

## **G. Informal Resolution and Brief Adjudicative Proceeding (BAP)**

The Conduct Officer (CO) may resolve a student conduct matter informally with a BAP. The CO will review and assess the information and incident report, and conduct initial investigation to obtain further clarification or information.

In the course of an investigation, interim measures, including a disciplinary no-contact order, or emergency/interim suspension or exclusion may be imposed when it is determined that one party may pose a threat to the health or safety of another. Such an order will be imposed to the extent necessary to maintain the safety of both parties.

The CO has the authority to conduct the BAP process and serve a decision for resolution. The BAP process includes the following steps:

1. Written notification will be sent to the student including the nature of the conduct in question and the basis for the allegation, a brief statement of the charges, the date or period of time, the location of the alleged incident, and a request to contact the SRRC, within five (5) days from the date of the notification, to schedule a meeting to address the matter.
2. At this meeting, the CO will review this policy (SA507) and provide information to the student on the conduct review process. The CO will explain the BAP procedure and the student's rights and responsibilities. At this time, the student will be advised of any sanction that could be imposed if the student were to admit to the misconduct, and that doing so would waive the right to a formal hearing and to an appeal.
3. The student will also be advised of the notations on transcript that accompany a sanction, the implications of these notations, and that records of disciplinary proceedings resulting in sanctions are sealed, held for four (4) years after sanctions are lifted, or as stipulated by the University's records retention policy. Only after these factors are disclosed will a student be asked to respond to the question of responsibility for the allegation.
4. If the student admits responsibility, the CO will determine, based on the context and severity of the violation, an appropriate sanction and/or specific actions to resolve the matter.
5. If the student does not admit responsibility, the CO will proceed with a BAP hearing in which the complainant and respondent will have the opportunity to be heard and present their case and related evidence. The BAP hearing will be scheduled within fifteen (15) days of the written notification.
6. Based on the information and evidence presented in the BAP hearing, the CO will make a decision for resolution, including any requirements or sanction(s), within five (5) days of the BAP hearing.
7. The decision will be documented in writing to all parties by the CO. If the student accepts the decision, the resolution will be implemented. The resolution agreement is documented in the case record.
8. If the student does accept the decision made in the BAP, they may choose to appeal. Appeals of BAP decisions go to the Associate Dean for Inclusive Excellence, or designee, who will review the case documentation and determine whether to uphold or modify the BAP decision.
9. If the student does not respond to notifications and communications from the SRRC or otherwise chooses not to participate in the resolution process, the process may still proceed without their participation and can result in decisions made in absentia based on the information available. If a timely response is not received by the student, a hold may also be placed on their account, preventing future enrollment.
10. Both parties have the right to be assisted by an advisor throughout the hearing process (Title IX cases will follow the SVSH/Title IX Adjudication Framework). The advisor may be an attorney. A trained peer advisor will be provided upon request. Advisors may not participate directly in the proceedings.

## H. Formal Resolution and Hearing by the Extension Student Conduct Committee

The formal resolution process will be utilized when:

- the student denies responsibility and the CO has determined that preponderance is met 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.

The student alleged to have engaged in misconduct will be provided with written notice of relevant policy and information about the process for resolution. Guidelines for the formal hearing and resolution process are:

1. The authority for conducting formal hearings, weighing evidence, and determining facts is vested with the Dean and delegated to the Extension Student Conduct Committee (ESCC) as the hearing body. The authority to make decisions and impose sanctions is vested with the Dean and delegated to the Director of Student Resilience.
2. As defined in section II, the ESCC will consist of at least three (3) members, from the member pool, to preside over a formal conduct hearing.
3. The CO will prepare documentary and other evidence, investigate and fact-find, prepare transcripts and recordings, and schedule the hearing. All parties will be notified of the resolution process and timeline.
4. The formal hearing must be conducted within twenty (20) days of the request or determination that a case will be adjudicated by formal resolution. Timeline may be extended for reasonable cause, subject to the discretion of the CO.
5. Both the complainant and respondent may provide evidence and information regarding their claim. Information and documentation will be provided to all parties in advance of the formal hearing.
6. The CO and the ESCC shall ensure there is no conflict of interest in the resolution process and no hearing officer or ESCC member may hear cases in which they have made an allegation of misconduct.
7. The respondent is expected to be present throughout the hearing. If the respondent fails or refuses to attend, the hearing may still proceed in their absence. The complainant shall have the right to be present as a witness in the hearing.
8. The hearing will be conducted in private and audio recorded. The digital recording will become part of the case records and retained by the SRRC in accordance with the University's records retention policy. The respondent may request the ability to review the recording by submitting a formal request in writing.
9. The hearing may be conducted virtually/online in real-time, or at different times to accommodate either or both parties who cannot reasonably physically attend, or if emergency circumstances prevent an in-person hearing.
10. The hearing will be conducted in English. If the primary language of either party is other than English, they will have a right to an additional advisor to act as an interpreter, at their expense.
11. The complainant and the respondent are responsible for presenting their own cases. All procedural questions, pertinent records, exhibits, and written statements may be accepted as evidence for consideration, subject to the approval of the hearing body, i.e. the CO; the ESCC; the Dean, or other designee.

12. Both parties have the right to be assisted by an advisor throughout the hearing process (Title IX cases will follow the SVSH/Title IX Adjudication Framework). The advisor may be an attorney. A trained peer advisor will be provided at either party's request. Advisors may not participate directly in the proceedings.

13. The objective of the hearing is to find facts. The complainant and respondent shall have the privilege of presenting witnesses. Witnesses must be proposed to the hearing body ten (10) days before the scheduled hearing date. A list of approved witnesses will be compiled and shared with the parties at least five (5) days prior to the hearing. The hearing body may cross-examine witnesses. Witnesses are expected to attend according to the hearing's format either in-person or virtually/online.

14. A determination of responsibility shall be based on the preponderance of evidence standard, that is, whether it is more likely than not that the respondent engaged in the alleged conduct. A written notification of decision will be sent to all parties within five (5) days from the hearing date, and will include a remedy and sanction if the decision finds the student responsible, as well as any appeal rights due.

15. In cases where there is a *stay-away* condition prohibiting the sanctioned student from entering the administration building or other facility managed by UCLA and/or UCLA Extension, a copy of the decision letter will be provided to the UCLA Police Department and Extension's Facilities Management Department. The student will be provided with information regarding Section 626.2 of the California State Penal Code, thus providing notice that a willful violation of the condition could be treated as a misdemeanor leading to arrest and prosecution, and punishable by fine or imprisonment.