

TIGER LORE



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# TIGER LORE: STUDENT CODE OF CONDUCT

TIGER LORE: STUDENT CODE OF CONDUCT ..... 4

- DISCLAIMER 4
- DEFINITIONS 4
- JURISDICTION OF THE UNIVERSITY OF THE PACIFIC STUDENT CODE OF CONDUCT 5
- THE FOLLOWING CONSTITUTES VIOLATIONS OF THE STUDENT CODE OF CONDUCT: 5

HONOR CODE ..... 7

STUDENT CONDUCT REVIEW PROCESS AND PROCEDURES..... 8

INFORMATION AND REQUIRED NOTIFICATIONS..... 19

- CLERY ACT 19
- DISABILITY ACCOMMODATION 19
- STATEMENT OF DIVERSITY AND INCLUSION 20
- DIVERSITY AND EQUAL OPPORTUNITY POLICY 20
- FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT 20
- EMERGENCY PROCEDURES 23
- STUDENT RESIDENT MISSING PERSONS STATEMENT 23
- ANNUAL ASBESTOS NOTIFICATION 24
- ALCOHOL AND OTHER DRUG USE POLICY 24
- FEDERAL STUDENT FINANCIAL AID & DRUG LAW 26
- LEAVE OF ABSENCE POLICY 27
- GRIEVANCES 31
- STUDENT COMPLAINT PROCEDURE NOTICE 32
- TECHNICAL RESOURCES 34
- UNIVERSITY OF THE PACIFIC POLICY PROHIBITING SEUAL MISCONDUT, DISCRIMINATION AND RETALIATION (“TITLE IX POLICY”) 36

## TIGER LORE: STUDENT CODE OF CONDUCT

### DISCLAIMER

The content of University of the Pacific's Tiger Lore: Student Code of Conduct (Tiger Lore) is provided as information for each student and is designed to supplement the University's catalog and other related publications. It was prepared as a guide to help students make their academic and co-curricular life at the University of the Pacific successful.

Tiger Lore is not meant to be a complete statement of rules, regulations, policies or procedures, nor does it contain a complete list of all programs, services or University Policies. Students are encouraged to read Tiger Lore and keep it available as a reference. It is subject to change at any time as deemed appropriate by the University at its sole discretion. Any such changes may be implemented without prior notice and without obligation, and unless specified otherwise, are effective when made.

For students with disabilities or special print related needs, please contact The Office of Services for Students with Disabilities, 209.946.2879. The Tiger Lore is also available at: [www.go.pacific.edu/TigerLore](http://www.go.pacific.edu/TigerLore)

### DEFINITIONS

*Pacific:* University of the Pacific (Sacramento, San Francisco and Stockton campuses)

*Student:* Includes all full and part time undergraduate, professional, and graduate students from the time of application for admission to the time of the conferral of a degree and includes periods prior to the start of classes, after classes have ended, between terms, and when a student is not officially enrolled but has an ongoing relationship with Pacific.

*Faculty or Faculty Member:* Means the president, provost, associate provosts, deans of the schools and colleges; professors, associate professors, assistant professors, instructors, lecturers, adjunct professors, volunteer professors, clinical professors, and part-time professors, visiting professors, and scholars (writers, composers, artists, executives, and the like)-in-residence, teaching assistants in their teaching capacity, and others who are recognized under the University's bylaws or policies or both as members of the University Faculty.

*Member of the Pacific Community:* Includes any person who is a student, faculty member, University official or any other person employed by University of the Pacific. When questions arise the Provost, and as appropriate and necessary in consultation with the Registrar's Office and Human Resources, shall determine a person's status in a particular situation.

*University Official:* Means any University of the Pacific employee who has responsibility for administering, monitoring, interpreting, or enforcing University Policies, including the Student Code of Conduct.

*University Premises:* All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by University of the Pacific.

*Organization:* Means any number of persons who have complied with the formal requirements for registering a group recognized by the University.

*Shall:* This term will be used in the imperative sense.

*May*: This term will be used in the permissive sense.

*Policy*: Means University of the Pacific written regulations including, but not limited to the Student Code of Conduct, University Catalog, Pacific webpages and other college/program/department handbooks or guides.

## JURISDICTION OF THE UNIVERSITY OF THE PACIFIC STUDENT CODE OF CONDUCT

The Student Code of Conduct (Code) is applicable to all University of the Pacific (Pacific) students, as defined by this Code. Violations of the Code may include conduct occurring on campus or off-campus, including online and electronic communication or other conduct, when the University determines it has a substantial interest in the conduct. The University has a substantial interest in conduct when it:

- Occurs at University-related events
- Occurs during study abroad, clinical, internship or other academic programs
- Constitutes a violation of local, state or federal law; including repeat violations of any local, state, or federal law committed in any county where the University is located
- Indicates that the individual may present a danger or threat to the health or safety of him/herself or others
- Significantly threatens the rights or property of those protected by this Policy, or significantly breaches the peace and/or causes social disorder
- Is harmful to the educational mission of the University
- Involves individuals covered by this Policy at a non-university event

Notwithstanding any other provisions of the Code, Pacific reserves the right to take any action, which in its judgment is necessary and appropriate to protect the safety and well-being of the campus community.

## THE FOLLOWING CONSTITUTES VIOLATIONS OF THE STUDENT CODE OF CONDUCT:

- A. Acts of dishonesty, including but not limited to the following:
  - a. Violation of the Honor Code, including cheating, plagiarism, or other forms of academic dishonesty.
  - b. Violation of established University policies or procedures.
  - c. Violation of local, state, or federal laws.
  - d. Knowingly making or delivering materially false or misleading written or oral statements to a University official.
  - e. Knowingly initiating or causing to be initiated any false report, warning, or threat.
  - f. Forgery or unauthorized alteration or usage of any University document, record, or instrument of identification.
- B. Intentionally or recklessly causing physical or psychological injury or harm, or causing reasonable apprehension of, or threats of such injury or harm, to any individual at a time or place within the jurisdiction of this Code.
- C. Intentionally or recklessly interfering with University activities, including, but not limited to: studying, teaching, research, residential activities, administration, student conduct proceedings, or fire, police, or emergency services.

- D. Engaging in sexual, discriminatory, or other harassing conduct so sufficiently severe, pervasive, and/or objectively offensive that it substantially interferes with a person's participation in educational programs or work performance, or creates an intimidating, hostile, or offensive educational or work environment.
- E. Failure to comply in a prompt fashion with the directions of, and/or verbally threatening, abusing, or harassing any University official, including, but not limited to, student and professional staff members and Public Safety Officers. Failure to identify oneself to a University official when requested to do so.
- F. Intentionally or recklessly destroying or damaging University property, and/or the property of others.
- G. Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored activities.
- H. Attempted or actual theft, unauthorized possession, or any other misappropriation or conversion of property or services of a member of the Pacific community or other personal or public property, on or off campus.
- I. Disorderly conduct; or lewd, indecent, or obscene behavior.
- J. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by University of the Pacific policies), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
- K. Use, sale, distribution, or possession of any controlled substance, illegal drug, or drug related materials, including, but not limited to, drug pipes, bongos, roach clips, and other such paraphernalia; possession or use of any controlled substance without physician prescription; or action while under the influence of any of the aforementioned substances.
- L. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University of the Pacific premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
- M. Disabling, tampering with, or damaging fire or other environmental and health safety equipment, doors, or signs; unauthorized use or possession of fireworks and/or other incendiary materials.
- N. Unauthorized personal presence or use of University premises, facilities, or property.
- O. Any behavior that disrupts or causes disruption to computer services; damages, alters, or destroys data or records; adversely affects computer software, programs, systems, or networks. The use of any data, computer system, or network to devise or execute any scheme to defraud, deceive, extort, or wrongfully obtain money, property, or data.
- P. Failure to take reasonable steps to avert, stop, report, or leave a situation involving a violation of the Code. Attempting, conspiring to commit, or aiding and abetting in a violation of the Code.
- Q. Violating the terms of, or failure to complete any sanction imposed in accordance with this Code.

## HONOR CODE

The Honor Code at the University of the Pacific calls upon each student to exhibit a high degree of maturity, responsibility, and personal integrity. Students are expected to:

- Act honestly in all matters;
- Actively encourage academic integrity;
- Discourage any form of cheating or dishonesty by others; and
- Inform the instructor and appropriate University administrator if a student has a reasonable and good faith belief and substantial evidence that a violation of the Honor Code has occurred.

**Conduct in conflict with the Honor Code includes, but is not limited to:**

*Cheating*; Cheating is the willful giving or receiving of an unauthorized or dishonest advantage to/from another. Cheating may be accomplished by any means whatsoever, including, but not limited to, the following: fraud, duress, deception, theft, talking, signs, and gestures. Attempted cheating is also considered cheating. Examples of cheating include, but are not limited to:

- Use of resources not authorized by the instructor for the completion of an assignment or exam.
- Copying graded assignments from another student or giving one's work to be copied or used by another student for credit.
- Working together on an assignment when not specifically permitted by the instructor.
- Looking at another student's paper during an examination, allowing a student to look at one's paper, or giving answers to another during an examination.
- Looking at text or notes during an examination when not specifically permitted by the instructor.
- Doing homework, taking an exam, writing a paper, or doing any other coursework for another student or allowing another person to do it for you, when not specifically permitted by the instructor.
- Using any technological/communication tool not authorized by the instructor during an exam.
- Engaging in behavior specifically prohibited by an instructor during class discussions, in the course syllabus, or via other course specific communication means or tools.

*Plagiarism*: Presenting as one's own, the work or the opinions of someone else without proper acknowledgement. Plagiarism includes, but is not limited to:

- Failing to give credit for ideas, statements of facts, or conclusions derived by another author; failure to use quotation marks when quoting directly from another, whether it is a paragraph, a sentence, or part thereof; failure to cite properly the work of another person.
- Submitting an assignment purchased or obtained from a "research" or term paper service.
- Submitting an assignment, whole or in part, obtained from an internet or other unauthorized resource.
- Giving a speech or oral presentation written by another and claiming it as one's own work.

*Other Academic Dishonesty*: Other forms of academic dishonesty include, but are not limited to:

- Planning with one or more students to commit any form of academic dishonesty.
- Lying to an instructor or providing any misrepresentation of information in order to receive any academic advantage or accommodation.

- Submitting papers or speeches for credit that are substantially the same in two or more classes without prior written approval of the instructors involved.
- Removing tests from the classroom without approval of the instructor, or misappropriating any portion of a test, either physically or electronically.
- Altering answers on a scored test or any graded work and submitting it for a higher grade without explicitly articulating the alterations made.

### **Honor Code Jurisdiction & Sanctioning**

- Tiger Lore lists the range of sanctions for violations of the Student Code of Conduct.
- Jurisdiction for Honor Code violations includes behavior engaged in while a student is attending any study abroad program in which the student will receive credit towards a degree awarded by University of the Pacific.
- Instructors may impose academic sanctions (e.g. failing grade for the exam or course) in addition to those sanctions listed in Tiger Lore. Refer to the course syllabus for details.
- A student found responsible for a violation of the Honor Code resulting in suspension or dismissal from the University will receive a grade determined by the faculty for the course in which the violation occurred and be withdrawn from all other courses.
- In the case of suspension or dismissal, a notation of the sanction imposed will appear on the student's transcript.

## **STUDENT CONDUCT REVIEW PROCESS AND PROCEDURES**

### **Student Conduct and Community Standards Mission Statement**

Our mission is to support students in their pursuit of holistic learning and personal development by:

- Cultivating academic integrity personal accountability and community responsibility;
- Supporting a diverse and inclusive campus environment where students flourish;
- Educating the campus community regarding the Student Code of Conduct;
- Partnering with student, staff, and faculty across department and campuses with respect to Student conduct concerns;
- Providing a fair, educational, and responsive process for the investigation, review, and resolution of Student Conduct matters;
- Utilizing evidence-based prevention and intervention programs.

### **Introduction: Student Code of Conduct**

The Code identifies the general standards of student behavior, which are essential to the University's educational mission and its community life. The Code is applicable to all University students, including but not limited to, undergraduate and graduate students on Pacific's three campuses; in addition, specific schools and colleges (e.g., McGeorge School of Law, Arthur A. Dugoni School of Dentistry and Thomas J. Long School of Pharmacy and Health Sciences, etc.) may have policies and procedures that apply to students enrolled in a specific program of study. Students are also responsible, and will be held accountable, for the conduct of their guests while the latter are at a University location or facility and/or participating with the student host in a University-related activity.



## **General Principles of Policies and Process**

The Code is set forth in writing in order to give students general notice of prohibited conduct. The provisions of the Code are to be read broadly and are not designed to define prohibited conduct in exhaustive terms.

## **Jurisdiction of the Student Conduct Process**

The student conduct process is applicable to all University students, including undergraduate, professional, and graduate students (unless otherwise noted by the program of study in which the student is enrolled). The jurisdiction of the process extends to behaviors by students and students' guests that occur on or adjacent to University of the Pacific campuses or at any University-operated program, premises or facility, including study abroad programs, internships, athletic events, campus trips, and any other activity occurring in the scope of or fairly related to the students' relationship with the University. Issues which arise solely from student employment with the University and which do not otherwise affect the student relationship with the University are not recognizable by the student conduct process but by the Department of Human Resources.

## **Inherent Authority**

Notwithstanding any other provisions of the Code, the University reserves the right to take any action, which in its judgment is necessary and appropriate to protect the safety and well-being of the campus community.

## **Student Participation**

Students are asked to assume positions of responsibility in the student conduct system so that they might contribute their skills and insights toward the resolution of student conduct cases. However, final authority in student conduct matters is vested in the appropriate officers of the University administration, as designated by the Code.

## **Focus of the Proceedings**

The focus of the inquiry in student conduct proceedings will be to determine if the individual ("responding party") alleged to have engaged in a violation of the Code is responsible or not.

## **Rules of Evidence**

Formal rules of evidence will not be applicable, nor will asserted violations from procedures necessarily invalidate a decision or proceeding, unless there is significant prejudice to the responding party, reporting party or to the University, and a different outcome would have been likely.

## **Effect of Governmental Proceedings**

Processes under this Code are independent of any governmental criminal proceedings that are or may become applicable to the behavior at issue. The findings of governmental authorities will not be determinative of the outcome of the student conduct process.

## **Burden of Proof**

The burden of proof will be such that the responding party will be presumed not responsible and their responsibility must be established to the satisfaction of the student conduct review body or officer by a preponderance of the evidence.

## **Student Enrollment**

A responding party is not permitted to withdraw from a course, program, or University of the Pacific, until the Student Conduct Process is complete and all allegations are resolved. A student who withdraws may be reenrolled and a relevant grade, sanction, or notation on the transcript may be assigned.

## **Student Mail**

The student conduct system will communicate with a student electronically via the student's official Pacific email account. Students are accountable for responding in a timely manner. Failure to do so is not an acceptable excuse for delaying the student conduct process.

## **Student Organizations**

Student Organizations may be charged with the violation of any section of the Code or violation of any policies and procedures included in Tiger Lore. A student organization and its officers may be held collectively or individually responsible for violations of the Code by those associated with the group or organization who has received the actual or implied authorization or ratification of the group, organization, its leaders, officers, or spokespersons. The officers, leader or any identifiable spokesperson for a student organization may be directed by the Vice President for Student Life or a designee to take appropriate action designed to prevent, cease or remedy violation of this Code by the group or organization. Sanctions for group or organization violations may include revocation or denial of registration, as well as other appropriate sanctions, pursuant to this Code.

## **Sanctions for Violation of the Student Code of Conduct**

One or more of the following sanctions may be imposed for a violation of the Code. Factors to be considered in determination of the appropriate penalty may include any one or more of the following: the judgment of the Student Conduct Review Board or Hearing Officer as to the severity of the violation, the behavior of the respondent in the course of the proceedings under this Code, the past student conduct record of the respondent, the nature of the offense, and the severity of any damage, injury, or harm resulting from it.

*Dismissal from the University:* The student is permanently separated from the University. Notification will appear on the student's academic transcript. The student will also be barred from University premises. Dismissal requires review and approval by the Vice President for Student Life.

*Suspension from the University:* The student is temporarily separated from the University for a specified period of time, with or without conditions that must be satisfied before resumption of student status is permitted. The record of suspension shall appear on the student's academic transcript. The student will not participate in any University activity and will be barred from entering the campus, unless otherwise notified in writing. Suspended time will not count against any time limits of the Graduate School for completion of a degree. Suspension requires the review and approval of the Vice President for Student

Life. Suspension is converted to dismissal if it is determined that the specified conditions or resumption of student's duties have not been satisfied.

*Disciplinary Probation:* A specified period of time during which a student's status is between good standing and suspension. During this period of time, any additional violation of University policy or conditions of probation shall result in more significant disciplinary sanctioning including the possibility of suspension or dismissal.

*Termination of Eligibility or Relocation within Student Housing:* University housing accommodations are a privilege. Students who demonstrate that they are unable to live in the community, due to severe or repeated violations, may be relocated to another housing facility or have their housing eligibility terminated. If housing eligibility is terminated, students must vacate housing facilities and are ineligible for further University housing, including during the summer, for a designated or indefinite period of time.

*Ineligibility for Graduation:* A responding party, otherwise eligible to earn an academic degree and participate in related commencement proceedings, as to whom there are pending Code proceedings which, in the judgment of the Vice President for Student Life, present a realistic possibility of suspension or dismissal, shall not be eligible to receive the degree or participate in commencement proceedings until student conduct proceedings are completed.

*Restitution:* The student is required to make payment to the University or to other persons, groups, or organizations for damages incurred as a result of a violation of this Code. Restitution must be made within 30 days unless otherwise determined by the Student Conduct Review Board or Hearing Officer.

*Restriction:* For a specified or indefinite period of time, the student is restricted from entering a specific area or areas on campus or communicating in any manner with individual(s).

*Educational Project/Service:* Research projects, educational classes, or other appropriate learning experiences may be assigned by the Student Conduct Review Board or Hearing Officer. Students will be responsible for all associated fees.

*Disciplinary Warning:* The student is given a verbal or written warning that future violations will result in more severe student conduct action. A record shall be made of any verbal warning.

*Other Sanctions:* Hearing Officers and Student Conduct Review Boards retain the right to impose additional or related sanctions, including but not limited to fines, according to the specific needs of a situation.

## **Roles and Responsibilities**

*Associate Dean of Students/Director of Student Conduct and Community Standards:* The Associate Dean serves as the primary administrator of the student conduct process. The Associate Dean trains and advises administrative Hearing Officers, Support Persons, Review Board, and Appeal Committee members; maintains student conduct files and related evidential information; with recommendations from academic council and student leadership organizations appoints individuals to serve on Student Conduct Review Boards and evaluates their ability to serve without prejudice; and, completes a statistical summary of cases to the University each semester and conducts regular reviews of University student codes.

*Student Conduct Support Person:* Reporting and responding parties may seek assistance and support from a Student Conduct Support Person who informs the student about the student conduct review process and the party's rights and responsibilities as it relates to that process. This person does not advise or represent the student as to the specifics of the incident under investigation. A Student Conduct Support Person typically is a faculty member, administrator, staff person, or student at Pacific, who is trained by the Student Conduct and Community Standards Office, and may not serve if the individual has a stake in the outcome of the case. Off-campus individuals and those with no affiliation to the University may not act in this role, unless an exception is granted by the Director of Student Conduct and Community Standards. Current faculty or staff may not act as the Student Conduct Support Person to family member who is a responding or reporting party.

*Hearing Officers and Student Conduct Review Boards:* Hearing Officers, typically student life or athletics administrators and/or faculty members, adjudicate alleged Code violations. Student Conduct Review Boards (Review Board) may also adjudicate allegations of student code violations. A Review Board is comprised of five people – three students, one faculty member, and one staff member.

A student serves as the chair, convener, and facilitator of the Student Conduct Review process. Review Board members serve a one (1) academic year term with continuation subject to approval by the Director of Student Conduct and Community Standards. Prior to deliberations, Review Board members participate in a training session offered by the Student Conduct and Community Standards Office. A Hearing Officer or Review Board member, who is a respondent in proceedings under this Code or in governmental criminal proceedings, are temporarily ineligible from Student Conduct Review Board service until those proceedings are resolved with finality. The Director of Student Conduct and Community Standards may assign the matter to a different Hearing Officer or Student Conduct Review Board in the event of a vacancy or disqualification.

*Student Conduct Appeals Committee:* A Student Conduct Appeals Committee considers a student appeal of the decision of a Hearing Officer or Student Conduct Review Board. An Appeals Committee is comprised of three student members, one faculty member, and one staff member not involved in the original hearing decision. Prior to appeal deliberations, committee members participate in a student conduct training session offered by the Student Conduct and Community Standards Office. The Director of Student Conduct and Community Standards may disqualify committee members charged with any violation of the Code or with a criminal offense from any further participation in deliberations.

## **Hearing Process**

Reports of alleged conduct violations should be submitted to the Student Conduct and Community Standards Office. Persons submitting information are required to provide an incident report with information pertinent to the case. Alleged violations of Residential Life and Housing, Fraternity and Sorority Life, and Athletic policies will be adjudicated by the designated Hearing Officer for that area. All other alleged violations of Residential Life and Housing, Fraternity and Sorority Life, or Athletic policy violations that may result in a change in a student's University status will be referred to the Student Conduct and Community Standards Office for adjudication.

A hearing is convened, if sufficient evidentiary information suggests a code violation may have occurred. If a hearing is warranted, a charge letter will be issued to the responding party(ies) from the appropriate

office. A hearing is a meeting between the student(s) cited on an incident report (“responding party”) and a Hearing Officer or Review Board.

In most other instances, the student may elect from a choice of hearing processes – either 1) a Hearing Officer or 2) a Student Conduct Review Board. The following violations require adjudication by a Student Conduct Review Board; however, the Director of Student Conduct and Community Standards, at their discretion, may recommend a specific process based upon the unique circumstances of the case.

- Student organization event violations
- Fire safety violations
- Any form of sexual misconduct, physical assault or harassment
- Alcohol or drug overdose resulting in transport to the hospital or jail
- Repeated violations of any policy

### **Hearing Procedures**

The following procedures are applicable to hearings before a Hearing Officer, Student Conduct Review Board, and Appeals Committee:

- The Hearing Officer, Student Conduct Review Board, Appeals Committee, Associate Dean of Students/Director of Student Conduct and Community Standards, reporting party, and responding party, have the right to request participation of witnesses at the hearing.
- Hearings are private.
- The Hearing Officer, Board, or Committee will exercise control over the hearing to avoid needless consumption of time and prevent the harassment or intimidation of witnesses. Any person, including the Student Conduct Support Person, who disrupts a hearing or who fails to adhere to the rulings of a Hearing Officer, Board, or Committee may be excluded from the proceedings.
- Decisions of a Hearing Officer, Board, or Committee, must be in writing and include a summary of findings, decision, and sanctions(s). Summaries should be sufficiently detailed to permit review on appeal.
- The student may challenge the designation of a Hearing Officer, Board, or Committee member for cause. The Director of Student Conduct and Community Standards will determine if the challenge is valid. If a challenge is valid, the complaint will be referred to another Hearing Officer, Review Board, or Appeals Committee.
- Witnesses will be asked to affirm that their testimony is truthful and, if false testimony is given, witnesses may be subject to charges for violation of the Student Code of Conduct.
- Witnesses, other than the responding party, may, at the discretion of the Hearing Officer or Review Board, be excluded from the hearing during the testimony of other witnesses.
- Except as described within the Code, formal rules of evidence and discovery will not be applicable; however, prior to the hearing, the responding party and reporting party will be entitled to review all relevant documents in the possession of the Director of Student Conduct and Community Standards.
- Responding and reporting parties may be afforded the opportunity to question those witnesses who testify at the hearing.

- Written statements may not be admitted into evidence unless signed by the witness and witnessed by a University official or by a person designated by the Director of Student Conduct and Community Standards. An advance copy of written statements for review must be made available to the responding party and reporting party.
- Responding and reporting parties are accorded the following procedural protection:
- A written notice of charges, a copy of the Student Code of Conduct, and a scheduled hearing with a Hearing Officer, Review Board (Board), or Appeals Committee (Committee). Responding parties who fail to appear after proper notice will be deemed to have accepted responsibility for the charges against them and to submit to sanctions.
- A hearing during which the Hearing Officer or Board reiterates the nature of the alleged violation, including the time, date, and place where it is alleged to have occurred. Responding and reporting parties have the opportunity to hear and reply to the evidence submitted.
- The Hearing Officer or Board will also explain the student conduct process and that the hearing record may become part of the student's educational record.
- Reasonable access to the case file prior to and during the hearing, including an oral summary of the evidence supporting the charge(s). Responding party(ies) and reporting party(ies) must make this request in writing.
- The responding party and reporting party may utilize the assistance of a Student Conduct Support Person throughout the student conduct process. This individual may provide advice and counsel, but may not speak on behalf of, or otherwise represent a student during student conduct procedures. Responding and reporting parties who wish to have the assistance of a Student Conduct Support Person must inform the Director of Student Conduct and Community Standards in writing at least two days prior to the scheduled hearing date. A Student Conduct Support Person may not appear in lieu of the student.
- Responding and reporting parties may request the attendance of witnesses. The Director of Student Conduct and Community Standards must be notified prior to the hearing that the responding party or reporting party plans to call witnesses. In order to appear at the hearing, witnesses must have information relating to the case.
- A sanction will be levied if the Hearing Officer, Board, or Committee determines that the responding party is responsible for the violation(s). If not, the charge(s) will be dismissed.
- A written statement of the hearing decision will be sent to the responding and reporting parties in a timely manner.

Responding parties are provided the following rights:

- To be considered not responsible for a violation unless responsibility by the student is shown by a preponderance of the evidence.
- To be given fair process as provided in this policy.
- To be allowed a reasonable time to prepare for a student conduct hearing, defined as at least two business days.
- To have the right to appeal an adverse decision in accordance with procedures in this document.
- To be assured of privacy in accordance with the terms of the Federal Family Educational Rights and Privacy Act.
- To be given, upon request, access to the official file of a record of their student conduct proceedings.

## Appeal Procedures

Responding and reporting parties may appeal recommended student conduct sanctions to a Student Conduct Appeals Committee. A decision may be appealed on the following grounds:

1. The sanction is grossly disproportionate to the offense.
2. The procedures in this Code were not followed, resulting in prejudice to the student.
3. New relevant evidence is available that could not have been produced at the time of the hearing, despite the exercise of reasonable diligence, that could affect the outcome.
4. The decision is not supported by a preponderance of the evidence.

Students must submit a written statement in support of an appeal to the Director of Student Conduct and Community Standards within three days of receiving the final decision of the hearing officer or board. The Director of Student Conduct and Community Standards is responsible for convening the Appeals Committee.

The Appeals Committee will review the Hearing Officer or Review Board summary of the testimony, findings, and decision, as well as the student's appeal statement. The Appeal Committee will consist of three students, one of whom will serve as chair, one faculty member, and one staff member, none of whom served on the original case. The committee may request the Hearing Officer, Review Board, or the responding party submit additional information in writing or appear at an appeal meeting. The Committee will give deference to the determinations of the Hearing Officer or Review Board, and may make one of the following recommendations:

- Recommended sanctions may be reduced or increased, if found to be grossly disproportionate to the offense.
- The case may be referred back to the Hearing Officer or Review Board if specified procedural errors in interpretation of this Code were so substantial as to effectively deny the student a fair hearing or if new significant evidence became available which could not have been discovered by a properly diligent student before or during the original hearing.
- The case may be dismissed if the decision is not supported by substantial evidence.

## Exceptional Procedures

The Vice President for Student Life (VPSL) or designee may preliminarily suspend a student or student organization pending a hearing and decision, if they determine that the student's presence on campus poses a threat of harm to the student, to others, or to the stability and continuance of normal University functions. A suspended student will be given an opportunity to appear in person before the VPSL or designee within three days of the effective interim suspension date to contest the interim suspension.

Hearing Officer, Board, or Appeals Committee decisions regarding a suspension or dismissal will be reviewed by the VPSL, or designee, whose decision will be final and binding unless the President chooses to review the matter. This final decision may withdraw, modify, defer, suspend, or confirm the decision and sanction.

The imposition of sanctions may be deferred during the appeal process, unless otherwise decided at the discretion of the VPSL or designee.

Victims of violent crimes on campus will be notified of the results of the related student conduct hearing. The alleged perpetrator of a crime of violence is a student who is alleged to have committed acts that would, if proven, constitute any of the following offenses or attempts to commit the following offenses:

- Arson
- Assault offenses
- Burglary
- Criminal homicide--manslaughter by negligence
- Criminal homicide--murder and non-negligent manslaughter
- Destruction/damage/vandalism of property
- Kidnapping/abduction
- Robbery
- Forcible sex offenses

Alleged perpetrator of a non-forcible sex offense means a student who is alleged to have committed acts that, if proven, would constitute statutory rape or incest.

### **Student Conduct Files and Records**

Referrals may result in the development of a student conduct file, which will be sealed if the student is found not responsible for the charges. Files of students found responsible for code violations will be retained as a student conduct record for seven years following that student's graduation. Files may be retained for longer periods or permanently, if so specified in the sanction.

### **Modified Hearing Board Procedures in Special Circumstances**

The Director of Student Conduct and Community Standards, with approval from the Vice President for Student Life, may invoke the following modified Student Conduct Review Board procedures when it is determined that reporting party and/or responding party and/or witness participation, for good cause shown to the VPSL, will result in disorderly or disruptive proceedings or otherwise substantially impair the effectiveness of evidence production.

### **The Report**

A description of the alleged violation will be submitted in writing to the Director of Student Conduct and Community Standards. The statement can be written by the reporting party, written as reported to a University official, or recorded in the presence of and transcribed by a University official. Specific violations of the Pacific Student Honor Code, including the Student Code of Conduct and University Policies, should be cited as part of this report.

Release of Personal Information: The responding party has the right to know the name of the reporting party, witnesses, and the details of the report; however, upon request, this information will be removed from the documents that are provided to the Student Conduct Hearing Board.

File Access: The reporting party and responding party have a right to reasonable access to the case file, witness lists, and investigation results prior to and during the hearing. Requests for access must be made in writing a minimum of three working days prior to the hearing.



Student Conduct Support Person: The reporting party and responding party have the right to have the presence of a support person. See section titled *Student Conduct Support Person* for additional information.

Reporting Party Letter: Upon receipt of a written report from the reporting party and evaluation by the Student Conduct and Community Standards Office to determine that there is reasonable cause to believe that a violation has taken place, a charge letter will be issued to the responding party from the Student Conduct and Community Standards Office. The letter will contain the alleged code violations, a description of the events related to the alleged violation, and an explicit warning against contact, harassment, or retaliation directed toward the reporting party and/or witnesses. A copy of the complaint letter will be provided to the reporting party.

### **The Student Conduct Review Board**

- The Student Conduct Review Hearing Board (Board) will be made up of three students, one faculty member, and one staff member.
- If a Board member has a relationship with either the responding party, reporting party, or identified witnesses that would present the potential for bias, that member may not serve.

### **The Hearing**

- The Student Conduct Review Board, Associate Dean/Director of Student Conduct and Community Standards, and the responding party have the right to request participation of the reporting party and witnesses in person for questioning. This request must be made in writing three business days prior to the hearing.
- In order to implement the policy on modified hearing procedures, participation may be via audio/visual or equally effective other technology means from a separate location.
- The Student Conduct Review Hearing Board, in consultation with the Director of Student Conduct and Community Standards, will prepare its questions in advance of the hearing. Questions may be edited at the discretion of the Director of Student Conduct and Community Standards.
- Upon request, involved parties and witnesses will not be identified by name during the hearing and parties may not communicate directly with one another at any time during the hearing.
- Initial questions for use at the hearing must be submitted in writing three (3) business days prior to the hearing to the Director of Student Conduct and Community Standards. All questions must be relevant and respectfully phrased.
- Questions and/or discussion regarding students' private sexual history and personal matters unrelated to the incident in question are not permitted, except for good cause shown, such as where such questions are relevant to motive and consent issues.
- During the hearing, additional questions may be submitted in writing for consideration by the Director of Student Conduct and Community Standards, who will determine question relevance and then direct it to the appropriate party. In this situation, the hearing may be paused while the Director works with the student(s) submitting the question to ensure the questions are relevant and phrased in a respectful manner. The Director shall not prohibit the asking of any questions determined by the Student Conduct Review Board to be relevant and appropriate.

- The reporting party has a right to make an “impact statement” to the Student Conduct Review Board and the responding party shall have the right to make a responsive statement and additionally comment on the impact on the responding party.
- The reporting party and responding party will be promptly informed of the outcome following the hearing.
- For complaints deemed by the Director of Student Conduct and Community Standards to be sensitive in nature, whether the alleged victim is serving as the reporting party or as a witness, alternative testimony options will be given, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify from another room via electronic means. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused student.
- Past Sexual History/Character. The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such information is determined to be highly relevant by the Director of Student Conduct and Community Standards. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by the Director of Student Conduct and Community Standards.
- While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Director of Student Conduct and Community Standards may supply previous complaint information to the Board, or may consider it him/herself if s/he is hearing the complaint, only if:
  - The accused was previously found to be responsible;
  - The previous incident was substantially similar to the present allegation;
  - Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

## INFORMATION AND REQUIRED NOTIFICATIONS

### CLERY ACT

The Department of Public Safety, in compliance with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act prepares an annual crime statistics report. This report contains policies of our school pertaining to the safety and security of our employees and students, and the last three years of crime statistics relating to crimes that occurred on or near the campus reported to the Department of Public Safety. Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual security report, by notifying the Department of Public Safety. Crime categories include violent crimes, such as, domestic violence aggravated assault, robbery, sex offenses, dating violence, stalking, homicide and non-violent crimes, such as motor vehicle, burglary, drug and alcohol policy violations. Statistics also include arrests, if any, for liquor-law, drug abuse, and weapons possession violations occurring on or near the campus. This report may be found at: [web.pacific.edu/x5071.xml](http://web.pacific.edu/x5071.xml).

### DISABILITY ACCOMMODATION

The University does not discriminate against students and applicants on the basis of disability in the administration of its educational and other programs. The University will reasonably accommodate qualified students (including applicants) with disabilities as defined by applicable laws, if the individual is otherwise qualified to meet the fundamental requirements and aspects of the program of the University, without undue hardship to the University. Harassment on the basis of disability issues is prohibited by the University's policies.

To begin the process of establishing eligibility for services, the individual must identify him/herself to the Office of Services for Students with Disabilities by providing recent and specific evidence that documents a formal diagnosis of a physical, psychological, or cognitive disability from a qualified professional.

Pacific expects that, if you are a student with a disability, you will give sufficient notice of your need for assistance (preferably prior to the start of the semester), although the University will consider the merits of each request at the time of receipt. Upon receiving a request for assistance as well as appropriate documentation, the Director of the Office of Services for Students with Disabilities considers the student's need for assistance as it relates to the documented disability. Please note the University does not provide or subsidize personal care devices or services such as ambulatory devices or assistance with bathing, dressing, laundry, etc. Referrals to area agencies, however, are available upon request.

For additional information, please contact:

Office of Services for Students with Disabilities  
McCaffrey Center Room #137  
Phone/TTY: 209.946.2879  
E-Mail: [ssd@pacific.edu](mailto:ssd@pacific.edu)

More detailed information about how to qualify for accommodations, as well as our Policy Manual for Students with Disabilities, is available at [www.pacific.edu/disabilities.xml](http://www.pacific.edu/disabilities.xml).

## STATEMENT OF DIVERSITY AND INCLUSION

The University of the Pacific community – including students, faculty, staff, administrators, and alumni – believes that diversity and inclusion are essential to the fulfillment of our institutional mission. We value inclusiveness in learning, curricular and co-curricular programming, campus climate, recruitment, admissions, hiring, and retention. We remain deeply committed to promoting and maintaining a civil community that facilitates opportunities for shared understanding and expression of individual and collective truths. Moreover, we resolve to maintain a community that is respectful of all persons despite differences in age, ancestry, citizenship, disability, ethnicity, gender identity or expression, geographic origin, language, marital status, military service status, nationality, philosophical beliefs, political persuasion, race, religion, sexual orientation, or socioeconomic status. We are committed to all members of the Pacific community becoming competent and ethical citizen-leaders able to interact effectively and ethically in an increasingly multicultural society and global economy. This transformative process is accomplished through our distinctive integration of liberal arts and professional education promoting innovation, open discourse and dialogue, leadership development, experiential learning, and self-reflection.

## DIVERSITY AND EQUAL OPPORTUNITY POLICY

University of the Pacific does not discriminate on the basis of race, national origin, ancestry, color, religion, religious creed, age (except for minors or for bona fide occupational qualification), marital status, gender, gender identity, gender expression, genetic information, sexual orientation, sex (including pregnancy, childbirth, breastfeeding and related medical conditions), medical condition (including cancer/genetic characteristics or AIDS/HIV status), disability, citizenship status, military service status, and any other status protected by law.

In compliance with all applicable laws, all educational services will be provided and all employment decisions will be made (including retirement, training, compensation, benefits, employee relations, promotions, and termination) without regard to the individual's status protected by law. The University will engage in an interactive process to evaluate reasonable accommodations for qualified individuals who are able to safely perform all the essential functions of their position with or without reasonable accommodations.

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

University of the Pacific complies with The Family Educational Rights and Privacy Act (abbreviated **FERPA** and formerly known as the Buckley Amendment). FERPA provides students and residents with certain rights with respect to their education records. These rights are defined below. **A student or resident's FERPA rights begin when the student or resident registers and attends his/her first class.** Students or residents who originally sought admission to one program of study at the university and are denied, but subsequently are admitted and enrolled in a different program of study, have FERPA rights only in their admitted/enrolled program of study.

### Education Records

Students and residents at Pacific have the right to inspect and review their education records within 45 days of the day a request for access is received. Students and residents should submit a written request stating their desire to inspect their education records to the Assistant Dean of Academic Affairs, Office of

the Registrar, or to the head of the academic school/department where the records to be inspected are stored. The request should clearly identify the specific record(s) the student or resident wishes to inspect. The University official will make arrangements for access to the education records requested, and notify the student or resident of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student or resident of the correct official to whom the request should be addressed.

Students and residents at Pacific have the right to request amendment of their education record if the student or resident believes the record is inaccurate with respect to fact. Students and residents must submit such requests in writing to the University official responsible for the record. The request must clearly identify the part of the record the student or resident wishes to change, and specify why the student or resident feels the record is inaccurate. If the University decides not to amend the record as requested, the University will notify the student or resident of the decision and advise the student of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student or resident when notified of the right to a hearing.

Students and residents at Pacific have the right to prevent disclosure of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure with student or resident consent ("directory information").

One exception, which permits disclosure without consent, is disclosure to University officials with legitimate educational interests. At Pacific, "University official" is defined as:

- a person employed by the University or in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff);
- a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent);
- a person serving on the Board of Regents;
- a student serving on an official University committee (academic, grievance, or disciplinary) or assisting another University official in performing their tasks. A University official has a "legitimate educational interest" if the official needs to review a student's or resident's education record in order to fulfill his or her professional responsibility.

Students and residents at the University have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

### **Withholding the Release of Public Information**

Directory information is public information. Directory information includes information that can be disclosed without written student authorization. The University is not obligated to release public directory

information to anyone. FERPA only says that an institution MAY release such information, but there is no obligation to do so.

According to FERPA, a student can request, while still enrolled, that the institution not release any directory information about them. Institutions must comply with this request. At Pacific, students who wish to restrict the release of directory information about themselves must submit a "Request for Non Release of Directory Information" form, available online with the Office of the Registrar at each respective campus. Students must submit the completed form in person to the Office of the Registrar. Students must show a photo ID when submitting the form.

Restricting public access to a student's directory information could have negative consequences. Their name will not appear in the commencement bulletin and other University publications. Also, employers, credit card companies, loan agencies, scholarship committees, and all other external organizations will be told: "I'm sorry, but we have no information regarding that person."

#### **Directory Information that may be given out without permission:**

- Student's name
- University ID number
- Mailing, local, and permanent address
- Telephone number
- E-mail address
- Photograph/Video
- Date and place of birth
- Degrees, honors, and awards
- Major field of study
- Grade level
- Dates of attendance, including matriculation and graduation
- Enrollment status (undergraduate, pre-doctoral, graduate, full, or part-time)
- Most recent educational agency or institution attended
- Participation in officially recognized activities and sport
- Weight and height of members of athletic teams

#### **Parental Access to Education Records**

At the post-secondary level, parents and guardians have no inherent right to access or inspect a student's education records. This right is limited solely to the student. At Pacific, records may be released to a parent or guardian only under the following circumstances:

- if the parent or guardian has been given a written release by the student;
- if a health or safety emergency involves their student;
- if the student who is under age 21 has violated any law or policy concerning the use or possession of alcohol or a controlled substance; or
- in compliance with a subpoena.

## Crisis Situations or Emergencies

A student's local telephone number is considered to be public directory information, so the University can release the phone number upon request – unless the student has submitted a written request blocking release of this otherwise public information. If the University determines the information is “necessary to protect the health or safety of the student or other individuals,” it may also release other public directory information or non-directory information. University staff considers the following types of issues when making a decision to release non-directory information to a third-party:

- The severity of the threat to the health or safety of those involved;
- The need for the information;
- The time required to deal with the emergency;
- The ability of the parties to whom the information is to be given to deal with the emergency.

If the student lives on campus, public directory inquiries may be referred to the Division of Student Life on the Stockton Campus, any Public Safety Officer, the Assistant Dean of Students at the McGeorge School of Law, or by a note in the student's mailbox or on their residence hall door. General questions may also be directed to the Office of the Registrar at each respective campus.

## EMERGENCY PROCEDURES

Campus emergencies can be man-made or natural. They happen quickly and allow little time for preparation. The size and scale of the emergency is determined by the potential for loss of life, damage to facilities, and the resources needed to restore the University to its normal operations. Please place the Department of Public Safety's telephone number in your cell phone address directory. Emergency calls should be made to 209.946.3911 and non-emergency calls are made to 209.946.2537. Members of the campus community should refer to the Pacific Emergency Website at <http://web.pacific.edu/x7450.xml> where you can learn more on emergency response.

## STUDENT RESIDENT MISSING PERSONS STATEMENT

In accordance with the Higher Education Opportunity Act of 2009, if it is determined that a student residing in a University of the Pacific owned or operated housing facility, who is the subject of a missing person report, has been missing for more than 24 hours, and has not returned to campus, the following actions will be taken:

- The University will attempt to contact the student using the student's personal emergency contact information.
- In the event a student is unable to be reached, the University's Department of Public Safety will file a missing person report with the local law enforcement agency, and a representative from the Division of Student Life will notify the student's emergency contact person(s) on file with the University.
- If a student is under 18 years of age, and not an emancipated individual, the University will notify a custodial parent or guardian no later than 24 hours after the time that the student is determined to be missing.

All students are encouraged to keep in contact with a trusted person, especially if they plan to be away from campus for longer than 24 hours.

## ANNUAL ASBESTOS NOTIFICATION

This letter provides notification to the University community that there may be a presence of asbestos-containing materials (ACMs) in campus buildings. Annual notification is required by California Health & Safety Code 25915 et seq. ACMs identified in various campus buildings include: fireproofing, floor tile & mastic, pipe insulation, ceiling acoustic, ceiling tile mastic, wallboard joint compound, et al.

Please contact your campus Physical Plant department for more information about ACMs in specific campus buildings. For more information about Asbestos, refer to the OSHA website at [www.osha.gov/SLTC/asbestos/index.html](http://www.osha.gov/SLTC/asbestos/index.html).

The University is committed to maintaining a safe and healthy learning and work environment. The University's Risk Management and Physical Plant staff conduct on-going building surveys to identify and safely manage previously installed asbestos-containing products. Renovation of buildings on our campus must be reviewed in advance by Physical Plant staff to ensure that no ACMs are disturbed without proper safeguards. Work that requires removal or repair of ACMs is restricted to trained and qualified persons only. Physical Plant will need to approve the qualified contractors.

Use the following measures to protect yourself and others from exposure to airborne asbestos:

- Presume all building materials contain asbestos until determined otherwise by Physical Plant.
- Do not install walls, closets, cabinets, or ceilings.
- Do not remove, cut, drill, sand, grind or otherwise disturb any material in the buildings, including carpet and floor tile.
- Do not paint (this includes any walls, ceilings, floors, and electrostatic painting of office furniture).
- Do not remove any items nailed or screwed to the walls (this includes pictures, cabinets, electrical, etc.).
- Do not go above ceilings, behind walls, or into building spaces such as attics and crawlspaces, unless these areas have been inspected and cleared by Physical Plant.
- Do not pull cable or wiring through above-ceiling spaces with asbestos.
- Do not install screws, pins, nails, or hangers into ceilings or walls.

## ALCOHOL AND OTHER DRUG USE POLICY

College and university campuses may be particularly vulnerable to the abuse of alcohol and other drugs. As members of the Pacific community, we must share in the work of solving this problem. The following is a summary of University of the Pacific's policies and programs relating to the use of alcohol and other drugs on our campus. This information is sent to you annually as a requirement of the Drug-Free Schools and Communities Act of 1989, and the Drug-Free Workplace Act of 1988. Universities that receive federal/state funds in any form are required to comply with the above acts. We must take affirmative steps to prohibit the unlawful possession, use, and/or distribution of illicit drugs and alcohol. If you have any questions, students should call the Division of Student Life at 209.946.2365.

### Standards of Conduct

Students, faculty, and staff will comply with all federal, state, and local laws and University policies governing the consumption, possession, distribution, and sale of alcoholic beverages and drugs on



University property; at any activity or event on and off the campus sponsored by Pacific; or where a campus community member is representing Pacific as part of an off-campus program, activity, or event. More detailed policy information regarding the consumption, possession, distribution, and sale of alcohol can be found on the Tiger Lore website link at [www.go.pacific.edu/TigerLore](http://www.go.pacific.edu/TigerLore).

Except as legally prescribed, drug possession and use is prohibited. Additionally, the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance, including marijuana, is prohibited.

It is the responsibility of every student, faculty, and staff member to report incidents involving infractions of federal, state, local drug and alcohol laws, and/or University policies to the Assistant Vice President for Human Resources or Director of Student Conduct and Community Standards.

### **Description of Health Risks**

The misuse of alcohol and/or prescription drugs or use of illicit drugs can result in overdose, death, violence, incarceration, loss of a driver's license, failed relationships, petty property crime, school dropout, lowered productivity and quality, increased absenteeism and tardiness, serious psychobiological and neurobiological problems, reduced concentration, impaired judgment, loss of short term and long term memory, diminished reasoning skills, strained family relationships, damaged fetuses, and other serious life altering effects. Additional information regarding health risks is available from the Cowell Wellness Center or [www.drugabuse.gov/drugpages.html](http://www.drugabuse.gov/drugpages.html).

### **Statement of Conduct Sanctions**

Students who have violated laws governing the use of alcohol and illicit drugs will be subject to sanctions ranging from disciplinary warning up to, and including, dismissal from the University. Incidents involving students, against whom a complaint is filed, will be processed in accordance with the Student Conduct Procedures, a copy of which may be obtained at [www.go.pacific.edu/TigerLore](http://www.go.pacific.edu/TigerLore). Employees of the University may be demoted, suspended, or dismissed for violation of this policy. Staff challenging the imposition of such sanctions may appeal through the Grievance Procedure as outlined in the University of the Pacific Staff Handbook, a copy of which may be obtained from the Department of Human Resources. The appeal process for faculty is outlined in the Faculty Handbook.

### **Criminal Penalties**

Federal penalties for the trafficking of controlled substances are dependent upon several conditions including the substance, amount, and whether the matter is a first offense or repeated offense for an individual or other legal entity.

- For a detailed list of penalties, visit: <http://www.justice.gov/dea/druginfo/ftp3.shtml>
- For information on California DUI penalties, refer to: <https://www.dmv.ca.gov/portal/dmv/detail/dl/driversafety/dsalcohol>
- For information on California underage drinking laws, visit: [http://alcoholpolicy.niaaa.nih.gov/APIS\\_State\\_Profile.html?state=CA](http://alcoholpolicy.niaaa.nih.gov/APIS_State_Profile.html?state=CA)

## Resources for Assistance

Counseling and Psychological Services is open to all enrolled students for alcohol and substance abuse treatment services (as well as general mental health treatment). Services provided to a student may include evaluation, education, and group and individual therapy. In addition, Counseling and Psychological Services can provide referrals to community-based treatment centers.

In certain circumstances where a student's alcohol or drug problem is beyond the scope of Counseling and Psychological Services ability to help, a referral to a community resource may be encouraged. All treatment at Counseling and Psychological Services is free and confidential. In addition to treatment services, educational outreach programs on alcohol and drug issues and prevention are available to the campus community.

- Alcohol Abuse 24 Hour Action Helpline: 800.234.0420
- Alcoholics Anonymous: 209.464.1594
- Alcohol & Drug Treatment Center 24 Hour Helpline: 800.711.6375
- Counseling and Psychological Services: 209.946.2315 ext. 2
- Health Services: 209.946.2315 ext. 1
- Narcotics Anonymous: 209.464.9262
- Employee Assistance Program: 877.595.5281

## **FEDERAL STUDENT FINANCIAL AID & DRUG LAW**

The Higher Education Opportunity Act, HEA Section 484(r), 34 CFR 668.40, requires the Financial Aid Office at University of the Pacific to notify each newly enrolled student of information regarding Federal Student Financial Aid Penalties for Drug Law Violations.

A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment in which federal student aid was received may not be eligible to receive federal student aid (including any grant, loan, or work assistance) during the period beginning on the date of such conviction and ending after the interval specified in the following table:

If convicted of an offense involving the possession of a controlled substance:		
Ineligibility period is:	First offense	1 year
	Second offense	2 years
	Third offense	Indefinite
The sale of a controlled substance:		
Ineligibility period is:	First offense	2 years
	Second offense	Indefinite

A student whose eligibility has been suspended based on a conviction for possession or sale of a controlled substance may resume eligibility before the end of the ineligibility period if:

- the student satisfactorily completes a drug rehabilitation program that complies with the criteria prescribed in the federal regulations and includes two unannounced drug tests;
- the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with the criteria prescribed in the federal regulations; or
- the conviction is reversed, set aside, or otherwise rendered invalid.

To determine whether or not you meet eligibility guidelines, call 1-800-4-FED-AID (1-800-433-3243).

## **LEAVE OF ABSENCE POLICY**

This policy provides general information regarding Leaves of Absence. Graduate programs may have additional policies regarding leave and return. Students should consult with their department for circumstances and processes specific to their program of study.

### **A Voluntary Leave of Absence Is A Type of Withdrawal**

Generally, Voluntary Leave of Absence requests are made to the Office of the Registrar prior to the beginning of a semester. Requests made during the semester are governed by additional policies and the timing of such requests will affect housing, financial aid, tuition charged, health insurance, and progress toward degree.

This policy is not used in place of the student conduct process for review of alleged behavior that may violate the Student Code of Conduct and/or University Policies. A student initiating a Voluntary Leave of Absence may be simultaneously required to participate in the Student Conduct Review Process. A student returning from a Voluntary Leave of Absence will return with the same disciplinary status in place prior to the Leave.

### **Medical Leave of Absence/Withdrawal**

There are times when a student may require time away from the University due to physical or psychological illness. Under these circumstances, a student may request a Medical Leave of Absence/Withdrawal from the Office of the Registrar. With the written consent of the student, the medical or mental health professional providing treatment to the student shall provide written confirmation that the Medical Leave is necessary due to the student's health. Documentation should be provided to the University within 30 days of the request for Medical Leave. The University may request a review of the medical or mental health documentation by a University healthcare professional or other appropriately trained professional identified by the University. This consultation may include a conversation between the treating provider and the designated University healthcare professional or representative.

### **Other Leaves of Absence**

There are other compelling reasons that may be considered in support of a Voluntary Leave of Absence. The University may request supporting documentation from a student to substantiate a request.

### **Polices and Conditions For All Leaves**

- If a Leave of Absence is granted prior to the start of the semester, no tuition will be charged for the semester(s) during which the Leave of Absence has been granted. A student taking a Leave of Absence commencing after the semester has started may be subject to tuition and other financial obligations as outlined by Student Accounts.
- A student on a Leave of Absence is not registered as a student and therefore may not use University facilities including libraries, Baun Fitness Center, Pacific Health Services, and Counseling and Psychological Services, or attend any University sponsored event. A student on Leave must immediately vacate University housing.
- A student returning from a Leave of Absence should consult with the Associate Dean of Students and pay close attention to reenrollment and financial aid deadlines.

### **Documentation of Readiness to Return**

A student granted a Voluntary Leave of Absence may be asked to demonstrate that the condition for which the Leave was granted has been resolved sufficiently to allow resumption of studies. Specifically, the University may require one or more of the following, depending on the reason(s) cited for the Leave:

- Medical or psychological records from the physician(s) and/or mental health professional(s) who cared for the student while on Leave and/or a "Statement of Readiness to Return" from these health care professional(s). Students will be asked to sign a written consent form for the release of this information to specific University representative(s) serving as point person for the student's transition and/or on a need- to-know basis.
- An assessment interview or examination conducted by a member of the Counseling and Psychological Services staff and/or a member of the Pacific Health Services staff depending on the health condition that necessitated the Leave.

### **Confidentiality**

University of the Pacific will maintain the confidentiality of all information regarding Voluntary Leaves in accordance with federal, state, and local laws, and to the greatest extent consistent with the goal of processing such Leaves. All records and information concerning Voluntary Leaves of Absence are confidential. Access to these records is limited by appropriate federal, state, and local laws.

University of the Pacific reserves the right to notify a parent or guardian if deemed appropriate under the circumstances and as permitted by applicable federal, state, and local law.

### **Involuntary Leave of Absence Policy**

The University values the health, safety, and general well-being of all of its students and provides a range of services to support the physical and emotional health of students. While the University strives to preserve and respect the autonomy of all persons, it understands that there may be occasions when a student's physical or mental health conditions cause the student to present a direct threat to others or significantly disrupts the educational and other activities of other learners and of the University community, necessitating a leave of absence from the University. Additionally, as a result of an individualized assessment by a qualified healthcare professional, it may be determined that there is a

significant risk of self-harm, and the risk of such harm cannot be eliminated or reduced to an acceptable level through reasonable and realistic accommodations utilizing campus resources.

This policy is not used in place of the student conduct process for review of alleged behavior that may violate the Student Code of Conduct and/or University Policies. A student may be required to participate in the Student Conduct Review Process concurrently with the Involuntary Leave Process. A student returning from an Involuntary Leave of Absence will return with the same disciplinary status in place prior to the Leave.

Prior to invoking an Involuntary Leave, every effort will be made to encourage the student to take a Voluntary Leave of Absence, the process for which is described in the Voluntary Leave of Absence/Withdrawal Policy.

The University may place a student on an Involuntary Leave of Absence or require conditions for continued enrollment under any one of the following circumstances when the student exhibits behavior resulting from a mental or physical health condition that:

- Directly threatens, harms, or has the immediate potential to harm the health and safety of students or University community members;
- Causes or threatens to cause significant damage to property;
- Significantly disrupts the educational and other activities of the University community.

### **The Involuntary Leave Process**

When a student exhibits one or more of the behaviors described above, the matter should immediately be brought to the attention of the Dean of Students or designee, who may convene the Behavioral Intervention Team (BIT).

The Dean of Students or designee will coordinate the team, initiate collection and management of student information relevant to the assessment of threat or disruption, and, where relevant, communicate recommendations of the BIT (in writing) with the student, informing the student of the procedures for an Involuntary Leave of Absence. In cases where the student is not determined to be a threat, or when the decision is to monitor the student, a student may or may not be notified and the rationale for this decision will be documented.

In most cases, the student will be required to undergo an immediate assessment of the student's mental and/or physical condition. Counseling and Psychological Services, Pacific Health Services, or another University approved healthcare provider will conduct this evaluation. This assessment will evaluate whether there is a preponderance of evidence to indicate that a student represents a high probability of substantial harm, based upon reasonable judgment and informed by current medical knowledge or objective non-medical evidence, if medical evidence is not available. The assessment shall ascertain:

- The nature, duration, and severity of the direct threat of harm;
- The probability that the substantial harm will actually occur;
- The likelihood that the harm will occur soon; and
- Whether reasonable modifications of policies, practices, procedures, or the environment will sufficiently mitigate the risk.

Based upon the aforementioned assessment, the Dean of Students or designee will utilize available information to make an informed and objective determination of the student's ability to participate safely and without major disruption in the student's academic program and in the campus community. This decision may include, but not be limited to:

- Permitting the student to remain enrolled with no conditions;
- Permitting the student to remain enrolled subject to conditions (and including descriptions of conditions). If permitted to remain enrolled subject to conditions, non-compliance may result in the imposition of an Involuntary Leave; or
- Placing the student on an Involuntary Leave of Absence.

Prior to taking action, The Dean of Students or designee will notify the student (in writing) of:

- The specific behavior and/or information used in determining that the student poses a direct threat and/or disruption to learning activities or the University community;
- The nature of the preventive measure(s) the University intends to implement with respect to the student; and
- The student's right to present evidence on their own behalf to the Dean of Students to challenge the University's decision.

If a student is subject to conditions in order to remain enrolled, the student shall be informed in writing of the effective date and the length of time the conditions will be in effect. If the University's decision is to require an Involuntary Leave of Absence, the decision will also indicate the length of the leave and conditions (if applicable) under which the student may return from leave.

### **Involuntary Leave Appeal Process**

A student subject to this policy may appeal the decision to impose an Involuntary Leave to the Vice President for Student Life (VPSL). The student must submit a written letter of appeal within three (3) business days of receipt of notification of the Involuntary Leave decision. The VPSL will review the appeal letter and any documentation provided by the student in support of the appeal, and review documentation utilized by the Dean of Students to inform their decision. The VPSL may uphold, reject, or modify the Involuntary Leave decision and will notify the student in writing of this determination, usually within 48 hours. Restrictions outlined in the original decision will remain in place until the appeal process is complete.

### **Interim Suspension/Leave**

The Vice President for Student Life (VPSL) or designee, based upon information available at the time of the decision, and in consultation with professionals with relevant expertise, may temporarily remove a student from campus, if the VPSL determines that the student's presence on campus poses an imminent threat of immediate and severe harm to self, to others, or to the stability and continuance of normal University functions. At the VPSL's discretion, this temporary removal may remain in place until a final appeal decision is rendered.

## Process for Readmission After Involuntary Leave

A student wishing to return to campus after an Involuntary Leave must:

- Notify the Dean of Students in writing and provide documentation demonstrating that the student has met all conditions set forth by the University for return.
- Complete and submit to the Admissions Office a “Return to Active Status” form found on the University website at:

<http://www.pacific.edu/Admission/Undergraduate/Applying/Readmits.html#special>

A student wishing to return must pay special attention to the deadlines established by the Admissions Office for returning students, and required documentation should be submitted a minimum of 30 days in advance of the Admission deadline date for the desired semester of return.

The University may impose conditions on readmission to the University, including submission to an evaluation from an appropriate health care provider; participating in a readmission interview with a qualified health care professional; provision of proof that the student followed a treatment and/or counseling plan during the student’s leave; and providing the University with authorization to access the student’s health records and/or other documentation pertinent to the student’s specific situation and absence. The University may also place conditions on the student’s readmission (e.g. on-going counseling, which will continue after the student returns to campus).

If a student is denied readmission for any reason, the student may appeal the decision to the Vice President for Student Life. The appeal must be made in writing and submitted within 10 business days of the date of the written notice of readmission denial. The Vice President for Student Life will review all of the information relevant to the student’s request for readmission, and will issue a final determination regarding the student’s readmission.

## **GRIEVANCES**

### Academic Grievance

#### **Informal Grievance Process for Academic Matters**

Prior to submitting a formal grievance, the student shall:

1. Consult the instructor whose action is being appealed. This consultation generally must take place within 14 calendar days of the start of classes after the grading period in question. The instructor is expected to meet with the student and respond to the student’s grievance in writing within 10 calendar days.
2. If the student and the instructor are unable to reach agreement, or if the instructor is unwilling or unable to meet with the student, the student shall meet with the chair of the instructor's department. If the instructor involved is the Department Chair or if there is no Department Chair, the student shall meet with the appropriate Assistant or Associate Dean of the school involved. The Department Chair/Assistant or Associate Dean will meet with the student and with the instructor and recommend a solution to both the instructor and the student in writing within 10 calendar days.

## Formal Grievance Process for Academic Matters

1. If the student and instructor are still unable to reach agreement, the student may file a grievance with the Student Conduct and Community Standards Office (Student Conduct) generally within 42 calendar days (6 weeks) of the start of classes after the grading period in question.
2. Student Conduct shall immediately notify a Student and Faculty Advocate. The Student and Faculty Advocates will meet with the aggrieved student within 14 calendar days (2 weeks) and advise the student in the preparation of evidence necessary to support the student's complaint(s).
3. Once a grievance has been forwarded, the Student Academic Grievance Board shall be convened to conduct a hearing within 21 calendar days (3 weeks). Student Conduct shall postpone the Student Academic Grievance Board Hearing in the event that the student is currently a party to an academic dishonesty case. The Board shall review all evidence, including the course syllabus, grading policy, exams, homework assignments, papers and other appropriate documents. Hearings are closed to all but the parties to the complaint, any witnesses, and the Student and Faculty Advocates. The student may be advised by the Student and Faculty Advocates during the hearing, but the Advocates may not testify. The Board will deliberate in executive session.
4. The decision of the Board is final, and the Board has the authority to change a grade or determine a remedy if it deems such action necessary. The decision will be provided in writing to the student, the instructor, the Student and Faculty Advocates, the Dean of the school or college involved, and when a grade is changed, the University Registrar who shall amend the student's transcript. All written copies of the complaint, evidence, decision, and the content of the hearings will be treated as confidential and will not be released other than as mentioned above.

All timelines for this process are suggested and may be extended for just cause.

A student seeking clarification or guidance regarding filing an academic grievance should contact the Student Conduct and Community Standards Office for assistance 209.946.2177 or

[studentconduct@pacific.edu](mailto:studentconduct@pacific.edu).

### **General Grievance**

Grievances not otherwise provided for should be addressed to the Director of Student Conduct and Community Standards or Provost with responsibility for the area in which a decision is being challenged. The Director of Student Conduct and Community Standards will advise students regarding the appropriate office. Complaints or questions must be submitted in writing to the Director of Student Conduct and Community Standards or Provost. A response will be made in a timely manner, normally not to exceed 10 school days. Individuals with disabilities should refer to the Policy Manual for Students with Disabilities.

### **STUDENT COMPLAINT PROCEDURE NOTICE**

The United States Department of Education requires institutions of higher education to publish and comply with policies regarding student complaints that address the school's program of education.

Accordingly, as a Western Association of Schools and Colleges (WASC) accredited institution, University of the Pacific is subject to the WASC Standards found on the WASC website at:



[http://wascsenior.org/files/Standards\\_at\\_a\\_Glance.pdf](http://wascsenior.org/files/Standards_at_a_Glance.pdf). Any student at Pacific who wishes to bring a formal complaint to the administration regarding a significant problem that directly implicates the school's program of education and its compliance with the WASC Standards should do the following:

1. Submit the complaint in writing to the Vice President for Student Life. The complaint may be sent via email, U.S. Mail, facsimile, or in person to the Office of the Vice President for Student Life (Hand Hall).
2. The complaint should describe in detail the behavior, program, process, or other matter that is at issue, and should explain how the matter directly implicates the student's program of education and the University's compliance with a specific, identified WASC Standard(s).
3. The complaint must contain the complaining student's name, student ID#, official Pacific email address, and current mailing address. This information will be kept confidential, but there must be an identifying name for a response to take place.

When an administrator receives a student complaint that complies with the foregoing requirements, the following procedures shall be followed:

1. The Vice President for Student Life will acknowledge the complaint within 3 business days of receipt. Acknowledgement may be made by email, U.S. Mail, or by personal delivery, at the option of the Vice President.
2. Within 10 business days of acknowledgement of the complaint, the Vice President for Student Life, or the Vice President's designee, shall respond to the substance of the complaint, either in writing or in person, and shall indicate what steps are being taken by the University to address the complaint. If further investigation is needed, the complaining student shall, upon conclusion of the investigation, be provided with substantive response to the complaint within 10 business days after completion of the investigation.
3. Any appeal regarding a decision on a complaint shall be brought before the President of the University. The decision of the President will be final. Any appeal must be brought within 10 business days from the date of the response by the Vice President for Student Life.
4. A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the Office of the Vice President for Student Life for a period of 8 years from the date of final resolution of the complaint.

If you believe that your complaint warrants further attention after exhausting all the steps outlined in the response given to you by the Vice President for Student Life, you may contact the Western Association of Schools and Colleges (WASC) at <http://www.wascsenior.org/comments>. If your complaint is about the institution's compliance with academic program quality and accrediting standards. WASC is the academic accrediting body for University of the Pacific.

If you believe that your complaint continues to warrant further consideration after exhausting the review of either WASC or the investigative team representing University of the Pacific, you may submit a complaint to the Attorney General of the State of California by filing a complaint form with the Public Inquiry Unit of the California State Department of Justice at:

Public Inquiry Unit: 916-322-3360; Toll-free (in CA): 800-952-5225; Fax: 916-323-5341; or online forms:  
[http://ag.ca.gov/contact/complaint\\_form.php?cmplt=PL](http://ag.ca.gov/contact/complaint_form.php?cmplt=PL)

The Attorney General's Office will review the process through which the campus attempted to resolve your complaint. If the process complies with the written outline, the Attorney General's Office will, for the purposes of state oversight, consider the matter closed. If the Attorney General determines that the process through which the campus attempted to resolve your complaint did not comply with its published process, the Attorney General may request reconsideration by University of the Pacific. The Attorney General's Office also has oversight of University of the Pacific as authorized through the "Supervision of Trustees and Fundraisers for Charitable Purposes Act" [Cal. Gov't Code § 12598], which provides public means to submit complaints regarding non-profit colleges and universities that abuse their status under the Internal Revenue Code of 1986 23 U.S.C. §501(c)(3). The California Attorney General is given broad powers to undertake law enforcement investigations and actions to protect the public interest under Cal. Gov't Code § 12598.

Most complaints made to media outlets or public figures, including members of the California legislature, Congress, the Governor, or individual Regents of University of the Pacific are referred to the Office of the President.

Nothing in this disclosure limits any right that the student may have to seek civil or criminal action to resolve the complaint.

University of the Pacific has provided this disclosure to you in compliance with the requirements of the Higher Education Act of 1965, as amended, as regulated in CFR 34, Sections 600.9 (b) (3) and 668.43(b). If anything in this disclosure is out of date, please notify the Vice President for Student Life, 3601 Pacific Avenue, Stockton, CA 95211, 209.946.2365.

## TECHNICAL RESOURCES

### General Student Technical Services

- insidePacific – <http://insidepacific.pacific.edu>
- insidePacific is a fully integrated system for the students to access their personal information and stay in touch with the campus environment.
- All students at the University of the Pacific have their own PacificNet ID providing access to insidePacific. This access provides them with a means of communicating with professors, fellow classmates, checking their grades, account balances, online payments, and financial aid awards, as well as registering for classes.
- insidePacific is also a general announcement system for the University; a site where job possibilities, athletic events, and other campus activities are posted.

### Email

All students are provided with a Google e-mail box and access to the University network. This system provides the ability to create a personal address book, set up rules to automatically forward email, and keep their own personal calendar.

## Customer Service Center (CSC)

The Customer Service Center can help with:

- Configuring computers for PacificNet.
- General troubleshooting of hardware and software for Window, Mac & Linux computers.
- Virus, malware and spy-ware removal assistance.
- Provide password resets for voicemail and long distance authorization code.
- Help with phone features such as call waiting, three-way calling and call forwarding.

## PacificNet - Network

Internet and Telephone- All traditional residence hall rooms, apartments, and Greek facilities are equipped with direct wireless access to the Internet. Wireless access is available campus wide. The McCaffrey Center Apartments (North 2 story) has wireless access only whereas the East 1 story has both wireless and wired.

### Academic Computing

- Pacific provides access to up-to-date computing resources through open lab facilities and its campus network.
- A few academic departments on campus also provide restricted computer lab facilities for their students. These departments include: Art, Business, Engineering & Computer Science, Pharmacy, and Psychology.

### Information Commons

- The Stockton Campus Library has workstations, study rooms, one button studio, media lab, loanable equipment such as laptops, GoPro Camera, Camcorders, and print/copy/scan stations.
- The Rite Aid Information Commons has workstations, study rooms, and print/copy/scan station.
- The Sacramento Campus & Law Library has workstations, study rooms, and print/copy/scan station.

### PT Software Maintenance Service for Students

- To ensure student workstations/laptops provide stability and maximum availability, the Pacific Technology (PT) recommends that users take the time necessary to maintain their machines. Personal computers require periodic operating system patches, anti-virus software, and other maintenance measures. To insure that everyone can safely use PacificNet, computers that are not properly maintained or kept up to date may be automatically removed from the network until proper maintenance or updates are performed.

Please visit the [Pacific Technology \(PT\)](#) page for the latest information, tools, and technical details. However, if you believe you cannot maintain your own computer or otherwise prefer not to, you may obtain service from the Customer Support Center (CSC) on the Stockton campus. Located in the Raymond James Common room on the Stockton Campus, the technical professionals in the CSC are available to help whenever needed. You may visit the CSC during our normal hours of operation, Monday – Friday 8am to 5pm, doors are closed from 12pm – 1pm for lunch, via e-mail ([helpdesk@pacific.edu](mailto:helpdesk@pacific.edu)) or you may also call 209.946.7400.

## UNIVERSITY OF THE PACIFIC POLICY PROHIBITING SEXUAL MISCONDUCT, DISCRIMINATION AND RETALIATION (“TITLE IX POLICY”)

### I. POLICY STATEMENT

University of the Pacific seeks to promote an environment that is free of Sexual Misconduct, Discrimination and Retaliation. Sexual Misconduct includes Sexual Violence, Stalking, Dating Violence, Domestic Violence and Gender-Based Harassment, terms that are defined in Addendum A of this Policy. Throughout this Policy, this prohibited conduct will be referred to generally as “Misconduct.” The University seeks to educate students, faculty and staff about the issue of Misconduct and to provide a clear path to resolution and correction of prohibited Misconduct. The University reserves the right to respond with whatever measures it deems appropriate to prevent Misconduct and preserve the safety and wellbeing of the University community.

The University is committed to compliance with Title IX of the Education Amendments of 1972, the Campus SaVE Act, and state and federal sexual discrimination laws. Title IX states,

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

University of the Pacific prohibits Misconduct in any form.

### II. PURPOSE

The purpose of this Policy is to:

- Affirm the University’s commitment to preventing Misconduct
- Affirm the University’s commitment to provide educational and preventative training regarding Misconduct
- Identify resources and support for victims of Misconduct
- Establish procedures for filing and handling complaints of Misconduct
- Define Misconduct that includes Sexual Violence, Stalking, Dating Violence, Domestic Violence and Gender-Based Harassment, Discrimination and Retaliation.
- Assure that members of the University community respond appropriately when incidents occur

### III. SCOPE

This Policy applies to all University of the Pacific community members, including Students, Faculty, Staff, administrators, consultants, vendors, and others engaged in business with the University. Every community member is responsible for complying with all University policies and procedures.

The University's prohibition of Misconduct includes conduct occurring on campus or off-campus, including online and electronic communication or other conduct, when the University determines it has a substantial interest. The University has a substantial interest in conduct when it:

- Occurs at University-related events
- Occurs during study abroad, clinical, internship or other academic programs
- Constitutes a violation of local, state or federal law; including repeat violations of any local, state, or federal law committed in any county where the University is located
- Indicates that the individual may present a danger or threat to the health or safety of him/herself or others
- Significantly threatens the rights or property of those protected by this Policy, or significantly breaches the peace and/or causes social disorder
- Is harmful to the educational mission of the University
- Involves individuals covered by this Policy at a non-university event

University policies and procedures apply to conduct that takes place once a person becomes a Student or employee of the University, including periods during academic breaks and between semesters/academic terms. This Policy applies to and protects visitors to the University. Visitors may file a Complaint for alleged violation(s) of University policies and procedures committed by members of the University community. University community members may be held accountable for the conduct of their guests.

#### **IV. EDUCATION AND PREVENTION**

The University provides comprehensive education and prevention programs including prevention strategies, awareness campaigns, primary prevention, bystander intervention, and risk reduction. Outreach programs are also provided to make Students, Faculty and Staff aware of all aspects of this Policy including the practical implications of an affirmative consent standard, resources available for victims, and the rights and responsibilities of Students, Faculty and Staff.

#### **V. PROHIBITED MISCONDUCT**

The list of prohibited Misconduct under this policy includes, but is not limited to, the following:

- Unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe or persistent or such that it unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the University's educational programs or employment opportunities. The unwelcome behavior may be based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation. A single instance of Sexual Harassment may be sufficient to constitute a hostile environment.
- Using electronic devices or technology (e.g., cell phone, camera, email, Internet sites or social networks) to record or transmit nudity or sexual acts without a person's knowledge and/or permission

- Committing violence within a social or romantic relationship in order to gain sexual favors (Domestic Violence or Dating Violence)
- Excessive unwanted and persistent attention of a sexual nature on a regular basis either with electronic devices or in person or other means (Stalking)
- Intentionally observing nudity or sexual acts of another person without the person's knowledge or permission (voyeurism)
- Unwanted touching of the genitals, buttocks, or breasts that is intentional or other unwanted touching or groping
- Forcing/coercing someone to touch you or someone else in a sexual manner
- Threatening to sexually harm someone
- Initiating sexual activity with a person who is incapacitated and unable to provide affirmative consent due to alcohol and/or drug consumption or other condition
- Inducing incapacitation for the purpose of sexual exploitation
- Ignoring a sexual limit that has been communicated
- Coercing, intimidating, or defrauding someone into sexual behavior
- Sexual assault or the penetration of an orifice (anal, vaginal, oral) with the penis, finger or objects without affirmative consent
- Retaliation based on a person's complaint, or participation in an investigation or other behavior supporting this Policy.

**“Consent”** means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.<sup>1</sup> The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute consent. Evidence that the victim suggested, requested, or otherwise communicated to the Respondent that the Respondent use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.<sup>2</sup> Consent to one form of sexual activity cannot imply Consent to other forms of sexual activity. Consent cannot be procured by the use of physical force, threats, intimidating behavior or coercion (unreasonable pressure for sexual activity). Consent cannot be given by a person known, or who should have been known, to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, blackout, sleep, shock or for any other reason). The use of alcohol or drugs will not function as an excuse for behavior that violates this Policy.

Additional definitions may be found in Addendum A.

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<sup>1</sup> CA Ed. Code, Section 67386.

<sup>2</sup> California Penal Code Section 261.6-7

## VI. IMMEDIATE ASSISTANCE FOR VICTIMS

### A. Getting Immediate Help

If you or someone you know has experienced Misconduct, and are in immediate danger, or if you believe there could be an ongoing threat to the University community, please call 911, public safety or use an emergency blue phone and get to a safe place.

### B. Seeking Medical Care

A victim of Sexual Assault or Sexual Violence should seek immediate medical attention including a medical exam to check for injuries and gather evidence.

1. Immediate medical treatment:
  - a. Stockton: San Joaquin General Hospital, 500 West Hospital Road, French Camp, CA 95231 – 209-468-6000<sup>3\*\*</sup>
  - b. Sacramento: UC Davis Medical Center, 2315 Stockton Blvd., Sacramento, CA 95817 - 916.734.2011\*\* OR Sutter Memorial Hospital, 5151 F St, Sacramento, CA 95819 - (916) 454-3333\*\*
  - c. San Francisco: San Francisco General Hospital Emergency Room - 1001 Potrero Avenue #107, San Francisco, CA 94110 415-206-8000\*\*

### C. Preserving Evidence

In order to preserve evidence, victims should leave the scene undisturbed, collect bedding or clothing and store items in a paper bag (not plastic), and collect a prophylactic device of any type in a paper bag. All potential evidence should be placed in separate paper bags to prevent cross contamination of evidence. If possible, the victim should not bathe, urinate, douche, brush their teeth, drink liquids or change clothing before seeking medical attention.

## VII. HOW TO FILE A COMPLAINT AND MANDATED REPORTERS

Persons (Students, Faculty or Staff) who believe they are victims of Misconduct may file a complaint or seek assistance with any of the following resources. If a Complainant or victim seeks a confidential resource, they should speak with one of the confidential resources listed below, including Pacific's Student Victim Advocate, Pacific's Counseling and Psychological Services, the Women's Center, Pacific Health Services, and other city specific resources.

University Students, Staff and Faculty are encouraged to promptly report information about any incident of Misconduct to the Title IX Coordinator or a Deputy, unless the employee is required

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\*Denotes confidential resource

\*\*Denotes medical facility that performs sexual assault examinations

by law to keep information confidential (e.g. psychological counselor, Student Victim Advocate, etc.). University Staff (including student staff members) and Faculty are Responsible Employees. Mandated Reporters, those with responsibility for student welfare, are required to immediately report information about any incident of Misconduct to the Title Coordinator or a Deputy, unless the employee is required by law to keep information confidential (e.g. psychological counselor, Student Victim Advocate, etc.).

## **STOCKTON:**

### **Reporting to law enforcement:**

- Department of Public Safety (University Police) – 209-946-3911 (24-hour access)
  - Non-Emergency 209-946-2537
- Stockton Police Department – 209-937-8377 or 911 emergency
- Student Victim Advocate can assist with reporting to the police – 209-403-0250

### **Immediate medical treatment:**

- San Joaquin General Hospital, 500 West Hospital Road, French Camp, CA 95231 – 209-468-6000\*\*

### **Making a complaint:**

- Department of Public Safety (University Police) – 209-946-3911
- Andrea Goldblum, Title IX Coordinator, – 209-946-7770
- Office of Student Conduct and Community Standards – 209-946-2177
- Heather Dunn Carlton, Title IX Deputy, Associate Dean of Students – 209-946-2177
- Faculty Title IX Deputy – [Add Name/Phone]
- Holly Trexler, Title IX Deputy, Associate Athletic Director – 209-946-2307
- San Joaquin County District Attorney’s Office, Victim-Witness Program – 209-468-2400

### **Confidential Resources (Anonymous Report):**

- Pacific’s Student Victim Advocate\* – 209-403-0250<sup>4</sup>
- Pacific Counseling and Psychological Services\* – 209-946-2315 x2
- Pacific Health Services – 209-946-2315 x1
- Women's Center -Youth and Family Services\* – 209-465-4997

## **SACRAMENTO:**

### **Reporting to law enforcement:**

- Public Safety – 916-739-7200 (24-hour access)

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\* Denotes confidential resource

\*\*Denotes medical facility that performs sexual assault examinations



- Sacramento Police Department
  - Emergencies- Crimes in Progress – 911 or 916-732-0100
  - Non-Emergency Dispatch – 916-264-5471

**Immediate medical treatment:**

- UC Davis Medical Center, 2315 Stockton Blvd., Sacramento, CA 95817 – 916.734.2011\*\*
- Sutter Memorial Hospital, 5151 F St, Sacramento, CA 95819 – (916) 454-3333\*\*

**Making a complaint:**

- Public Safety – 916-739-7200
- Andrea Goldblum, Title IX Coordinator, 888- 383-2765
- Faculty Title IX Deputy – TBD
- Elisa Levy, Title IX Deputy, Assistant Dean Administration & Resource Management – 916-739-7343
- Laura Allen, Title IX Deputy, Director, Human Resources – 916-739-7028

**Confidential resources (Anonymous Report):**

- Pacific’s Student Victim Advocate\* – 209-403-0250
- Pacific Health Services – 209-946-2315 x1
- Pacific Counseling and Psychological Services\* – 209-946-2315 x2
- WEAVE 24 Hour Crisis Line\* – 916-920-2952
- My Sister’s House 24 Hour Crisis Line\* – 916-428-3271

**SAN FRANCISCO:**

**Reporting to law enforcement:**

- Campus Security Emergencies
  - Campus – x56411 or External Phones – 415-929-6411
- Campus Security Non-Urgent
  - Security dispatch – x56456 or External Phones – 415-929-6456
- San Francisco Police/Fire Department
  - Emergency number – 911 or Cell Phones – 415-553-8090

**Immediate medical treatment:**

- San Francisco General Hospital Emergency Room – 1001 Potrero Avenue #107, San Francisco, CA 94110 415-206-8000\*\*

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\* Denotes confidential resource

\*\*Denotes medical facility that performs sexual assault examinations

### **Making a complaint:**

- Andrea Goldblum, Title IX Coordinator, 888- 383-2765
- Faculty Title IX Deputy – TBD
- Kara Bell, Title IX Deputy, Director, Human Resources – 415-929-6454

### **Confidential Resources (Anonymous Report):**

- Pacific’s Student Victim Advocate\* – 209-403-0250
- Pacific Counseling and Psychological Services\* – 209-946-2315 x2
- Pacific Health Services – 209-946-2315 x1
- San Francisco Women Against Rape Crisis Hotline\* – 415-647-RAPE
- San Francisco District Attorney’s Victim/Witness Resources – 850 Bryant Street, Room 320, San Francisco, CA 94103 – 415-553-9044

## **VIII. POLICY QUESTIONS**

Inquiries concerning this Policy and Title IX compliance should be referred to University of the Pacific’s Title IX Coordinator or a Deputy Coordinator (Title IX Officers).

### **University Title IX Coordinator:**

Andrea Goldblum, Title IX Coordinator, 888- 383-2765  
Stockton campus: [agoldblum@pacific.edu](mailto:agoldblum@pacific.edu) or 209-946-7770

### **Title IX Deputy Coordinators:**

Heather Dunn Carlton, Director, Student Conduct and Community Standards, Title IX Deputy,  
Stockton Campus: [hdunncarlton@pacific.edu](mailto:hdunncarlton@pacific.edu) or 209-946-2936

Holly Trexler, Associate Athletic Director, Title IX Deputy, Stockton campus: [htrexler@pacific.edu](mailto:htrexler@pacific.edu)  
or 209-946-2307

Kara Bell, Director, Human Resources, Title IX Deputy, San Francisco campus:  
[kbell@pacific.edu](mailto:kbell@pacific.edu) or 415-929-6454

Elisa Levy, Assistant Dean, Administration and Resource Management, Title IX Deputy,  
Sacramento campus: [elevy@pacific.edu](mailto:elevy@pacific.edu) or 916-739-7343

Laura Allen, Director, Human Resources, Title IX Deputy, Sacramento campus;  
[lallen9@pacific.edu](mailto:lallen9@pacific.edu) or 916-739-7028

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\* Denotes confidential resource

\*\*Denotes medical facility that performs sexual assault examinations

Faculty Deputy Title IX Coordinator TBD

## **IX. PROCEDURES FOR ALLEGED VIOLATIONS OF UNIVERSITY OF THE PACIFIC'S POLICY PROHIBITING MISCONDUCT**

Any person participating in the educational activities or programs of the University wishing to file a Complaint of Misconduct must follow the procedures set forth in this policy.

### **A. Effect of Criminal Charges/Investigation**

The procedures outlined here for review of allegations of Misconduct are separate from any criminal process or investigation. Because the requirements and standards for finding a violation of criminal law are different from the standards for finding a violation of this Policy, criminal investigations, reports or verdicts may be different from outcomes under this Policy. The University may share information and coordinate investigation efforts with law enforcement when necessary or appropriate.

### **B. Pre-Investigation Review**

All Complaints will be reviewed to determine whether the Complaint involves a Policy violation and whether an investigation is appropriate under the circumstances. This review will be performed by the Title IX Coordinator, in consultation with the Director of Student Conduct and Community Standards, Human Resources and/or the Provost's office as appropriate depending upon the persons implicated by the Complaint. Even if an investigation is not undertaken, the University may engage in protective measures or corrective action.

### **C. Rights of the Complainant and Respondent**

The University will ensure that Complainants and Respondents receive the same information, support and protections throughout the Complaint Review Process. Both the Complainant and Respondent have the following rights:

- To be treated with sensitivity and respect during the entire Complaint Review Process
- To receive timely and detailed information on options for Complaint resolution
- To have an Advisor and a Process Guide throughout the Complaint Review Process and any appeal process
- To have a prompt and thorough investigation of any Complaint
- The right to decline to participate in the Complaint Review Process, with the understanding that, based upon the nature of the Complaint, the process may proceed without an individual's participation
- To a Complaint Review Process that provides reasonable time for all parties to prepare and respond to a Complaint
- To challenge panel member(s) who present a potential conflict of interest
- To receive prompt notification in writing of the Complaint Review Panel's finding, and appeal findings

- To an appeal, after an initial decision is made by a Review Panel
- To understand that all records associated with the Complaint Review Process may be obtained for use in civil and/or criminal proceedings by search warrant or subpoena

**The Title IX Coordinator will work with the following to coordinate investigations:**

Campus	Student	Staff	Faculty
Stockton	Office of Student Conduct	Human Resources	Provost and Faculty Grievance Committee Chair
Sacramento	Dean or Designee	Human Resources	Provost and Faculty Grievance Committee Chair
San Francisco	Dean or Designee	Human Resources	Provost and Faculty Grievance Committee Chair

#### **D. Participation**

The Complainant or Respondent may decline to participate in the Complaint Review Process. The University may proceed with the Complaint Review Process based upon the nature of the Complaint and available information. A Complainant or Respondent who does not participate in the investigation of a Complaint (without cause) may be precluded from participating in the review hearing or appeal process.

#### **E. Limits on Student Discipline**

University of the Pacific encourages reporting of Misconduct. The University will ensure that an individual who participates as a Complainant or witness in an investigation of Misconduct will not be subject to disciplinary sanctions for a violation of the University’s student conduct policies (including drug and/or alcohol use) at or near the time of the incident, unless the University determines that the violation was egregious. Egregious violations include acts that place the health or safety of any other person at risk or involve plagiarism, cheating, or academic dishonesty.

#### **F. Privacy and Confidentiality**

Information related to the Complaint Review Process will be shared only with those individuals with a demonstrated need to know. Confidential campus resources include the Student Victim Advocate, psychological therapists, and attorneys in a client relationship. All other University Faculty and Staff are Mandated Reporters, and therefore cannot serve as confidential resources.

An individual who asks the University to pursue an alleged violation of this Policy may request that the University not disclose certain information to the Respondent or other individuals who may be involved in the matter. While the University will take all reasonable steps to investigate and respond to the Complaint to the extent possible, while honoring the Complainant's request, a formal review hearing will not be possible without the disclosure of the Complainant's identity. During a formal review hearing, the Complainant's name will be disclosed to the Respondent. The names of the Complainant and Respondent will also be provided to the Review Panel, unless there is a compelling reason not to share this information. Individuals requesting that their name not be disclosed must submit a request in writing to the Title IX Coordinator within three (3) Business Days of receiving Notice that their case will be referred to a review hearing. The University may not be able to honor a Complainant's request for confidentiality, if doing so would potentially compromise the safety or wellbeing of the campus community.

### **G. Notification**

Upon receipt of a Complaint, the Complainant and Respondent will be provided with written information regarding the Complaint Review Process. This will include a copy of the policies and procedures related to the Complaint Review Process, resources available both on and off campus, and information on interim protective measures that may be available. The primary method for Notice and communication under this Policy will be University email. All persons involved in the Complaint Review Process have an obligation to promptly read all University emails.

Complainants and Respondents will simultaneously receive Notice of:

- The Complaint, including alleged policy violations and the process for review and investigation of the Complaint
- The option for Informal Resolution and the decision by a Respondent to accept responsibility for any Policy violations
- The opportunity to review the investigation report and all documents/evidence gathered during the investigation (subject to FERPA limitations)
- The date, time, and location of the review hearing
- The Review Panel members, the process to challenge members, and any conflict of interest challenges
- The Review Panel finding and reason for each finding
- The sanctions recommended by the Review Panel
- The process for appealing either the finding or recommended sanction(s)
- The filing of any appeal
- The outcome of any appeal

The Complainant and Respondent will each receive the above information unless one or both request in writing not to receive further information.

If requested by law enforcement, the University may modify these notification standards to accommodate a criminal investigation

## H. Advisor and Process Guide

The Complainant and Respondent may choose anyone (including legal counsel or a union representative) to voluntarily serve as an Advisor of their choice. The Complainant and Respondent may be accompanied to any meeting or hearing by their Advisor. The Advisor may support and advise the Complainant or Respondent; however, the Advisor may not speak on behalf of the Complainant or Respondent or otherwise engage with the investigators, Review Panel members, witnesses, or other individuals associated with the Complaint Review Process.

The University will also assign a University-trained Process Guide to each Complainant and Respondent. The Process Guide will not be involved in the current investigation. The Process Guide will explain the steps involved in the Misconduct Complaint Review Process and be available to answer questions regarding the process. The Process Guide may support and advise the Complainant or Respondent; however, the Process Guide may not speak on behalf of the Complainant or Respondent or otherwise engage with the investigators, Review Panel members, or witnesses.

## I. Interim Protective Measures

Before and during the Complaint and investigation process, the University may elect to impose interim protective measures to provide immediate support and added protection to a victim or Complainant. Interim measures may also afford protection to the University community as a whole or witnesses. Protective measures may be temporary or permanent and may include the following:

- Change in campus housing and/or dining locations
- Paid or unpaid leave of absence (Staff and Faculty)
- Academic or workplace accommodations
- No contact directive or campus ban
- Alternate work scheduling
- Escorts
- Removal from University housing
- Other accommodations as may be necessary given the circumstances

## J. Investigation<sup>5</sup>

The investigation and review hearing will generally be completed within sixty (60) days following receipt of the Complaint. However, this time period may be extended by the Title IX Coordinator in consultation with University counsel for good cause given the circumstances of the Complaint, investigation and/or Review Panel hearing process.

The investigation will include some or all of the following steps:

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<sup>5</sup> Complaints involving a Faculty Respondent will follow the hearing procedures described in Section 7.12.10-7.12.20 of the University's Faculty Handbook.

- If the University decides not to investigate a Complaint, this decision will be communicated in writing, including the reasoning, and provided to the Complainant
- If the Complainant requests that the University not conduct an investigation, the University will evaluate this request in light of its obligations under applicable laws
- If the University decides to investigate following a request from the Complainant that the matter not be investigated, the Respondent will be informed in writing that the Complainant requested that the matter not be investigated
- The University will notify the Complainant before investigation interviews start
- The University will appoint a specialized investigation team to conduct interviews of the Complainant, Respondent, and witnesses and collect relevant evidence related to the Complaint. In some cases, the University may appoint outside investigators to review a Complaint
- Interviews may be recorded at the discretion of the investigator and will be maintained in the Office of the Title IX Coordinator
- Investigators will not consider information from character witnesses or other individuals who do not possess factual information specifically related to the Complaint
- The sexual history of the Complainant and Respondent will not be considered, except information regarding history between the Complainant and Respondent
- Prior violations of this or other University policies by the Complainant and/or Respondent will be evaluated by the investigators for relevance to the matter under investigation and possible inclusion in the investigation report
- Formal rules of evidence and discovery are not applicable. All relevant information will be considered, including medical and police reports, digital communications (e.g., text messages, emails, and other forms of social media) when/if available
- At the conclusion of the investigation, the investigators will present their findings to the Title IX coordinator or his/her designee
- The report will then be shared with the Complainant and Respondent for their review and response. Under the Family Educational Rights and Privacy Act (FERPA) regulations, any identifying personal information will be redacted from the report

#### 1. Investigation Report

The investigation team will prepare a report summarizing the information gathered. The report may include a description of the alleged incident, factual agreements and disputes, and supporting information. The investigation team will review all of the facts and determine the relevance of information necessary and appropriate for determining if this Policy was violated. The investigation team will come to one of two conclusions, by applying the preponderance of the evidence standard: (a) a Policy violation has occurred; or (b) there is insufficient evidence to conclude that Policy violation has occurred.

#### 2. Finding of No Policy Violation

If the investigation team determines there is insufficient evidence to find a violation of this Policy, the Complaint will be referred back to the Title IX Coordinator to determine future

handling. This determination will be performed by the Title IX Coordinator, in consultation with the Director of Student Conduct and Community Standards, Human Resources and/or the Provost's office as appropriate depending upon the persons implicated by the Complaint.

### 3. Informal Resolution

In some situations, the University may seek to resolve Complaints through an informal resolution process. In compliance with Title IX, the University, the Complainant, or the Respondent may propose informal resolution of the Complaint at any time. When permissible, informal resolution may include an agreement to stay away from persons, alter behavior or change schedules.

If the University finds the informal resolution proposal acceptable under this policy, the faculty handbook, and Title IX, the University may propose an informal resolution to the other party. If both parties agree to the proposed informal resolution and the outcome satisfies the University's obligations under Title IX, the matter shall be considered closed. If either party disagrees with the proposed informal resolution, the Complaint Review Process will continue. In situations involving Faculty, the Chair of the Faculty Grievance Committee must be notified.

In situations involving Faculty, the Chair of the Faculty Grievance Committee must be notified. In some situations, mediation may be used to resolve a Complaint, but only with the consent of both the Complainant and Respondent. Mediation typically involves an attempt to resolve a dispute through the help of an objective party. Mediation is not available in cases of Sexual Assault, Battery, Exploitation or other Sexual Violence. Mediation participants may end their participation at any time and the Complaint Review Process will continue. If mediation successfully resolves the Complaint, the matter shall be considered closed.

### K. Review Panel and Hearing

If the informal resolution or mediation process is inappropriate or unsuccessful, the University will convene a 3-person Review Panel to conduct a review hearing. The Review Panel will consider all information presented, including the investigation report, and determine responsibility for each alleged policy violation by applying the preponderance of the evidence standard. The Review Panel will also make sanction recommendations when appropriate.

The Review Panel, appointed by the Title IX Coordinator or his/her designee, will be composed of three persons. Panel members may be trained Faculty, Students, or Staff (director level or higher). The Title IX Coordinator in consultation with the Review Panel will designate one of the three members to serve as the review hearing chair. Panel members may be from any of the three Pacific campuses. In some cases, the University may include in the panel retired judges, attorneys, or other individuals from outside the University with relevant and/or specialized training or expertise. Pre-hearing training of Review Panel members will include the hearing process as well as specialized training for the unique issues related to cases of Misconduct.



The Complainant and Respondent will be provided with the names of the panel members in advance of the hearing process. The Complainant and Respondent may each request that one panel member be excused without stating a reason. A replacement will be selected. Additional challenges to the panel's membership require the challenger to explain the reason for a request to disqualify. The reason provided will be evaluated by the Title IX Coordinator in consultation with the Dean of Student Life, and/or the Assistant Vice President of Human Resources, and/or the Provost as appropriate. Following consultation, the Title IX Coordinator will make a decision regarding any challenges and provide Notice of the decision to both the Complainant and Respondent.

#### 1. Written Statements

The Complainant and Respondent may provide a written response to the investigation report, as well as any additional information relevant to the case, to the Review Panel. Both the Complainant and Respondent will have the opportunity to review all materials submitted to the Review Panel (subject to FERPA limitations).

#### 2. Hearing Procedures

Generally, the Complainant and Respondent will have at least ten (10) Business Days' advance Notice of the scheduled hearing.

Hearings are closed proceeding. Participants who may be present during the hearing include:

- Review Panel Members
- Complainant (with Advisor and/or Process Guide only when Respondent not present)
- Respondent (with Advisor and/or Process Guide only when Complainant not present)
- Witnesses (only when called by Review Panel)
- Members of Investigation Team (only when called by Review Panel)

The review hearing will generally proceed in the following order (note that the Complainant and Respondent will not be in the same room at the same time):

- Complainant Statement
- Questions to the Complainant by the Review Panel
- Questions to the Complainant from the Respondent
- Respondent Statement
- Questions to the Respondent by the Review Panel
- Questions to the Respondent from the Complainant
- Witness statements and questioning by the Review Panel
- Questions to the Investigation Team by the Review Panel
- Closing statement by the Complainant
- Closing statement by the Respondent

Only the Review Panel may ask questions of the Complainant, Respondent, and witnesses. The Complainant and Respondent may submit questions to the Review Panel in writing. The Review Panel has the discretion to revise or decline to ask any or all questions submitted. If questions are revised or declined, the Review Panel will document the reasoning in writing at the time of the hearing.

The Review Panel may, at its discretion, alter the order of proceedings and establish reasonable limits on time allotted for any portion of the hearing process. The Review Panel may determine the relevance of, restrict or exclude any witnesses or information presented.

In the event that the Complainant or Respondent is unable to attend the review hearing, alternative means for participation will be identified.

The Complainant and Respondent, along with their Advisors, when not before the Review Panel, will be able to listen to the proceedings via speaker-phone or other appropriate means (e.g., closed circuit TV, live streaming).

### 3. Hearing Recording

An audio recording will be made of the hearing and transcribed for use by the Review Panel, appeal panel, and University administrators. The Complainant and Respondent may request to review the hearing transcript; however, no duplication or copy of the recording or transcript will be provided. No recording devices, including cell phones, will be permitted in the hearing rooms.

### 4. Standard of Proof

The standard of proof used by the Review Panel is “preponderance of the evidence.” The Review Panel will use this standard to determine whether the Respondent(s) violated this Policy. A preponderance of the evidence requires that the Review Panel members believe, based upon the evidence available to them at the time of the hearing, that the Respondent is more likely than not to have violated this Policy.

### 5. Majority Vote

A Policy violation finding will be based upon a majority vote of the Review Panel.

### 6. Sanctions

If the Review Panel finds the Respondent responsible for a policy violation, the Review Panel will recommend a sanction by a majority vote. In considering an appropriate sanction, the Review Panel shall consider all the evidence presented during the hearing and the following:

- Impact statements provided by the Complainant and Respondent to the Review Panel. Impact statements should not be part of the process of determining a Policy violation.

- What is reasonable, appropriate, and fair given the facts of the case and the determination of responsibility, including but not limited to:
  - What were the specific acts involved? (e.g., touching over the clothes, penetration, etc.)
  - What factors contributed to the absence of affirmative Consent? (coercion, force, incapacitation)
  - What motivated the Respondent’s behavior? (negligence, intentional, reckless, biased)
  - What is the impact on the Complainant?
  - What is the Respondent’s disciplinary history with regard to Misconduct?
  - Is the proposed sanction consistent with sanctions imposed for similar offenses at the University?

Sanctions the Review Panel may recommend include but are not limited to the following:

- Disciplinary Warning
- Disciplinary Probation
- Restricted Access to University facilities, organizations or events
- Imposition or continuation of a “no contact” order
- Loss of student housing privileges
- Employment Discipline
- Suspension, reduction, or loss of compensation
- Demotion (employment)
- Termination of employment, contract, appointment and/or tenure.
- Suspension from educational program or campus access
- Delayed awarding of a degree if enrolled in Pacific degree program
- Dismissal (expulsion)
- Revocation of a degree

The Review Panel will submit its decision to the Title IX Coordinator. The decision will generally be issued within ten (10) Business Days of the conclusion of the review hearing. The Review Panel decision will include an explanation of the reasoning for the decision and the basis for its recommended sanction(s).

Where a sanction is recommended against a union employee, the employee will have all rights provided by the applicable collective bargaining agreement to appeal discipline under the union procedures prior to imposition of a sanction.

## **L. Appeals**

Both the Respondent and Complainant may request an appeal of the decision of the Review Panel and/or the sanctions imposed. An appeal must be based on one or more of the following four reasons:

- Material deviation from the hearing procedures, resulting in significant prejudice
- New relevant evidence is available that could not have been produced at the time of the hearing, despite the exercise of reasonable diligence, that could affect the outcome
- The decision is not supported by a preponderance of the evidence
- The sanction is disproportionate to the offense

Disagreement with the findings or recommended sanction, in and of itself, is insufficient grounds for appeal.

The Complainant or Respondent must submit a written appeal request within ten (10) Business Days of receipt of the Review Panel decision and/or sanction(s). The appeal shall be submitted to the Title IX Coordinator. If either the Complainant or Respondent submits an appeal request, the University will notify the other party of the appeal and the reason(s) cited. The non-appealing party may submit a written response within ten (10) business days of receiving Notice of the appeal.

#### 1. Initial Review

The Title IX Coordinator will perform an initial review of the request for appeal. This review will be performed by the Title IX Coordinator, in consultation with the Director of Student Conduct and Community Standards, Human Resources and/or the Provost's office, as appropriate depending upon the persons implicated by the Complaint.

#### 2. Appeal Committee

An appeal committee will be constituted in the same manner as the Review Panel, but will not include any person serving on the original panel. The Complainant and Respondent will be provided with the names of the panel members in advance of the hearing process. The Complainant and Respondent may each request that one panel member be excused without stating a reason. A replacement will be selected. Additional challenges to the panel's membership require the challenger to explain the reason for a request to disqualify. The reason provided will be evaluated by the Title IX Coordinator in consultation with the Dean of Student Life, and/or the Assistant Vice President of Human Resources, and/or the Provost as appropriate. Following consultation, the Title IX Coordinator will make a decision regarding any challenges and provide Notice of the decision to both the Complainant and Respondent.

The appeal committee should re-evaluate the underlying proceedings and evidence to determine whether the Respondent violated this Policy. As with the first hearing, formal rules of evidence will not apply. The Review Panel's alleged deviation from procedures will not necessarily warrant reversing the decision of the Review Panel, unless there is significant prejudice to the Respondent, Complainant, or to the University (if the Complainant did not participate), and a different outcome would have been likely. The appeal committee will use the preponderance of the evidence standard and a majority vote in reaching a decision. The appeal committee will generally issue its written decision within five (5) Business Days of the conclusion of the appeal hearing. The appeal decision will include an explanation of the reasoning for the

decision, including review of any sanction(s) recommended by the Review Panel. The appeal committee will submit its written decision to the Title IX Coordinator for evaluation and implementation.

3. Final Appeal

Following Notice of the appeal committee’s decision, either the Complainant or Respondent may engage in one final request for appeal of the process. A written Notice of final appeal must be submitted within five (5) Business Days to the Title IX Coordinator for review. The Title IX Coordinator will review the appeal request for the limited purpose of correcting serious procedural defects. This review will be conducted in conjunction with, as appropriate, the Director of Student Conduct and Community Standards, Human Resources and/or the Provost’s office.

**M. Sanction Implementation**

Sanction consideration and/or implementation will be conducted by the following:

Campus	Student	Staff	Faculty
Stockton	Office of Student Conduct	Human Resources	Dean and Provost
Sacramento	Dean or Designee	Human Resources	Dean and Provost
San Francisco	Dean or Designee	Human Resources	Dean and Provost

The recommended sanction shall be imposed unless a compelling reason exists for adopting an alternate sanction.

**N. Timelines and Modification**

The University may modify the deadlines and procedures associated with the Complaint Review Process and/or appeal process as necessary for good cause and will communicate this information in a timely manner to both the Complainant and Respondent.

## ADDENDUM A – DEFINITIONS

As used in this Policy, the following terms have the meaning indicated:

1. “Advisor” is any person chosen by either the Complainant or Respondent to provide support or assistance during the Complaint Review Process including legal counsel or a union representative. The Complainant or Respondent may not compel a person to serve as their Advisor.
2. “Appropriate University Officer” means the officer at University of the Pacific responsible for the office, school, college, or other administrative unit with direct supervisory authority over the Faculty or Staff employee and his or her designee and any successors.
3. “Business Day” includes Monday through Friday for purposes of calculating the deadlines under this Policy.
4. “Consensual Relationships” are romantic relationships that may occur between various members of the University’s community. Some consensual relationships have the potential to evolve into Misconduct. This is particularly true of faculty–student, faculty–staff and staff–student relationships, as well as supervisor–subordinate relationships. The University urges all members of the University community to consult the [Policy on Intimate Relationships Affecting Supervisory Functions, Teaching and Mentoring](#), before engaging in a close personal relationship with another member of the University community.
5. “Complaining Party or Complainant” means the person (including, in certain circumstances, the University) filing a report or Complaint of Misconduct.
6. “Complaint” means filing a charge of Misconduct with an appropriate person.
7. “Complaint Review Process” means the University’s process for investigating alleged Complaints and determining whether this Policy has been violated. The Complaint Review Process may include some or all of the following: investigation, witness interviews, gathering evidence, making a preliminary decision, a Review Panel hearing and the issuance of a finding and recommended sanctions.
8. “Conduct Officer” means the University Staff member trained in the Misconduct Complaint Review Process.
9. “Consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual

relations between them, should never by itself be assumed to be an indicator of consent.<sup>6</sup> The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent. Evidence that the victim suggested, requested, or otherwise communicated to the Respondent that the Respondent use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.<sup>7</sup> Consent to one form of sexual activity cannot imply Consent to other forms of sexual activity. Consent cannot be procured by the use of physical force, threats, intimidating behavior or coercion (unreasonable pressure for sexual activity). Consent cannot be given by a person known, or who should have been known, to be mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, blackout, sleep, shock or for any other reason). The use of alcohol or drugs will not function as an excuse for behavior that violates this Policy.

10. "Dating Violence" refers to controlling, abusive and aggressive behavior in a social or romantic relationship. Examples can include but are not limited to verbal, emotional, physical and/or sexual abuse.
11. "Discrimination" refers to less favorable treatment because of a person's membership in a class or status protected by law. Protected classes include but are not limited to race, gender, gender identity or expression, sexual orientation, national origin, ancestry, color, religion, religious creed, age, marital status, medical condition, genetic information, disability, citizenship status, military service status, veteran status, pregnancy, age, physical or mental disability, or any other status prohibited by law.
12. "Domestic Violence" refers to behaviors used by one person in a social or romantic relationship to control the other. Examples can include but are not limited to name calling, verbal, emotional, physical and/or sexual abuse, withholding money, actual or threatened physical harm, sexual assault, Stalking, and Intimidation.
13. "Faculty" or "Faculty Member" means the president, provost, associate provosts, deans of the schools and colleges; professors, associate professors, assistant professors, instructors, lecturers, adjunct professors, volunteer professors, clinical professors, and part-time professors, visiting professors, and scholars (writers, composers, artists, executives, and the like)-in-residence, teaching assistants in their teaching capacity, and others who are recognized under the University's bylaws or policies or both as members of the University Faculty.
14. "FERPA" is the Family Educational Rights and Privacy Act which protects the privacy of student education records. The University will comply with FERPA throughout the processes outlined in this Policy.

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<sup>6</sup> CA Ed. Code, Section 67386.

<sup>7</sup> California Penal Code Section 261.6-7.

15. "Gender Identity" refers to a person's innate, deeply felt psychological identification as male or female, which may or may not correspond to the person's body or designated sex at birth.
16. "Gender Expression" refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions. Social or cultural norms can vary widely.
17. "Gender-Based Harassment" means acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.
18. "Harassment" includes Sexual Harassment, Gender-Based Harassment, and Sexual Violence.
19. "Intimidation" means to make fearful, to compel or deter by threats, to force into or coerce.
20. "Mandated Reporters" under this Policy are individuals required to immediately report information regarding Misconduct and potential violations of this Policy. Examples of Mandated Reporters include but are not limited to Staff from the Division of Student Life, all Faculty, Athletics Department employees, all Staff providing direct services to Students.
21. "Notice" refers to information given directly to a person. An individual is deemed to have been given Notice when one actually hears it or reads it. For purposes of this Policy, the primary method for Notice and communication will be University email. All persons involved in the Complaint Review Process have an obligation to promptly read all University emails.
22. "Penetration" involves any penetration of the mouth, sex organs or anus, however slight, with an object or any part of the body. This includes contact between the penis and the vulva; contact between the mouth/tongue and the penis, vulva, or anus; or physical insertion of a hand, finger, or other object into the mouth, anal or genital opening of another person; and specifically includes cunnilingus, fellatio, vaginal intercourse and anal intercourse.
23. "Process Guide" means a volunteer University Faculty or Staff member trained in the Complaint Review Process who may be assigned to the Complainant, Respondent, Review Panel or appeal panel to assist as a neutral source to answer questions about the process.
24. "Reasonable Person" is a standard that represents how a person with an ordinary degree of reason, prudence, care, foresight or intelligence would behave in a given situation.
25. "Report" means giving written or verbal Notice of alleged Misconduct to an appropriate person. (see VIII c. 1&2)
26. "Responding Party or Respondent" means the person who is alleged to have engaged in Misconduct as set forth in the report or Complaint filed with a Title IX Officer.
27. "Responsible Employee" is an employee who knows, or in the exercise of reasonable care should have known that Misconduct has occurred. Responsible employees have the



obligation to report incidents of Misconduct to the Title IX Coordinator or her/his designee. All employees at the University are Responsible Employees.

28. "Retaliation" means an act of revenge or punishment. Performing a negative act against someone you know or assume has acted against you or someone you support. This includes any employment, educational or personal action taken against a person because of the person's participation in a Complaint or investigation of Misconduct.
29. "Review Panel" is the three person panel of trained individuals from the University community who have the responsibility of determining whether the Respondent violated this Policy and, if so, recommending a sanction(s).
30. "Sex" refers to the biological and physiological characteristics that define men and women.
31. "Sex Discrimination" means giving preferential treatment to one Gender to the disadvantage of another. It may occur also when policies or practices are facially neutral, but have a disproportionately adverse impact on a particular Gender when applied.
32. "Sexual Assault" includes, but is not limited to, sexual intercourse or any other sexual penetration (oral, anal, or vaginal), rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these. (Ed. Code, § 67380, subd. (c)(3).)
33. "Sexual Battery" means touching an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse. (CA Penal Code, 243.4.e)
34. "Sexual Exploitation" means taking sexual advantage of another person without his or her Consent. Sexual advantage includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage of that person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate body parts of another person; allowing third parties to observe private sexual acts; and engaging in voyeurism.
35. "Sexual Harassment" is a form of Discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including Sexual Violence. Hostile environment Sexual Harassment consists of verbal, physical or visual conduct based on sex, Gender or is sexual in nature, which is sufficiently severe, persistent, or pervasive and which occurs without Consent. A single, severe incident, such as a sexual assault, Stalking and relationship (dating or domestic) violence could create a hostile environment. However, a hostile environment is often created by a series of incidents. Quid pro quo Sexual Harassment means "this for that." An example of this form of Sexual Harassment occurs if a member of the Faculty (or Staff member) stipulates that one's grade or performance rating (or participation on a team, in a play, etc.) will be based on whether one submits to sexual conduct. Whether one refuses a sexual demand or submits to it is not relevant; the conduct violates this Policy. Sexual Harassment creates an intimidating hostile

or offensive working or academic environment or unduly interferes with an individual's work or academic performance. For purposes of this Policy, undue interference is defined as improper, unreasonable or unjustifiable behavior going beyond what is appropriate, warranted or natural.

36. "Sexual Violence" means a physical sexual act perpetrated against a person's will or where a person is incapable of giving Consent for any reason including but not limited to sleep, unconsciousness, use of drugs or alcohol, intellectual or other disability or emotional instability/capacity. A number of different acts fall into the category of sexual violence, including but not limited to rape, sexual assault, sexual battery, and sexual coercion.
37. "Staff Member" or "Staff" means a salaried or hourly person employed by the University, including applicants.
38. "Stalking" refers to unwanted or obsessive attention by an individual or group toward another person. Behaviors are related to harassment and Intimidation, communicating a threat or placing a person in fear. Examples can include but are not limited to showing up at one's home or place of work uninvited, sending unwanted text messages, letters, emails or voicemails, leaving unwanted items or gifts, making unwanted phone calls.
39. "Student" refers to any accepted, matriculated, currently or continuously enrolled, or returning student. A returning student is one who previously attended the University and is returning or has expressed an intent to return after being absent one or more semesters.
40. "University" refers to University of the Pacific.