate in the resolution of related Extension student conduct cases.

Please note:

- IRF reports, in which the claim is against an instructor or staff employee, are triaged to Extension Human Resources (EHR).
- For conduct matters involving students in Pathway, ALC or other specially designated programs, the Department/Program Director/CE is delegated to mediate and resolve conduct cases in their specific programs. In cases where the complexity or severity of a case impacts the larger Extension community, the DD/PD/CE will consult and work with the SRRC and ADSS for resolution. Decisions of the Pathway, ALC or other specially designated program director may be appealed to the Assistant Dean of Student Services.

### 3) Informal Resolution/Brief Adjudicative Proceeding (BAP)

The SRRC manager/CO is responsible to investigate claims, prepare documentary and other evidence, conduct a meeting with the student, and make conduct decisions for informal resolution.

Per policy, the SRRC manager/CO administers the following steps for the BAP:

Steps	Tasks	Notes
a) Initial Review	<ul style="list-style-type: none"> <li>➤ Review of the alleged conduct, circumstances and information presented in the IRF</li> <li>➤ Determine if the allegation constitutes a violation of the student conduct code; if yes, determine the resolution path</li> <li>➤ During the review/investigation, a disciplinary no-contact order, or emergency/ interim suspension or exclusion may be imposed if one party poses a threat to the health or safety of another</li> </ul>	<p>If the student is an international student, consult with International Programs as needed</p> <p>If a student's access to the learning management system (Canvas) needs to be temporarily removed, the SRRC manager/CO shall work with the academic program unit and the department of Academic Technology &amp; Learning Innovation (ATLI) as needed</p>

Steps	Tasks	Notes
b) Written Notification to Student	<ul style="list-style-type: none"> <li>➤ Send written notification of the alleged violations to the student and request for meeting</li> </ul>	Student has 5 days from the date of the written notification to contact the SRRC
c) Meeting with Student	<ul style="list-style-type: none"> <li>➤ Provide student the opportunity to tell their account of the incident and document notes of the meeting</li> <li>➤ Inform student:               <ul style="list-style-type: none"> <li>• of the allegation</li> <li>• of applicable policy and explanation of procedure</li> <li>• of their rights and responsibilities</li> <li>• of any sanction that could be imposed</li> <li>• of any notations on transcript that accompany a sanction</li> <li>• that records of disciplinary proceedings where sanctions are imposed are sealed, held for four (4) years from the date sanctions are lifted, then destroyed, in accordance with the University records retention policy</li> <li>• that if the allegation is determined to be founded and the student admits to the misconduct, the right to a formal hearing and to appeal will be waived</li> </ul> </li> </ul>	
d) Student Responds to Allegation	<ul style="list-style-type: none"> <li>➤ If student accepts responsibility, the SRRC manager/CO will make a decision for resolution and disciplinary sanctions</li> <li>➤ If student denies responsibility, the SRRC manager/CO may consult with the ADSS and proceed with the BAP and make a determination; or the student may elect to go directly to a formal hearing process at this time</li> <li>➤ If student denies responsibility, and the allegation could result in suspension or dismissal, the case goes to the ESCC for formal resolution/hearing</li> </ul>	BAP hearing must be complete within 15 days of written notification to student

Steps	Tasks	Notes
e) BAP Decision and Resolution is accepted or appealed	<ul style="list-style-type: none"> <li>➤ If all parties agree with BAP decision, resolution is documented and implemented</li> <li>➤ If student appeals the BAP decision, appeal grounds apply, then case is reviewed by the Assistant Dean of Student Services or designee</li> </ul>	<p>Final resolution agreements are documented in case record</p> <p>Appeals must be made within 10 days of the decision and must meet specific grounds for appeals as stated in policy SA507 and in section 7 below</p>

#### 4) Informal (Alternative) Resolution for Discrimination, SVSH and Title IX Cases

The determination and review of allegations regarding discrimination, disability discrimination, sexual violence, and sexual harassment will be assessed by the SRRC in conjunction with the appropriate campus responding office. Process steps will include:

- a) The SRRC will notify the DPO of cases alleging a student has violated the University's nondiscrimination policy or law. Determination of informal/alternative resolution and interim measures will be guided by the DPO and the SRRC.
- b) The SRRC will notify the ADA/504 Compliance office of cases alleging a student has violated the University's nondiscrimination policy or law specific to disability discrimination. The SRRC manager/CO may utilize the BAP process if informal resolution is possible. The ADA/504 office may provide consultation on decisions made regarding interim measures or disciplinary sanctions.
- c) The SRRC will notify the Title IX office of cases alleging a student has violated the SVSH/Title IX policy. Determination of informal or alternative resolution and interim measures will be guided by the campus Title IX officer and the SRRC.

#### 5) Process for Formal Resolution and Hearing

A conduct case will go to formal resolution/hearing with the ESCC when:

- the student denies responsibility and the SRRC manager/CO has determined that the preponderance of the evidence supports finding a violation or there is substantial interest (possibility of suspension in excess of 10 days or dismissal) in the case;
- the student/respondent declines the BAP and requests a formal hearing;
- in SVSH cases, the complainant requests a formal hearing.

Having completed steps a) – c) outlined above, the ESCC and the SRRC manager/CO administer the following steps for formal resolution/hearing:

Steps	Tasks	Notes
d) Student Responds to Allegation	<ul style="list-style-type: none"> <li>➤ If student denies responsibility, and the SRRC manager/CO determines substantial interest (potential suspension or dismissal), preponderance of evidence, or other circumstance which removes the case from the BAP process, the case will go to formal resolution/hearing with the ESCC</li> </ul>	SRRC manager/CO will assess if there may be a conflict of interest among the parties
e) Formal Hearing of the ESCC	<ul style="list-style-type: none"> <li>➤ Parties will be notified, documentary and other evidence is prepared</li> <li>➤ ESCC will determine at least 3 committee members to preside over the formal hearing</li> <li>➤ Follow conditions and logistics for hearing as stipulated in policy (SA507, Section H)</li> <li>➤ ESCC may call on subject matter experts to provide specialized information as necessary</li> </ul>	<p>Formal hearing held within 20 days of the request or determination for formal resolution</p> <p>SRRC manager/CO provides administrative coordination and support of the hearing</p> <p>The ADSS, or other designated Extension administrator, serves as an ex officio member to ensure process integrity</p>
f) ESCC determines findings and recommendation for resolution & ADSS decision	<ul style="list-style-type: none"> <li>➤ Based on the preponderance of evidence standard, the ESCC will determine findings and make a recommendation for resolution</li> <li>➤ The Assistant Dean of Student Services reviews the findings and decides on disciplinary sanctions</li> </ul>	Notification of decision sent within 5 days from the date of the hearing
g) Acceptance or Appeal of the ADSS decision and resolution	<ul style="list-style-type: none"> <li>➤ If all parties agree with ADSS decision, resolution is documented and implemented</li> <li>➤ If the student appeals the ADSS decision, appeal grounds apply and case is reviewed by the Dean or their designee</li> </ul>	<p>Final resolution agreements are documented in case record</p> <p>Appeals must be made within 10 days of the decision and must meet specific grounds for appeals as stated in policy SA507 and section 7 below</p>

## 6) Sanctions

The possible sanctions that may be imposed are defined in policy SA507.

The privacy of students' records, including conduct proceedings, shall be maintained in accordance with federal laws and University policy. Only a notation in cases of suspension or dismissal may appear on the academic transcript.

The restitution or reimbursement for damage to or misappropriation of University property, or supplemental educational sanctions may be imposed either exclusively or in combination with other disciplinary actions. Process steps for carrying out a given sanction are:

Sanction	Implementing Task
<b>Warning/Censure</b>	<p>SRRRC sends a written notice to the student that an allegation of violation of a specific University policy is founded. The written notice will state that continued or repeated violations of specified University policies or regulations may be cause for further disciplinary action, normally in the form of loss of privileges, suspension, or dismissal.</p> <p>Written warnings in cases of a violation of standards of academic honesty for first time offenders who accept their proposed remedy may also be sent to the student by the SRRRC.</p>
<b>No-Contact Order</b>	<p>SRRRC sends a written notice to the student(s) directing them to refrain from directly or indirectly contacting another student, instructor, or staff member for a designated time or indefinitely.</p> <p>The notification will state that violation of any conditions in the order may be cause for further disciplinary action, normally in the form of loss of privileges, suspension, or dismissal.</p>
<b>Disciplinary Probation/ Loss of Privileges</b>	<p>SRRRC sends a written notice to the student of disciplinary probation in which they are excluded from participation in designated activities, including attendance in class, for a specified period of time, but without loss of student status.</p> <p>The notification will state that violation of any conditions of the written Notice of Loss of Privileges and Exclusion from Activities, or violation of University policies or campus regulations during the period of the sanction may be cause for further disciplinary action, normally in the form of suspension or dismissal.</p>

Sanction	Implementing Task
<b>Interim Suspension</b>	<p>SRRRC sends a written notice to the student that they are excluded from classes, or from other specified activities, as set forth in a Notice of Interim Suspension.</p> <p>A student shall be restricted only to the extent necessary when there is reason to believe the student presents a risk of physical harm to or abuse of another, threats of violence, or conduct that threatens the health and safety of any person on University property or at official University functions.</p> <p>A student placed on Interim Suspension shall be given prompt notice of charges, and the opportunity for a prompt hearing. Interim Suspension will be reviewed by the Dean within five (5) days of imposition.</p>
<b>Suspension</b>	<p>SRRRC sends a written notice to the student that their student status is terminated for a specified academic term or terms with eligibility to re-enroll thereafter, or that suspension is deferred for a stated period of time and any required conditions.</p> <p>The notification will state that violation of the conditions of suspension or deferred suspension or of University policies or regulations during the period of suspension may be cause for further disciplinary action, normally in the form of dismissal.</p> <p>If appropriate to the violation, partial suspension-by-format may be imposed in which the student's access remains intact but limited to a format, such as online, distance learning sections, or regular format instruction for a limited and defined period of time.</p>
<b>Dismissal</b>	<p>SRRRC sends a written notice to the student that their student status is terminated for an indefinite period.</p> <p>The notification will state that re-enrollment at UCLA Extension requires the approval of the Dean.</p>

## 7) Appeal Process

As provided in policy SA507, the student has the right to make a written appeal within ten (10) days after receipt of the decision and notification of sanctions, based one or more of the following grounds:

- a) there was an error in the application or interpretation of policy or an error in procedure that materially affected the outcome;

- b) there is new material evidence that was not known and not available to the parties at the time of the hearing that could have materially affected the outcome;
- c) the sanction(s) imposed are substantially disproportionate to the findings.

The Dean, or their designee, will review requests for appeal first determining timeliness of submittal, and then whether the student identifies at least one of the prescribed grounds for appeal. Upon review of the case, the Dean may decide to:

- uphold the decision; or
- modify the hearing decision if they determine that new material evidence is sufficient to alter the original decision; or
- send the case back to the ADSS for reconsideration.

The decision of the Dean or their designee in the appeal shall be final.

## **8) Training**

Staff training on the student conduct code and related policies and procedures will be presented at least annually by the SRRC. Training materials and presentations specific to the roles of Extension Student Conduct Committee members will be developed to include further details about the delegated responsibility of presiding over conduct hearings and imposing disciplinary sanctions. The SRRC will collaborate with Extension stakeholders in the development and delivery of this training.

Students must be provided information and notification of policies on student conduct, rights and responsibilities. Extension stakeholders are advised to include this information in the development and delivery of student orientations, information sessions and other relevant channels of student communication.

All Extension instructor and staff employees are required to complete SVSH and Title IX training annually. This training should be made available to Extension students upon request and/or as federal regulations require.

## **D) Attachments**

### **1) Sample of Written Notification**

- a) International Students' Loss of Status

In cases in which an international student's conduct may violate the terms of a Student Exchange and Visitor Program (SEVP) visa, the following sample written notification may be utilized by the ISO to communicate intent to report an incident to the ICE in the DHS.

Dear [name],

This message serves as notice of our intent to report to the US Department of Homeland Security, Immigration and Customs Enforcement (ICE), that you are out of status with respect to your F-1 student visa. We plan to make that report ten (10) business days from this date, which will be [ Day ], [ Date ]. A review of your record shows the following deficiencies:

- you failed to enroll in a full-time course of study in the current quarter as required by U.S. government regulations;
- due to deficient grades, it is no longer possible for you to complete your program by the end-date defined for your studies, and therefore *normal progress* has been interrupted and cannot be restored;
- you failed to restore your cumulative GPA to the required threshold within one academic quarter as required for your program;
- You are enrolled at the *American Language Center* and have failed to maintain minimum required attendance;
- you failed to enroll in or demonstrate adequate alternative health insurance coverage as required by UCLA Extension;
- Other: [ \_\_\_\_\_ ]

You may appeal this decision and request a review of your case, but *only on the basis that the above information is not factually correct*. If you wish to do so, you may make an appointment to meet with the International Student Office (ISO) in the Department of Student & Alumni Services. To arrange for this appointment, contact the ISO office at (310) 825-9351, or email: [iso@uclaextension.edu](mailto:iso@uclaextension.edu) within the next ten (10) business days.

Failure to make an appointment by 5 pm, [ DAY ], [ DATE ], or to keep the appointment once made will result in the automatic termination of your student status at UCLA Extension and reporting the termination to the *Student and Exchange Visitor Program* of the U.S. Department of Homeland Security. Once terminated, U.S. federal law and regulations require you to leave the United States immediately.

## 2) Incident Reporting Form

The IRF is located at:

<https://incidentreporting.uclaextension.edu/Pages/IncidentForm?sec=>

and also available on the institutional website, instructor site, and Extension intranet.

## 3) Overview of Student Conduct Process

The following flowchart provides an overview of the student conduct resolution process.

SA507.1 – Student Conduct Process Flow

