

100.00 POLICY ON STUDENT CONDUCT AND DISCIPLINE

(Revised October 19, 2006)

101.00 Student Conduct

Students are members of both society and the University community, with attendant rights and responsibilities. Students are expected to comply with all laws and with University policies and campus regulations.

The standards of conduct apply to students as the term 'student' is defined in Section 14.40 of these

electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others, and interference with the work of others and with the operation of computer and electronic communications facilities, systems, and services.

Use of University computer and electronic communications facilities, systems, or services that violates other University policies or campus regulations.

102.06

Unauthorized entry to, possession of, receipt of, or use of any University services; equipment; resources; or properties, including the University's name, insignia, or seal.

102.07

Violation of policies, regulations, or rules governing University-owned, -operated, or -leased housing facilities or other housing facilities located on University property.

102.08

Physical abuse including but not limited to sexual assault, sex offenses, and other physical assault; threats of violence; or other conduct that threatens the health or safety of any person.

102.09

Sexual harassment, as defined in University policy (see [Section 160.00](#)), reads in part:

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. In the interest of preventing sexual harassment, the University will respond to reports of any such conduct.

Please refer to the *Policy on Sexual Harassment and Complaint Resolution Procedures* (see [Section 160.00](#)) for the entire definition. The *Policy on Sexual Harassment and Complaint Resolution Procedures* is incorporated into the *Policy on Student Conduct and Discipline*.

102.10

Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose.

102.11

Harassment by a student of any person. For the purposes of these *Policies*, 'harassment': a) is the use, display, or other demonstration of words, gestures, imagery, or physical materials, or the engagement in any form of bodily conduct, on the basis of race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, or physical or mental disability, that has the effect of creating a hostile and intimidating environment sufficiently severe or pervasive to substantially impair a reasonable person's participation in University programs or activities, or use of University facilities; b) must target a specific person or persons; and c) must be addressed directly to that person or persons.

Prior to applying this provision of policy to any student conduct, the campus is required to consult with the

Office of General Counsel regarding its proper interpretation and application in light of the specific circumstances.

102.12

Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace resulting in psychological harm to any student or other person.

102.13

Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.

102.14

Disorderly or lewd conduct.

102.15

Participation in a disturbance of the peace or unlawful assembly.

102.16

Failure to identify oneself to, or comply with the directions of, a University official or other public official acting in the performance of his or her duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.

102.17

Unlawful manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of controlled substances, identified in federal and state law or regulations.

102.18

Manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, University policy or campus regulations.

102.19

Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.

102.20

Possession, use, or manufacture of a firearm or other weapon as prohibited by campus regulations.

102.21

Violation of the conditions contained in the terms of a disciplinary action imposed under these *Policies* or campus regulations.

102.22

Violation of the conditions contained in a written Notice of Emergency Suspension issued pursuant to Section 53.00 of these *Policies* or violation of orders issued pursuant to Section 52.00 of these *Policies*, during a declared state of emergency.

102.23

Selling, preparing, or distributing for any commercial purpose course lecture notes or video or audio recordings of any course unless authorized by the University in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a student is a violation of these *Policies* whether or not it was the student or someone else who prepared the notes or recordings.

Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a University of California course unless authorized by the University in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder).

103.00 Student Discipline Procedures**103.10 Procedural Due Process**

Procedural due process is basic to the proper enforcement of University policies and campus regulations. Chancellors shall establish and publish campus regulations providing for the handling of student conduct cases in accordance with basic standards of procedural due process. Consistent with this requirement, procedures specified in such regulations shall be appropriate to the nature of the case and the severity of the potential discipline.

103.11

When a formal hearing is deemed to be appropriate, campus implementing regulations shall provide the following minimum procedural standards to assure the accused student a fair hearing:

- a. Written notice, including a brief statement of the factual basis of the charges, the University policies or campus regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing;
 - b. The opportunity for a prompt and fair hearing where the University shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses presented by the University; no inference shall be drawn from the silence of the accused;
 - c. A record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and
 - d. An appeals process.
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104.00 Administration of Student Discipline**104.10**

Chancellors may impose discipline for violations of University policies or campus regulations whether or not such violations are also violations of law, and whether or not proceedings are or have been pending in the courts involving the same acts.

104.20

Each Chancellor may appoint faculty, student, or other advisory committees, or hearing officers, as specified in campus regulations, but the final authority for administration of student discipline rests with the Chancellor.

104.30

A student, as defined in Section 14.40 of these *Policies*, at one campus of the University, who is accused of violation of University policies or campus regulations on another campus of the University or at an official function of that campus, shall be subject to the disciplinary procedures of either the former or the latter campus as an outcome of conferral between designees of both campuses. The imposition of any recommendations for disciplinary sanctions arising from these procedures must be reviewed and approved by both campuses before the sanctions are imposed.

104.31

If an alleged violation of University policies occurs in connection with an official Universitywide function not on a campus, the student accused of the violation shall be subject to the disciplinary procedures of the campus at which the individual is a student, except in those cases in which the President directs otherwise.

104.40

The loss of University employment shall not be a form of discipline under these *Policies*. However, when student status is a condition of employment, the loss of student status will result in termination of the student's employment. This section is not intended to preclude the disclosure to other appropriate University officials of information relating to any student's judicial records if that information may be reasonably construed to have bearing on the student's suitability for a specific employment situation. This section is also not intended to preclude an employer from terminating a student's employment outside the disciplinary process.

104.50

In imposing discipline other than Suspension or Dismissal, access to housing and health services shall not be restricted unless the act that occasioned the discipline is appropriately related to the restriction.

104.60

If as a result of an official campus appeal it is determined that the student was improperly disciplined, the Chancellor shall, if requested by the student, have the record of the hearing sealed, and have any reference to the disciplinary process removed from the student's record. In such case, the record of the hearing may be used only in connection with legal proceedings. The Chancellor also may take other reasonable actions to ensure that the status of the student's relationship to the University shall not be adversely affected.

104.70

The results of any disciplinary action by the University that alleged a forcible or nonforcible sex offense, as defined in 34 CFR 668.46(c)(7), must be disclosed to both the alleged offender and the alleged victim. The scope of information to be provided under this section shall be: (1) the University's final determination with respect to the alleged sex offense; and (2) any sanction that is imposed against the alleged offender.

104.71 [Rescinded October 13, 2005]**104.80**

Whether or not a hearing is conducted, campuses may provide written notice to a student that his or her alleged behavior may have violated University policy or campus regulations and that, if repeated, such

behavior will be subject to the disciplinary process. Evidence of the prior alleged behavior as detailed in the written notice may be introduced in a subsequent disciplinary action in order to enhance the penalty.

105.00 Types of Student Disciplinary Action

When a student is found in violation of University policies or campus regulations, any of the following types of student disciplinary action may be imposed. Any sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation.

105.01 Warning/Censure:

Written notice or reprimand to the student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of University policies or campus regulations may be cause for further disciplinary action, normally in the form of Disciplinary Probation, and/or Loss of Privileges and Exclusion from Activities, Suspension, or Dismissal.

105.02 [Rescinded May 17, 2002]

105.03 Disciplinary Probation:

A status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the student's privileges or eligibility for activities may be imposed. Misconduct during the probationary period or violation of any conditions of the probation may result in further disciplinary action, normally in the form of Suspension or Dismissal.

105.04 Loss of Privileges and Exclusion from Activities:

Exclusion from participation in designated privileges and activities for a specified period of time. Violation of any conditions in the written Notice of Loss of Privileges and Exclusion from Activities, or violation of University policies or campus regulations during the period of the sanction may be cause for further disciplinary action, normally in the form of Probation, Suspension or Dismissal.

105.05 Suspension:

Termination of student status at the campus for a specified period of time with reinstatement thereafter certain, provided that the student has complied with all conditions imposed as part of the suspension and provided that the student is otherwise qualified for reinstatement. Violation of the conditions of Suspension or of University policies or campus regulations during the period of Suspension may be cause for further disciplinary action, normally in the form of Dismissal.

105.06 Dismissal:

Termination of student status for an indefinite period. Readmission to the University shall require the specific approval of the Chancellor of the campus to which a dismissed student has applied. Readmission after dismissal may be granted only under exceptional circumstances.

105.07 Exclusion from Areas of the Campus or from Official University Functions:

Exclusion of a student as part of a disciplinary sanction from specified areas of the campus or other University-owned, -operated, or -leased facilities, or other facilities located on University property, or from official University functions, when there is reasonable cause for the University to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

105.08 Interim Suspension:

Exclusion from classes, or from other specified activities or areas of the campus, as set forth in the Notice of Interim Suspension, before final determination of an alleged violation. A student shall be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus. A student placed on Interim Suspension shall be given prompt notice of the charges, the duration of the Interim Suspension, and the opportunity for a prompt hearing on the Interim Suspension. Interim Suspension shall be reviewed by the Chancellor within twenty-four hours. If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist an individual who has been disadvantaged with respect to employment or academic status.

105.09 Restitution:

A requirement for restitution in the form of reimbursement may be imposed for expenses incurred by the University or other parties resulting from a violation of these policies. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student who alone, or through group or concerted activities, participates in causing the damages or costs.

105.10 Revocation of Awarding of Degree:

Subject to the concurrence of the Academic Senate, revocation of a degree obtained by fraud. Such revocation is subject to review on appeal by the Chancellor.

105.11 Other:

Other disciplinary actions, such as monetary fines, community service, or holds on requests for transcripts, diplomas, or other student records to be sent to third parties, as set forth in campus regulations.

106.00 Posting Suspension or Dismissal on Academic Transcripts

When, as a result of violations of the Policy on Student Conduct and Discipline, a student is suspended or dismissed, a notation that the discipline was imposed must be posted on the academic transcript for the duration of the suspension or dismissal. Thereafter, notations of Suspension or Dismissal reflected on a student's transcript may be removed as set forth in campus regulations.



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