

Judicial Procedures

PHILOSOPHY OF STUDENT DISCIPLINE

The judicial process is based on the assumption that disciplinary procedures, when required, should be an educational process. Disciplinary sanctions are imposed to help students develop individual responsibility and encourage self-discipline, to foster a respect for the rights of others, and to protect the rights, freedoms, and safety of members of the University community. Students who demonstrate an unwillingness or inability to follow the Code of Conduct will be treated in the same manner as one who has failed academically.

An institution of higher learning is authorized by law to establish and administer codes of conduct and to suspend, expel or dismiss students whose actions negatively impact the campus community. The University reserves this right.

Student disciplinary proceedings are not analogous to criminal court proceedings. No particular model of procedural due process is required. However, the procedures should be structured in order to facilitate a reliable determination of the truth and to provide fundamental fairness. Procedures can be very informal in cases where suspension, expulsion, or dismissal, are not a probable penalty; more procedural formality should be observed in serious disciplinary cases. In all situations, fairness requires that students be informed of the nature of the charges and be given a fair opportunity to respond to them.

STUDENT RIGHTS

Students accused of Code of Conduct violations are entitled to the following standards of fairness:

1. To be informed of the accusation and alleged misconduct upon which the accusation is based.
2. An opportunity to offer a relevant response to the charges.
3. Confidentiality, as defined by and in accordance with the terms of the federal Family Educational Rights and Privacy Act.
4. To request that any person conducting a disciplinary hearing or serving as a committee member be disqualified on the ground of personal bias.
5. To be considered innocent of the accusation until proven responsible.
6. To be advised by a person of their choice.

REPORTING MISCONDUCT

Anyone may report a violation of the Code of Conduct by contacting the Dean of Student Affairs Office at 506-4472. Normally, the person reporting the violation will be asked to submit a written report. The report should be a brief written statement citing the section of the code allegedly violated and providing a summary of the facts deemed to constitute a violation. Reports should be submitted as soon as possible after the event takes place. The University reserves the right to take action against an individual for violating the Code of Conduct regardless of how much time has passed since the incident.

Anonymous reports may be made on the anonymous Wave Tip line by calling voice mail at 506-1234 (on campus) or 506-4001 (off campus) and then dialing 9563. Students living in the residence halls may also notify the resident advisor. *For any campus emergency, call 506-4441 or 506-1262.*

SOURCES OF INFORMATION

Information about a student's misconduct may come from a variety of sources including, but not limited to, reports from faculty, staff, students, departments (e.g., Housing and Residence Life, Department of Public Safety), law enforcement agencies, or community members. Other sources of information may include Internet sites, e-mail, instant messaging, photographs, and audio or video recordings.

DEFINITION OF STUDENT

Pepperdine University may exercise authority over any matriculated undergraduate or graduate student who is enrolled full- or part-time; has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or is on an approved educational leave or other approved leave status. This includes the period before classes begin, while the student is attending classes, between academic sessions or on leave.

AUTHORITY AND RESPONSIBILITY FOR STUDENT DISCIPLINE

The dean of students is responsible for the overall coordination of rules and regulations regarding student discipline for misconduct and serves as the final appeal for student disciplinary decisions. The associate dean of students is primarily responsible for the operational details of the disciplinary process. The associate dean of students will review reports of misconduct and may conduct an investigation. If the associate dean of students considers the report to indicate probable violation of the Code of Conduct, the incident will be heard through either an administrative hearing with a staff member or a hearing with the Student Disciplinary Committee.

When appropriate, some University policy violations may be addressed by other judicial bodies (e.g., Academic Integrity Committee, International Programs Disciplinary Committee, Non-Academic Grievance Officer).

JURISDICTION OF THE CODE OF CONDUCT

The Code of Conduct applies to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. Each student is responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Code applies to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The associate dean of students will decide whether the Code will be applied to conduct occurring off campus, on a case by case basis, in his or her sole discretion.

ADMINISTRATIVE HEARINGS

In some cases of student misconduct, a Student Disciplinary Committee hearing may not be necessary. This is most often true when the violation is of a less serious nature and the misconduct would not result in suspension or dismissal. In such a case, the student attends an administrative hearing with a University staff member (normally the associate dean of students or a resident director) to discuss the incident, the student's involvement in it, and any steps that must be taken or sanction imposed to resolve the matter. The meeting will be followed by an official letter summarizing this discussion.

Sanctions imposed as a result of an administrative hearing cannot be appealed. Sanctions imposed by the Student Disciplinary Committee may be appealed; therefore, students who are summoned to an administrative hearing may request instead to meet with the Student Disciplinary Committee if they want an appeal option.

STUDENT DISCIPLINARY COMMITTEE HEARINGS

If, after reviewing a report of misconduct, the associate dean of students determines that the incident is deemed sufficiently serious, the incident will be submitted for hearing by the Student Disciplinary Committee. The Committee will be composed of two students, two faculty members, and one staff member. A quorum of one student, one faculty member, and one staff member is necessary to conduct a hearing. The associate dean of students will chair the Committee but is not a voting member unless there is a tie vote.

Before meeting with the Student Disciplinary Committee, the student will be provided in writing with a summary of the behavior that allegedly violates particular provisions of the Code of Conduct. The notice will also include the date and time of the hearing, not less than five or more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling hearings may be extended at the discretion of the associate dean of students.

Other than as outlined below, hearings need not adhere to formal rules of procedure or technical rules of evidence followed by courts of law. Hearings will be conducted according to the following guidelines:

1. All procedural questions are subject to the final decision of the associate dean of students.
2. The hearing will normally be conducted in private. Admission of any person to the hearing will be at the discretion of the associate dean of students. The associate dean may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the reporting party, accused student, and/or other witness during the hearing by providing separate facilities, and/or by permitting participation by telephone, video conferencing, written statement, or other means, where and as determined in the sole judgment of the associate dean to be appropriate.
3. Accused students may be assisted at hearings by an advisor. The advisor must be a current student, faculty, or staff member of the University who was not be involved in the incident. The advisor cannot speak for the accused student. The role of the advisor is to accompany the student and advise him or her privately during the hearing process.
4. Hearings will be chaired by the associate dean of students (or designee), and will proceed in the following manner:
 - a. Reading of the charges.
 - b. The student's denial or admission of the charges. (If the student admits the charges, then the Committee may dismiss the student and deliberate on the appropriate sanctions.)
 - c. Review of the information in support of the charges.
 - d. Questions about the information by the student charged and/or the Committee.
 - e. Presentation of information by the student charged that rebuts the charges and questions by the Committee.
 - f. Closing statement by the accused student.
5. The chair and the accused student may call witnesses. The Committee may ask questions of the witnesses. The accused student may not directly question the witness, but may direct questions to the chair after the witness has been excused. The chair will then determine if the questions are appropriate, and if so, will follow up with the witness as necessary. Witnesses may only be

present while giving testimony. Accused students must present a list of witnesses and purposes of their statements to the chair 24 hours in advance of the hearing.

6. A list of witnesses called by the University should be presented to the accused student 24 hours before the hearing.
7. Pertinent records, exhibits and written statements may be accepted as information for consideration by the Committee at the discretion of the chair. This information must be submitted to the chair at least 24 hours before the hearing.
8. If, during the course of the hearing, additional charges are discovered, the accused student will be notified of the new charges and will be granted additional time, if needed, to prepare a defense of the new charges. The accused student may waive the additional time and the hearing can proceed with the new charges taken under consideration by the Committee. A record should be made in the hearing notes of additional charges and whether or not the student desires additional preparation time.
9. Information about the misconduct of other students shared at the hearing may be used as the basis for disciplinary action.
10. The Committee's determination will be made on the basis of whether it is more likely than not that the accused student violated the Code of Conduct.
11. After the hearing, the Committee will determine by majority vote whether the student has violated each section of the Code of Conduct that the student is charged with violating.
12. If the student is found to have violated the Code of Conduct, the Committee will then make a recommendation to the associate dean of students on the appropriate sanctions.
13. The associate dean of students will notify the student in writing of the Committee's decision and the sanctions issued, if any.
14. There will be a single written record of the hearing, which normally consists of the statement of alleged misconduct, a summary of the information presented in the hearing, a summary of the statement of the accused, statement of the decision, and the sanctions issued, if any. The hearing will not be transcribed or otherwise recorded.
15. If the accused student fails to appear at the hearing, the Committee may make a decision based on the available information. If the associate dean of students determines that good cause exists for the accused student not appearing at the hearing, a new date may be set for the hearing.

SANCTIONS

Violation of University policies for personal conduct may result in the imposition of one or more of the sanctions listed below. Sanctions

that may be imposed are not limited to those listed. In certain limited situations, University officials may impose a sanction but suspend or postpone its actual implementation. Failure to comply with the sanction(s) imposed by a judicial body may result in further disciplinary action, including but not limited to, a registration hold, placement on, or extension of, University probation, or suspension.

Sanctions affecting the conduct of students are based on general principles of fair treatment. While attempting to be consistent in its disciplinary decisions, the University also seeks to be fair and sensitive to the facts and circumstances of each individual case.

1. **Warning:** Oral or written notice to the student that the student is violating or has violated the Code of Conduct and that continuation or repetition of misconduct may result in a more severe sanction.
2. **University Probation:** A status which indicates that a student's relationship with Seaver College is tenuous. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found in violation of any University regulations. Probation may also result in the loss of privileges, depending on the policies of various University departments and organizations. For example, a student becomes ineligible to hold some leadership positions when placed on probation (see "Expectations for Student Leaders" below for more information). Also, if a student is placed on University probation, the student becomes ineligible for International Programs during the probation period. Ineligibility includes applying, remaining in the queue, or attending a program.
3. **Loss of Privileges:** Such loss may include, but is not limited to, financial assistance, eligibility to represent the University officially on athletic teams or performing groups, participation in the housing lottery, or use of specific University facilities, computer systems, equipment, or services.
4. **Fines:** Payment of charges for violation of regulations. These charges will be added to a student's account.
5. **Restitution:** Compensation for loss, damage or injury. Failure to pay such charges may result in additional sanctions (including, but not limited to, denial of re-enrollment or refusal to release official transcripts and records).
6. **Educational Sanctions:** Mandatory work hours, reading/writing assignment, drug or alcohol assessment/treatment, seminar attendance, or other discretionary sanctions as deemed appropriate.
7. **Dismissal from University Housing:** Loss of privilege to live in University housing. *In accordance with University housing policy, students required to live on campus who are dismissed from University housing may be dismissed from Pepperdine University.*

Any student dismissed from the residential community prior to the end of the contractual period may be responsible for any remaining monetary charges, as well as ineligible for reimbursement for any charges already paid.

8. **Suspension:** Temporary separation of the student from Pepperdine University for a definite period of time, after which the student is eligible to return without re-applying through the Office of Admission, unless the student is absent for two or more academic years, which does require re-application and readmission by the Office of Admission, as is the case for all students. Conditions for readmission may be specified.
9. **Expulsion:** Temporary separation of the student from Pepperdine University for a definite period of time, but not less than two semesters, after which the student must re-apply through the Office of Admission and be granted acceptance before becoming eligible for re-enrollment at the University. Conditions for readmission may be specified, but the student is not guaranteed readmission.
10. **Dismissal:** Permanent separation of the student from Pepperdine University. The student is dismissed from the University and is permanently ineligible to re-enroll at the University at any time in the future.

When students are dismissed, expelled, or suspended for disciplinary reasons, there will be no refund of tuition or room charges for the semester and all financial assistance for subsequent semesters will be reviewed and is subject to cancellation.

If a violation occurs just prior to a student's scheduled graduation, sanctions may be imposed even if all academic requirements are completed. Sanctions may include, but are not limited to, community service, research or reflective paper, restitution, loss of privilege to participate in the graduation ceremony, deferment of degree, and a transcript hold. The University may withhold issuing a degree until all sanctions are fulfilled. In the rare case of a serious violation (e.g., sexual assault, DUI, illegal drug sales), the University may permanently withhold a degree.

Retention of Disciplinary Records

Other than University dismissal or permanent withholding of a degree, disciplinary sanctions will not be made part of the student's permanent academic record, but will become part of the student's disciplinary record. Cases involving the imposition of sanctions other than University expulsion or dismissal or withholding of a degree will be expunged from the student's confidential record seven years after graduation.

Standard Sanctions

Standard sanctions are consistent University responses to specific violations of the Code of Conduct. Although sanctions are not assigned until a student's case is heard, these sanctions constitute the minimum consequences a student can expect. We hope that prior notice of these standard sanctions will encourage students to avoid behaviors that lead to serious consequences.

Standard sanctions apply only to those offenses described on the following table. Other types of incidents are handled on a case-by-case basis.

Standard sanctions do not apply when:

- a student engages in multiple violations in a single incident;
- a student has a disciplinary history, regardless of whether past violations are related to the current violation;
- an incident presents unusually serious circumstances, risks to persons or property, or other complex concerns.

In these situations, the appropriate sanctions are determined on a case-by-case basis in light of all the circumstances. Generally, these situations result in sanctions in excess of the standard sanction.

The standard sanctions are rarely reduced. However, the presence of substantial mitigating or other appropriate circumstances may result in the reduction of a standard sanction at the discretion of the associate dean of students, the Student Disciplinary Committee, or the dean of students.

TABLE OF STANDARD SANCTIONS

| Category | First Violation | Second Violation | Third Violation |
|--|--|--|--|
| Visitation | Warning; or University probation if visitation occurs significantly over visitation time or evidence that person of opposite gender has spent the night. | University probation or removal from residential community or suspension | Removal from residential community or suspension |
| Consumption or possession of alcoholic beverages or possession of empty containers of alcohol on campus | University probation, alcohol assessment and education programs | Suspension | To Be Determined (TBD) |
| Underage consumption of alcohol (on or off campus) | University probation, alcohol assessment and education programs | Suspension | TBD |
| Drunkenness (on or off campus) | University probation, alcohol assessment and education programs | Suspension | TBD |
| Driving a motor vehicle while under the influence of alcohol or a controlled substance (on or off campus) | Suspension, completion of alcohol/drug assessment and/or education programs; possible dismissal | Dismissal | N/A |
| Use or possession of marijuana, other illegal drugs, or drug paraphernalia (on or off campus) | Suspension, drug assessment and education programs and reflective paper on drug abuse | TBD | TBD |

IMMUNITY FOR VICTIMS

Sometimes, victims of physical or sexual assault or domestic violence are hesitant to report to University officials because they fear that they themselves may be charged with policy violations, such as visitation, underage drinking, or sexual activity at the time of the incident. To encourage reporting, Pepperdine offers victims immunity from policy violations related to the assault.

IMMUNITY FOR GOOD SAMARITANS

Pepperdine encourages students to offer assistance to other students in need, both on and off campus. When a student seeks medical assistance for a student in need, both parties will receive immunity from disciplinary action. This policy was created because students are sometimes hesitant to offer assistance to other students for fear that they themselves may be charged with policy violations (for example, an underage student who has been drinking might hesitate to get help from Public Safety or an RA for someone who may be suffering from alcohol poisoning, or might be hesitant to provide important information about a sexual assault incident).

FORFEITURE OF FINANCIAL ASSISTANCE

Every student who has accepted a scholarship, loan, fellowship, grant-in-aid, or any other financial assistance by the University or the state is deemed to have agreed to observe the rules and regulations of the University. The University shall review the record of each recipient of financial assistance who has been placed on University disciplinary probation, is suspended, expelled, or dismissed from the University, or arrested and convicted as a result of a violation of University policy. In such cases students who have accordingly violated the student Code of Conduct as outlined in the Student Handbook may forfeit their financial assistance. For further information regarding this policy, please contact the Office of Financial Assistance.

EXPECTATIONS FOR STUDENT ORGANIZATIONS

Student groups and organizations may be charged with violations of this Code of Conduct. A student group or organization may be held collectively responsible when violations of this code occur either during an event sponsored by the organization or when four or more members are in attendance at the event in question. Sanctions that may be imposed upon groups or organizations include but are not limited to deactivation, warning, reprimand, probation, fines, loss of privileges, restitution, and other educational sanctions. Deactivation includes loss of all privileges, including University recognition, for a specified period of time. *See the Student Organizations Handbook for additional information.*

EXPECTATIONS FOR STUDENT LEADERS

As role models to other students and ambassadors for Pepperdine University, student leaders are expected to embody the institution's highest ideals, values, and aspirations, and to uphold its community standards. Therefore, students placed on University probation will lose privileges, including their ability to apply, campaign, or hold leadership positions for the time they are on probation. The following list, while not exhaustive, highlights the kinds of student leadership roles that are impacted while a student is on University probation:

- Admission, Convocation, Intercultural Affairs, and LEAD Interns
- Campus Recreation student managers
- Career Ambassadors
- New Student Orientation Leaders and Coordinators
- Panhellenic and IFC executive board members, Rho Chis, fraternity and sorority presidents
- Pepperdine Ambassador Council members
- Resident Advisors and Spiritual Life Advisors
- Student Government Association leadership positions (including executive board members, senators, class presidents, and any elected or appointed positions)
- Student Health Advisory Board positions
- Student Programming Board positions
- Volunteer Center positions (including Project Serve Team Leaders)

INTERIM SUSPENSION

In certain circumstances, the dean of students or a designee may impose a University or residence hall suspension prior to a meeting with the Student Disciplinary Committee. Interim suspension may be imposed only: a) to ensure the safety and well-being of members of the University community or preservation of University property; or b) if the student poses a definite threat of disruption of, or interference with, the normal operations of the University. During the interim suspension, the student may be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the dean of students or the designee deems appropriate. The interim suspension does not replace the regular disciplinary process, which will proceed on the normal schedule, up to and through a Student Disciplinary Committee hearing, if required.

APPEALS PROCESS

The University has implemented procedures for student appeals with the intent of assuring fundamental fairness. Students who believe

they were not treated fairly in the disciplinary process can submit a written appeal to the dean of students. The appeal letter must be submitted within seven calendar days of the issuance of the sanction.

The written appeal must specify grounds that would justify consideration. General dissatisfaction with the outcome of the decision or an appeal for mercy is not an appropriate basis for an appeal. The written appeal must specifically address at least one of the following criteria:

- a. Insufficient information to support the decision.
- b. New information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.
- c. Procedural irregularity that undermined the student's ability to present a defense (see "Judicial Procedures" above)
- d. Inappropriateness of the sanction for the violation of the Code of Conduct.

Generally the appellate process does not require a hearing, nor does it require the dean of students to make personal contact with the student or the Student Disciplinary Committee. The dean may, but is not required to, convene an ad hoc appeals committee to assist in making a recommendation to the dean regarding the appeal.

The dean may affirm, reverse, or modify the sanction. The dean may also return the case to the associate dean of students or Student Disciplinary Committee for further consideration. The dean of students' decision shall be final and effective immediately. In the event of extenuating circumstances the dean of students may refer the appeal to the dean of Seaver College.

