

100.00 CODE OF STUDENT CONDUCT

The UC Santa Cruz community includes students, staff, faculty, and others who have a vested interest in the University. As members of an academic community, integrity, accountability and mutual respect are vital pillars of being part of this community. The Principles of Community further illustrate the values and expectations set forth for being a part of this community.

This Code sets forth the applicable standards of our community and authorizes the administration of student conduct at UC Santa Cruz. All participants involved with the student conduct process are encouraged to reflect upon their role in the community and seek out opportunities for personal growth and development. It is an aspiration that students involved in this process will strengthen their competencies in communication, relationships, leadership, critical thinking, and active citizenship.

Except for Sections 101.00 (Student Conduct), 104.00 (Administration of Student Discipline), 105.00 (Types of Student Disciplinary Action), and 106.00 (Posting Suspension or Dismissal on Academic Transcripts) the Policy on Student Conduct and Discipline does not apply to student conduct violations involving sexual violence and sexual harassment (including sexual assault, domestic violence, dating violence, and stalking of a sexual nature, etc.). All such violations and the applicable student discipline procedures for responding to such conduct are instead addressed by the University of California Policy on Sexual Violence and Sexual Harassment and PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework. Campuses under local procedures may also apply PACAOS Appendix E to adjudicate student conduct violations that occur in connection with violations of sexual violence and sexual harassment. **The UCSC Local Policy and Procedure for the Adjudication of Violations of the UC Policy on Sexual Violence and Sexual Harassment is located in Appendix W of the University of California, Santa Cruz Student Policies and Regulations Handbook.**

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 *Policies*. They also apply to:

- a. Applicants who become students, for offenses committed as part of the application process;
- b. Applicants who become students, for offenses committed on campus and/or while participating in University-related events or activities that take place following a student's submittal of the application through his or her official enrollment; and

- c. Former students for offenses committed while a student.

If specified in implementing campus regulations, these standards of conduct may apply to conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct occurred on campus.

101.10 Jurisdiction

The UC Santa Cruz campus shall have jurisdiction over the conduct of students and student organizations, which occurs on University property or in connection with official University functions.

In addition, the campus may exercise jurisdiction over conduct which occurs off-campus and which would violate student conduct and discipline policies or regulations if the conduct occurred on campus. For example, the campus may choose to exercise jurisdiction over off-campus incidents where the alleged misconduct includes, but is not limited to:

- a) **Any violations of the UC Policy on Sexual Violence and Sexual Harassment.**
- b) **Physical assault, threats of violence, or conduct that threatens the health or safety of any person;**
- c) **Possession or use of weapons, explosives, or destructive devices;**
- d) **Manufacture, sale, or distribution of controlled substances (as defined by the Drug Enforcement Administration);**
- e) **Hate crimes (as defined by local, state or federal law);**
- f) **Hazing;**
- g) **Conduct, which would constitute a felony, including burglary, robbery, theft, etc.; and**
- h) **Conduct which egregiously and/or repeatedly has negatively impacted or constitutes a nuisance to members of the surrounding off-campus community, which violates federal, state or local laws/ordinances; or conduct which severely impacts or strains emergency response abilities in the surrounding community.**

In determining whether or not to exercise off-campus jurisdiction in such cases, the campus may consider the seriousness of the alleged offense, the risk of harm involved, whether the victim(s) are members of the campus community and/or whether the off-campus conduct is part of a series of actions, which occurred both on, and off-campus.

102.00 Grounds for Student Discipline

Chancellors may impose discipline for the commission or attempted commission (including aiding or abetting in the commission or attempted commission) of the

following types of violations by students, as well as such other violations as may be specified in campus regulations:

102.01 All forms of academic misconduct, including but not limited to, cheating, fabrication, plagiarism, or facilitating academic dishonesty;

102.11 Cheating

Cheating is defined as fraud, deceit, or dishonesty in an academic assignment, or using or attempting to use materials, or assisting others in using materials, which are prohibited or inappropriate in the context of the academic assignment in question. This includes, but is not limited to:

- a. Providing answers to or receiving answers from others for any academic assignment. In "group assignments" and "cooperative learning" situations, it is the responsibility of the student to ascertain from the instructor to what degree the work must be done exclusively by the student or may be done in collaboration with others;**
- b. Using notes, information, calculators, or other electronic devices or programs during exams or for assignments from which they have been expressly or implicitly prohibited;**
- c. Improperly obtaining or using improperly obtained information about an exam or assignment in advance of its availability to other students, or assisting others in doing so;**
- d. Putting one's name on another person's exam or assignment; or**
- e. Altering previously graded work for purposes of seeking a grade appeal.**

102.012 Plagiarism

Plagiarism is defined as the use of intellectual material produced by another person without acknowledging its source. This includes, but is not limited to:

- a. Copying from the writings or works of others into one's academic assignment without attribution, or submitting such works as if it were one's own;**
- b. Using the views, opinions, or insights of another without acknowledgment; or**
- c. Paraphrasing the characteristic or original phraseology, metaphor, or other literary device of another without proper attribution.**

102.013 Furnishing false information in the context of an academic assignment. This includes, but is not limited to:

- a. **Writing an exam or term paper for another person;**
- b. **Soliciting another person to take an exam or write a paper for one's own class;**
- c. **Submitting the same piece of work as partial fulfillment of the requirements in more than one course without permission of the instructor;**
- d. **Representing oneself as another person, or failing to identify oneself forthrightly and honestly in the context of an academic obligation; or**
- e. **Representing, explicitly or implicitly, that work obtained from another source was produced by oneself.**

102.014 Creating an improper academic disadvantage to another student or an improper academic advantage to oneself. This includes, but is not limited to:

- a. **Removing, defacing, hiding or deliberately withholding library books or other materials, particularly those with short-term loan periods or on reserve for courses;**
- b. **Contaminating a laboratory sample (e.g., a "mystery substance" in qualitative chemistry); or**
- c. **Altering the indicators of a practical exam (e.g., moving the pin in a dissection specimen in anatomy).**

102.015 Interference with courses of instruction. This includes but is not limited to:

- a. **Failure to comply with the instructions or directives of the course instructor; or**
- b. **Disruption of classes or other academic activities.**

102.016 Theft or damage of intellectual property. This includes, but is not limited to:

- a. **Sabotaging or stealing another person's assignment, book, paper, notes, experiment, or project; or**

b. **Improperly accessing or electronically interfering via computer or other means with the property of another person or the University.**

102.02 Other forms of dishonesty, including but not limited to, fabricating information, furnishing false information, or reporting a false emergency to the University;

102.03 Forgery, alteration, or misuse of any University document, record, key, electronic device, or identifications;

102.04 (a) Theft of, or conversion of, any property of the University or any property of others while on University premises, or possession of any property when the student had knowledge or reasonably should have had knowledge that it was stolen;

102.04 (b) Damage to, or destruction of, any property of the University, or any property of others on University premises.

102.05 Theft or abuse of University computers and other University electronic resources such as computer and 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; or Copyright Infringement (for example, the illegal file-sharing of copyrighted material).

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

Please refer to the UC Electronic Communications Policy (<http://www.ucop.edu/ucophome/policies/ec/>) and Digital Copyright Protection at UC (<http://www.ucop.edu/irc/policy/copyright.html>) for the University position on digital copyright.

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 Conduct, which constitutes:

a. Physical abuse including but not limited to physical assault; **b.** threats of violence; **c.** or other conduct that threatens the health or safety of any person.

102.09 Harassment

Harassment, defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities. Harassment includes, but is not limited to, conduct that is motivated on the basis of a person's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, **gender, gender expression, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, genetic information, or perceived membership in any of these classifications.** Pursuant to section 104.90, sanctions may be enhanced for conduct motivated on the basis of the above classifications.

102.091

Any violation of the UC Policy on Sexual Violence and Sexual Harassment.

For more information on these policies, please see Appendix G

When employed by the University of California, and acting within the course and scope of that employment, students are subject to the [University of California Policy on Sexual Harassment](#). Otherwise, Section 102.09, above, is the applicable standard for harassment by students. For both student and/or employee sexual harassment, please refer to the University of California [Procedures for Responding to Reports of Sexual Harassment](#).

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 their 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 Other Harassment: Physical, verbal, written, face-to-face, telephonic, electronic or other direct means of contact that a student knows or should know is unwelcome, is communicated directly to one or more specific students, faculty, or staff, and constitutes severe, pervasive, or objectively offensive conduct; and does not constitute speech protected by the First Amendment of the United States Constitution.

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 (*See also Appendix F*);

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 directions of, a University official or other public official acting in the performance of their 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. **This includes student employees when performing in the course of their assigned duties.**

102.17 Unlawful manufacture, distribution, dispensing, possession, use, **transport, transfer**, or sale of, or the attempted manufacture, distribution, dispensing, or sale of controlled substances, identified in federal or state laws or regulations **which includes, but is not limited to:**

a. All Drug Enforcement Administration (DEA) classified narcotics under schedules 1 through 5, such as: Opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana (medicinal marijuana is not allowed, nor is it a defense to a violation of any University policy or campus rule); synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine); or all illegally obtained prescription drugs.

b. All other drugs not included in (102.17a) such as: designer or synthetic drugs, hallucinogens/or psychotropic herbs.

102.18 Manufacture, distribution, dispensing, possession, use, **transport, transfer**, 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.

a. The illegal purchase of alcohol regardless of age, possession or use of alcohol by persons under 21 years of age and other violations of Federal or State law mentioned above.

b. Being drunk and disorderly, illegally intoxicated regardless of age or driving under the influence.

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).

102.24 **Terrorizing Conduct.** Conduct, where the actor communicates an intent to terrorize, or acts in reckless disregard of the risk of terrorizing, one or more University students, faculty, or staff. 'Terrorize' means to cause a reasonable person in the victim's circumstances to fear bodily harm or death, by the actor or those acting under their own control. 'Reckless disregard' means consciously disregarding a substantial risk. This section applies without regard to whether the conduct is motivated by race, ethnicity, personal animosity, or other reasons. This section does not apply to conduct that constitutes the lawful defense of oneself, of another, or of property.

102.25 **Privacy.** Making a video recording, audio recording, taking photographs, or streaming audio/video of any person in a location where the person has a reasonable expectation of privacy, without that person's knowledge and express consent.

a. Looking through a hole or opening, into, or otherwise viewing, by means of any instrumentality, the interior of a private location without the subject's knowledge and express consent.

b. Making a video recording, audio recording, or streaming audio/video of private, non-public conversations and/or meetings, without the knowledge and express consent of all recorded parties.

c. These provisions do not extend to public events or discussions, or to lawful official law or policy enforcement activities. These provisions may not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

102.26 Violation of campus regulations regarding pets and animals (copies of these regulations are available from the college housing offices, the Family Student Housing Office, Faculty Housing Office, and University Police);

102.27 Possession or use on or in University properties or at official University functions of a firearm or other gun or weapon or explosive device, as defined within California

Penal Code, Part IV, Title 2, Chapters 1-6 capable of inflicting injury, including, but not limited to firearms, BB, pellet, air, spring, paint, and blow guns, except as expressly permitted by law;

102.28 Possession of a knife as defined in the California Penal Code, Section 626.10(b). This section prohibits anyone from bringing or possessing a dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches on or in University properties or at official University functions, except as expressly permitted by law;

102.29 Other Weapons

a. California Penal code 626(I) possession on University properties or at official University functions of a "less than lethal weapon" including, but not limited to stun guns, Tasers, bow or crossbows designed to shoot arrows, slingshot, paint-ball guns, pepper spray or tear gas weapons are prohibited. Weapons allowed by the California Penal Code for training purposes, such as swords, nun-chucks or sais for a martial arts class are not allowed in University owned or leased housing under any conditions. Martial arts weapons are not to be openly displayed on campus outside of an OPERS martial arts class and if not stored in a locker at OPERS these weapons must be locked in a container while traveling to and from class and locked in the trunk of a car while not in use.

b. Possession or use of a facsimile or replica weapon is prohibited.

c. The use of an object as a weapon to inflict injury on another person or to threaten to inflict injury on another person.

102.30 All open fires on University property and in the back country (wild land areas) are strictly prohibited and enforced under the Public Resources Code, Sections 4421, 4423, 4432 and 4433.

Campfires, portable stoves, open fires and other use of fires on developed areas on University properties are prohibited without written permission from the campus Fire Chief. Campfire is defined as a fire which is used for cooking, personal warmth, lighting, ceremonial, or aesthetic purposes, including fires contained within outdoor fireplaces and enclosed stoves with flues or chimneys, stoves using jellied, liquid, solid, or gaseous fuels, portable barbecue pits and braziers, or space heating devices which are used outside any structure, mobile home, or living accommodation mounted on a motor vehicle. Open fires means any fire, controlled or uncontrolled, including a campfire, burning outside of any structure, mobile home, or living accommodation mounted on a motor vehicle.

102.31 Camping is prohibited on University owned, controlled or leased property. Camping is defined as any of the following:

- 1. The establishment of temporary or permanent living quarters in other than residence halls, apartments, or other University-managed housing;**
- 2. Sleeping outdoors with or without bedding, tent, hammock, or similar protection or equipment;**
- 3. Sleeping in or under any parked vehicle; or**
- 4. Establishing or maintaining outdoors, or in or under any structure not intended for human occupancy, at any time during the day or night, a temporary or permanent place for cooking or sleeping by setting up any bedding, sleeping bag, blanket, mattress, tent, hammock or other sleeping equipment, or by setting up any cooking equipment.**

102.32 Blocking or impeding ingress to or egress from the campus, buildings or official University functions, including activity on non-University property;

102.33 Delivering, furnishing, transferring, manufacturing, or possessing drug paraphernalia is prohibited. Drug paraphernalia is defined as all equipment, material and products intended for use or designed for use in growing, processing, harvesting, storing, concealing, injecting, ingesting, inhaling, or otherwise introducing an illegal controlled substance into the human body. Examples of drug paraphernalia include, but are not limited to: pipes, water pipes, bongs, and hookahs.

102.34 In order to protect the safety of UCSC community members, and to comply with noise policies, the use of skateboards, rollerblades, or roller skates anywhere on-campus is strictly prohibited.

102.35 Violation of any other University policy or campus regulation.

102.36 Commission of a public offense under any federal, state, or local law or ordinance on or in University properties or at official University functions may subject students to campus discipline procedures.

102.37 Commission of a public offense under any federal, state, and local laws occurring off campus may subject violators to campus discipline procedures as well as any civil or criminal action that may be taken.

102.38 Guest Responsibility. Students are responsible for policy violations committed by their student and non-student guests while on University- owned, leased or controlled property, at official University functions, or at organizational events on or off campus.

102.39 Any person who willfully tampers, covers, restricts, or breaks any public or private fire alarm apparatus or any firefighting equipment or gives, transmits, or sounds any false alarm of fire.

102.40 Smoking Policy: smoking and all other tobacco use is not permitted at UC Santa Cruz and on any UCSC controlled property. All smoking, use of smokeless tobacco products and the use of unregulated nicotine products is prohibited. The use of marijuana is prohibited under federal regulations. The sale, advertising, promotion, or distribution of tobacco products is also prohibited.

This policy applies to all members of the UC Santa Cruz and anyone on University controlled properties. The smoke & tobacco free policy also covers all University parking lots and residential space. The policy is also applicable to all vehicles when on University property and to University controlled vehicles wherever in use. *Tobacco Product* means any form of tobacco, including but not limited to cigarettes, cigars, pipes, water pipes (hookahs, bongs), and all forms of smokeless tobacco products including but not limited to chew, snus, snuff, sticks, strips, orbs and unregulated nicotine products (e.g., “e-cigarettes”). For further information on the Tobacco Free initiative please see the full [UC Santa Cruz Smoke & Tobacco-Free Policy](#).

Definitions

“Express consent” is clear, unmistakable and voluntary consent that may be in written, oral or nonverbal form.

“Private locations” are settings where the person reasonably expected privacy. For example, in most cases the following are considered private locations: residential living quarters, bathrooms, locker rooms, and personal offices.

“Private, non-public conversations and/or meetings” include any communication carried on in circumstances that reasonably indicate that any party intended for the communication to be confined to the parties, but excludes a communication made in a public gathering or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard by a third party or recorded.

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. These procedures apply to both students and registered student organizations that are charged with violating the Code of Student Conduct.

Wherever these policies and regulations require that notice be given, it may be delivered via the student's e-mail account on file with the University or in person to the student, or shall be sent by mail to the address appearing on the student's most recently filed registration materials, or, if undeliverable at that address, to the permanent address of record;

For the purpose of the Code of Student Conduct, the term "working day" shall be defined as the normal business day and shall not include Saturdays, Sundays, or campus administrative holidays.

103.11 When a formal hearing is deemed to be appropriate, campus-implementing regulations shall provide the following minimum procedural standards to assure the responding 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.

104.00 Administration of Student Discipline

104.10 Chancellors may impose discipline for violation 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.

104.21 The Chancellor has delegated responsibility for the administration of the student conduct process to certain University officials described below (hereafter referred to as "responsible officials"). A complaint alleging student misconduct may be filed by a member of the faculty or staff, a student, or other aggrieved person to the appropriate responsible official.

104.22 Except as specified below, allegations involving undergraduate students are the initial responsibility of the College Administrative Officers (CAOs) of the college with which the student is affiliated. The CAOs (or their designee) also have jurisdiction over students involved in institutional exchange programs, off-campus University housing facilities and other students residing in the college, regardless of college affiliation, insofar as the alleged violation(s) occurred within University controlled residential facilities and/or University properties.

104.23 Allegations of academic dishonesty involving undergraduates are the initial responsibility of the Provost of the college with which the student is affiliated.

104.27 Allegations of academic misconduct involving graduate students are the initial responsibility of the Dean of Graduate Studies. Allegations of non-academic misconduct involving graduate students are the initial responsibility of the Conduct and Community Standards Office.

104.28 Allegations involving students enrolled in University Extension courses are the initial responsibility of the Office of Conduct and Community Standards or designee. Allegations involving students enrolled in the Education Abroad Program are the initial responsibility of the Office of Conduct and Community Standards.

104.30 A student, as defined in Section 14.40 of these *Policies*, enrolled 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 University-wide 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.

104.32 In the interest of fair administration of these regulations and procedures, and consistent with law and University policy, the Chancellor or designees may interpret and make reasonable adjustments to jurisdictional and other provisions.

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 the 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 conduct 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 of these services.

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 [Rescinded - January 1, 2016]

104.80 Admonishment: Whether or not a hearing is conducted, campuses may provide written notice to a student that their alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior would be subject to the discipline 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.

104.81 No Contact Directives include any and all means of contact or communication within a specified distance and may include an individual's residence, automobile, or other property (including use of cellular technology or social media platforms). Any student, faculty or staff member or other person with a reasonable justification may request a no contact directive. No Contact Directives are not considered a sanction, but rather a lawful directive when issued by a University official. Such directives may be issued to students verbally or in writing by a University official, acting in the performance of their official duties. A No Contact Directive is appropriate when there is reason to believe that future contact will result in property damage, disruption, harassment, intimidation or threatening conduct, or physical abuse.

104.90 **Enhanced Sanctions:** Sanctions [for any violations of Section 102.00, Grounds for Discipline] may be enhanced where an individual was selected because of the individual's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, **gender, gender expression**, gender identity pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, **genetic information**, or perceived membership in any of these classifications.

105.00 Types of Sanctions:

See also sections 105.10 and 105.11 in the University Policies Applying to Campus Activities, Organizations, and Students Handbook for specifics on sanctions and University actions.

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.

Any timeline established in this section may be extended or modified in the interests of fairness and upon good cause in the discretion of the Associate Vice Chancellor or designee. If a deadline is so extended, all reasonable efforts shall be made to complete the action required as soon as is practicable after the original timeline or deadline.

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, Loss of Privileges and Exclusion from Activities, Suspension, or Dismissal.

105.03 Disciplinary Probation: A status imposed for a specific 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. **When, as a result of violations of the student conduct code, a student is suspended, the fact that the discipline was imposed must be posted on the academic transcript for the duration of the Suspension (See Section 106.00). Suspension may be imposed only with the written affirmation of the Associate Vice Chancellor for non- academic cases involving graduate and undergraduate students, the Vice**

Provost/Dean of Undergraduate Education for Academic Integrity cases involving undergraduate students, and the Dean of Graduates Studies for Academic Integrity involving graduate students.

105.05(b) Stayed (Deferred) Suspension: The imposition of Suspension (see Section 105.05) is deferred pending adherence to, or fulfillment of, specified conditions. Failure to comply fully with all conditions of Stayed Suspension may result in the imposition of Suspension.

105.06 Dismissal: Termination of student status from the University of California 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. **When, as a result of violations of the student conduct code, a student is dismissed, the fact that the discipline was imposed must be posted on the academic transcript for the duration of the Dismissal (See Section 106.00).**

Dismissal may be imposed only with the written affirmation of the Associate Vice Chancellor for non-academic cases and the Vice Provost/Dean of Undergraduate Education for academic cases.

105.07 Stayed (Deferred) Dismissal: The imposition of Dismissal (See Section 105.06) is deferred pending adherence to, or fulfillment of, specified conditions. Failure to comply fully with all conditions of Stayed Dismissal may result in the imposition of Dismissal.

105.061 Restriction from designated areas of the campus for a specific academic term or terms. Violation of any condition set forth in a written Notice of Restriction or violation of University policies or campus regulations during the period of the sanction may be cause for further disciplinary action.

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 function, 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 (Interim Action): 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 or designee within twenty-four hours **of affirmation by the Associate Vice Chancellor and if no further action is taken, the interim suspension shall be deemed to be upheld.** If a student is found to have been unjustifiably placed on Interim Suspension, however, 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.

105.081 If Interim Suspension (Interim Action) is imposed by a responsible official, he/she shall immediately inform the Associate Vice Chancellor (who has been delegated such cases by the Chancellor), the University Police, and submit a written report on the action to the Associate Vice Chancellor.

105.082 The report shall include the student's name and, if available, address, phone number, e-mail address, and the reason for imposing the Interim Suspension. Within twenty- four hours of the imposition of the Interim Suspension, the Associate Vice Chancellor shall review the information provided by the responsible official. If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to a policy whereby that student shall not be disadvantaged in employment or academic status. (See Section 53.12 of the Handbook: Emergency Suspension.) If the Associate Vice Chancellor does not affirm the Interim Suspension by the end of the twenty-four hour period, it shall be deemed void and a reasonable effort shall be made to inform the student who was suspended that the Interim Suspension is void. Should the Interim Suspension be voided, that shall have no bearing on University disciplinary proceedings arising from the conduct which gave rise to the Interim Suspension. Any such disciplinary proceedings shall be conducted under the normal procedures provided in these policies.

105.083 A student placed on Interim Suspension which is affirmed by the Associate Vice Chancellor shall be given prompt written notice of the Interim Suspension, of the conduct which gave rise to the Interim Suspension, and of the opportunity for a prompt special hearing on the Interim Suspension. The special hearing must take place within five (5) working days of the student's request for a special hearing.

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, **enrolling in classes/workshops, receiving counseling, writing letters of apology, etc.**, or holds on requests for transcripts, diplomas, or other student records to be sent to third parties, as set forth in campus regulations. **In addition to the sanctions noted in this section, other sanctions may be imposed when, if reasonably concluded to be in the best interests of the University or University community.**

105.12 Administrative Holds may be placed on students' registration, transcript, diploma or graduation to ensure that students respond to a disciplinary matter, and to enforce certain disciplinary sanctions. These holds may prevent a student from registering or graduating, or from receiving copies of their diploma or transcripts, pending the resolution of a disciplinary matter, completion of sanctions resulting from a disciplinary action or while a sanction of Suspension, Dismissal, or Interim Suspension is active.

105.13 Monetary Fines assessed as part of a resolution are not to exceed \$100.00. This limit does not apply to fines assessed for parking violations, library fines, Office of Physical Education, Recreation and Sports (OPERS) recreation fines, student organization fines, or any other services provided by the campus where fines may be assessed. Monetary fines are not restitution (see Section 105.09).

105.14 Stay of Sanction: The imposition of any sanction may be held in abeyance (deferred) pending future conduct or non-compliance with disciplinary sanctions/conditions.

105.15 Academic Sanctions: One or more of the following sanctions may be imposed by the instructor of record for violations involving academic dishonesty (see Appendix G):

- a. **No credit or reduced credit for academic work in question;**
- b. **Failing grade or reduced final grade for the course or "No Pass" for the course;**
- c. **Narrative notation or revision;**
- d. **Retaking of examination or resubmission of assignment;**
- e. **Exclusion from course; and**
- f. **Other academic sanctions deemed appropriate to the misconduct.**

105.16 Student Organization Sanctions: In addition to the above (except for Section 105.15), one or more of the following sanctions may be imposed for student organization violations:

- a. **Revocation of the organization's registration or removal of the organization's officers;**
- b. **A registered student organization may be sanctioned when a member or members of the organization violated University rules or campus regulations with the knowledge and consent of the organization's officers, or acted in concert with other members of the organization; or**
- c. **Interim suspension of University and/or organizational activities, as deemed appropriate by the Officer of Conduct and Community Standards Office pending the review of alleged misconduct on the part of the organization and/or its members. A student organization may be placed on Interim Suspension and shall be given prompt notice of the charges, 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 of affirmation by the Associate Vice Chancellor, Dean of Students. This action may occur prior to the issuance of a summons and the temporary suspension shall be limited and reasonable given the reported allegations. This action may also be taken to enforce compliance with sanctions.**

106.00 Posting Suspension or Dismissal on Academic Transcripts

When, as a result of violations of the Code of Student Conduct, 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. (See also 105.05 (Suspension) and 105.06 (Dismissal)).

107.00 Administrative Hearing: Investigation and Recommended Sanctions for Non-Academic Cases

107.10 Resolving an alleged violation of the Code of Student Conduct through the administrative hearing process is the preferred method of resolution at UC Santa Cruz. This process concludes with a Conduct Resolution by the responsible official or designee outlined in Section 104. Within ten (10) working days of receiving a report of an alleged violation, the responsible official shall contact the student involved to discuss the allegations and allow the responding student the opportunity to provide their side of the story. The responsible official will investigate the allegations further if necessary and work toward a prompt resolution. There are three possible outcomes to an Administrative

Hearing as determined by the designated official. (1) The responsible official may propose sanctions to the responding student based upon the incident. (2) If the responsible official determines no further action is warranted the matter may be admonished (*see Section 104.80*) or (3) dropped. The proposed sanctions will be drawn from the defined disciplinary sanctions (*see Section 105.00*).

107.20 To the extent permitted by law and University policy, the Complainant (as defined in Section 104.21) will be given notice of any conduct resolution and the opportunity to provide comment on any recommended sanction as directly related to the Complainant.

107.30 A written or electronic record of the investigation and the recommended sanctions of the Conduct Resolution Agreement, if any, shall be prepared by the responsible official within five (5) working days of any agreement, or last attempt at reaching agreement. A copy of this record shall be given to the responding student; a copy maintained in the student's confidential file. (*see Section 109.00, "Maintenance of Disciplinary Records"*). The letter shall include the following:

a. The specific conduct in question including a brief statement of the factual basis of the charges; the date, time, and place of the alleged incident; and the specific University policies or campus regulations allegedly violated;

b. A statement that the student has five (5) working days from the date of the receipt of the letter to request an appeal to the appellate officer. In cases of suspension or dismissal the student may also request a formal hearing.

107.40 If the responding student fails to file an appeal or request a hearing if applicable within five (5) working days of receipt this will constitute acceptance of the sanctions in the Conduct Resolution Agreement, and the matter is resolved. Criteria for appeals are delineated in Section 107.61.

107.60 Appeals Process for Non-Academic Conduct

Students wishing to appeal findings or sanctions related to a student conduct case can access the electronic appeals process via a live internet link listed in their Conduct Resolution. *For additional resources please see:*

<http://deanofstudents.ucsc.edu/pdf/appeal-guide.pdf>. Students are limited to one level of review (electronic appeal (*see Section 107.30 (b)*) or in certain instances a formal hearing, (*see Section 108.00*). Typically appeals will be heard by the supervisor of the Conduct Officer that issued the sanctions, for example:

a. Sanctions issued by a housing officer or designee shall be appealed to the College Administrative Officer or designee. Sanctions issued by a non-college affiliated housing unit manager or designee (e.g., Family Student Housing, UTC,

Graduate Student Housing, and Camper Park) shall be appealed to the Director, Housing Services or designee;

b. Sanctions issued by a College Administrative Officer shall be appealed to the Associate Vice Chancellor of Colleges, Housing and Educational Services or designee;

c. Sanctions issued by the Conduct and Community Standards Office that reach the level of Suspension or Dismissal shall be appealed to the Associate Vice Chancellor of Colleges, Housing and Educational Services. All other cases involving undergraduate students shall be appealed to the student's College Administrative Officer.

d. Sanctions issued by the Assistant Director of Student Conduct, Colleges, Housing and Educational Services that reach the level of Suspension or Dismissal shall be appealed to the Associate Vice Chancellor, Dean of Students. All other cases involving undergraduate students shall be appealed to the student's College Administrative Officer.

e. Sanctions issued by the Associate Vice Chancellor, Dean of Students or designee shall be appealed to the Executive Vice Chancellor.

f. Cases involving graduate students that do not result in suspension or dismissal shall be appealed to the Associate Vice Chancellor, Dean of Students or designee.

g. Cases involving registered student organizations shall be appealed to the Associate Vice Chancellor, Dean of Students or designee.

107.61 Criteria for non-academic appeals shall be limited to the following:

a. Whether there was a preponderance of evidence to support the finding(s) of violation of University policies or campus regulations for which the discipline was imposed. For more information on the standard of preponderance please see the FAQ on the Community Standards and Conduct website (<http://deanofstudents.ucsc.edu/student-conduct/index.html>).

b. Whether there is new evidence, which was not available at the time of the administrative hearing and which is likely to change the finding(s). New evidence does not include information that was available through the exercise of reasonable diligence at the time of the administrative hearing. If the student did not participate in the administrative hearing, offering to participate on appeal does not qualify as new evidence.

c. Whether there was a lack of procedural fairness in the administration of the conduct process. Please review section 107 for guidelines on the administrative hearing process.

d. The sanctions assigned in the Conduct Resolution are substantially disproportionate to, and therefore inconsistent with, standard University practice based on the violation(s).

107.62 Upon completion of review, the appellate authority may affirm, modify, or reverse the recommended finding(s) and/or sanction(s). No sanctions shall take effect while the case is under review except as otherwise specified in these policies.

108.00 Formal Hearing for Non-Academic Cases

In certain instances, described below, a student is entitled to a formal hearing upon request.

Requests for formal hearings will be granted in those cases where the sanction issued by the responsible official to include Suspension, Stayed Dismissal or Dismissal from the University. Students who fail to comply with a summons to meet with the conduct officer waive their right to a formal hearing. Therefore, their right of review is limited to a written appeal to the designated appellate officer.

Registered Student Organizations are limited to one level of administrative review and a written appeal as provided in Section 70.30.

108.10 Campus Conduct Board: Jurisdiction and Composition

a. The formal hearing of student discipline cases has been delegated by the Chancellor to the Associate Vice Chancellor, Dean of Students.

b. The Campus Conduct Board is appointed by the Associate Vice Chancellor, Dean of Students to serve a minimum term of twelve (12) months, commencing the first day of Fall Quarter. The board shall consist of a chairperson, (1) staff member, (2) undergraduate students and (1) graduate student who may be pulled from a pool of trained board members. The chair shall be designated by the Associate Vice Chancellor, Dean of Students and the students shall be nominated by Student Union Assembly (SUA) and the Graduate Student Association. A minimum of three (3) board members may constitute a hearing panel to hear a case. The panel must include at least one student member.

c. All members of the Campus Conduct Board will be trained on applicable University policies prohibiting discrimination, including elements of the violation and burdens of proof.

108.20 Scheduling a Formal Hearing

A student requesting a formal hearing must deliver a request to the Conduct and Community Standards Office within five (5) working days of receipt of the Conduct Resolution letter from the responsible official. The Conduct and Community Standards Office will schedule any formal hearing.

Typically, the formal hearings are conducted within twenty (20) working days, and the respondent and the responsible official will be notified of the date, time, and place. The Conduct and Community Standards Office shall provide the student with information regarding the hearing procedure and assistance with the process, though the responding student shall be responsible for securing evidence and testimony of supporting witnesses in their defense.

108.21 The student and the responsible official may resolve a case through the terms of Conduct Resolution at any time up to the closure of the case. To the extent permitted by law and University policy, the complainant will be given notice of any Conduct Resolution and the opportunity to provide comment on any recommended sanction as directly related to the complainant.

108.22 In the interest of fairness, and for good cause shown, extensions of time limits described above may be granted by the Associate Vice Chancellor or designee. All parties involved shall be notified as soon as an extension has been granted.

108.30 Rights and Responsibilities

Due Process: The hearing shall be conducted in a manner consistent with the requirements of Procedural Due Process (*see Section 103.10*): Procedural Due Process is basic to the proper enforcement of University policies and campus regulations. 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.

Campus regulations shall provide the following minimum procedural standards to assure a fair hearing:

a. written notice to the responding student, 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, upon the request of the responding student, at which the University shall bear the burden of proof. At the time of the hearing, the student shall have an opportunity to present documents and witnesses and/or to respond to written statements or witness testimony, and the respondent student shall bear responsibility for securing evidence and testimony of witnesses, if applicable, in their defense; and at which no inference shall be drawn from the silence of the accused;

c. access to the hearing record;

d. a prompt written decision based upon the findings of fact; and

e. opportunity for the responding student to appeal.

108.31 Rights and Responsibilities at all Formal Hearings: The rights and responsibilities of the responding student, the witnesses, Conduct and Community Standards Office, the responsible official, Campus Conduct Board, and the Associate Vice Chancellor regarding a formal hearing are delineated below.

108.32 The Responding Student:

a. shall be served with notice of the specific charges, the time and place of the hearing, as indicated in Section 108.31;

b. may be accompanied by an adviser (who may be an attorney), if the student so chooses. If the responding student will be accompanied by an attorney as adviser, Conduct and Community Standards Office must be notified of this fact at least five (5) working days prior to the hearing. The University reserves the right to postpone the hearing for a reasonable period;

c. shall speak for him/herself. The role of the attorney or adviser is therefore limited to assistance and support of the student in making their own case;

d. is entitled to be present throughout the hearing while evidence is being presented and may remain until the board begins deliberations. If the student does not attend the hearing or voluntarily leaves during the hearing, the case may be heard in their absence;

e. shall have the right to produce witnesses and evidence pertaining to the alleged violations, and the responsibility for securing witnesses to testify at the hearing belongs to the respondent student;

f. shall have the right to respond to written statements or witness testimony;

g. shall not be required to give self-incriminating evidence. The student's failure to testify shall not be used to draw an inference of guilt. If the student testifies, the University has the right to cross-examination;

h. shall not be present during the deliberations.

108.33 A Witness:

a. may exercise the privilege against self-incrimination;

b. shall restrict testimony to that relevant to the charges specified in the written notice;

c. shall be present at the hearing only while giving testimony and while responding to cross-examination.

108.34 The Conduct Officer:

a. shall coordinate the appearance of University witnesses and present evidence relevant to the charges;

b. shall not be present during the deliberations;

108.35 The Campus Conduct Board Members:

a. shall disqualify themselves if they have prior knowledge of or involvement in the case, which might bias their judgment;

b. shall ensure, through the Chair, that discussion is restricted to the issue defined in the written notice of the charges of alleged misconduct. Shall monitor the process, through the Chair, to ensure the maintenance of procedural due process;

c. may produce witnesses and evidence at the hearing. May cross-examine any witnesses produced by the respondent or by the University;

d. shall receive verbal and documentary evidence of the kind which reasonable persons are accustomed to rely upon in serious matters and may exclude irrelevant or unduly repetitious evidence;

e. shall make findings of fact based upon the preponderance of evidence. Preponderance of evidence is that evidence which, when fairly considered, is more convincing than the opposing evidence;

f. shall make all decisions of findings and recommendations by majority vote of those members present and casting a vote (abstentions are not counted as votes);

g. shall submit a report of their findings and recommendations to the Associate Vice Chancellor within ten (10) working days after the conclusion of the hearing or such longer time as may be permitted by the Chair. The report will include the findings of fact about the alleged misconduct and, when the facts constitute a violation of University policies or campus regulations, a recommendation regarding a sanction or sanctions to be imposed;

h. shall audio record hearing to assist review of testimony. The responding student may be provided with a digital recording of the hearing at their own expense.

108.36 The Associate Vice Chancellor:

a. shall review the report of findings and recommendations of the Campus Conduct Board;

b. shall notify the respondent, the responsible official, and the Office of Conduct and Community Standards in writing of the sanction(s) imposed, if any, within ten (10) working days of receipt of the report of findings and recommendations of the Campus Conduct Board, which may be extended for good cause or in the interests of fairness in the discretion of the Associate Vice Chancellor;

c. the Office of Conduct and Community Standards may approve a Conduct Resolution plan, prior to the initiation of the formal hearing, which differs from the initial offer of Conduct Resolution; the Office of Conduct and Community Standards shall explain in writing the rationale for this action to the Campus Conduct Board;

d. the Associate Vice Chancellor (or designee) may modify the recommended findings or sanctions received from the Campus Conduct Board;

e. the sanction(s) imposed by the Associate Vice Chancellor shall become effective if the appeal period ends without an appeal being filed.

108.40 Conduct of Hearing

a. The purpose of the hearing is to establish findings of fact. Therefore, issues of constitutionality or legality of University or campus policies will not be considered.

b. Opening Statements - After the chairperson opens the hearing and explains the manner in which the hearing will be conducted, including any time limitations, the opening statements may be presented by the responsible official and the responding student.

c. Witnesses - Both sides may present and question witnesses. The Chair can limit the questioning of witnesses when the questions become excessive or out-of-context. Members of the Campus Conduct Board may ask questions when needed for clarification purposes. At the discretion of the Chair, questioning may be suspended and both parties may be required to ask their questions through and provide responses to the Chair directly. If witnesses are not present, a written statement from a witness may be submitted and will be considered as evidence.

d. Evidence - Evidence at the hearing is not subject to the same restrictions as in a court of law. The Chair may exclude evidence that is marginally relevant, or repetitive, or unreliable. Both sides have the right to review all relevant documents and other evidence presented to the Campus Conduct Board. Therefore, when submitting evidence, three sets should be made; one for each party and one for the committee.

e. Closing Statements - the parties are entitled to brief closing summary statements, or at the discretion of the Chair, written closing briefs.

f. The University conduct process is not a legal proceeding, and therefore, formal court procedures and evidentiary rules do not apply.

g. Unless both parties and the Chair agree to an open hearing, the hearing shall be closed. Should the hearing be open, the Chair has the right to limit the number of attendees or exclude attendees from the hearing room at any time if deemed necessary for safety reasons or the quiet or secure conduct of the hearing or to protect the privacy of the witnesses.

108.50 Appeal of Non-Academic Hearing Decision

Within five (5) working days of delivery of the notice of hearing decision from the designated Associate Vice Chancellor, the responding student may appeal to the designated appeal officer. An appeal filed after five (5) working days may be granted by the designated appeal officer upon a showing of good cause for the delay and a

showing that the appeal was made as soon as possible under the circumstances. Please see section 104.

The following appeal guidelines will apply to appeals of the hearing decision:

a. Whether there was a preponderance of evidence to support the finding(s) of violation of University policies or campus regulations for which the discipline was imposed. For more information on the standard of preponderance please see the FAQ on the Student Conduct and Community Standards website. (<http://deanofstudents.ucsc.edu/student-conduct/index.html>).

b. Whether there is new evidence, which was not available at the time of the administrative hearing and which is likely to change the finding(s). New evidence does not include information that was available through the exercise of reasonable diligence at the time of the administrative hearing. If the student did not participate in the administrative hearing, offering to participate on appeal does not qualify as new evidence.

c. Whether there was a lack of procedural fairness in the administration of the conduct process. Please review section 107 for guidelines on the administrative hearing process.

d. The sanctions assigned in the Conduct Resolution are substantially disproportionate to, and therefore inconsistent with, standard University practice based on the violation(s).

108.51 The designated appeal officer may refer an appeal to another designated individual for review and recommendation for cases of conflict of interest. The report of any such designated official shall be made available to the respondent and complainant and Student Conduct and Community Standards.

108.52 Upon completion of review the designated appeal officer may affirm, modify, or reverse the recommended discipline, or return the case to the Associate Vice Chancellor or the Campus Conduct Board for further proceedings. No sanctions shall take effect while the case is under review except as otherwise specified in these procedures.

108.53 If as a result of an appeal of disciplinary sanctions, it is determined that the student was improperly disciplined, the Executive Vice 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 instances, the record of the hearing will remain confidential to the extent permitted by law. The Executive Vice 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 by such disciplinary action.

108.54 Cases where the sanction of Suspension or Dismissal was initially issued by the Conduct and Community Standards office shall be appealed to the Associate Vice Chancellor of Colleges, Housing and Educational Services. Cases where the sanction of Suspension or Dismissal was initially issued by the Assistant Director, Student Conduct of Colleges, Housing and Educational Services or designated housing officer shall be appealed to the Associate Vice Chancellor, Dean of Students.

109.00 Maintenance of Disciplinary Records

109.10 Privacy. The record of a disciplinary case and all supporting documentation shall be maintained according to University policies and applicable state and federal laws concerning maintenance and disclosure of student records, protection of a student's right of privacy, and the disclosure of personal student information. Non-academic disciplinary files of undergraduate and graduate students will be maintained by the Office of Conduct and Community Standards. Academic disciplinary files of undergraduate student are maintained by the college Provost. Academic disciplinary files of graduate students will be maintained by the Dean of Graduate Studies. Disciplinary files for students enrolled in University Extension courses who are not otherwise registered as students at the University of California, Santa Cruz will be maintained by the Office of Conduct and Community Standards.

Disciplinary files for students enrolled in Summer Session courses or the Education Abroad Program who are not otherwise registered as students at the University of California, Santa Cruz may be maintained by the Office of Conduct and Community Standards. Responsible officials will provide copies of all letters of recommended sanctions to the Office of Conduct and Community Standards, where these documents and notices of sanctions will be maintained.

109.20 Duration. The disciplinary file of a student found responsible for violating campus regulations (including transcripts or recordings of the hearing) will be maintained as a disciplinary record by the responsible officials designated above for a minimum of seven (7) years from the last effective date of sanctions imposed, unless otherwise determined by the Dean of Students or Designee, the Vice Provost and Dean of Undergraduate Education, or the Dean of Graduate Studies as appropriate. (e.g., administrative holds, Suspensions). Cases that result in dismissals or degree revocation will be retained for fifty (50) years after the end of the academic year in which the student no longer attends the University.