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## THE UC BERKELEY EXTENSION CODE OF STUDENT CONDUCT

### Introduction

This Code of Student Conduct is intended for any individual involved with UC Berkeley Extension programs and includes any individual that is or was enrolled, or is eligible for enrollment in a UC Berkeley Extension course or program (See Appendix II, Definitions, "Student" for more information).

These regulations provide for the administration and adjudication of allegations concerning student misconduct and are consistent with standards of due process. This policy supersedes any such policy or procedure and incorporates pertinent provisions of existing policies such as sexual harassment and other civic and civil codes of law. This policy implements and incorporates, with modifications, the University of California's Policy on Student Conduct and Discipline (<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html>) and UC Berkeley's Code of Student Conduct on the main campus (<http://students.berkeley.edu/uga/conduct.asp>).

UC Berkeley Extension students who are matriculated on the main UC Berkeley campus, such as in self-supporting degree programs which UC Berkeley Extension offers in partnership with academic departments on the main UC Berkeley campus, or students who will matriculate onto the main UC Berkeley campus, such as in the Fall Program for Freshmen, are directly subject to UC Berkeley's Code of Student Conduct (<http://students.berkeley.edu/uga/conduct.asp>). In these instances, student conduct complaints that are not resolved informally within UC Berkeley Extension may be referred to UC Berkeley's Student Judicial Affairs for further investigation.

### Statement of Principles

Several principles form the basis for the specific regulations governing student conduct which are described in the following sections of this code. These regulations are intended to resolve student conduct matters in as informal an administrative setting as possible. These regulations apply to students both as individuals and as members of sponsored student organizations.

UC Berkeley Extension is committed to providing its students the very best education possible. We attract the most competent instructors, maintain excellent classroom and laboratory facilities, and support co-curricular activities that enhance the quality of the UC Berkeley Extension student's experience. However, for UC Berkeley Extension to function as a part of the university community, it is not enough for instructors and administration to carry out their respective obligations. It is equally important that every student assume his or her individual responsibilities.

Foremost among these is the student's responsibility to perform academically to the full extent of his or her ability. In so doing, it is assumed that each student will observe the basic tenets of academic honesty. Any act of cheating or misrepresenting one's own or someone else's academic work will be considered a very serious offense. Intellectual products--including papers, exams, laboratory reports, articles, and books--are the heart and soul of any university's academic life. We will not permit them to be willfully compromised or expropriated. Beyond our expectations of academic honesty--and of equal importance--is the assumption that the UC Berkeley Extension student will accept his or her civil and civic responsibilities. What are these responsibilities? Simply put, they are the courtesies, considerations, and gestures of respect towards other members of the campus community that allow us all to express our personal freedoms without trampling on those of others.

This guarantees the right of every UC Berkeley Extension student to pursue his or her personal path to an education, to ask his or her own questions, and to express his or her private reflections--in short, to evolve as an individual without

undue interference. Any infringement of this right, whether in the classroom or elsewhere on campus, will be regarded as an offense against the entire campus community.

Discipline for violations of UC Berkeley Extension policies or campus regulations may be imposed 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. The proceedings described herein are separate and distinct from criminal or civil proceedings which may arise from identical circumstances and which apply to students as citizens at large. Whenever it is possible and reasonable to do so, student conduct cases will be handled in an informal manner that encourages students to learn from their experiences and be positive contributors to the community. Students are responsible for informing themselves about their rights and responsibilities with respect to the Code and cannot reasonably claim innocence of a violation of the Code on the grounds of ignorance.

## **Student Conduct Regulations**

### **I. Jurisdiction and Grounds for Discipline.**

The types of conduct listed in Section B (below) are prohibited by the University. Students who engage in such conduct within the jurisdiction in Section A (below) will be subject to discipline in accordance with these regulations. (See Appendix II for the definition of a "student.")

#### **A. Jurisdiction.**

1. **Generally:** These provisions govern student conduct on, or as it relates to University property or at official University functions and University-sponsored programs conducted away from the campus (see Appendix II for the definition of "University property").
2. **Off-Campus Conduct**
  - a. **The Geographic Box:** Student conduct that occurs off University property, but within the geographic area immediately adjacent to the campus is subject to the Code (see Appendix II, Definitions).
  - b. **Other Off-Campus Conduct:** Student conduct that occurs off University property and not within the area described in Geographic Box is subject to the Code where it a) adversely affects the health, safety, or security of any member of the University community, or the mission of the University, or b) involves academic work or any records, or documents of the University. In determining whether or not to exercise jurisdiction over such conduct, UC Berkeley Extension will 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 that occurred both on and off University property.
  - c. **Conduct on Other UC Campuses:** A student 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 agreed by 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.

#### **B. Grounds for Discipline.** The following types of student conduct are specifically prohibited:

1. **Academic Dishonesty (102.01):** All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty.
2. **Other Dishonesty (102.02):** Other forms of dishonesty including but not limited to fabricating information, bribery, furnishing false information, or reporting a false emergency to the University.
3. **Forgery (102.03):** Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification.

4. Theft (102.04): Theft of, conversion of, destruction of, or damage to 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.
5. Electronic Resources (102.05, Revised, UCOP, October 20, 2008): Theft or abuse of University computers and other University electronic resources such as computer and electronic communications facilities, systems including learning management systems, networks, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others; 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 materials). 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 and Digital Copyright Protection at UC for the University's position on digital copyright (Appendix III, Campus Related Campus Policies and Regulations).
6. Unauthorized Conduct (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.
7. University Housing (102.07): Violation of policies, regulations, or rules governing University-owned, -operated, or -leased housing facilities or other housing facilities located on University property.
8. Physical Abuse (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. (See Appendix III for University of California's Policy 160.00 on Sexual Harassment, Berkeley Campus Policy on Sexual Harassment, Berkeley Campus Procedures for Responding to Reports of Sexual Harassment, and the Berkeley Campus Student Policy and Procedures Regarding Sexual Assault and Rape).
9. Sexual Harassment (102.09): Sexual harassment, as defined in University policy, 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. (See Appendix III for University of California's Policy 160.00 on Sexual Harassment, Berkeley Campus Policy on Sexual Harassment, Berkeley Campus Procedures for Responding to Reports of Sexual Harassment, and the Berkeley Campus Student Policy and Procedures Regarding Sexual Assault and Rape).
10. Stalking (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.
11. Harassment (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.

12. Hazing (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 Appendix III, Statement on Hazing for further information).
13. Obstruction of University Activities (102.13): Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.
14. Disorderly Conduct (102.14): Disorderly or lewd conduct.
15. Disturbing the Peace (102.15): Participation in a disturbance of the peace or unlawful assembly. (See Appendix III, Berkeley Campus Regulations Implementing University Policies for further information).
16. Failure to Comply (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.
17. Controlled Substances (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.
18. Alcohol (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.
19. Destructive Devices (102.19): Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.
20. Weapons (102.20): Possession, use, storage or manufacture of a firearm or other weapon.
21. Disciplinary Actions (102.21): Violation of the conditions contained in the terms of a disciplinary action imposed under this Code or campus regulations.
22. Notice of Emergency Suspension (102.22): Violation of the conditions contained in a written Notice of Emergency Suspension issued pursuant to Appendix IV ("Emergency Suspension") of the UC Berkeley Code of Student conduct or violation of orders issued during a declared state of emergency (see Appendix IV, Emergency Suspension).
23. Course Materials (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).
24. Camping or Lodging (102.24): Camping or lodging on University property other than in authorized facilities.
25. Other Policies or Regulations (102.25): Violation of any other University policy or campus regulation.

- II. Disciplinary Procedures.** Accompanying UC Berkeley Extension's Code of Student Conduct (Code) is an established process to arrive at a clear understanding of the facts and circumstances surrounding any claim of violation of the Code and to respond appropriately when violations are sustained.

UC Berkeley Extension's Dean, Associate Dean, the Academic Policy Committee (APC), and the ad hoc Committee on Student Conduct (CSC) are responsible for administering the Code of Student Conduct on behalf of UC Berkeley Extension. The Dean, Associate Dean, the APC, and the CSC handle complaints of both academic and non-academic violations of the Code. Representatives from UC Berkeley Extension Academic Departments (including instructors, Program Directors, and Department Directors), the Registrar, the Associate Dean, and the Dean may resolve academic violations separately or in conjunction with the CSC. Each case is handled individually and, while due process is always provided, every procedure outlined in the Code may not be employed in a particular case. The timelines set forth in this document may be extended in unusual circumstances as determined by the Dean (See Appendix II, Definitions).

**A. Filing a Complaint:**

Most cases begin with a complaint alleging that a student has committed an academic or non-academic violation of the Code. Any instructor or staff member, a student, or any other person may file a complaint. Complaints alleging violation of certain campus policies, such as the Sexual Harassment Policy, must be filed within time limits prescribed in those policies. UC Berkeley Extension may also independently investigate information concerning student misconduct from any source, such as police and/or press reports, even where no formal complaint has been filed.

**B. Sexual Harassment Complaints & Claims of Sexual Assault & Rape:**

In cases involving sexual harassment and/or gender discrimination, the investigation of specific allegations will be conducted by the Title IX Compliance Officer or other officer designated by the Chancellor in accordance with the Berkeley Campus Policy on Sexual Harassment and Complaint Resolution Procedures (See Appendix III for University of California's Policy 160.00 on Sexual Harassment, Berkeley Campus Policy on Sexual Harassment, Berkeley Campus Procedures for Responding to Reports of Sexual Harassment, and the Berkeley Campus Student Policy and Procedures Regarding Sexual Assault and Rape). In cases involving a complaint of rape or sexual assault, the investigation of specific allegations will be directed by the Title IX Compliance Officer and conducted by the Dean of UC Berkeley Extension. The Title IX Compliance Officer will decide whether sexual assault and sexual harassment cases should be pursued by UC Berkeley Extension's Dean.

**C. Investigation of Allegations and Informal Resolution Process:**

All allegations that a student has violated UC Berkeley Extension policies or campus regulations are intended to be investigated and resolved in as informal an administrative setting as possible beginning with informal referral to and investigation by:

**Step 1. The UC Berkeley Extension Registrar and Academic Department.**

Students facing a possible charge of violating the Code are given an opportunity to meet with the UC Berkeley Extension Registrar (Registrar) and representatives from the relevant UC Berkeley Extension Academic Department, including the instructor(s), the Program Director, or the Department Director, and discuss both sides' understanding of the facts surrounding the incident in question. Ideally, claims can be resolved informally through discussions with the UC Berkeley Extension Registrar and representatives from the Academic Department. If necessary, an investigation will be conducted to gather further information relevant to the complaint. UC Berkeley Extension may seek the advice of the appropriate authority as to whether there is sufficient reason or evidence to charge a student with an alleged violation. Students may also provide any additional information to clarify the facts.

If the investigation yields insufficient evidence or if the investigation shows that there was no Code violation, the case may be dropped or a Notification issued to the student with no further action (See section III, Non-Disciplinary Notification).

If the investigation yields evidence of a Code violation, the Registrar and the Academic Department will propose a resolution, subject to approval by the Associate Dean, and students will again be given the opportunity to resolve the case informally. If the student chooses not to accept informal resolution or if the

UC Berkeley Extension Registrar and the Academic Department determines it necessary, the case will be forwarded to the Associate Dean and a Notice of Charges will be issued to the student.

**Step 2. Notice of Charges and Referral to Associate Dean.**

Except under unusual circumstances, a student shall be charged in writing within 30 calendar days if the matter is referred to the Associate Dean. The written notice of charges, which should be delivered or sent by express mail (with signature required), shall include the following statements and documentation:

- A brief statement of the factual basis for the charges, including, wherever possible, the date, time, and location of the alleged offense;
- Copies of the UC Berkeley Extension Code of Student Conduct and, as applicable, copies of any relevant UC Berkeley or UC Berkeley Extension policies that the student allegedly violated;
- Any copies of written documentation/evidence that is available, including a copy of the Student's Prior Discipline Record, if any;
- A statement that informs the student that they have a right to representation at any stage of the disciplinary proceedings at his or her own expense;
- A statement that gives the student an opportunity to meet with the Associate Dean to discuss informal resolution of the charges and that informs the student that by mutually agreeing with the Associate Dean and accepting the informal resolution, he or she is waiving his or her rights to a hearing and any further appeal. If no agreement is reached, the matter will proceed to a hearing with UC Berkeley Extension's Committee on Student Conduct (CSC).
- A statement regarding the UC Berkeley Extension's Committee on Student Conduct's intent to proceed to hearing unless the student meets with the Associate Dean and informally resolves the charges (See Appendix I, Summary of Procedures for Filing a Complaint and Reviewing Charges of Alleged Student Misconduct for timeline).
- A statement which gives the student the right to a hearing to contest the allegations to be scheduled within 60 days from the written Notice of Charges;

Notice to student organizations will be addressed to the president, principal officer, student group signatory or other students designated by the group to act as an agent on behalf of the group.

**D. Step 3. Formal Resolution Process: UC Berkeley Extension's Committee on Student Conduct.**

If the charges are not resolved in the informal process, the formal process begins and students can expect to attend a hearing at which time they may provide information to the UC Berkeley Extension's hearing authority, the Committee on Student Conduct (CSC, see Section II, E for more information). Hearings are not conducted according to formal rules of procedure and evidence. The CSC Chair determines the structure of the proceedings and the admissibility of the Evidence (see Section II, D, 5). Generally, the Registrar and representatives from the Academic Department will present witnesses and evidence to bear the burden of proof for UC Berkeley Extension. Charged students will have the opportunity to testify if they choose, present witnesses and evidence on their behalf and cross-examine the witnesses; no inference shall be drawn from silence of the accused. Once the CSC has completed its questioning, the Registrar, the Academic Department representatives, and the student will each be given the opportunity to ask any remaining questions for purposes of either direct or cross-examination and will be given the opportunity to make closing arguments. The CSC will determine whether it is more likely than not that student(s) have violated the Code, and if so, will recommend an appropriate sanction to the Associate Dean. If a sanction is imposed, students have the right to appeal their case to the Dean of UC Berkeley Extension ((See Appendix I, Summary of Procedures for Filing a Complaint and Reviewing Charges of Alleged Student Misconduct for timeline).

1. **Hearing Notification:**  
If a disciplinary hearing is necessary, it must begin within 60 calendar days of the time the student received the written Notice of Charges from the Associate Dean, unless the Dean or designee grants either party an extension of time for good cause. At least fourteen (14) calendar days before the hearing, the charged student must be noticed by express mail (with signature required) of the date, time, and location of the hearing, and be provided with any additional written documentation/evidence that has presented itself since the original Notice of Charges was issued.
2. **Consolidation of Hearings:**  
Cases in which more than one student is charged with violating the same Code section(s) and which depend on common evidence may, at the discretion of the CSC, either be considered jointly in a single consolidated hearing or be assigned to separate, individual hearings. In order to proceed with a consolidated hearing, all charged students must agree to waive their rights to confidentiality. (See Appendix III, Berkeley Campus Policy Governing Disclosure of Information from Student Records).
3. **Right to Representation:**  
The charged student may be represented by legal counsel or other representative at any stage of the proceedings at his or her own expense, although the role of the legal counsel or representative may be limited by the CSC Chair. If the student intends to be represented at a hearing by an attorney or other trained legal adviser, he or she must notify UC Berkeley Extension as soon as possible, but in any event, no fewer than ten (10) calendar days in advance of the hearing date. Failure to provide such notice to the CSC may result in a postponement of the scheduled hearing.
4. **Audio-Recording:**  
UC Berkeley Extension will make an official audio recording of the hearing, a copy of which must be made available to the charged student upon request. The student may, at his or her own expense, use the services of a professional stenographer during the hearing. Audio recordings of hearings will be kept for at least five years following final determination of the case.
5. **Admissibility of Evidence:**  
Admissible evidence is the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to evidence admissible under the strict rules of evidence of a court of law. The CSC Chair, in consultation with the rest of the CSC, will not consider evidence that he or she determines has been obtained by fundamentally unfair means. The CSC Chair will take into account the student's prior discipline record, if any, only for purpose of determining an appropriate sanction unless the CSC Chair considers the information to be relevant to the charges. In cases of sexual assault or rape, the privacy interests of the parties will be considered by the CSC Chair in making decisions about the introduction of evidence. Testimony regarding an individual's sexual history and practices will be admitted into evidence only when the CSC Chair, in consultation with the Dean and the Title IX compliance officer, determines that it is directly relevant to the claims and essential to fair resolution of the matter.
6. **All Evidence Presented at the Hearing; Hearings in Absentia:**  
The CSC's decision will be based only upon evidence introduced at the hearing in the presence of the charged student unless the student: (a) fails to appear after appropriate notice has been given or (b) otherwise waives his or her right to be present. Neither the charged student nor the Registrar and Academic Department representatives may communicate information regarding the merits of the case or its disposition to the CSC without the other party being afforded an opportunity to respond. However, if the student does not appear at the hearing, the CSC may choose to proceed in the student's absence and the decision of the CSC will have the same force and effect as if the student had been present.

7. **Hearings Generally Closed to Public:**  
Hearings before the CSC shall be closed unless the charged student elects (or, in the case of consolidated hearings, all charged students elect) in writing ten (10) calendar days in advance to have a public hearing. In all hearings, charged students and complaining witnesses may have a non-participating observer present. The CSC Chair may, when necessary to maintain order or to protect the rights of participants, declare a hearing closed to the public particularly if the case involves sexual harassment, assault, or rape.
8. **Expeditious Written Decision:**  
Except under unusual circumstances, a decision concerning the disposition of the charges against a student shall be reached by the CSC within fourteen (14) calendar days following the hearing. The CSC's decision will be memorialized in a report that includes findings of fact and a determination of whether the student has violated the Code of Student Conduct. The CSC will also recommend to the Associate Dean specific sanctions to be imposed if it finds the student in violation of the Code. A copy of the report prepared by the CSC will be sent by express mail (with signature required) to the student and delivered to the Associate Dean within fourteen (14) days of the hearing. Based upon the findings of the CSC's recommendation for sanctioning, the Associate Dean will determine the sanction to be imposed. A written statement of the Associate Dean's final decision on sanctioning will be sent by express mail (with signature required) to the charged student within ten (10) days of receiving the CSC's report.

#### **E. UC Berkeley Extension Committee on Student Conduct (CSC)**

The Hearing Authority shall be the UC Berkeley Extension Committee on Student Conduct (CSC). Allegations of misconduct against either UC Berkeley Extension students or student organizations are subject to review by the CSC. The CSC will make findings of fact, determine whether there has been a violation of the Code of Student Conduct and, in such cases, make decisions concerning sanctions.

The CSC shall hear all cases not resolved by the following steps:

Step 1. The Registrar and Academic Department, or

Step 2. The Associate Dean.

1. The Committee on Student Conduct (CSC), which is appointed by the Dean, will consist of five members: one Department Director, one Program Director, one Non-Academic Staff, one student, and one instructor.
2. **Period of Appointment:** The Dean will convene and appoint the CSC ad hoc for each hearing on a case by case basis in order to best ensure that the CSC members are objective parties, who have not previously been involved in trying to resolve the case informally.
3. **CSC Chair:** The Dean will assign a CSC member to chair each case. The Chair determines the structure of the hearing, determines admissibility of evidence, and facilitates the CSC's decision process on various issues related to the case. The remaining CSC members shall be assigned by the designated Chair as needed.
4. UC Berkeley Extension's Academic Policy Committee (APC) periodically reviews and revises the Code of Student Conduct (See Section VIII, Revisions to the Code and Appendix II, Definitions).

### **III. Non-Disciplinary Notification**

Instead of pursuing charges against a student that has allegedly violated the Code, the Dean of UC Berkeley Extension or other appropriate Extension representatives may issue a written notification to a student that his or her alleged behavior may have violated UC Berkeley Extension policy, campus regulations or the Code and that, if repeated such behavior will be subject to the disciplinary process. The Notification does not result in a formal disciplinary record and may be issued without conducting a formal hearing. However, in order to enhance the sanction, the prior alleged behavior as detailed in the Notification may be introduced in any subsequent disciplinary action for the purpose of establishing that the student has been warned about such behavior. The

student should be afforded the opportunity to respond to the notification to the Dean of UC Berkeley Extension or other appropriate UC Berkeley Extension representative.

- IV. Disciplinary Sanctions.** Sanctions in both the formal and informal processes are intended to have the effect of discouraging violations of the rules of conduct and educating students about appropriate behavior within the community. Sanctions often include such elements as community service, letters of apology, counseling or additional coursework to encourage students to learn from their prior behavior and educate others about the standards of the campus community. When a student is found in violation of UC Berkeley Extension policies or campus regulations, any of the following sanctions or combination thereof may be imposed. Any sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation.
- A. Warning/Censure (105.01). Written notice or reprimand to the student that a violation of specified UC Berkeley Extension policies or campus regulations has occurred and that continued or repeated violations of UC Berkeley Extension policies may be cause for further disciplinary action, normally in the form of Disciplinary Probation, Loss of Privileges and Exclusion from Activities, Suspension, or Dismissal.
  - B. Disciplinary Probation (105.03): 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.
  - C. Loss of Privileges and Exclusion from Activities (105.04). Exclusion from participation in designated privileges and activities for a specified period of time, including an academic term or terms (e.g., information sessions, public programs). Violation of any conditions in the written Notice of Loss of Privileges and Activities, or violation of UC Berkeley Extension 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.
  - D. Suspension (105.05). Termination of student status at the campus for a specified period of time, including an academic term or terms, with reinstatement thereafter certain, provided that 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 UC Berkeley Extension policies or campus regulations during the period of Suspension may be cause for further disciplinary action, normally in the form of Dismissal. Please also see Appendix IV regarding Emergency Suspension.
  - E. Dismissal (105.06). Termination of student status for an indefinite period. Readmission to UC Berkeley Extension requires the specific approval of the Dean of UC Berkeley Extension. In the case of students in self-supporting degree programs and the Fall Program for Freshmen, readmission also requires the approval of the Dean of the appropriate UC Berkeley school or college, as well as the approval of UC Berkeley's Chancellor.
  - F. Exclusion from Areas of the Campus (see Section I, Jurisdiction and Appendix II, Definitions) 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 or UC Berkeley Extension property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.
  - G. Interim Suspension (105.08). 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 will 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. Interim Suspension decisions will be reviewed and approved by the Dean within twenty-four hours. A

student placed on Interim Suspension will be given prompt notice of the reason for the Interim Suspension, the duration of the Interim Suspension, and the opportunity for a prompt hearing with an academic member of the CSC regarding the Interim Suspension within seven (7) days. A separate hearing will be scheduled for the original offense, if possible, within fourteen (14) days of the charges. If the Interim Suspension is not upheld by the CSC, 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. (Please see Section VI, Threats to Health and Safety/Disruptive or Illegal Activity and Appendix IV Emergency Suspension for more information).

- H. Restitution (105.09). 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.
- I. Revocation of Awarding of Degree or Certificate (105.10) Subject to the concurrence of the Academic Senate, revocation of a degree or certificate obtained by fraud or other academic dishonesty. Revocation of awarding a UC Berkeley Extension awarded certificate is subject to review on appeal by UC Berkeley Extension's Dean; revocation of awarding a degree is subject to review on appeal by Dean of the appropriate school or college and the Chancellor.
- J. Other (105.11). Other disciplinary actions, such as monetary fines, community service, or holds on requests for transcripts, certificates, diplomas, or other student records to be sent to third parties, as set forth in campus regulations.
  - 1. University Service (105.11(a)). A designated number of hours of unpaid University service, performed under the direction of an administrative officer of the Berkeley Campus.
  - 2. Monetary Fines (105.11(b)). Monetary fines may be imposed
  - 3. Records Hold (105.11(c)). A hold may be placed on transcripts and/or diploma(s) or other records as a sanction and/or until a student satisfies the terms and conditions of any sanction imposed.
  - 4. Deferral or Withholding of Degree or Certificate (105.11(d)): An academic degree or certificate may be deferred when disciplinary proceedings are pending or when a student's full compliance with disciplinary sanctions is pending, or withheld when academic dishonesty or fraud affected the acquisition of the student's certificate or degree. (See Revocation of Awarding Degree or Certificate for further information regarding this procedure.)
  - 5. Stay of Sanction (105.11(e)): The imposition of any sanction may be held in abeyance pending future conduct.
  - 6. Counseling (105.11(f)): Appropriate counseling or other professional assistance including but not limited to psychological counseling, drug and alcohol counseling, and anger management workshops may be required.
  - 7. Other Actions (105.11(g)): Other appropriate action, including, but not limited to additional academic assignments.
  - 8. Additional Student Organization Sanctions (105.11(h)):
    - a. In addition to the sanctions listed above, violations by student organizations may also result in revocation of the organization's recognition or revocation of recognition of the organization's officers.
    - b. A recognized student organization may be sanctioned where a member or members of the organization violated the Code with the knowledge and consent of the organization's officers, or acted in concert with other members of the organization.

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.

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.

**V. Appeal of the Committee on Student Conduct's Decision.** Appeals of the CSC's decision will be reviewed by the Dean or designee.

**A. Timeline for the Appeal:**

Within fourteen (14) calendar days of receiving notification of the decision from the Chair of the Committee on Student Conduct, either the charged student or the complainant may submit a written appeal to the Dean for reconsideration of the decision. When such an appeal is timely submitted by a party, the Dean must promptly send a copy of the appeal to the other party, who within seven (7) calendar days of receiving it may submit a written response to the Dean.

**B. Suspension of Sanctions Before the Appeal:**

The filing of a timely appeal suspends the imposition of sanctions until the appeal is decided, but interim action may be taken as determined by the Dean.

**C. Basis for Appeal:**

An appeal must be based on newly discovered evidence that was not available at the time of the hearing, significant procedural error, or upon other evidence or arguments which, for good cause, should be considered.

**D. Final Determination of Appeal:**

The Dean will make the final determination of all cases appealed under these regulations. Except in cases where the appeal is based upon newly discovered evidence, the Dean will review the record of the hearing and will not consider evidence that was not part of that record, other than the student's prior discipline record, if any. The Dean may approve, reject, or modify the decision and sanction in question, or require that the original hearing be re-opened. Where the appeal is based upon new evidence, the case may be referred back to the CSC for further consideration. The action taken will be communicated in writing to the student, the CSC and the other party within fourteen (14) days after receipt of the opposing party's response to the appeal, unless the case is referred back to the CSC for further consideration.

If as a result of an official appeal, it is determined that the student was improperly disciplined, the Dean 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 Dean also may take other reasonable actions to ensure that the status of the student's relationship to the University shall not be adversely affected.

**VI. Threats to Health and Safety/Disruptive or Illegal Activity**

**A. Threats to Health and Safety:**

In cases involving behavior that is willfully disruptive or presents a threat to the health or safety of others, interim suspension or exclusion pursuant to California Penal Code Section 626 may be invoked in addition to or instead of the initiation of disciplinary action. (See Interim Suspension of this Code Section IV, G and below policy on Disruptive and Illegal Activity for further information regarding Penal Code Section 626).

**B. Disruptive and Illegal Activity:**

Independent of the procedures described above, the Berkeley Campus Chief of Police or other designated officer may exclude disruptive students from the campus under the Berkeley Campus Procedures for Implementing Section 626 of the State Penal Code. Such exclusions may be ordered where there is reasonable cause to believe that the individual has engaged in an activity which (1) willfully disrupts the

orderly operation of the campus and (2) is illegal under criminal statutes other than Section 626.4. (See Appendix III, Berkeley Campus Procedures for Implementing Section 626 of the State Penal Code).

C. Emergency Suspension: Please see Appendix IV.

## **VII. Maintenance Of Disciplinary And Academic Records**

A. University Policy, State and Federal Law:

Disciplinary case records and all supporting documentation will be maintained according to the 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. (See Appendix III).

B. Campus Policy:

The file of a student found in violation of campus regulations (including the transcripts or recordings of the hearing) will be maintained by the Dean's Office for a period of at least five years from the date of the letter providing notice of final disciplinary action, unless otherwise determined by the Dean.

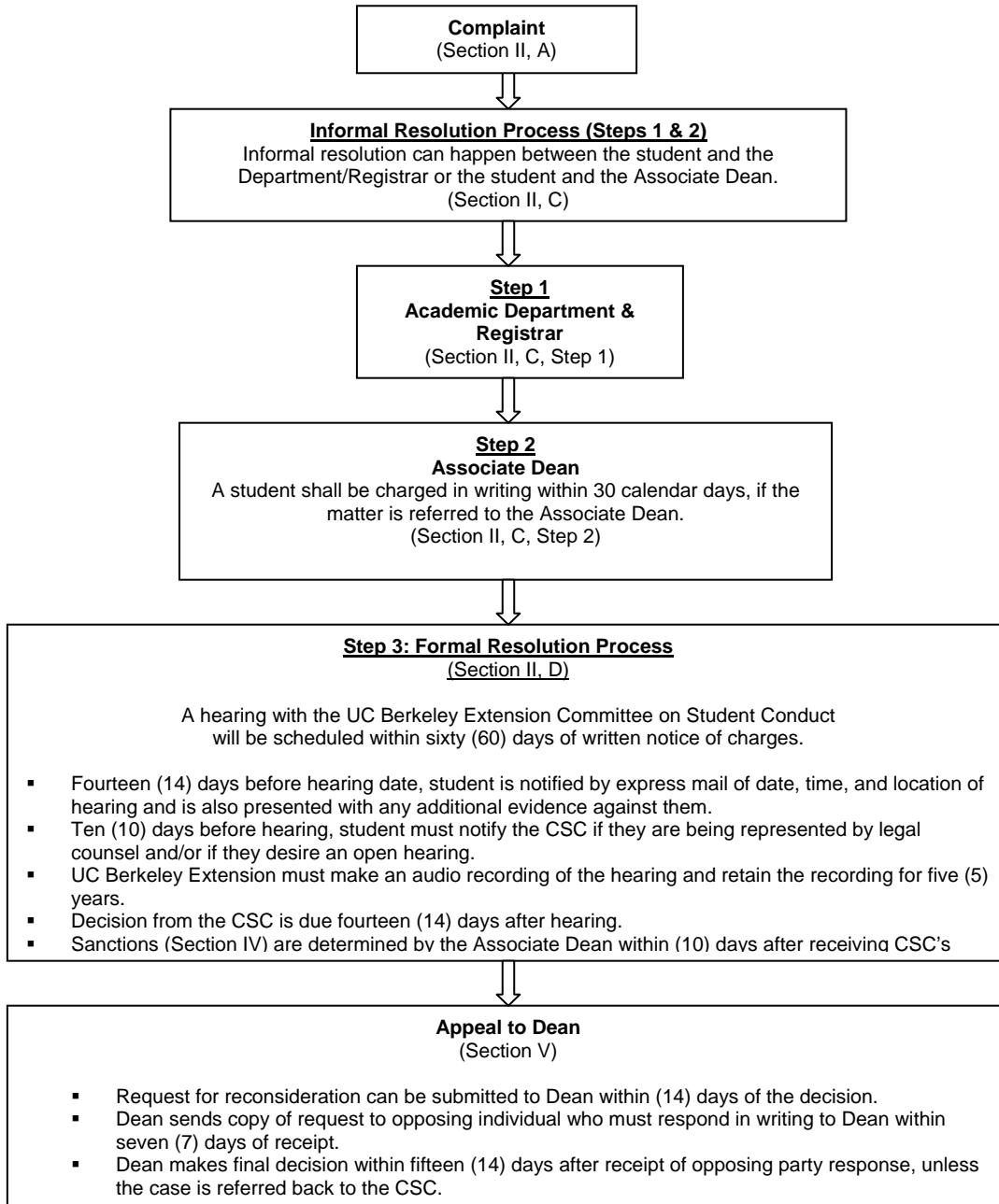
C. Posting on Transcripts:

When, as a result of a violation of the Code of Student Conduct, a student is suspended, the fact that suspension was imposed must be posted on the academic transcript for the duration of the suspension. When a student is dismissed, the fact that dismissal was imposed must be posted on the academic transcript permanently.

## **VIII. Revisions of the Code**

UC Berkeley Extension's Academic Policy Committee periodically reviews and revises the Code ensuring that any revisions to the Code correlate with changes of the Code of Student Conduct at the University-wide and UC Berkeley levels.

**APPENDIX I:  
SUMMARY OF PROCEDURES FOR FILING A COMPLAINT AND  
REVIEWING CHARGES OF ALLEGED STUDENT MISCONDUCT**



## APPENDIX II: DEFINITIONS

### **Student:**

An individual for whom UC Berkeley Extension maintains student records and who: (a) is enrolled in or registered with an academic course or program of UC Berkeley Extension or (b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment in any UC Berkeley Extension course or program. A student may also be defined as: applicants who become students, for offenses committed as part of the application process; 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 former students for offenses committed while a student.

### **Sponsored Student Organization:**

Unless otherwise stated, wherever this Code refers to "student" the same also applies to student organizations. "Student organization" means any group or organization of students of UC Berkeley Extension that has obtained official recognition as a student organization from the Dean or designee and who are authorized to use UC Berkeley Extension's name, facilities, and certain administrative resources. Communications with student organizations will be directed to the president, principal officer, student group signatory or other students designated by the group to act as an agent on behalf of the group.

### **Day:**

The term "days" is defined as the normal business day and does not include Saturdays, Sundays, legal holidays or University designated administrative holidays. With the mutual consent of the student and the CSC, hearings may be held outside of normal business hours, on Saturdays, Sundays or administrative holidays. Timelines set forth in this document may be extended in unusual circumstances as determined by the Dean.

### **University Property:**

Defined for purposes of this Code as all land, buildings, facilities or other grounds or structures, or any item in possession of or owned, leased, used, maintained or controlled by the University or designated by the campus as subject to these policies, including UC Berkeley Extension Centers and other rented facilities (see listing under Geographic Box below). University property also includes computers, learning management, and network systems owned, maintained or controlled by the University or funded by University budgets or designated by the campus as subject to these policies.

### **The Geographic "Box"**

Student conduct that occurs off University property, but within the geographic area immediately adjacent to the campus is subject to the Code. UC Berkeley Extension Centers, main UC Berkeley campus, and rented classrooms include, but are not limited to the following geographic areas:

- University of California, Berkeley Campus: The "Geographic Box" includes all property bounded by Virginia Street on the north, Shattuck Avenue on the west, and Derby Street on the south. The eastern boundary, as it runs from north to south, is comprised of La Loma Avenue, Gayley Road, Prospect Street (between Orchard Steps and Dwight Way) and Warring Street, and includes property situated along both the east and west sides of said streets.
- For all other UC Berkeley Centers and rented facilities, the "Geographic Box" is within a 4 block radius of the address:
  - Golden Bear Center, 1995 University Avenue, Berkeley, CA, 94704-7000, (510) 642-4111
  - Downtown Center, 425 Market Street, 8<sup>th</sup> Floor, San Francisco, CA 94105, (415) 284-1060
  - Art & Design Center (SoMA Center), 95 Third Street, San Francisco, CA 94103, (415) 284-1081
  - Peninsula Center, 1991 Broadway St., Redwood City, CA 94063, (650) 363-0999
  - Merritt College, 12500 Campus Drive, Oakland, CA 94619
  - Jewish Community Center, 3200 California Street, San Francisco, CA 94118

### **Academic Policy Committee (APC):**

UC Berkeley Extension's Academic Policy Committee meets monthly and is led by the Associate Dean. Voting members include the Registrar and all academic department directors. This Committee makes recommendations to the Dean on a wide range of matters related to the academic offerings of Extension, including the formation of academic policies and procedures, review of curricula, monitoring of academic standards, and monitoring of compliance with relevant University policies.

### **Committee on Student Conduct (CSC):**

An ad hoc committee appointed by the Dean to serve as the hearing panel for a particular case of alleged student conduct violation(s). The CSC will consist of five members: one Department Director, one Program Director, one Non-Academic Staff, one student, and one instructor. The Dean will assign a CSC member to chair each case. The Chair determines the structure of the hearing, determines admissibility of evidence, and facilitates the CSC's decision process on various issues related to the case. The remaining CSC members shall be assigned by the designated Chair as needed.

### **Program Director and Department Director:**

At UC Berkeley Extension, the term Program Director refers to the Continuing Educator or Public Education Specialist who is responsible for the relevant program's curriculum, instructor recruitment and hiring, and overall quality and integrity of the program. The Department Director refers to the head of the Academic Department who oversees one or more Program Directors in an overall academic discipline area. Department Directors report to the Associate Dean.

### APPENDIX III: RELATED CAMPUS POLICIES AND REGULATIONS

The following list has been compiled for the convenience of members of the UC Berkeley Extension community in identifying policies, procedures, directives, bulletins, and definitions that are related to these regulations as they apply to UC Berkeley Extension students. Copies of such policies are available at UC Berkeley Extension's Dean's Office at 1995 University Avenue, Berkeley, CA 94704-7000, (510) 642-4181. Many are also available online at the URL links noted below:

- UCOP Policy 100.00 on Student Conduct and Discipline: <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html>
- UC Berkeley Code of Student Conduct: <http://students.berkeley.edu/uga/conduct.asp>
- Berkeley Campus Policy Governing Disclosure of Information from Student Records:  
▪ <http://campuspol.chance.berkeley.edu/policies/studentrecdisclosure.pdf>
- Berkeley Campus Policy Governing the Promotion of Alcoholic Beverages and Tobacco Products on the Campus and at Campus Sponsored Events: <http://students.berkeley.edu/uga/alcohol.stm>
- University of California Policy 160.00 on Sexual Harassment and Complaint Resolution Procedures:  
<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/toc160.html>
- Berkeley Campus Policy on Sexual Harassment: <http://ccac.berkeley.edu/policies.shtml>
- Berkeley Campus Procedures for Responding to Reports of Sexual Harassment: <http://ccac.berkeley.edu/procedures.shtml>
- Berkeley Campus Student Policy and Procedures Regarding Sexual Assault and Rape:  
▪ <http://ccac.berkeley.edu/assault.shtml>
- Berkeley Campus Procedures for Implementing Section 626 of the State Penal Code:  
<http://students.berkeley.edu/uga/pc626.stm>
- University Policy 53: Emergency Suspension: <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc50.html>
- Berkeley Campus Regulations Implementing University Policies: <http://students.berkeley.edu/uga/regs.stm>
- Berkeley Campus Student Grievance Procedure: <http://students.berkeley.edu/uga/grievance.stm>
- University of California Electronic Communications Policy: <http://www.ucop.edu/ucophome/policies/ec/>
- Digital Copyright Protection at UC: <http://www.ucop.edu/irc/policy/copyright.html>
- Berkeley Campus Implementation of the University of California Electronic Communications Policy  
▪ Contents: <http://cio.berkeley.edu/policy/ucb-ecp.html>
- UC Berkeley Extension's Guidelines for Handling Disruptive Students
- Policy on the Use of University Names and Seals and Trademarks: <http://ombo.berkeley.edu/forms/policies/campuspolicy>
- Policy Statement Concerning Public Nudity and Sexually Offensive Conduct (December 7, 1992)
- Policy Governing the Placement of Administrative Blocks: <http://registrar.berkeley.edu/Acad/acadforms/BlockingPolicy.pdf>
- Guide to Student Living in the Residence Halls: <http://students.berkeley.edu/uga/dance.stm>
- Guidelines for University Recognition of Individual Chapters of the Interfraternity Council and the College Panhellenic Association:  
▪ <http://students.berkeley.edu/uga/greekguide.pdf>
- Statement on Hazing: <http://students.berkeley.edu/uga/hazing.stm>
- Berkeley Campus Policy Governing Student Dances: <http://students.berkeley.edu/uga/dance.stm>

**APPENDIX IV: EMERGENCY SUSPENSION**  
**University Policy 53**

<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc50.html>

During a state of emergency, Chancellors or their designated representatives are empowered to impose Emergency Suspension on any student, faculty member, or employee when there is a reasonable cause to believe:

The individual has participated in a disturbance of the peace or unlawful assembly, or has acted in violation of the campus emergency orders, has committed an act of physical violence or has threatened to commit such an act, or has committed a theft or has damaged property; or

The individual's presence on campus will lead to violation of campus emergency orders, violence, intimidation, damage to property, or other disruptive activity incompatible with the orderly operation of the campus.

If Emergency Suspension is imposed by a designated representative of the Chancellor, such representative shall immediately inform the Chancellor and submit a written report on the action to the Chancellor as soon as is reasonably possible. The report must contain a description of the person suspended, including the person's name and, if available, address and phone number, and a statement of the facts giving rise to the suspension. If the Chancellor does not affirm the action of the designated representative within twenty-four hours after being informed that the suspension has been imposed, the suspension will be deemed void and a reasonable effort will be made to inform the person who was suspended that the suspension is void.

Any individual placed on Emergency Suspension will be given written confirmation of the suspension, either by delivering it to the individual personally or by mailing it to the individual's last known address of record. The confirmation will inform the individual of the procedures by which the validity of the Emergency Suspension can be appealed, including the opportunity to obtain a special hearing on the Emergency Suspension in accordance with applicable campus procedures. If an individual is found to have been unjustifiably placed on Emergency Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist an individual who has been disadvantaged in employment or academic status.

The outcome of the appeal will have no bearing on University disciplinary proceedings arising from the conduct which gave rise to the Emergency Suspension.

Any individual placed under Emergency Suspension shall not, during the period of suspension, enter upon specified areas of the campus or engage in specified activities, as set forth in the written Notice of Emergency Suspension. The exclusion or restriction will be limited to the minimum extent necessary to protect the health and safety of persons or property, or to maintain the orderly operation of the campus.

Violation of any condition set forth in the Notice of Emergency Suspension will subject the individual to disciplinary proceedings based upon such violation.