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## The UC Berkeley Extension Code of Student Conduct July 11, 2011

### General Overview

UC Berkeley Extension, as a unit of the University of California at Berkeley, is a continuing and professional education community committed to maintaining an environment that encourages personal, professional, and intellectual growth. It is a community with high standards and high expectations for those who choose to become a part of it. This includes abiding by the established rules of conduct that are intended to foster behaviors that are consistent with a civil and educational setting. Rooted in the Principles of Community, the UC Berkeley Extension Code of Student Conduct (Code) and its procedures are centered on the community values of integrity, civility, and responsibility. The University defines these values as:

- **Integrity:** Being honest in representations of ourselves including academic work and everyday interactions.
- **Civility:** Being respectful towards others to encourage a space where each person can excel.
- **Responsibility:** Being accountable for our own behavior and acting in accordance with community standards, including intervening when there is a concern.

Members of the UC Berkeley Extension community are expected to comply with all laws, University policies, and campus regulations, conducting themselves in ways that support a thriving learning environment. In this context, instructors are guided by [UC Berkeley Extension's instructor conduct policies](http://extension.berkeley.edu/instructorlink/hired/conduct.html) (<http://extension.berkeley.edu/instructorlink/hired/conduct.html>), and students by the UC Berkeley Extension Code of Student Conduct, articulated here.

Accompanying the Code is an established process to determine if a student has violated the Code and to respond appropriately when violations are sustained. A student alleged to have violated the Code is given an opportunity to meet or have a phone conference with the relevant UC Berkeley Extension staff to discuss the incident in question. Most often claims are resolved informally through discussions with the relevant UC Berkeley Extension staff. UC Berkeley Extension may conduct an investigation and/or gather further information relevant to the complaint. The student may also provide any additional information to clarify the facts. If the investigation shows that there was no Code violation, the case may be dropped or a Non-Disciplinary Notification issued (See Non-Disciplinary Notification, page 9.) If the investigation yields evidence of a Code violation, UC Berkeley Extension may propose a resolution and the student may be given the opportunity to resolve the case informally. If the student chooses not to accept informal resolution or if UC Berkeley Extension determines it necessary, the case will be handled formally by an administrative hearing with UC Berkeley Extension's Hearing Officer (HO).

Once the formal process begins, the student can expect to be notified of the date and time for a hearing. In an administrative hearing, the HO will serve as the case reviewer, moderator, and decision maker. The UC Berkeley Extension Registrar's Office and relevant academic departmental staff will present witnesses and information related to the case and the student will have the opportunity to share information for review, present

witnesses and information on the student's behalf and ask questions of the campus' witnesses. The HO will determine whether it is "more likely to be true than not" that the student violated the Code, and if so, will determine and impose appropriate sanction(s). If sanction(s) are imposed, the student has the right to appeal his/her case to UC Berkeley Extension's Dean or the Dean's designee.

UC Berkeley Extension does not hold formal administrative hearings in absentia. In arranging and scheduling a formal administrative hearing, reasonable efforts will be made to accommodate a student's schedule or location, including but not limited to conferencing a student in via phone or available web conferencing tools.

In the event that the student chooses not to respond or chooses not to participate in the conduct process for resolving the case, the Registrar's Office will issue a Sanctions Notice, will impose the proposed sanctions, and the student will be given the opportunity to appeal to the Dean or the Dean's designee. In order for the appeal to be further considered, the student must include evidence of extenuating circumstances that prevented the student from initially responding or participating in the informal or formal resolution of the case.

The student is expected to speak on his/her own behalf; however, the student may seek the advice of another person to assist him/her in either the formal or informal process.

Sanctions in both the formal and informal processes are intended to enforce the UC Berkeley Extension Code of Student Conduct and to inform students about appropriate behavior within the community, help students learn from past mistakes, and discourage future violations of the rules of conduct.

**PLEASE NOTE:**

UC Berkeley Extension students who are enrolled in the Fall Program for Freshmen are subject to UC Berkeley's Code of Student Conduct on the main UC Berkeley campus (<http://students.berkeley.edu/uga/conduct.pdf>). Fall Program for Freshmen instructors may resolve academic misconduct violations with students separately or in conjunction with the Fall Program for Freshmen staff at UC Berkeley Extension. (See Instructor Resolution of Academic Violations, page 11.) Complaints against students in the Fall Program for Freshmen that allege any non-academic Code violation will be referred to UC Berkeley's Center for Student Conduct and Community Standards for further investigation and adjudication.

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## **I. Student Rights**

A student charged with violations of the UC Berkeley Extension Code of Student Conduct (Code) is entitled to the following protections:

### **A. Alleged Violation Letter (AVL)**

If UC Berkeley Extension determines that a student will be charged with violations of the Code, an Alleged Violation Letter (AVL) is e-mailed to the student. The AVL is issued by the UC Berkeley Extension Registrar's Office and identifies those sections of the Code the student is charged with violating, including a brief explanation of the facts supporting the charge(s). The Registrar's Office will also recommend sanction(s) within the AVL. See Alleged Violation Letter (AVL) on page 9 and the Overview of the Conduct Process in Appendix IV.

UC Berkeley Extension may bring charges against a former student, for offenses committed while a student, or within six months after termination of student status. This limitation does not apply to cases that involve academic misconduct or fraud that affects the acquisition of a professional certificate or program completion award, over which UC Berkeley Extension maintains indefinite jurisdiction.

### **B. Presumption of Innocence**

It is presumed that a student charged with a violation of the Code is not responsible for such violations unless the student admits responsibility or there is a finding that the student is responsible for violating the Code. (See Standard of Proof, page 15) Sanction(s) will be imposed for any student who chooses not to respond to the AVL or otherwise does not participate in the conduct process for resolving the case. (See Choosing Not to Participate, page 6.)

### **C. Choosing Not to Participate**

The conduct process works best when the student, the Registrar's Office, and the relevant academic departmental staff collaboratively come to an informal resolution of cases. A student may choose to remain silent during any portion of the conduct process and no inference will be drawn from his/her silence. A student may also choose not to respond or not to participate in the conduct process for resolving the case; however, UC Berkeley Extension does not conduct formal administrative hearings in absentia. In arranging and scheduling a formal administrative hearing, reasonable efforts will be made to accommodate a student's schedule or location, including but not limited to conferencing a student in via phone or available web conferencing tools. If a charged student chooses not to respond or chooses not to participate in the conduct process for resolving the case, the Registrar's Office will issue a Sanctions Notice, will impose the proposed sanctions, and the student will be given the opportunity to appeal to the Dean or the Dean's designee. In order for the appeal to be further considered, a student must include evidence of extenuating circumstances that prevented him/her from initially responding or participating in the informal or formal resolution of the case. (See Appeal, page 17.)

### **D. Hearing**

Students charged with violations of the Code are encouraged to fully explore informal resolution of their case. They may, however, elect to have formal resolution of the case through an administrative hearing with UC Berkeley Extension's Hearing Officer (HO). (See Formal Administrative Hearing Processes, page 13.)

### **E. Appeal**

Students who participate in the formal administrative hearing process have the right to appeal the decision of the HO to the Dean or the Dean's designee. (See Appeal, page 17.)

Students who initially chose not to respond or chose not to participate in the conduct process have a right to appeal the Registrar's Office decision to the Dean or the Dean's designee; however, in order for the appeal to be further considered, they must include evidence of extenuating circumstances which prevented them from initially responding or participating in the informal or formal resolution of the case. See Appeal (page 17) for a description of the appeals process.

#### **F. Advisors**

A student must speak on his/her own behalf but may be accompanied by one advisor at any stage of the process, at his or her own expense. An advisor's role in the student conduct process is to provide the student with assistance in preparing for and conducting meetings and hearings. In a formal administrative hearing, the student may consult with his/her advisor throughout the proceedings; however, advisors may not participate directly in the hearing process, including speaking during a formal hearing to anyone other than the student he or she is advising. Exceptions will only be made by the HO in unusual circumstances (e.g., need for translator).

## **II. Conduct Procedures**

The UC Berkeley Extension Registrar's Office is responsible for administering the Code on behalf of UC Berkeley Extension. UC Berkeley Extension handles complaints of both academic and non-academic violations of the Code. Instructors may resolve academic violations separately or in conjunction with UC Berkeley Extension. (See Instructor Resolution of Academic Violations, page 11.) 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 Registrar's Office. Requests for extensions and approvals must be made in writing and all parties will be notified of the extension granted.

### **A. Filing a Complaint and Investigation of Allegations**

#### **1. 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 member of the community including instructors or staff, a student or any other person may file a complaint with UC Berkeley Extension. Complaints alleging violation of certain campus policies, such as the [Sexual Harassment Policy](#) (see Appendix I), 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.

To file a complaint involving a student(s), any member of the community should submit the following information in writing:

- Name of accused student(s)
- Date of alleged incident
- Time of alleged incident
- Place of alleged incident
- Detailed statement of what you observed/heard/experienced (the complaint)
- Names & contact info for any witnesses
- Any additional pertinent information

Complaints can be submitted in one of the following ways:

- By e-mailing the complaint to the Registrar's Office ([registrar@unex.berkeley.edu](mailto:registrar@unex.berkeley.edu)).
- By mailing the complaint to the Registrar's Office at: UC Berkeley Extension, 1995 University Avenue, Suite 110, Berkeley, CA 94704-7000.
- By submitting the complaint in person to the Registrar's Office at: UC Berkeley Extension, 1995 University Avenue, Suite 200, Berkeley, CA 94704-7000.

**Timeline for Complaints:**

Complaints should be submitted within thirty (30) days of the date that the author of the complaint knew or should reasonably have known about the alleged violation. Complaints received after this time period ordinarily will not be pursued, unless required by law.

**2. Sexual Harassment Complaints**

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](#) or the [Student Grievance Procedure](#) for Allegations of Discrimination or Harassment (see Appendix I). 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 UC Berkeley Extension. The Title IX Compliance Officer will decide whether sexual assault and sexual harassment cases should be pursued by UC Berkeley Extension.

Depending upon whether a complaint was also filed with the UC Berkeley Police Department (UCPD), UC Berkeley Extension may also consult with the UCPD and campus legal counsel as part of its investigation. (See Threats to Health and Safety and Disruptive and Illegal Activity, page 8 and Interim Suspension, page 24.)

**3. Threats to Health and Safety**

In cases involving behavior that is willfully disruptive or presents a threat to the health or safety of any person, Interim Suspension or exclusion pursuant to [California Penal Code Section 626](#) may be invoked in addition to or instead of the initiation of conduct action.

Depending upon whether a complaint was filed with the UC Berkeley Police Department (UCPD), UC Berkeley Extension may consult with the UCPD and campus legal counsel as part of its investigation.

See Interim Suspension (page 24) of this Code for Interim Suspension policy. See Disruptive and Illegal Activity (page 8) for further information regarding Penal Code Section 626.

**4. 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.

Depending upon whether a complaint was filed with the UC Berkeley Police Department, UC Berkeley Extension may consult with the UCPD and campus legal counsel as part of its investigation. (See Berkeley Campus Procedures for Implementing Section 626 of the State Penal Code in Appendix I and Interim Suspension on page 24 for further information.)

**5. Complaints Relating to University Housing**

Students residing in University-owned and/or operated housing facilities who violate the Residential Conduct Code (see Appendix I) may be adjudicated under the process outlined in the Residential Conduct Code or referred to UC Berkeley Extension. Complaints involving students in the Fall Program for Freshmen may be referred to the UC Berkeley Center for Student Conduct and Community Standards for informal or formal resolution.



## **6. Complaints Relating to Fall Program for Freshmen**

Students in the Fall Program for Freshmen who are charged with academic misconduct will have the option of informally resolving their case with the instructor and the Fall Program for Freshmen Office or referring the matter to the UC Berkeley Center for Student Conduct and Community Standards for further investigation and informal or formal resolution. (See also Instructor Resolution of Academic Violations, page 11.) All other alleged conduct complaints against Fall Program for Freshmen students will be referred to the UC Berkeley Center for Student Conduct and Community Standards for further investigation and informal or formal resolution.

### ***B. Investigation of Misconduct***

Subject to the exceptions above, the UC Berkeley Extension Registrar's Office will conduct an investigation of complaints of alleged misconduct and determine whether sufficient information exists to proceed with a conduct process. After the investigation, one of the following actions will then be taken:

#### **1. Not Pursued**

##### **a) Insufficient Evidence**

If UC Berkeley Extension determines that there is insufficient evidence to support an allegation of violation of the Code, charges against the accused student will not be pursued.

##### **b) Non-Disciplinary Notification**

Instead of pursuing charges against a student that has allegedly violated the Code, UC Berkeley Extension may issue a written Non-Disciplinary Notification to a student that his or her alleged behavior may have violated University policy, campus regulations or the Code and that, if repeated such behavior will be subject to the conduct process. The Non-Disciplinary Notification does not result in a conduct record and therefore is not appealable. However, the prior alleged behavior as detailed in the Non-Disciplinary Notification may be introduced in a subsequent conduct process for the purpose of establishing that the student has been warned about such behavior, and enhanced sanctions are warranted.

#### **2. Case Charged**

##### **Alleged Violation Letter (AVL)**

If the UC Berkeley Extension Registrar's Office determines that there is sufficient information that supports the allegation and the pursuit of charges, the student will be notified of the charges under the Code. The written Alleged Violation Letter (AVL) advises the student of:

- A detailed description of the incident including, wherever possible, the date, time, and location of the alleged offense;
- the University Policies or campus regulation(s) that are relevant to the incident and that the student allegedly violated;
- A statement that the student is expected to speak on his/her own behalf but may be accompanied by an advisor at any stage of the conduct proceedings at his/her own expense;
- A statement that the student may request access to his/her conduct file prior to meetings with UC Berkeley Extension, along with procedures and deadlines for doing so;
- A statement of the range of sanctions typically applied to similar cases;
- Statements outlining the student's options as follows:
  - A statement regarding the student's right to informal resolution by accepting responsibility for the Code violations and accepting the

proposed sanction(s) by signing and returning the AVL to the Registrar's Office;

- A statement regarding the student's right to arrange a meeting or phone conference with the Registrar's Office and staff from the relevant academic department to discuss informal resolution;
- A statement regarding the student's right to request a formal administrative hearing with the UC Berkeley Extension Hearing Officer (HO) to contest the allegations;
- A statement which includes a deadline by which the student must respond to the AVL indicating his/her choice above, usually within ten (10) days. The student has a right to appeal to the Registrar's Office for an extension if he or she needs extra time. (See Days, page 18.)
- A specific statement of the sanction(s) that will be applied if the student chooses not to take part in the conduct process;

See the Overview of the Conduct Process in Appendix IV.

### **C. Response to Charged Cases**

A student may choose to respond to an Alleged Violation Letter (AVL) as follows:

- Informally:
  - By accepting responsibility for violating the Code and the proposed sanction(s) and signing and returning the Alleged Violation Letter (AVL) to the Registrar's Office; or,
  - By requesting to arrange informal meetings or phone conferences with the UC Berkeley Extension Registrar's Office and relevant academic departmental staff to discuss informal resolution; or,
  - By choosing not to respond or not to participate in the conduct process for resolving the case: The Registrar's Office will issue a Sanctions Notice, will impose the proposed sanction(s) and the student will be given the opportunity to appeal to the Dean or the Dean's designee. In order for the appeal to be further considered, the student must include evidence of extenuating circumstances that prevented the student from initially responding or participating in the informal or formal resolution of the case. (See Appeal, page 17.); or,
- Formally:
  - By requesting a formal administrative hearing process with the Hearing Officer (HO).

In all cases, a student may request a copy of his or her own conduct record from UC Berkeley Extension. The release of such information may be subject to limitations imposed by state and federal law. (See Berkeley Campus Policy Governing Disclosure of Information from Student Records in Appendix I for further information.)

#### **1. Informal Resolution of Allegations**

##### **a) Student Conduct Informal Resolution**

A student charged with Code violations may choose to informally resolve his/her case by:

- Accepting responsibility for violating the code and the proposed sanction(s) and signing and returning the AVL to the Registrar's Office; or,
- Requesting to arrange informal meetings or phone conferences with the UC Berkeley Extension Registrar's Office and relevant academic departmental staff to discuss informal resolution; or

- Choosing not to respond or not to participate in the conduct process for resolving the case: The Registrar's Office will issue a Sanctions Notice, impose the proposed sanction(s), and the student will be given the opportunity to appeal to the Dean or the Dean's designee. In order for the appeal to be further considered, the student must include evidence of extenuating circumstances that prevented the student from initially responding or participating in the informal or formal resolution of the case. (See Appeal, page 17.)

Cases may be resolved informally if the charged student, at any time prior to the administrative hearing, admits violating the Code as charged or otherwise accepts an informal resolution. Informal resolutions generally include sanctions as described in Conduct Sanctions (page 23). If the UC Berkeley Extension Registrar's Office, the relevant academic departmental staff member(s), and the student reach a mutually acceptable agreement regarding sanctions, no administrative hearing will be held. A student who agrees to an informal resolution must be advised that by accepting the informal resolution he or she is waiving his or her rights to an administrative hearing and any further appeal. The student may be given a deadline to decide whether to accept an informal resolution, usually within ten (10) days. If no agreement is reached, the matter will proceed to a formal administrative hearing. (See also Instructor Resolution of Academic Violations, page 11.)

## **b) Instructor Resolution of Academic Violations**

### **(1) Generally**

An instructor, in consultation with his/her UC Berkeley Extension academic department, may choose to informally resolve incidents of academic misconduct or may refer such complaints to UC Berkeley Extension. (Instructors in the Fall Program for Freshmen, in consultation with the Fall Program for Freshmen Office, may refer their complaints to the UC Berkeley Center for Student Conduct and Community Standards.) All instructor dispositions will be reported to either UC Berkeley Extension or the UC Berkeley Center for Student Conduct and Community Standards as appropriate, either for adjudication (as described in Referral, page 12) or for record-keeping purposes. If the student has a prior related history of academic misconduct at the University, UC Berkeley Extension or the UC Berkeley Center for Student Conduct or Community Standards may adjudicate the matter after consultation with the instructor.

### **(2) Initial Investigation**

In an effort to settle academic matters informally, an instructor will attempt to discuss allegations of academic misconduct with the student directly and, if appropriate, others involved in the suspected academic violation. As part of the investigation, the instructor will consult with the academic department and determine if the student has a prior related history of academic misconduct at the University. If after the initial investigation, the instructor determines that no such violation occurred, the instructor may cease investigating the complaint.

### **(3) Instructor Determined Disposition**

If after conducting an initial investigation (as described above), the instructor determines that the violation has occurred, then the instructor may impose an appropriate academic sanction. If the student does not consent to the sanction proposed by the instructor, the matter will be referred. (See Referral, page 12.) Academic sanctions may only be imposed by the instructor in consultation with the academic department and include, but are not limited to:

- Resubmitting assignments, papers, or computer programs
- Retaking alternate versions of an exam
- Receiving reduced credit, grades, or a zero on assignments or exams
- Receiving reduced final grades or failing grades for courses

Instructors may not impose sanctions as listed in Conduct Sanctions (page 23). All instructor dispositions will be reported to UC Berkeley Extension for record-keeping purposes. For Fall Program for Freshmen students, all instructor dispositions will also be reported to the UC Berkeley Center for Student Conduct and Community Standards.

### **(4) Referral**

#### **(a) Referral to UC Berkeley Extension**

**For all UC Berkeley Extension students (except those in the Fall Program for Freshmen):**

If the instructor is unable to, or elects not to resolve the complaint with the student, he or she will report the alleged violation to UC Berkeley Extension. Students may also request that the complaint be referred to UC Berkeley Extension for resolution.

If at an administrative hearing with the Hearing Officer (HO), a student is found responsible for academic violations of the Code, academic sanctions may be imposed by the instructor (see Instructor Determined Disposition, page 12) and non-academic sanctions imposed by the HO. (See Conduct Sanctions, page 23.)

When an instructor reports an alleged academic violation to UC Berkeley Extension, a final grade for the student will not be submitted by the instructor until resolution of the allegation. When the alleged violation is reported to UC Berkeley Extension, it will be handled as outlined in section Investigation of Misconduct (page 9).

#### **(b) Referral to the UC Berkeley Center for Student Conduct and Community Standards**

**For all students in the Fall Program for Freshmen:** In consultation with the Fall Program for Freshmen Office, the

instructor is unable to, or elects not to resolve the complaint with the student, he or she will report the alleged violation to the UC Berkeley Center for Student Conduct and Community Standards for further investigation and adjudication under the UC Berkeley's Code of Student Conduct. For more information about the UC Berkeley Code of Student Conduct, please refer to: <http://students.berkeley.edu/uga/conduct.pdf>.

## **(5) Notice of Final Disposition**

The instructor will, in all cases, be informed of the disposition of the allegations by UC Berkeley Extension or by the UC Berkeley Center for Student Conduct and Community Standards to the extent permitted by applicable law and University policy.

## **2. Formal Administrative Hearing Processes**

Cases will be resolved through a formal administrative hearing process unless resolved informally (see Informal Resolution, page 10) through either UC Berkeley Extension or through an instructor disposition (See Instructor Resolution of Academic Violations, page 11.)

Fall Program for Freshmen cases alleging academic misconduct violations that are not resolved informally or alleging non-academic Code violations will be referred to the UC Berkeley's Center for Student Conduct and Community Standards for further investigation and adjudication (For more information about the UC Berkeley Code of Student Conduct, please refer to <http://students.berkeley.edu/uga/conduct.pdf>).

Both the student and UC Berkeley Extension will have an opportunity to present witnesses for questioning (See Presentation of Information, page 14.) The student may request a copy of his or her disciplinary file at any time in order to prepare for an administrative hearing. The release of information pursuant to this section may be subject to limitations imposed by state and federal law. (See Berkeley Campus Policy Governing Disclosure of Information from Student Records in Appendix I.) Formal student conduct cases are resolved through an administrative hearing as outlined below:

### **a) Formal Administrative Hearing Option**

A student may choose to have his or her case resolved through an administrative hearing. UC Berkeley Extension may also choose to resolve a case through the formal administrative hearing process if attempts at informal resolution were not successful, or if UC Berkeley Extension deems it necessary. These cases will be heard by the UC Berkeley Extension Hearing Officer (HO). UC Berkeley Extension does not conduct administrative hearings in absentia for students who choose not to respond to the Alleged Violation Letter (AVL) or otherwise not participate in the informal or formal resolution of the case. (See Informal Resolution, page 10 and Hearings in Absentia, page 15.)

### **b) Pre-Hearing Process**

#### **(1) Exchange of Information**

Prior to an administrative hearing the student will provide UC Berkeley Extension with copies of all information relevant to the incident to be shared at the hearing and a list of possible witnesses. It is the responsibility of the student to ensure that his or her witnesses are present. (If a witness is not able to be present and would like to provide a

written statement, the HO will decide if and how it will consider such information.) These items must be provided by the student to UC Berkeley Extension at least three (3) days prior to the hearing. UC Berkeley Extension will provide witnesses and other information to be shared at the hearing on behalf of the University to the student and to the HO at least three (3) days prior to the hearing. These exchanges allow the parties and the HO time to prepare.

The release of information pursuant to this section may be subject to limitations imposed by state and federal law. (See Berkeley Campus Policy Governing Disclosure of Information from Student Records in Appendix I.)

## **(2) Procedural Matters**

The HO will review and resolve any procedural questions in advance of or at the beginning of a hearing process, or during the hearing as necessary and appropriate.

### **c) The Administrative Hearing**

Administrative conduct hearings will be held when: the case is not resolved informally; it is requested by the student; or UC Berkeley Extension deems it necessary. Reasonable efforts will be made to schedule Administrative Hearings within thirty (30) days from the date when the Alleged Violation Letter (AVL) was e-mailed to the charged student by UC Berkeley Extension. Written notice of the date, time, and location of the hearing will be sent to the student via e-mail at least five (5) days before the hearing. Regarding timeline extensions, see Notice on page 18.

#### **(1) Presentation of Information**

Administrative hearings are not conducted according to formal or legal rules of procedure and evidence. Unless otherwise determined by the HO, UC Berkeley Extension will share information and present witnesses (including staff from the Registrar's Office, relevant instructors and academic departmental staff, and other witnesses) in support of the charges first, and the charged student will have the same opportunity to share information and present witnesses thereafter. All witnesses presented at the administrative hearing will be questioned first by the HO, unless the HO decides otherwise.

Once the HO has completed his/her questioning of a witness, the charged student and representatives from the UC Berkeley Extension Registrar's Office will each be given the opportunity to ask any remaining questions. All follow-up questions are asked by the student, the HO, and representatives from the Registrar's Office. The Registrar's Office and the student will each be given an opportunity to make both opening and closing statements.

#### **(2) Decisions during the Hearing**

The HO will decide on questions of procedure and information related to the hearing process, including but not limited to the order of presentation of information, admissibility of information, applicability of regulations to a

particular case, and relevance of information presented. If a challenge arises concerning the constitutionality or legality of an application of any such regulations or policies to a particular case, the hearing will continue and the challenge may be submitted by the HO, who will seek legal advice from the Office of Legal Affairs. The HO is not permitted to dismiss a case. Resolution must be made through the informal resolution process or the administrative hearing process.

### **(3) Question and Answer**

No person is required to provide information adverse to him or herself in any conduct proceeding. Information shared will normally not be admissible unless the opposing party is afforded the opportunity to confront and a reasonable opportunity to ask questions of the witness. (See Presentation of Information, page 14.) However, if a witness is unavailable or declines to attend, the HO will determine whether written or other recorded statements of such witness will be admitted.

### **(4) All Information Presented at the Hearing**

The Hearing Officer's decision will be based only upon information introduced at the hearing in the presence of the charged student unless the student fails to appear after appropriate notice has been given (See Hearings in Absentia, page 15.)

### **(5) Hearings in Absentia**

UC Berkeley Extension does not conduct formal administrative hearings in absentia. In arranging and scheduling a formal administrative hearing, reasonable efforts will be made to accommodate a student's schedule or location, including but not limited to conferencing a student in via phone or available web conferencing tools. If UC Berkeley Extension schedules and confirms an administrative hearing with a student and the student does not attend the hearing, the sanction(s) originally proposed by the Registrar's Office will be imposed and students will have a right to an appeal. In the appeal, the student must include evidence of extenuating circumstances which prevented the student from attending the scheduled hearing. If a student chooses not to respond or not to participate in the informal or formal resolution of the case, please refer to Informal Resolution, page 10. (See Appeal, page 17.)

### **(6) Standard of Proof**

UC Berkeley Extension bears the burden of proving the charges. The standard of proof for all hearings is a preponderance of evidence. A preponderance of evidence is generally defined as "more likely to be true than not."

However, sanctions will be imposed for a student who chooses not to respond or otherwise chooses not to participate in the informal or formal resolution of the case. (Please refer to Informal Resolution, page 10, and Appeal, page 17.)

### **(7) Admissibility of Information**

Admissible information 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 HO will not consider information that it determines has been obtained by fundamentally unfair means.

### **(8) Prior Conduct Record**

The HO will take into account the student's prior conduct record, if any, only for the purpose of determining an appropriate sanction, unless the information is considered by the HO to not be relevant to the current charges.

### **(9) Information in Cases of Sexual Assault or Rape**

The privacy interests of the parties will be considered by the HO in making decisions about the introduction of information. In cases involving allegations of sexual assault or rape, information regarding an individual's sexual history and practices will be considered only when it is determined that the information is directly relevant to the claims and essential to fair resolution of the matter.

#### **d) Hearing Officer's Decision**

The Hearing Officer's decision will be documented in a report that includes a summary of the student's behavior and a determination of whether the student has been found responsible or not responsible of each alleged violation of the UC Berkeley Extension Code of Student Conduct. If the student is found responsible for violating the Code, the HO will also determine and document in the report the specific sanction(s) to be imposed. A copy of the report prepared by the HO will be sent by e-mail to the student within ten (10) days of the hearing (a copy sent via USPS first class mail or by express courier for international addresses).

#### **e) Recommendation to Revoke Certificate or Program Completion Award Previously Conferred**

If the HO determines that a student has committed an act of academic dishonesty or fraud affecting the acquisition of his or her certificate or program completion award, the HO may also decide to revoke the certificate or program completion award. A Notice of Revocation of Certificate or Program Completion Award will be sent via e-mail to the accused student along with the Hearing Officer's Decision (page 16). A student may appeal a Notice of Revocation of Certificate or Program Completion Award to the Dean or the Dean's Designee (See Appeal, page 17.)

#### **f) 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 UC Berkeley Extension, either be considered jointly in a single consolidated administrative hearing or be assigned to separate, individual hearings. Notwithstanding the foregoing, all charged students must waive their rights to confidentiality before the hearing may be consolidated. See [Berkeley Campus Policy Governing Disclosure of Information from Student Records](#) (Appendix I).



When an individual student is alleged to have violated the Code in separate incidents, the cases may be resolved in a single hearing process as determined by the HO, when appropriate. When an individual student is alleged to have violated the Code and is also placed on Interim Suspension for the same alleged Code violation(s), the hearings for both the Interim Suspension and for the alleged Code violation(s) will be consolidated into one administrative hearing that will be scheduled within ten (10) days after the date of the Notice of Interim Suspension. (See Interim Suspension, page 24).

**g) Record of the Hearing**

UC Berkeley Extension will make an official recording of the hearing, a copy will be made available to the accused student upon request. The student may, at his or her own expense, use the services of a professional stenographer during the hearing. In some instances the recording may have to be transcribed before it can be released (See Berkeley Campus Policy Governing Disclosure of Information from Student Records in Appendix I.)

**h) Hearings Closed to the Public**

UC Berkeley Extension administrative hearings are closed to the general public.

***D. Appeal***

Students who participate in the formal administrative hearing process have the right to appeal the decision of the HO to the Dean or the Dean's designee. Students who initially chose not to respond or chose not to participate in the conduct process have a right to appeal the Registrar's Office Sanction Notice to the Dean or the Dean's designee. Appeals must be addressed in writing to the UC Berkeley Extension Dean or the Dean's designee and can be sent via e-mail to [dean@unex.berkeley.edu](mailto:dean@unex.berkeley.edu).

**1. Timeline for the Appeal**

Within ten (10) days of the e-mailing of the written notification of the Hearing Officer's final decision or the Registrar's Office Sanctions Notice, the charged student may submit a written appeal to the UC Berkeley Extension Dean or the Dean's designee. When such an appeal is timely submitted by a student, the Dean or the Dean's designee must promptly send a copy of the appeal to all other parties, including the instructor (for academic misconduct violations), the academic department, the Registrar's Office, as appropriate. The other parties are given an opportunity to submit a written response to the Dean or the Dean's designee by the deadline set by the Dean or the Dean's designee, usually ten (10) days.

**2. 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 UC Berkeley Extension Dean or the Dean's designee. Grades, certificates, or program completion awards may be withheld pending conclusion of the appeal.

**3. 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.

**For a student who initially did not respond or chose not to participate in the conduct process for resolving the case or who did not show up for a scheduled formal administrative hearing:**

In order for the appeal to be further considered, the appeal must include evidence of extenuating circumstances which prevented the student from initially responding, participating, or from attending a scheduled formal administrative hearing.

#### **4. Final Determination of Appeal**

The Dean or the Dean's designee will make the final determination of all cases appealed under these regulations. Except in cases where the appeal is based upon newly discovered evidence or is for a student who initially chose not to respond or not to participate, the Dean or the Dean's designee will review the record of the hearing and will not consider information that was not part of that record, other than the student's prior conduct record, if any. The Dean or the Dean's designee may approve, reject, or modify the decision and sanction in question, or require that the original administrative hearing be re-opened. Where the appeal is based upon new information or upon extenuating circumstances that prevented a student from initially responding or participating in the conduct process, the case may be referred back to the HO for further consideration. The action taken will be communicated in writing to the student within thirty (30) days after receipt of the appeal and related documents.

### **III. Definitions**

#### **A. Student**

The term "student" for the purposes of this Code, means an individual for whom UC Berkeley Extension maintains student records and who:

- is enrolled or registered in an academic course or program of UC Berkeley Extension; or
- has completed the immediately preceding UC Berkeley Extension term, is not presently enrolled during the current term or during the recess periods between academic terms, and is eligible for reenrollment into any UC Berkeley Extension course or program.

The Code also applies to:

- 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 and/or through his or her official enrollment; or
- former students for offenses committed while a student.

#### **B. Notice (including Alleged Violation Letters and Other Notices)**

Wherever an Alleged Violation Letter or other written notice to the student is required by the Code, it will be conclusively presumed to have been furnished if the notice is sent to the student by e-mail to the e-mail address most recently filed with the Registrar's Office. A second copy will be sent by USPS first class mail to the mailing address most recently filed with the Registrar's Office. For students with international addresses, the second copy will be sent by express courier.

#### **C. Hearing Officer (HO)**

The Hearing Officer (HO) is appointed on an ad-hoc basis by the UC Berkeley Extension Dean or the Dean's designee to review, moderate, and decide upon a particular conduct case. The appointed Hearing Officer usually holds one of the following academic departmental positions at UC Berkeley Extension: the Associate Dean position, a Continuing Educator position, or a Public Education Specialist position. The person is appointed based upon their objectivity regarding the case in question and his or her familiarity with UC Berkeley Extension guidelines and procedures.

#### **D. Days**

The term "days" refers to full business days and does not include Saturdays, Sundays, legal holidays or University designated administrative holidays. For example: one (1) full business day after 10 am Tuesday is the close of business on Wednesday. Timelines set forth in this document

may be extended in unusual circumstances as determined by the Registrar's Office, the Hearing Officer, or the Dean or the Dean's designee.

#### **IV. Jurisdiction**

##### **A. 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. University property is 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, rented, used, maintained, or controlled by the University or designated by the campus as subject to these policies, including but not limited to the following:

- The University of California, Berkeley: includes main campus buildings, classrooms, facilities, grounds, and structures
- The International House
- UC Berkeley Extension's leased centers: The leased centers listed below are as of July 2011; they are subject to change without notice. They currently include, but are not limited to:
  - American Baptist Seminary of the West, 2515/2521 Hillegass Avenue, Berkeley, CA 94704, 510-643-0379
  - Art & Design Center, 95 Third Street, San Francisco, CA 94103, 415-284-1081
  - Belmont Center, 1301 Shoreway Road, Suite 400, Belmont, CA 94002, 650-594-9623
  - Downtown Center, 425 Market Street, 8th Floor, San Francisco, CA 94105, 415-284-1060
  - Golden Bear Center (GBC), 1995 University Avenue, Berkeley, CA 94704-7000, 510-642-4111
- UC Berkeley Extension rented classroom, laboratory, and per-use facilities: The rented classroom, laboratory, and per-use facilities listed below are as of July 2011; they are subject to change without notice. They currently include, but are not limited to:
  - Peralta Community College District, 333 East Eighth Street, Oakland, CA 94606, 510-466-7200
  - Merritt Community College, 12500 Campus Drive, Oakland, CA 94619, 510-531-4911
  - Life Chiropractic College West, 25001 Industrial Boulevard, Hayward, CA 94545, 800-788-4476
  - Cañada College, 4200 Farm Hill Boulevard, Redwood City, CA 94061, 650-306-3100
  - Jewish Community Center, 3200 California Street, San Francisco, CA 94118, 415-284-1081

University property also includes data, content, information, virtual storage, computers, networks, and software systems that are owned, licensed, rented, maintained, or controlled by the University, funded by University budgets, or designated by the campus as subject to these policies. This includes but is not limited to the course content, data, and the virtual classroom environment as part of UC Berkeley Extension's Learning Management System.

##### **B. Off-Campus Conduct**

###### **1. Generally**

Student conduct that occurs off University property, including in virtual classroom environments, is subject to the Code where it a) adversely affects the health, safety, or security of any other member of the University community, or the mission of the University, or b) involves academic work or any records, or documents of the University.

This includes, but is not limited to, academic work submitted during student participation in the following activities:

- Online courses, including but not limited to, assessments, homework assignments, or exams that may be proctored off-site at another non-UC Berkeley Extension location.
- Corporate contract courses that are offered off-site at the client's facilities, including but not limited to, assessments, homework assignments, or exams that may be proctored off-site at another non-UC Berkeley Extension location.

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.

## **2. Conduct on Other UC Campuses and Off-Campus Sponsored Sites**

A UC Berkeley Extension student at one campus of the University who is accused of violating University policies or campus regulations on another campus of the University, or at an official function of that campus, or at any site at which a University function is sponsored, 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.

## **V. Grounds for Discipline**

Per University of California policy, the Chancellor of UC Berkeley 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 specified by University Policy 100.00, <http://www.ucop.edu/ucophome/coordrev/ucpolicies/>), as well as such other violations as may be specified in campus regulations.

Per University of California policy 104.90, 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 identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.

### ***Violation 102.01: Academic Misconduct***

All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty. (For complete definitions including examples of academic misconduct, please refer to Appendix II.)

### ***Violation 102.02: Other Dishonesty***

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

### ***Violation 102.03: Forgery***

Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification.

**Violation 102.04: Theft**

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.

**Violation 102.05: Electronic Resources**

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; 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 (<http://www.ucop.edu/ucophome/policies/ec/> ) and Digital Copyright Protection at UC (<http://www.ucop.edu/irc/policy/copyright.html> ) for the University's position on digital copyright.

**Violation 102.06: Unauthorized Conduct**

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.

**Violation 102.07: University Housing**

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

**Violation 102.08: Physical Abuse**

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.

**Violation 102.09: Sexual, Racial, and Other Forms of Harassment**

(Interim, effective October 9, 2009) (see <http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>)

**Sexual, racial, and other forms of harassment, defined as follows:**

Harassment is 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 on the basis of his or her race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, gender identity, marital status, veterans status, physical or mental disability, or perceived membership in any of these classifications.

**Student Employees**

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.

**Violation 102.10: Stalking**

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.

**Violation 102.11: Deleted**

(deleted on October 9, 2009: see <http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>)

**Violation 102.12: Hazing**

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.

**Violation 102.13: Obstruction of University Activities**

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

**Violation 102.14: Disorderly Conduct**

Disorderly or lewd conduct.

**Violation 102.15: Disturbing the Peace**

Participation in a disturbance of the peace or unlawful assembly.

**Violation 102.16: Failure to Comply**

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.

**Violation 102.17: Controlled Substances**

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.

**Violation 102.18: Alcohol**

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.

**Violation 102.19: Destructive Devices**

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

**Violation 102.20: Weapons**

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

***Violation 102.21: Disciplinary Actions***

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

***Violation 102.22: Notice of Emergency Suspension***

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.

***Violation 102.23: Course Materials***

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).

***Violation 102.24: Terrorizing Conduct***

Conduct, where the actor means to communicate a serious expression of 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 to fear bodily harm or death, perpetrated by the actor or those acting under his/her 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.

***Violation 102.25: Discipline for Criminal Convictions***

Students may be subject to discipline, e.g. discipline is possible, not mandatory, on the basis of a conviction under any California state or federal criminal law, when the conviction constitutes reasonable cause to believe that the student poses a current threat to the health or safety of any person or to the security of any property, on University premises or at official University functions, or poses a current threat to the orderly operation of the campus.

***Violation 102.26: Camping or Lodging***

Camping or lodging on University property other than in authorized facilities.

***Violation 102.27: Other Policies or Regulations***

Violation of any other University policy or campus regulations.

**VI. Conduct Sanctions**

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.

Per University of California policy 104.90, 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 identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.

***Sanction 105.01: Warning/Censure***

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

***Sanction 105.02 [Rescinded May 17, 2002]***

***Sanction 105.03: Disciplinary Probation***

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

***Sanction 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.

***Sanction 105.05: Suspension***

Termination of student status at UC Berkeley Extension 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.

***Sanction 105.06: Dismissal***

Termination of UC Berkeley Extension student status for an indefinite period. Re-admission or re-enrollment into UC Berkeley Extension shall require the specific approval of the UC Berkeley Extension Dean to which a dismissed student has applied. Re-admission or re-enrollment after dismissal may be granted only under exceptional circumstances.

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

Exclusion of a student as part of a disciplinary sanction from specified areas of the campus or other University-owned, -operated, or -leased facilities, or other facilities located on University property, or from official University functions, when there is reasonable cause for the University to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of UC Berkeley Extension. If circumstances warrant exclusion from all areas of the UC Berkeley campus, in addition to those areas operated by UC Berkeley Extension, UC Berkeley Extension will consult and coordinate with campus officials.

***Sanction 105.08: Interim Suspension***

Exclusion from UC Berkeley Extension 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 one or more of the following on the part of the student: 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.

Prior to placing a student on Interim Suspension, UC Berkeley Extension may consult with the UC Berkeley Police Department (UCPD) and/or campus legal counsel regarding the student's alleged Code violation(s) as part of its investigation. Interim Suspension shall be reviewed by the UC Berkeley Extension Dean or the Dean's designee within one to two (1-2) days. A student placed on Interim Suspension shall be given prompt notice of the charges, usually within one to two (1-2) days of the complaint. The student shall also be given notice of the duration of the Interim Suspension and the opportunity for a prompt hearing. UC Berkeley Extension will consolidate the Interim Suspension hearing and the conduct hearing for the alleged Code violation(s) into one hearing. Reasonable attempts will be made to schedule the consolidated hearings within ten (10) days of the Notice of Interim Suspension.

If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to addressing any resulting disadvantage with respect to employment or academic status.

***Sanction 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.

***Sanction 105.10: Revocation of Awarding of Certificate or Program Completion Award***

Revocation of a student's Certificate or Program Completion Award obtained by fraud. Such revocation is subject to review on appeal by the UC Berkeley Extension Dean or the Dean's designee.

***Sanction 105.11: Other***

Other disciplinary actions including but not limited to monetary fines, community service, referral to counseling, or holds on requests for transcripts, certificate or program completion awards, or other student records to be sent to third parties, as set forth in campus regulations.

**VII. Miscellaneous**

***A. Maintenance of Conduct and Academic Records***

**1. University Policy, State, and Federal Law**

Conduct 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.

**2. Campus Policy**

Student discipline records are confidential and are separate from the student's academic record. UC Berkeley Extension will retain student discipline records according to the following schedule:

- In cases where the final disposition is dismissal, denial or revocation of a certificate or program completion award, and/or withdrawal of a certificate or program completion award, the records will be retained indefinitely.
- Records which are subject to maintenance under the Campus Security Act (also known as the Jeanne Clery Act) will be retained for seven years from the date of the notice of final disposition.
- Student discipline records in all other cases are retained for four years from the date of the notice of final disposition.
- When there have been repeated violations of the Code, all student discipline records pertaining to an individual student will be retained for four years (seven years for cases which fall under the Clery Act) from the date of the final disposition in the most recent case.
- Disciplinary records may be retained for longer periods of time or permanently, if so specified in the sanction.

### **3. Requests to Expunge Disciplinary Records**

Disciplinary records may be expunged by the UC Berkeley Extension Dean or the Dean's designee for good cause, upon written request of respondents. Factors to be considered in review of such petitions shall include:

- the person's disciplinary record as a whole
- the conduct of the respondent subsequent to the violation
- the nature of the violation(s) and the severity of any damage, injury, or harm resulting from it

Disciplinary records retained for less than ninety (90) days or designated as "permanent" shall not be expunged without unusual and compelling justification.

Expunged files will be so marked, shall not be kept with active disciplinary records, and shall not leave the student with a disciplinary record. Disciplinary records may be reported to third parties, in accordance with University regulations and applicable state and federal law.

### **4. Posting Suspension or Dismissal on Academic Transcripts**

When, as a result of violations of the Code, a student is suspended or dismissed, a notation that the discipline was imposed may 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.

#### ***B. Application of the Code***

Conduct for violations of University policies, campus regulations, or UC Berkeley Extension policies 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 violations of the Code on the grounds of ignorance.

### ***C. Revisions of the Code***

The UC Berkeley Extension Dean's Office consults UC Berkeley Extension's Academic Policy Committee, the UC Berkeley Extension Hearing Officer (HO), and the UC Berkeley Center for Student Conduct and Community Standards in the revision of the UC Berkeley Extension Code of Student Conduct except when such revisions result from changes to University-wide policies or are specifically mandated by law. Any member of the campus community may submit written proposals to change the provisions of this Code to the Dean's Office by e-mailing to [dean@unex.berkeley.edu](mailto:dean@unex.berkeley.edu). Prior to the adoption of a revised Code of Student Conduct, all proposed modifications are submitted to the Office of the Assistant Chancellor for Legal Affairs for review for consistency with University-wide policies and the law.

**All campus and University-wide policies referenced herein are listed in [Appendix I](#). Copies of such policies are available at the UC Berkeley Extension, 1995 University Avenue, Suite 110, Berkeley, CA 94704-7000, U.S.A. and online at <http://extension.berkeley.edu/info/studentconduct.pdf>.**

## APPENDIX I: RELATED CAMPUS POLICIES AND REGULATIONS

Most policies are available through the hyperlinks below (press the control button while clicking on the link). They are also available on-line at <http://extension.berkeley.edu/info/studentconduct.pdf>, or at the Dean's Office, UC Berkeley Extension, 1995 University Avenue, Suite 110, Berkeley, CA 94704-7000, U.S.A., E-mail: [dean@unex.berkeley.edu](mailto:dean@unex.berkeley.edu).

1. [Berkeley Campus Policy Governing Disclosure of Information from Student Records](#)
2. [Berkeley Campus Policy Governing Student Dances](#)
3. [Berkeley Campus Policy Governing the Promotion of Alcoholic Beverages and Tobacco Products on the Campus and at Campus Sponsored Events](#)
4. [Berkeley Campus Policy on Sexual Harassment and Complaint Resolution Procedures](#)
5. [Berkeley Campus Procedures for Implementing Section 626 of the State Penal Code](#)
6. [Berkeley Campus Regulations Implementing University Policies](#)
7. [Berkeley Campus Student Grievance Procedure for Allegations of Discrimination or Harassment](#)
8. [Berkeley Campus Student Policy and Procedures Regarding Sexual Assault and Rape](#)
9. Residential Conduct Code (outlined in [Bear Necessities: The Guide to Living On-Campus](#))
10. Agreement for Sponsorship or Affiliation of Fraternities and Sororities by the University of California, Berkeley ([Chapter Recognition Agreement](#))
11. Computing and Communications Policies, Governance
12. [Policy Governing the Placement of Administrative Blocks \(document available from the Office of the Registrar\)](#)
13. Policy on Student Disruption of Teaching, Research, Administration or University Activities Due to Extreme Emotional or Dangerous Behavior
14. [Policy on the Use of University Names and Seals and Trademarks](#)
15. [Policy Statement Concerning Public Nudity and Sexually Offensive Conduct](#)
16. [Statement on Hazing](#)

## **APPENDIX II: DEFINITIONS AND EXAMPLES OF ACADEMIC MISCONDUCT**

Academic misconduct is any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community. This includes a wide variety of behaviors such as cheating, plagiarism, altering academic documents or transcripts, gaining access to materials before they are intended to be available, and helping a friend to gain an unfair academic advantage. Below are some basic definitions and examples of academic misconduct.

Below are types of academic misconduct with examples of each. Please note that this list is not exhaustive.

### ***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 that are prohibited or inappropriate in the context of the academic assignment in question. Examples include but are not limited to:

- Copying or attempting to copy from others during an exam or on an assignment.
- Communicating answers with another person during an exam.
- Preprogramming a calculator to contain answers or other unauthorized information for exams.
- Using unauthorized materials, prepared answers, written notes, or concealed information during an exam.
- Allowing others to do an assignment or portion of an assignment for you, including the use of a commercial term-paper service.
- Submission of the same assignment for more than one course without prior approval of all the instructors involved.
- Collaborating on an exam or assignment with any other person without prior approval from the instructor.
- Taking an exam for another person or having someone take an exam for you.

### ***Plagiarism***

Plagiarism is defined as use of intellectual material produced by another person without acknowledging its source. Examples include but are not limited to:

- Wholesale copying of passages from works of others into your homework, essay, term paper, or dissertation without acknowledgment.
- Use of the views, opinions, or insights of another without acknowledgment.
- Paraphrasing of another person's characteristic or original phraseology, metaphor, or other literary device without acknowledgment.

### ***Course Materials***

Examples include but are not limited to:

- Removing, defacing, or deliberately keeping from other students library materials that are on reserve for specific courses.
- Contaminating laboratory samples or altering indicators during a practical exam, such as moving a pin in a dissection specimen for an anatomy course.

- Selling, distributing, website posting, or publishing course lecture notes, handouts, readers, recordings, or other information provided by an instructor, or using them for any commercial purpose without the express permission of the instructor.

### ***False Information and Representation, Fabrication, or Alteration of Information***

Examples include but are not limited to:

- Furnishing false information in the context of an academic assignment.
- Failing to identify yourself honestly in the context of an academic obligation.
- Fabricating or altering information or data and presenting it as legitimate.
- Providing false or misleading information to an instructor or any other University official.

### ***Theft or Damage of Intellectual Property***

Examples include but are not limited to:

- Sabotaging or stealing another person's assignment, book, paper, notes, experiment, project, electronic hardware or software.
- Improper access to, or electronically interfering with, the property of another person or the University via computer or other means.
- Obtaining a copy of an exam or assignment prior to its approved release by the instructor.

### ***Alteration of University Documents***

Examples include but are not limited to:

- Forgery of an instructor's signature on a letter of recommendation or any other document.
- Submitting an altered transcript of grades to or from another institution or employer.
- Putting your name on another person's exam or assignment.
- Altering a previously graded exam or assignment for purposes of a grade appeal or of gaining points in a re-grading process.

### ***Disturbances in the Classroom***

Disturbances in the classroom can also serve to create an unfair academic advantage for oneself or disadvantage for another member of the academic community. Below are some examples of events that may violate the Code of Student Conduct, including but not limited to:

- Interference with the course of instruction to the detriment of other students.
- Disruption of classes or other academic activities in an attempt to stifle academic freedom of speech.
- Failure to comply with the instructions or directives of the course instructor.
- Phoning in falsified bomb threats.
- Unnecessarily activating fire alarms.

## APPENDIX III: Statement on Free Speech

The University of California Policy on Speech and Advocacy guarantees students the constitutionally protected rights of free expression, speech, assembly, and worship (<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc30.html>). This Statement explains how the Policy on Speech and Advocacy applies to disciplinary cases that arise under the UC Berkeley Extension Code of Student Conduct.

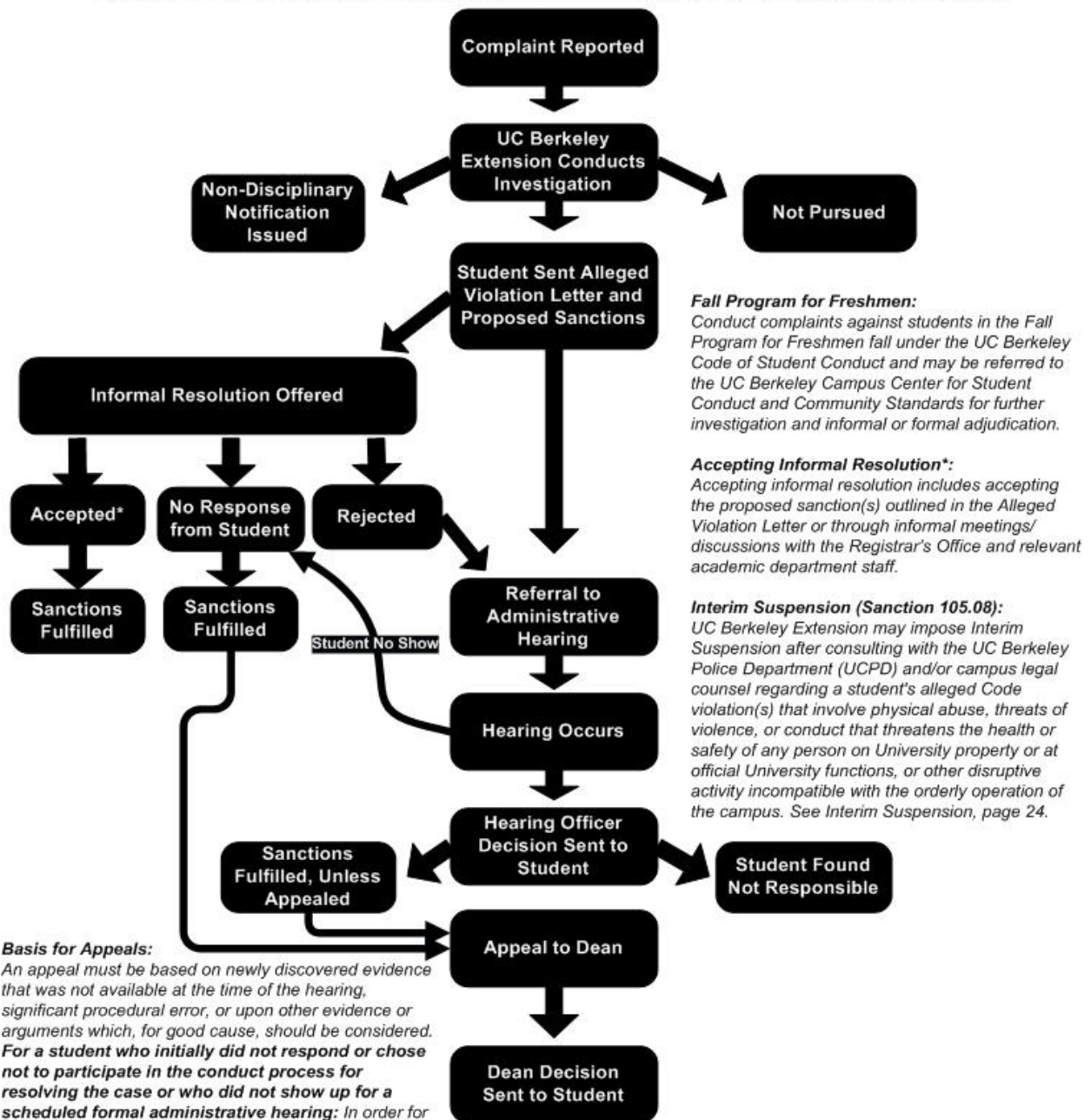
1. Constitutionally protected expressive activity will not be subject to discipline under the Code. Nevertheless, members of the campus community must recognize that certain types of conduct and speech are not constitutionally protected and that when individuals engage in them—even in the context of expressive actions—they may be subject to discipline under the Code. For example:
  - a. Some forms of speech are not constitutionally protected and may be grounds for discipline. Examples include threats of violence, incitement to imminent lawless action, raising false alarms regarding imminent personal danger, and certain severe and pervasive harassment. The actual definitions of these conduct violations are set out in the Code.
  - b. The University may impose reasonable limits on the time, place and manner of speech activities. Campus Time, Place and Manner regulations are posted at [http://police.berkeley.edu/about\\_UCPD/time-place-manner.html](http://police.berkeley.edu/about_UCPD/time-place-manner.html). Speech activities that violate Time, Place and Manner rules may subject individuals to discipline.
  - c. Conduct that violates University rules, such as destruction of property, endangering the safety of any person, assault, or interfering with campus operations, even if it occurs in connection with speech activities or is motivated by expressive concerns, is not protected and may subject students to discipline.
2. While violations of the UC Berkeley Extension Code of Student Conduct may be subject to discipline even when they occur in connection with expressive activities, the viewpoints or political positions expressed shall have no influence on either the decision to impose discipline or the severity of penalties imposed.

# APPENDIX IV: OVERVIEW OF THE CONDUCT PROCESS

## UC Berkeley Extension Overview of Conduct Process July 11, 2011

**FOR REFERENCE ONLY – PLEASE CONSULT THE CODE FOR DETAILED INFORMATION**

*This flowchart demonstrates the general path of a complaint and resolution as outlined in the UC Berkeley Extension Code of Student Conduct. The timing and nature of the steps are adapted depending upon individual cases.*



**Fall Program for Freshmen:**  
Conduct complaints against students in the Fall Program for Freshmen fall under the UC Berkeley Code of Student Conduct and may be referred to the UC Berkeley Campus Center for Student Conduct and Community Standards for further investigation and informal or formal adjudication.

**Accepting Informal Resolution\*:**  
Accepting informal resolution includes accepting the proposed sanction(s) outlined in the Alleged Violation Letter or through informal meetings/discussions with the Registrar's Office and relevant academic department staff.

**Interim Suspension (Sanction 105.08):**  
UC Berkeley Extension may impose Interim Suspension after consulting with the UC Berkeley Police Department (UCPD) and/or campus legal counsel regarding a student's alleged Code violation(s) that involve 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. See Interim Suspension, page 24.

**Basis for Appeals:**  
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. For a student who initially did not respond or chose not to participate in the conduct process for resolving the case or who did not show up for a scheduled formal administrative hearing: In order for the appeal to be further considered, the appeal must include evidence of extenuating circumstances which prevented the student from initially responding, participating, or from attending a scheduled formal administrative hearing. See Appeal page 17.