SUMMARY OF PROPOSED REVISIONS
UC San Diego Student Conduct Code and Student Conduct Standards
April 2015

This document summarizes the proposed revisions to the UC San Diego Student Conduct Code and Student Conduct Standards for the 2015-16 academic year. These revisions have been discussed and/or reviewed by the Student Conduct Standards Group prior to the Campus Comment period. Red-lined and clean versions of these revisions can be found on the Office of Student Conduct website (studentconduct.ucsd.edu).

Please note that revisions of titles, gender pronouns, section references, sentence re-ordering, and language improvements are not summarized in this document.

- **Section II – Definitions**
  - Three definitions have been added to the Code. They include: “Notice of Inappropriate Conduct”, “Policy and Procedure Manual”, and “Retaliation”. Specifically, retaliation is connected to a new standard of conduct in Section VII designed to protect people participating in University processes as Complainants or witnesses (Section II, Letters M, N, and Q).
  - Two definitions have been revised for greater clarity. First, the definition of “Advisor” has been revised to state that parents and/or legal guardians are typically not permitted to participate in this role (Section II, Letter B). Second, the definition of “Student Organization” has been revised to include Intercollegiate Athletic teams and club sports teams (Section II, Letter X).

- **Section VI – Roles and Responsibilities**
  - The Roles and Responsibilities for Deans of Student Affairs, Graduate Division, and Professional Schools have been clarified to state that they resolve reports rather than determine their initial disposition, which is the responsibility of the Office of Student Conduct (Section VI, Letter B (1)). This revision has also been made in Sections IX and X.
  - Students at risk for suspension or dismissal will no longer meet with the Dean or their designee to discuss resolution options prior to an Administrative Resolution meeting because these meetings did not occur in practice. This provision has also been removed from Section X. Instead, the responsibility for imposing interim actions has been substituted for the deleted provision (Section VI, Letter B (2)).

- **Section VII – Conduct in Violation of Community Standards**
  - A new standard of conduct has been added to protect people from being “retaliated” against in a physical, verbal, written, electronic, or other manner. This includes use of any University process, policy, or procedure as a form of retaliation (e.g. filing a report against a witness) (Section VII, Letter I).
  - The controlled substances standard has been revised to include misuse of prescribed medication, over the counter drugs and/or other controlled substances. Currently, if these actions occur outside of a residential area, the Respondent may not necessarily be charged with a violation of the Code. The Housing and Residential Life Policies prohibit such actions and we wanted to ensure overall consistency (Section VII, Letter S). Additionally, Footnote 4 was added to clarify that medicinal marijuana is considered a controlled substance for purposes of the Code.

- **Section XI – Administrative Resolution**
  - When students receive an Administrative Resolution Letter, they may request to review case materials (e.g. incident reports, police reports, supporting documentation) prior to their meeting. Some Student Conduct Officers attach the reports to the letters while others provide the reports before or during the meeting. The revision to this section requires that case materials are included with Administrative Resolution Letters when they are sent to the student. This creates greater consistency and transparency because students will receive case materials prior to their meetings and prepare more effectively (Section XI, Letter A (4)). This revision has also been made for Student Conduct Reviews (Section XIII, Letter H) and Administrative Resolution meetings for Student Organizations (Section XIV, Letter G).
Section XII – Student Conduct Reviews
- Language regarding college judicial board composition for Student Conduct Reviews was moved from Section XII (A) to Section XIII (B) (1) and (3) while language regarding school specific conduct procedures was moved from this same section to Section XII (B).

Section XIII – Student Conduct Review Procedures
- A staff member from the Office of Student Conduct typically meets with the Respondent (and Complainant, if necessary) individually prior to scheduling a Student Conduct Review. This meeting is designed to explain the Review process, key deadlines, and answer any relevant questions. It also serves as an opportunity to receive the Respondent’s availability for a Review. While this already occurs in practice, we wanted to incorporate it as a permanent part of the Code (Section XIII, Letter E).
- Another option that Respondents have in practice, but not in the current Code, is the ability to resolve their case all the way up to the start of a Review. The revision makes it a permanent part of the Code and is found in other University of California Student Conduct Codes (UCLA, UC Irvine) (Section XIII, Letter G).
- Provisions regarding prior submission of all documents and names of witnesses to be presented at the Review have been reworked. The revisions put these requirements in the same paragraph rather than in separate and unconnected paragraphs (Section XIII, Letter N, O, and P => Q).
- Additional discretion for the Conduct Board Chair or Review Officer to effectively manage the Review has been added to Section XIII, Letter U. The Chair or Review Officer may institute reasonable time requirements for the delivery of participant and witness information to complete the Review in a reasonable amount to time. This happens in practice and the revision makes it a permanent part of the Code.
- The primary role of Conduct Boards and Review Officers is to determine the Respondent’s responsibility for the alleged violations by a preponderance of the evidence. They also provide non-binding, advisory sanction recommendations to the original Student Conduct Officer. We are removing the sanction recommendation responsibility so that Boards and Review Officers can fully focus on determining responsibility for alleged violations. To maintain student input with sanctioning, the Director of Student Conduct will elicit periodic feedback from the Student Conduct Standards Group (which includes students from each of the six colleges, Associated Students, and Graduate Student Association) regarding sanction guidelines along with a discussion of sanctions from a selected sample of past cases (Section XIII, Letter W; see also changes to Section VI, Letters D & E; various parts of Section XIII).

Section XIV – Resolution Process for Student Organizations
- A significant change to the Code is the recalibration of roles for Student Organization cases. Currently, the Center for Student Involvement (CSI) investigates alleged violations; the Office of Student Conduct (OSC) reviews the report with CSI to determine whether the case will go forward, and if it does, the Assistant Vice Chancellor – Student Life handles the Administrative Resolution meeting. If the Student Organization appeals the Student Conduct Review decision or requests a reduction in sanctions, the Vice Chancellor – Student Affairs reviews the submission.
- Under the proposed revisions, OSC will conduct the investigation and determine whether there is reasonable cause to believe the Code has been violated. If there is reasonable cause, the Director of CSI will meet with the organization’s principal members in the Administrative Resolution meeting. Appeals and sanction reduction requests will be handled by the Assistant Vice Chancellor – Student Life. These revisions more closely align the student organization conduct process with the overall student conduct process for individual students (Section XIV).
- Additionally, incidents involving Intercollegiate Athletics teams and club sports teams will be handled by the Director of Student Conduct or their designee. Currently, the Code does not delineate who handles these cases. (Section XIV)
Section XVI – Interim Actions

Due to the changes made in Section XIV, the Director of the Center for Student Involvement, rather than the Assistant Vice Chancellor – Student Life, will handle interim actions for Student Organizations.

Section XVII – Appeals and Sanction Reduction Requests

At the suggestion of Campus Counsel, several changes have been made to clarify the appeals process.

The section has been renamed “Appeals and Sanction Reduction Requests” to encapsulate the two available appeal options. Accordingly, the terms “sanction reduction request” or “reduction in sanctions” have been added where appeals are referenced (Section XVII).

The grounds for submitting an appeal or sanction reduction request have been divided into individual subsections for ease of reading and understanding (Section XVII, Letters C & D).

The revisions clarify that the implementation of sanctions will typically be deferred during the appeals and sanction reduction request processes unless determined otherwise. The current Code allows the Student Conduct Officer to defer the implementation of sanctions. To simplify the process, we decided to simply defer sanctions through the conclusion of the process rather than making it a potential option (Section XVII, Letter F).

We also revised the actions available to the group or person reviewing the appeal. The revisions provide three options after reviewing the appeal: affirm the decision, refer the case back to the Office of Student Conduct for a re-review, or dismiss the decision. The Code currently contains language referencing actions relating to appeals and sanction reduction requests. The revisions eliminate confusion and provide greater clarity as to the actions taken by the group or person reviewing the appeal (Section XVII, Letter G).

The group or person reviewing a sanction reduction request now has three options: affirm the sanction(s), modify the sanction(s), or dismiss the sanction(s). We also specified that sanctions may be reduced if found grossly disproportionate to the violation or increased if found to be an inadequate response to the violation. While it is implied that the group or person reviewing sanction reduction requests may increase or decrease a sanction, these outcomes are not currently expressed in the Code (Section XVII, Letter H).

A final revision is that the Office of Student Conduct will notify the Respondent in writing with the results of the appeal or sanction reduction request. Currently, the group or person reviewing the submission is responsible for notifying the Respondent of the decision, even though the Office of Student Conduct handles the majority of these notices. This revision will provide uniformity to the notification process and allow for greater consistency in recordkeeping (Section XVII. Letter I).

Student Complaint Policy

This policy has been revised. Specifically, the various types of complaints are now connected to applicable campus policies rather than handling through a generalized hearing-based grievance procedure that may be in conflict with the stated policies.

Campus Emergencies Policy

This policy has been revised. Specifically, the processes for declaring a State of Emergency and imposing an Emergency Suspension have been clarified.