

**University of California, San Diego**  
**Student Conduct Code**  
2016-17 Academic Year (effective September 15, 2016)

## I. INTRODUCTION

The UC San Diego community includes students, staff, faculty, and others who have a vested interest in the University. Members of our community, part of the larger University of California community, pride themselves on academic, personal, and professional excellence and value integrity, accountability, and respect. This *Student Conduct Code* underscores the pride and the values that define our community while providing UC San Diego students with a framework to guide their actions and behaviors.

UC San Diego's [\*Principles of Community\*](#) further illustrate the expectations of all members of our community. In accordance with these *Principles*, the community supports student development and learning across the UC San Diego campus, six undergraduate colleges, and graduate/professional schools.

We also recognize the impact our unique college structure has in blending the strengths of a small college with the resources and opportunities of a large research university. This structure allows students, faculty, and staff to positively impact both the individual college and greater University communities.

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

By adapting or inserting the actual language of the *Policy on Student Conduct and Discipline* (Section 100.00) of the University of California *Policies Applying to Campus Activities, Organizations and Students*, this *Code* remains consistent with the system wide *Policy*. The complete *Policy* can be found at <http://www.ucop.edu/ucophome/coordev/ucpolicies/aos/uc100.html>.

## II. DEFINITIONS

For the purpose of this *Code*, the following definitions apply:

- A. **“Administrative Resolution”** means a meeting between a Respondent and a Student Conduct Officer to resolve alleged violations of this *Code* without a Student Conduct Review.
- B. **“Advisor”** means a person chosen by the Respondent or Complainant to assist with an Administrative Resolution meeting or Student Conduct Review. Advisors include UC San Diego students, faculty, or staff, Associated Students (A.S.) or Graduate Student Association (GSA) Student Advocates, and attorneys.
- C. **“Business days”** means weekdays but excludes weekends, University holidays, and days when the Chancellor has determined that the campus will be closed for business.
- D. **“Chair”** means the UC San Diego student, staff or faculty member responsible for facilitating the procedures of a Student Conduct Review.
- E. **“Community Standards Board”** (Board) means the group of students, faculty, and staff authorized to determine violations of this *Code* through a Student Conduct Review.
- F. **“Complainant”** means any person who submits a report of alleged violations of this *Code*.
- G. **“Dean”** means the UC San Diego staff or faculty member or their designee responsible for overseeing student conduct matters of an undergraduate college, residential area, the Graduate Division, the School of Medicine, the Skaggs School of Pharmacy, or UC San Diego Extension.
- H. **“Guest”** means a person to whom a Student has extended an invitation to come to University Grounds and Facilities or to University-Supported Activities.
- I. **“Interim Action”** means the temporary suspension or termination of a Respondent's privileges on an interim basis before a final determination. Such actions include Interim Suspensions, separation of parties, and changing of class schedules.
- J. **“Member of the University Community”** means students, faculty, or staff, or other persons affiliated with the University.

- K. **"Multi-Area Incident"** means an incident where all Respondents are not residents and/or registrants of the same residential area or college.
- L. **"Policy and Procedure Manual"** means the set of operating policies and procedures applying to academic, administrative, research, and service units at UC San Diego (See <http://rmp.ucsd.edu/policy-records/ppm.html>).
- M. **"Preponderance of the Evidence"** is the evidence standard of this *Code*. Preponderance of the Evidence means that, after weighing all of the evidence, a fact is more likely to be true than not true (e.g. "more likely than not"). In this context, the Respondent will be found to be responsible for the alleged violations if the Student Conduct Officer, Review Officer, or Community Standards Board concludes that the University has shown that such conduct more likely than not occurred based on careful review of all information presented.
- N. **"Reasonable Cause"** means that there is sufficient evidence to allege that a Respondent has violated this *Code*. Evidence is sufficient if a reasonable person would believe that further inquiry into whether a violation occurred is warranted.
- O. **"Respondent"** means any Student or Student Organization who has been alleged to have violated any portion of this *Code*.
- P. **Review Advisor** refers to the UC San Diego staff or faculty member who assists the Chair of the Community Standards Board or Review Officer with Review procedures. The Director of Student Conduct or their designee typically serves in this role.
- Q. **"Review Officer"** means a University Official authorized on a case-by-case basis by the Office of Student Conduct to determine violations of this *Code* through a Student Conduct Review.
- R. **"Student"** means an individual for whom the University maintains student records and who:
  1. is enrolled in, or registered with an academic program of the University;
  2. has completed the immediately preceding quarter, is not presently enrolled, and is eligible for re-enrollment; or
  3. is on an approved educational leave or other approved leave status, or is on filing-fee status.
- S. **"Student Conduct Officer"** means a University Official authorized on a continuing basis by the Dean or their designee or the Office of Student Conduct to conduct Administrative Resolution meetings with a Respondent alleged to have violated this *Code* and to assign or recommend sanction(s). Student Conduct Officers typically include Deans, Assistant Deans, Directors of Residence Life, Assistant Directors of Residence Life, and the Director of Student Conduct.
- T. **"Student Conduct Review"** (Review) means a formal review with one or more Respondents and the Community Standards Board or Review Officer to resolve alleged violations of this *Code*.
- U. **"Student Conduct Standards"** mean the set of policies that govern student conduct matters at UC San Diego. (See <http://students.ucsd.edu/student-life/organizations/student-conduct/regulations/index.html>).
- V. **"Student Conduct Standards Group"** means the group of students, faculty and staff entrusted with considering revisions and changes to the *Student Conduct Standards*.
- W. **"Student Organization"** means a group of undergraduate and/or graduate students who are recognized as a college student organization by the Dean or Provost of their respective college, who have successfully registered as a student organization with the Center for Student Involvement, or who comprise Intercollegiate Athletic and club sport teams.
- X. **"University"** means the University of California and includes all campuses (e.g. UC San Diego), the Office of the President, the Division of Agriculture and Natural Resources, and each Department of Energy Laboratory operated by the University.
- Y. **"University Grounds and Facilities"** means any University-owned, -operated or -maintained property, including all University grounds and structures or such other property as will be designated by a campus as property subject to University Policy.
- Z. **"University Official"** includes any person employed by the University performing administrative, professional, research, teaching, or para-professional responsibilities.
- AA. **"University Policy"** means the written regulations of the University, including, but not limited to, this *Code*, the *Student Conduct Standards*, the *Policy and Procedure Manual*, and other published University Policies.

- BB. **“University Representative”** means a University Official authorized by the Director of Student Conduct or their designee to present information and question witnesses on behalf of the University at Student Conduct Reviews.
- CC. **“University-Supported Activity”** means any activity on- or off-campus which is initiated, funded, authorized, or supervised by the University.
- DD. **“Unlawful assembly”** means two or more people assembling together to commit an unlawful act, or a lawful act in a violent, boisterous, or tumultuous manner, as defined by state law.
- EE. **“Weapon”** means any object or substance designed to inflict a wound, cause injury, or incapacitate including, but not limited to, firearms, projectiles, pellet guns, chemicals, and knives<sup>1</sup>. This definition also includes any harmless instrument that could reasonably appear to a reasonable person as being a weapon.
- FF. The term **“will”** is used in the imperative sense; **“may”** is used in the permissive sense.

### III. AUTHORITY

The Regents of the University of California and the University of California Office of the President delegate the authority to administer the student conduct process to the Chancellor of each University of California campus. At UC San Diego, the Chancellor entrusts the Vice Chancellor – Student Affairs or their designee with the implementation of this process. The Vice Chancellor – Student Affairs administers and oversees the policies and procedures contained in this *Code* except those which are specifically delegated to other Vice Chancellors.

### IV. JURISDICTION

This *Code* applies to the non-academic student conduct of UC San Diego Students and Student Organizations that occurs on University Grounds and Facilities, at University-Supported Activities. It also applies to off-campus conduct that occurs in the context of an education program or activity, or adversely affects the UC San Diego Community and/or the pursuit of the University’s objectives as determined by the Vice Chancellor – Student Affairs. This *Code* applies to a Student’s conduct even if the Student withdraws from the University after the conduct allegedly occurred.

- A. This *Code* applies to all UC San Diego undergraduate, graduate, professional school, and Extension Students as defined in Section II (R) above. Additionally, this *Code* also applies to:
1. Applicants who become Students, for alleged violations committed as part of the application process;
  2. Applicants who become Students, for alleged violations committed on campus and/or while participating in University-Supported Activities that take place following a Student’s submittal of the application through his or her official enrollment; and
  3. Former Students for alleged violations committed while a Student.
- B. The University will not routinely invoke the processes described in this *Code* over non-academic student conduct that occurs off-campus except in connection with an official University-Supported Activity. However, under limited circumstances, the University has the discretion to exercise jurisdiction over off-campus conduct that would violate this *Code* or other University Policies if it occurred on-campus.
- C. This *Code* also applies to alleged incidents of hazing as described in Section VII (L) below regardless of the location(s) of the alleged hazing. Additionally, jurisdiction may be exercised over off-campus conduct, evaluated with the criteria described in Section IV (E) below, where the alleged off-campus conduct includes, but is not necessarily limited to, alleged conduct such as:
1. Sexual assault, sexual violence, physical assault, battery, threats of violence, or conduct that threatens the health or safety of any person;
  2. Stalking, sexual harassment, or harassment<sup>2</sup>;
  3. Illegal possession or use of weapons, explosives, or destructive devices;
  4. Illegal manufacture, sale, or distribution of controlled substances; or
  5. Hate crimes as defined by California law.

- D. All requests to exercise off-campus jurisdiction will be submitted by the Director of Student Conduct or their designee to the Vice Chancellor – Student Affairs, who will have the exclusive authority to extend jurisdiction under this *Code*. The decision by the Vice Chancellor – Student Affairs is final and not subject to appeal.
- E. In determining whether or not to exercise jurisdiction over off-campus student conduct, the Vice Chancellor – Student Affairs will consider the totality of the circumstances, including the following factors:
1. The seriousness of the alleged conduct;
  2. The impact of the conduct on any member of the University community or the campus as a whole;
  3. Whether the alleged victim is a member of the University community;
  4. The ability of the University to gather information, including the testimony of witnesses;
  5. Whether the off-campus conduct is part of a continuing course of conduct that occurred either on- or off-campus;
  6. Whether the alleged conduct occurs within the context of an education program or activity; and
  7. Whether the alleged conduct adversely affects the UC San Diego Community and/or the pursuit of the University's objectives.
- F. A Student at one campus of the University of California, who is accused of violating University Policy or campus regulations on another campus of the University or at a University-Supported Activity at that campus, will be subject to the disciplinary procedures of either campus after consultation between the staff member(s) responsible for the student conduct processes at both campuses. The designated staff member(s) will determine which campus will handle the report of alleged violations and assignment of sanctions. However, the assignment of any recommendations for sanctions arising from these procedures must be reviewed and approved by both campuses before the sanctions are assigned.
- G. The University of California Police Department may share information with the Office of Student Conduct regarding on- or off-campus student conduct that may violate this *Code*. Off-campus incidents may be evaluated with the factors stated in Section IV (E) above in determining whether to exercise jurisdiction over the off-campus conduct.

## **V. INTERPRETATION OF REGULATIONS & APPLICABILITY**

This *Code* serves as a general notice of our community standards. It is not written as specifically or practiced in the same way as local, state, or federal law. As such, it should be viewed as a framework to educate through an accountability process. Additionally, conduct prohibited by this *Code* may or may not violate local, state, or federal law, and the University may address such conduct independent of and/or concurrently with other legal proceedings.

- A. This *Code* supersedes any and all previous versions of this *Code* and serves as the official reference for all non-academic student conduct matters at UC San Diego. All matters of non-academic student conduct at UC San Diego will be handled in accordance with this *Code*, unless superseded by a specific procedure of a professional school or program under the purview of the University. In such instances, professional schools or programs may hold students accountable based on school or program-specific policies.
- B. The *Policy on Integrity of Scholarship* (<http://senate.ucsd.edu/Operating-Procedures/Senate-Manual/Appendices/2>) governs all instances of academic misconduct. However, this *Code* applies to non-academic student conduct (e.g. falsifying documents, furnishing false information) discovered as part of an academic misconduct incident.
- C. Reports of alleged violations where the incident occurred prior to the adoption of the most recent version of this *Code* will be resolved using the version of the *Code* that was in effect when the incident occurred.

- D. All deadlines and time requirements, even absent an explicit request, in this *Code* may be extended for good cause by the Director of Student Conduct or their designee. Requests for extensions of deadlines must be made in writing to the Director of Student Conduct or their designee, who will determine, based on the totality of circumstances, whether or not the extension is granted. If an extension is granted, the Director of Student Conduct or their designee will specify the date of the new deadline or event.
- E. The Director of Student Conduct or their designee will facilitate periodic reviews of this *Code* in collaboration with the Student Conduct Standards Group in accordance with the UC San Diego *Student Conduct Standards*.
- F. If any portion of this *Code* is invalidated or deemed to be unenforceable, the remainder of this *Code* will remain in effect.
- G. Questions concerning the administration, application, and/or interpretation of this *Code* should be directed to the Office of Student Conduct.

## VI. ROLES AND RESPONSIBILITIES

Students, staff, and faculty take active roles in the student conduct process as described below.

- A. The duties and responsibilities of the **Director of Student Conduct** generally include:
  1. Serves as UC San Diego's Senior Student Conduct Officer, facilitates Administrative Resolutions, imposes interim actions, and coordinates Student Conduct Reviews.
  2. Trains and advises all Student Conduct Officers, the Community Standards Board, Review Advisors, Review Officers, A.S. Student Advocates (in collaboration with the Office of Student Legal Services), and any others who are routinely involved in the student conduct process.
  3. Serves as an information resource for Members of the University Community regarding student conduct processes and procedures.
  4. Maintains, stores, and disposes of non-academic student conduct records.
  5. Submits regular statistical reports to the campus community, including, but not limited to, reporting the number of cases referred to the office, the number of cases resulting in sanctions, and the range of sanctions assigned.
  6. Conducts and facilitates a periodic review of this *Code* with the Student Conduct Standards Group.
- B. The duties and responsibilities of the **Deans of Student Affairs, Graduate Division, and Professional Schools (or their designees)** generally include:
  1. Resolves reports of alleged violations referred by the Office of Student Conduct for action, including use of alternative resolution options (*e.g.* mediation, restorative justice, written warning notices).
  2. Consults with the Director of Student Conduct on the imposition of interim actions, including Interim Suspension.
  3. Serves as a Student Conduct Officer and facilitates Administrative Resolutions.
  4. Reviews sanctioning recommendations to promote consistency and fairness when required by this *Code* (*e.g.* Council of Deans of Student Affairs).
  5. Participates in training sessions facilitated by the Office of Student Conduct.
- C. The duties and responsibilities of **Student Conduct Officers** generally include:
  1. Facilitates Administrative Resolutions per the procedures set forth in this *Code*.
  2. Coordinates Administrative Resolution logistics, including the date, time, and place of meeting, and provides the Respondent with information (*e.g.* incident reports, video evidence) to be discussed during the meeting.
  3. Upon concluding an Administrative Resolution meeting, determines whether the Respondent has accepted responsibility for violating this *Code* and refers the matter to a Student Conduct Review if the Respondent does not accept responsibility.
  4. Assigns fair and appropriate sanctions to Respondents accepting responsibility for violating this *Code*.

5. Participates in training sessions facilitated by the Office of Student Conduct.
- D. The duties and responsibilities of the **Community Standards Board and Review Officers** generally include:
1. Facilitates Student Conduct Reviews per the procedures set forth in this *Code*.
  2. Upon concluding a Student Conduct Review, determines whether the Respondent has violated this *Code* based on a Preponderance of the Evidence.
  3. Maintains confidentiality related to all aspects of the Student Conduct Review process.
  4. Participates in training sessions facilitated by the Office of Student Conduct and Office of Student Legal Services.
- E. The duties and responsibilities of **Review Advisors** generally include:
1. Serves as *ex officio* member of the Community Standards Board.
  2. Acts as consultant to the Board or Review Officer regarding Review procedures and decision making processes.
  3. Reviews the Chair or Review Officer's Student Conduct Review Report after conclusion of deliberations.
  4. Participates in training sessions facilitated by the Office of Student Conduct.
- F. The duties and responsibilities of **University Representatives** generally include:
1. Presents relevant information (e.g. incident reports and other relevant documents) and witnesses on behalf of the University at Student Conduct Reviews.
  2. Coordinates the appearance of witnesses supporting the alleged violations at Student Conduct Reviews.
  3. Asks questions of the Respondent and witnesses at Student Conduct Reviews.
  4. Maintains confidentiality related to all aspects of the Student Conduct Review process.
  5. Participates in training sessions facilitated by the Office of Student Conduct.
- G. The duties and responsibilities of **Advisors** generally include:
1. Advisors offer assistance to Students during Administrative Resolution meetings and Student Conduct Reviews.
  2. The Associated Students (A.S.) Office of Student Advocacy and the Graduate Student Association (GSA) appoints Student Advocates who are available to serve as Advisors. Student Advocates will be jointly trained by the Office of Student Conduct and Office of Student Legal Services.
  3. Because Reviews under this *Code* are part of the University's overall educational process, it is not expected that Students will require the assistance of attorneys. However, Students are free to engage attorneys to provide them with legal advice and/or have them serve as an Advisor.
  4. Student Advocates may speak on behalf of their advisee so long as all procedural requirements are followed. Other Advisors (including, students, faculty, staff, and attorneys) will be limited to communicating with their advisee and will not interrupt, disrupt, or directly participate in the Administrative Resolution meeting or Student Conduct Review.
  5. All Advisors will be required to abide by the roles and expectations of an Advisor as specified in this *Code*. Advisors may be excluded by the Student Conduct Officer, Review Officer, or Community Standards Board Chair for failing to adhere to these rules.

## VII. CONDUCT IN VIOLATION OF COMMUNITY STANDARDS

The following conduct, including attempts to engage in or aid in such conduct, violate the University's community standards and may be subject to action under the processes outlined in this *Code*. These standards will not be used to restrict the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

- A. Non-academic dishonesty including, but not limited to, fabricating information, furnishing false information, bribery, or reporting a false emergency to the University.
- B. Forgery, alteration, or misuse of any University document, record, key, electronic device, identification, vehicle, or other resource.
- C. Theft, conversion, destruction, or damage to University property or property of others while on University Grounds and Facilities or knowingly possessing stolen property.
- D. Theft, abuse, or misuse of University computer and other University electronic resources, including computer and electronic communications facilities, systems, and services which violate this *Code* or the *Academic Computing & Media Services Acceptable Use Policies*.
- E. Unauthorized entry, possession, receipt, or use of University services, equipment, resources, or properties including entry or use for an unauthorized purpose.
- F. Violations of the UC San Diego *Housing and Residential Life Policies* and *Graduate Housing Policies*.
- G. Physical abuse including, but not limited to, physical assault or battery.
- H. Conduct that threatens the health or safety of any person.
- I. Verbal, written, electronic, or other threats of violence.
- J. Conduct (e.g. harassment) 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.

Such conduct includes, but is not limited to, conduct that is motivated on the basis of a person's race, color, national or ethnic origin, citizenship, sex, gender, religion, age, sexual orientation, gender expression, 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<sup>3</sup>.

- K. Stalking behavior in which a Student repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of their safety or the safety of others.
- L. Participation in hazing or any method of initiation or pre-initiation of potential, new, or active members into a registered Student or other campus organization or other activity engaged in by the organization or its members 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.
- M. Unreasonably obstructing or disrupting teaching, research, administration, disciplinary procedures, or other University-Supported Activities.
- N. Engaging in disorderly or lewd conduct including, but not limited to, public urination, indecent exposure, loud and unreasonable noise serving no legitimate purpose, or unauthorized gambling.
- O. Participating in a disturbance of the peace or unlawful assembly.

- P. Failing to identify oneself to or comply with the directions of a University Official or other public official acting in the performance of their duties while on University Grounds and Facilities or at University-Supported Activities.
- Q. Unreasonably resisting, disrupting, or obstructing University Officials or other public officials in the performance of, or the attempt to perform their duties.
- R. Acquiring, possessing, using, manufacturing, or distributing controlled substances<sup>4</sup> and/or drug paraphernalia, including the misuse of any prescribed medication, over the counter drugs and/or other controlled substances, as prohibited by federal law, state law, or University Policy.
- S. Possessing, using, manufacturing, or distributing alcohol as prohibited by law or University Policy (Refer to the UC San Diego *Consumption of Alcoholic or Malt Beverages Policy* - Policies and Procedure Manual 510-1 XIII).
- T. Possessing, using, storing, or manufacturing fireworks, destructive devices, or weapons unless authorized by the UC San Diego Police Department.
- U. Violating the terms and conditions of any assigned sanction, interim action, or Emergency Suspension.
- V. 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. This provision applies whether it was the Student or someone else who prepared the materials.
- W. 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).
- X. Actions meant to communicate a serious expression of an intent to terrorize or acts in reckless disregard of the risk of terrorizing one or more University students, faculty, or staff<sup>5</sup>.
- Y. Physical, verbal, written, face-to-face, telephonic, electronic or other means of contact that a Student knows or should know is unwanted, is communicated directly to one or more specific Students, faculty, or staff, constitutes severe and/or pervasive, and objectively offensive conduct; and does not constitute speech protected by the First Amendment of the United States Constitution (e.g. speech in a public forum on a matter of public concern).
- Z. Violations of the University of California *Privacy Policy*<sup>6</sup>, including:
  - Making a video recording, audio recording, taking photographs, or streaming audio/video of any person in a location where the person has a reasonable expectation of privacy, without that person's knowledge and express consent;
  - Looking through a hole or opening, into, or otherwise viewing, by means of any instrumentality, the interior of a private location without the subject's knowledge and express consent; or
  - Making a video recording, audio recording, or streaming audio/video of private, non-public conversations and/or meetings, without the knowledge and express consent of all recorded parties.
- AA. Instituting a complaint in bad faith and/or attempting to discourage an individual's proper participation in, or use of, the student conduct process.

BB. Violating other University Policies including, but not limited to, the University of California *Policy on Sexual Violence and Sexual Harassment*, UC San Diego *Policy on Speech, Advocacy and Distribution of Literature on University Grounds* (Policy and Procedure Manual, Section 510-1 IX & XII), UC San Diego *Education Abroad Policy*, and the UC San Diego *Smoke Free Policy*.

CC. Violations of federal, state, or local law.

### **VIII. PROCEDURAL DUE PROCESS**

Procedural due process is basic to the proper administration of this *Code*. The Chancellor or their designee has established and published campus policies, including this *Code* and the *Student Conduct Standards*, providing for the handling of student conduct matters in accordance with appropriate procedural due process. Consistent with this requirement, procedures specified in this *Code* will be appropriate to the nature of the report of alleged violations and the severity of the potential sanctions.

### **IX. REPORTS OF ALLEGED VIOLATIONS**

All reports of alleged violations of this *Code* are submitted and referred to the Office of Student Conduct for review. The Office of Student Conduct will then determine whether there is reasonable cause to process the report and forward it to the Dean or their designee for resolution.

- A. Any person may make a report of alleged violations of this *Code* by a Student. Reports should be made to the Office of Student Conduct for review and possible referral to the relevant Dean or their designee or other appropriate office for resolution, including use of alternative resolution options (e.g. mediation, restorative justice, ). Persons making reports of alleged violations are expected to provide information related to the alleged violations and may be requested to participate in the Administrative Resolution and/or Student Conduct Review processes as outlined in this *Code*.
- B. Except as noted in Section IX (C) below, upon receipt of a report of alleged violations of this *Code*, the Office of Student Conduct may conduct an investigation or, if appropriate, refer the report to another appropriate office for investigation. The Office of Student Conduct will determine whether or not there is reasonable cause to believe the Student has committed a violation of this *Code*. If there is enough evidence to establish reasonable cause, the report will be forwarded to the Dean or their designee for resolution as described in Section X. If there is not enough evidence to establish reasonable cause, the Office of Student Conduct will not forward the report to the Dean or their designee and may notify the Respondent and/or the Complainant that no further action will be taken.
- C. All reports involving alleged violations of sexual violence and sexual harassment (e.g. sexual assault, sexual misconduct, domestic violence, dating violence, stalking of a sexual or romantic nature), harassment related to a protected class referenced by University policy, and/or discrimination related to a protected class referenced by University policy will be referred to the Office for the Prevention of Harassment and Discrimination (OPHD) for handling in accordance with applicable University policies and procedures ([http://ophd.ucsd.edu/polpro\\_students\\_links](http://ophd.ucsd.edu/polpro_students_links)). Review and resolution of sexual violence and sexual harassment reports will be handled through the student conduct process in accordance with the UC San Diego *Implementing Procedures for the University of California Student Adjudication Model for Sexual Violence & Sexual Harassment Cases*. Review and resolution of harassment and discrimination reports involving protected classes will be handled through this *Code*.
- D. Reports that are made more than one year following the alleged incident will only be referred for resolution with the joint approval of the relevant Dean or their designee and the Director of Student Conduct or their designee.

## **X. RESOLUTION OPTIONS FOR REPORTS OF ALLEGED VIOLATIONS**

If the Office of Student Conduct finds reasonable cause to refer a report of alleged violations, the Dean or their designee will use an appropriate method of resolution. Options include resolution through the student conduct process with an Administrative Resolution meeting or through an alternative resolution option, such as mediation or restorative justice. Alleged violations not resolved through these options will be referred to a Student Conduct Review.

- A. The relevant Dean overseeing an undergraduate college or residential area will designate professional staff members, which may be themselves, to resolve referred reports of alleged violations. In the case of non-undergraduate Students, the referral and resolution of reports will be handled in the following manner:
  1. Reports involving graduate Students will be referred to the Assistant Dean of Graduate Student Affairs. However, reports of incidents occurring in graduate and professional student on-campus housing facilities will typically be referred to the Office of Associated Residential Community Housing (ARCH).
  2. Reports involving medical Students will be referred to the Associate Dean of Admissions and Student Affairs, School of Medicine.
  3. Reports involving pharmacy Students will be referred to the Director of Student Affairs and Admissions for the Skaggs School of Pharmacy.
  4. Reports involving Extension Students will be referred to the Student Affairs Manager of UC San Diego Extension.
- B. If the report of alleged violations will be resolved through the student conduct process, the report will normally be assigned by the Dean or their designee to a Student Conduct Officer for an Administrative Resolution meeting within 20 business days of receipt of a referral from the Office of Student Conduct.
- C. For reports of alleged violations arising from a Multi-Area Incident, the Office of Student Conduct will either resolve the incident or forward it to a Dean or designee for resolution. Normally, all Respondents will be referred by the Office of Student Conduct to meet with the same Student Conduct Officer in separate Administrative Resolution meetings.
- D. If an incident report is not resolved through an Administrative Resolution meeting or a Student Conduct Review, the Office of Student Conduct or the Dean or their designee may issue a written notification to a Student when their alleged behavior may have violated this *Code*. If a Student receives such notice they will be given the opportunity to submit a brief written response, which will be retained in their student conduct record. The written notice and the Student's response may be used in subsequent proceedings to determine applicable sanctions.
- E. The Dean or their designee or the Office of Student Conduct may determine that an alternative resolution option may be appropriate. These include, but are not limited to, mediation, restorative justice, or other alternative resolution options. If the Respondent and other involved parties agree to participate in an alternative resolution option, any alleged violations of this *Code* may be resolved through the mutually agreed upon option.
- F. Alleged violations not resolved through the Administrative Resolution process or through alternative resolution options will be referred to a Student Conduct Review.

## **XI. ADMINISTRATIVE RESOLUTION**

The respective Deans or their designees and the Director of Student Conduct or their designee have appointed staff members to serve as Student Conduct Officers to facilitate resolution of alleged violations of this *Code*. An Administrative Resolution is a meeting between a Student Conduct Officer and the Respondent to discuss the incident, hear and receive the Respondent's information and perspective, meet with applicable witnesses, discuss the Respondent's responsibility for the alleged violations, and if the Respondent accepts responsibility, assign fair and appropriate sanctions. The following provisions apply to Administrative Resolution meetings:

- A. The Student Conduct Officer will provide the Respondent with the following information in writing prior to the Administrative Resolution meeting:
  1. Notification of the alleged violations of this *Code*;
  2. Summary of the evidence relating to the alleged violations of this *Code*;
  3. Notice that the Respondent has five business days from the date of the notice to contact the Student Conduct Officer to schedule an Administrative Resolution meeting.
  4. Electronic or hard copy versions of case materials to be reviewed at the meeting (e.g. incident report, police report, etc.);
  5. Information about how to request the presence of witnesses; and
  6. Information about how to request assistance from the A.S. Office of Student Advocacy, the Office of the Ombuds, and the Office of Student Legal Services.
- B. A Respondent who cannot attend a scheduled Administrative Resolution meeting must contact the Student Conduct Officer to request a new date and/or time at least two business days prior to the meeting. It is at the discretion of the Student Conduct Officer if the meeting will be rescheduled and a Respondent may only request one change to the date and/or time of the meeting.
- C. If, after proper notice, the Respondent does not contact the Student Conduct Officer to schedule an Administrative Resolution meeting, the Student Conduct Officer may determine the Respondent's responsibility for the alleged violations of this *Code* and may assign sanctions based on the information in their possession without the Respondent's participation.
- D. Administrative Resolution meetings will be closed to the public. Recording devices (audio and/or video) of any kind are not permitted for use by the Respondent, Complainant, witnesses, or Advisors.
- E. Respondents and Complainants are entitled to be assisted by an Advisor during an Administrative Resolution meeting. A Student Advocate serving as an Advisor may speak on behalf of their advisee. Other students, faculty, staff, or attorneys serving as an Advisor are allowed to be present at the meeting but only to confer with their advisee. Students electing to be accompanied by an Advisor must notify the Student Conduct Officer at least two business days prior to the meeting.
- F. A Respondent or Complainant may request, in writing, that a Student Conduct Officer be disqualified from facilitating an Administrative Resolution. The request must be made to the Office of Student Conduct at least two business days before the scheduled meeting and must include an explanation as to why they believe the Student Conduct Officer is unable to make an impartial decision. In ruling on such requests, the Director of Student Conduct or their designee will disqualify or exclude any Student Conduct Officer who is not able, in their judgment, to make an impartial decision in the case. If the request is granted, the Director of Student Conduct or their designee will select another Student Conduct Officer to facilitate the Administrative Resolution.
- G. At the meeting, the Student Conduct Officer will explain the Administrative Resolution process to the Respondent. The Student Conduct Officer will provide the Respondent an opportunity to review the applicable incident report(s) (if any), explain the Respondent's rights, and describe the

alleged violations of this *Code*. The Respondent will then have the opportunity to present their version of the incident, including providing witnesses for the Student Conduct Officer to meet with. At the conclusion of the meeting, the Respondent will have the opportunity to accept responsibility for the alleged violations and the Student Conduct Officer will explain the potential sanctions.

- H. If the Respondent accepts responsibility for violating this *Code* and is not subject to suspension or dismissal, the Student Conduct Officer will notify the Respondent in writing with a brief summary of the meeting and assigned sanctions within 10 business days, unless circumstances warrant otherwise.
- I. If an undergraduate Respondent accepts responsibility for violating this *Code* and is subject to suspension or dismissal, the Student Conduct Officer will consult with the Council of Deans of Student Affairs within five business days of conclusion of the Administrative Resolution meeting of the resolution, unless circumstances warrant otherwise. The Council of Deans of Student Affairs will make a final determination of the sanction(s). Thereafter, the Student Conduct Officer will notify the Respondent in writing with a brief summary of the Administrative Resolution meeting and assigned sanctions within 10 business days of the final determination of sanctions, unless circumstances warrant otherwise.
- J. If a graduate Student, medical or pharmacy Student, or Extension Student accepts responsibility for violating this *Code* and is subject to suspension or dismissal, the Student Conduct Officer will notify the Respondent in writing with a brief summary of the meeting and assigned sanctions within 10 business days of the Administrative Resolution meeting, unless circumstances warrant otherwise.
- K. If the Respondent does not accept responsibility for one or more alleged violations and the Student Conduct Officer believes there is a Preponderance of the Evidence to sustain those alleged violations, the Student Conduct Officer will refer the matter to the Office of Student Conduct for a Student Conduct Review within five business days of the meeting, unless circumstances warrant otherwise. The Student Conduct Review will be held to determine whether the Respondent is responsible for the alleged violations not resolved in the Administrative Resolution meeting. Sanctions for all alleged violations, including those resolved at the Administrative Resolution meeting, will be assigned by the appropriate person(s) identified in Section XIII (X).
- L. If the Student Conduct Officer determines there is not a Preponderance of the Evidence to sustain all alleged violation(s) of this *Code* and the matter is not forwarded to a Student Conduct Review, the Respondent will be notified in writing, within 10 business days, that the alleged violation(s) have been dismissed, unless circumstances warrant otherwise.

## **XII. STUDENT CONDUCT REVIEWS**

If a Respondent does not accept responsibility at the Administrative Resolution meeting, they have the right to a Student Conduct Review. Cases referred to a Student Conduct Review will be assigned in the following manner:

- A. All cases referred to a Student Conduct Review will be assigned to the Community Standards Board. However, in the case of professional school Respondents whose schools have established school-specific resolution procedures, those procedures may be utilized, at the sole discretion of the University, in place of the ones provided for in this *Code*.
  - 1. The Community Standards Board will be comprised of:
    - i. Three Students from each undergraduate College (typically from the College's Judicial Board) appointed by the respective College Council, in consultation with the College Dean of Student Affairs or their designee.
    - ii. No fewer than six graduate or professional school Students.

1. Graduate Students will be appointed by the Graduate Student Association in consultation with the Dean of the Graduate Division or their designee.
  2. Medical Students will be appointed by the Student Government of the School of Medicine in consultation with the Associate Dean of Admissions and Student Affairs, School of Medicine or their designee.
  3. Pharmacy Students will be appointed by the Skaggs School of Pharmacy Associated Students in consultation with the Dean of the Skaggs School of Pharmacy or their designee.
- iii. No fewer than six staff and/or faculty members.
1. Staff members will be appointed by the Vice Chancellor – Student Affairs or their designee.
  2. Faculty members will be appointed by the Academic Senate.
2. Community Standards Board members will be appointed to a minimum term of one year as determined by the person or group responsible for the appointment. Members may be re-appointed for additional terms.
- B. A Student Conduct Officer or Respondent may request to have the Review conducted by a Review Officer rather than the Community Standards Board. All requests must be made in writing to the Office of Student Conduct prior to scheduling the Review. If the Director of Student Conduct or their designee grants the request, they will select a Review Officer and notify the Respondent and Student Conduct Officer prior to the Review.
- C. Student Conduct Reviews may be held during Summer Sessions. The Director of Student Conduct or their designee may request temporary appointees from the groups listed in Section XII A(1) above, if there are not enough regular appointees available to comprise the Community Standards Board for a Review. All temporary appointees will participate in training session(s) conducted by the Office of Student Conduct prior to serving on a Review.

### **XIII. STUDENT CONDUCT REVIEW PROCEDURES**

A Student Conduct Review provides an opportunity for the Community Standards Board or Review Officer to hear and receive the Respondent's information, witnesses, and perspective about the incident, and to determine the Respondent's responsibility for the alleged violations. The following provisions apply to Student Conduct Reviews:

- A. Respondents will be provided with the following minimum procedural standards to assure a fair Student Conduct Review:
1. Written notice, including a brief statement of the factual basis of the allegation(s), the alleged violations of this *Code*, and the date, time and place of the Review, within a reasonable time before the Review;
  2. The opportunity for a prompt and fair Review where the University bears the burden of proof, and at which the Respondent will have the opportunity to present documents and witnesses and to question witnesses presented by the University. No inference will be drawn from the silence of the Respondent;
  3. A record of the review which includes an expeditious written decision based upon the Preponderance of the Evidence, that will be accompanied by a written summary of the findings of fact; and
  4. An appeals process.
- B. Based on availability, five members, including a Chair, will be selected and scheduled by the Office of Student Conduct for a Review conducted by the Community Standards Board. A Review facilitated by the Board may be held with fewer members with the consent of the Respondent. However, no Board Review may be scheduled or conducted with fewer than three members.

1. When the Community Standards Board is assigned a Student Conduct Review, five members of the Board (including the Chair), based on their availability, will be selected to conduct the Review under the procedures set forth in this *Code*.
  2. For Community Standards Board Reviews with an undergraduate Respondent, the Board will be composed of three Students, including at least two undergraduate Students, and two faculty and/or staff members. For Community Standards Board Reviews involving Respondents from a graduate program, professional school, or UC San Diego Extension, the Board will be comprised of three Students, including at least two graduate program or professional school Students, and two faculty and/or staff members. These composition requirements do not apply to Boards with less than five members.
  3. The Chair for Community Standards Board Reviews will be selected by the Office of Student Conduct based on availability of members.
  4. A Review Officer will be selected by the Office of Student Conduct for a Review not facilitated by the Community Standards Board.
- C. The Director of Student Conduct or their designee will serve as the Review Advisor and will attend the Review and subsequent deliberations. However, the Review Advisor will not have a vote in determining whether the Respondent is responsible for violating this *Code*.
- D. The Office of Student Conduct will select a University Official to serve as the University Representative for the Review. The role of the University Representative will be to present information supporting the alleged violations. The University Representative will also coordinate the appearance of witnesses supporting the alleged violations and ask questions of the Respondent and witnesses.
- E. The Respondent (and Complainant, if applicable) will have the opportunity to meet with a staff member from the Office of Student Conduct individually prior to scheduling the review. The purpose of the meeting is for the staff member to explain the Review process, key deadlines, and answer any relevant questions. The staff member will also request scheduling information from the Respondent (and Complainant, if applicable) to facilitate scheduling the Review. If the Respondent (or Complainant, if applicable), after proper notice, does not schedule and/or attend the meeting, the Review will be scheduled without their input. The staff member will also notify the Respondent whether the Review will be forwarded to an individual or group Review.
- F. Multiple Respondents may be scheduled to participate in a group Student Conduct Review at the discretion of the Director of Student Conduct or their designee when the alleged violations result from the same underlying incident. Group Student Conduct Reviews will follow the format described in Section XIII (V) below.
1. A Respondent assigned to a group Student Conduct Review may request to have their Review handled separately from the other Respondents. All requests must be made in writing to the Office of Student Conduct three business days prior to scheduling the Review.
  2. In considering a Respondent's request, the Director of Student Conduct or their designee will determine whether separate Reviews are appropriate and will base their decision on the basis for the request and the practicality of conducting multiple separate Reviews. If the Director of Student Conduct or their designee grants the request, they will notify the Respondent and Review Advisor prior to scheduling the Review.
  3. Should a Respondent's request to have an individual Student Conduct Review be granted, the Office of Student Conduct may schedule a supplemental Review to enable all witnesses to provide their information to the Board or Review Officer, the University Representative, and all Respondents at one time. Supplemental Reviews involving witnesses may be held prior to or after the individual Reviews, depending upon the scheduling considerations present in the matter.
  4. If there are three or more Respondents, the request for a separate Review will apply only to the Respondent(s) requesting the separate Review.

- G. Until the actual start of the Review, the Respondent may accept responsibility for the alleged violations with the original Student Conduct Officer or the Office of Student Conduct. This decision is binding on the Respondent and cancels the scheduled Review. The original Student Conduct Officer will assign sanctions as described in Section XI above.
- H. At least 10 business days prior to the Review, the Office of Student Conduct will provide the Respondent in writing with the following information:
1. Notification of the alleged violations of this *Code*;
  2. Summary of the evidence relating to the alleged violations of this *Code*;
  3. The date, time and place of the Review;
  4. The name(s) of the Board members or Review Officer, the Review Advisor, and the University Representative;
  5. Electronic or hard copy versions of case materials to be reviewed at the Review (e.g. incident report, police report, etc.);
  6. Information about how to request the presence of witnesses during the Review; and
  7. Information about how to request assistance from the A.S. Office of Student Advocacy, the Office of the Ombuds, and the Office of Student Legal Services.
- I. A Respondent who cannot attend the scheduled Review must contact the Office of Student Conduct to request a new date and/or time for the Review at least three business days prior to the Review. It is at the discretion of the Director of Student Conduct or their designee if the Review will be rescheduled and a Respondent may only request one change to the date and/or time of the Review.
- J. If, after proper notice, the Respondent does not appear at the Review at the scheduled date and/or time, the Board or Review Officer may conduct the Review without the Respondent's participation and determine the Respondent's responsibility for the alleged violations of this *Code*.
- K. A Review may be conducted on a non-business day at the discretion of the Director of Student Conduct or their designee with the agreement of all involved participants.
- L. All Reviews will be closed to the public. Only members of the Board, the Review Officer, the Review Advisor, the University Representative, the Respondent (and their Advisor, if any), the Complainant (and their Advisor, if any), and witnesses will typically be permitted to participate in the Review.
- M. The Review Advisor will facilitate an audio recording of the Review. Recording devices of any kind are not permitted for use by anyone except the Review Advisor. The recording will become part of the Respondent's student conduct record. Board deliberations will not be recorded.
- N. Respondents and Complainants are entitled to be assisted by an Advisor during the Review. A Student Advocate serving as an Advisor may speak on behalf of their advisee. Students, faculty, staff, or attorneys serving as Advisors are allowed to be present at a Review but only to confer with their advisee. Participants electing to be accompanied by an Advisor must notify the Office of Student Conduct at least three business days prior to the Review.
- O. Members of the University Community are encouraged to appear at a Review as witnesses if they have knowledge or information regarding the incident in question and if they have been requested to appear. Individuals who are not Members of the University Community will generally be permitted to appear at a Review as a witness if they have direct knowledge or information regarding the incident in question. Character witnesses are generally not allowed to appear without the permission of the Director of Student Conduct or their designee upon a showing of good cause.

- P. Written witness statements will not be reviewed by the Board or Review Officer unless they are signed by the witness and witnessed by a professional staff member from the Office of Student Conduct or a certified notary public.
- Q. All documents and names of witnesses to be presented at the Review by the University Representative and the Respondent must be submitted to the Office of Student Conduct at least three business days prior to the Review. The Office of Student Conduct will provide copies of submitted documents and witness lists to the University Representative, Respondent, and Board/Review Officer at least two business days prior to the Review. Any documents or names of witnesses submitted and/or discovered less than three business days prior to the Review (including the Review itself) may only be considered at the discretion of the Director of Student Conduct or their designee, Chair, or Review Officer.
- R. A Respondent or Complainant may request, in writing, that a Board member be disqualified from participating in a Review. The request must be made to the Office of Student Conduct at least three business days before the scheduled Review and must include an explanation as to why the person is unable to make an impartial decision. In addition to determining such requests, the Director of Student Conduct or their designee will disqualify any Board member who is not able, in their judgment, to make an impartial decision. If the Director of Student Conduct or their designee grants a disqualification request, they will select another Board member to replace the disqualified Board member and notify the Respondent, University Representative, and Complainant prior to the Review.
- S. A Respondent or Complainant may request, in writing, that the Review Advisor or Review Officer be disqualified from participating in a Review. The request must be made to the Office of Student Conduct at least three business days before the scheduled Review and must include an explanation as to why the person is unable to make an impartial decision. In addition to determining such requests, the Director of Student Conduct or their designee will disqualify any Review Advisor or Review Officer who they believe is not able, in their judgment, to impartially serve in that role. If the Director of Student Conduct or their designee grants a disqualification request, they will select another Review Advisor or Review Officer to replace the disqualified staff member and notify the Respondent, University Representative, and Complainant prior to the Review.
- T. Any member of the Board, the Review Advisor, or a Review Officer who believes that they are unable to conduct a fair and impartial Review and/or has identified a conflict of interest will disqualify themselves from participating in the Review. Such decision must be communicated in writing to the Office of Student Conduct at least three business days prior to the start of the Review. The Director of Student Conduct or their designee will select another Board member, Review Advisor, or Review Officer to replace the disqualified person and notify the Respondent, University Representative, and Complainant prior to the Review.
- U. The Board's Chair or Review Officer is responsible for facilitating the Review and, in consultation with the Review Advisor, will make decisions regarding witnesses, evidence, and procedures.
1. The Chair or Review Officer may exclude any person who disrupts the Review.
  2. The Chair or Review Officer may institute reasonable time or other restrictions on the delivery of participant and witness information in order to complete the Review in a reasonable amount of time.
- V. At the Review, the Chair or Review Officer will explain the Review process to the Respondent, University Representative, and other participants. The Board or Review Officer will hear and receive information and witnesses presented by the University Representative supporting the alleged violations. The Board or Review Officer and Respondent may also ask questions of the witnesses presented by the University Representative. The Board will then hear and receive the Respondent's information, witnesses, and perspective about the incident, review the applicable

report(s) and other evidence, and ask questions of the Respondent and witnesses presented by the Respondent. The University Representative will also have the opportunity to ask questions of the Respondent and the witnesses presented by the Respondent. The Chair or Review Officer will conclude the Review by explaining the next steps in the process.

- W. After conducting a Review, the Board or Review Officer will deliberate privately. The determination(s) of the Board will be made by majority vote. The Chair will not vote unless there is a tie.
1. The Board or Review Officer will determine whether the Respondent is responsible for the alleged violation(s) of this *Code*. If the Respondent is found not responsible for all alleged violations, the matter will be dismissed and concluded without any further proceedings for the Respondent.
  2. In determining whether or not a Respondent is responsible for violating this *Code*, the Board or Review Officer will base its fact-finding determination(s) on the Preponderance of the Evidence standard, with the University bearing the burden of proof.
- X. After the conclusion of deliberations, the Board's Chair or Review Officer will submit a Student Conduct Review Report to the Office of Student Conduct summarizing the alleged violations of this *Code* and the Board's or Review Officer's findings as to the alleged violations.
1. The Office of Student Conduct will forward the Student Conduct Review Report to the original Student Conduct Officer within five business days of the conclusion of the Review.
    - i. If the Respondent is found responsible for violating this *Code*, and except as set forth below, the original Student Conduct Officer will assign sanctions. In assigning sanctions, the Student Conduct Officer should consider the findings in the Student Conduct Review Report, the University's Sanctioning Guidelines, and the Respondent's student conduct record.
    - ii. If the Student Conduct Officer does not assign suspension or dismissal as a sanction, they will provide the Respondent in writing with the Student Conduct Review Report and assigned sanctions within five business days of receiving the report, unless circumstances warrant otherwise.
    - iii. If the Student Conduct Officer determines that a suspension or dismissal is warranted as a sanction for an undergraduate Student, they will consult with the Council of Deans of Student Affairs. The Council of Deans of Student Affairs will make the final determination of the sanctions. Thereafter, the Student Conduct Officer will provide the Respondent in writing with the Student Conduct Review Report and assigned sanctions within five business days of the final determination of sanctions, unless circumstances warrant otherwise.
    - iv. If the Student Conduct Officer determines that a suspension or dismissal is warranted as a sanction for a graduate Student, Extension Student or Student Organization, they will provide the Respondent in writing with the Student Conduct Review Report and assigned sanctions within five business days of receiving the report, unless circumstances warrant otherwise.
  2. If a medical or pharmacy Student is found responsible for violating this *Code*, the Office of Student Conduct will forward the Student Conduct Review Report in writing to the Respondent and the relevant Standing and Promotions Committee (School of Medicine) or Academic Oversight Committee (Skaggs School of Pharmacy) within five business days of the conclusion of the Review.
    - i. The relevant committee will meet with the Respondent to discuss sanctions. In assigning sanctions, the relevant committee should consider the findings in the Student Conduct Review Report, relevant sanctioning guidelines (if any), and the Respondent's student conduct record.

- ii. The relevant committee will notify the Respondent in writing with the assigned sanctions upon conclusion of its proceedings. The relevant committee will notify the Office of Student Conduct of the sanctions assigned to the Respondent.
3. If the Board finds the Respondent not responsible for all alleged violations of this *Code*, the Office of Student Conduct will forward the Student Conduct Review Report to the Student Conduct Officer within five business days of the conclusion of the Review. The Student Conduct Officer will provide the Respondent with the Student Conduct Review Report and notification that all alleged violations of this *Code* have been dismissed in writing within five business days of receiving the report.

#### **XIV. RESOLUTION PROCESS FOR STUDENT ORGANIZATIONS**

Student Organizations are expected to comply with the community standards set forth in this *Code* and may be charged with violations of those standards. The Office of Student Conduct is responsible for investigating reports of alleged violations of this *Code* by registered Student Organizations. The Director of the Center for Student Involvement or their designee facilitates Administrative Resolutions with principal members of Student Organizations referred for alleged violations. Incidents involving college-based Student Organizations will typically be handled by the relevant Dean, in consultation the Director of Student Conduct or their designee. Incidents involving Intercollegiate Athletic or club sports teams will be handled by the Director of Student Conduct or their designee.

- A. Any person may make a report of alleged violations of this *Code* by a Student Organization. Reports should be made to the Office of Student Conduct for review and possible referral for resolution, including alternative resolution options (e.g. mediation, restorative justice, corrective measures). Persons making reports of alleged violations are encouraged to provide information related to the allegation(s) and may be requested to participate in the Administrative Resolution and/or Student Conduct Review process as outlined in this *Code*.
- B. Upon receipt of a report of alleged violations of this *Code*, the Office of Student Conduct may conduct an investigation or if appropriate, refer the report to another appropriate office for investigation (e.g. the Office for Prevention of Harassment and Discrimination). The Office of Student Conduct will determine whether or not there is reasonable cause to believe the Student Organization has violated this *Code*.
- C. In determining whether there is reasonable cause to believe the Student Organization has violated this *Code*, the Office of Student Conduct will consider, among other things:
  - 1. The degree of knowledge and/or involvement of the Student Organization's principal members, officers and/or members;
  - 2. The use of the Student Organization's resources (e.g. money, space, other resources); and
  - 3. The proportion of the Student Organization's members involved.
- D. If there is not enough evidence to establish reasonable cause to believe the Student Organization has violated this *Code*, the Office of Student Conduct will not process the report, and may notify the Student Organization and/or the Complainant that no further action will be taken.
- E. If an incident report is not resolved through an Administrative Resolution meeting or a Student Conduct Review, the Office of Student Conduct or the Director for the Center of Student Involvement or their designee may issue a written notification to a Student Organization when their alleged behavior may have violated this *Code*. If a Student Organization receives such notice they will be given the opportunity to submit a brief written response, which will be retained in their organization's student conduct record. The written notice and the Student Organization's response may be used in subsequent proceedings to determine applicable sanctions.

- F. Reports of alleged violations determined to have reasonable cause to believe the Student Organization has violated this *Code* will be forwarded by the Office of Student Conduct, to the Director of the Center for Student Involvement or their designee for an Administrative Resolution meeting. Reports that are made more than one year following the alleged incident will only be referred for student conduct action with the joint approval of the Director of Student Conduct or their designee and Director of the Center for Student Involvement or their designee.
- G. A Student Organization and its principal members may be collectively or individually charged and/or held responsible when actions by its principal members, leaders, officers, or members violate this *Code* in conjunction with activities or events, held on- or off-campus, sanctioned explicitly or implicitly by the organization's principal members, leaders, officers, or members.
- H. The Director of the Center for Student Involvement or their designee will provide the principal members of the Student Organization with the following information in writing prior to the Administrative Resolution meeting:
1. Notification of the alleged violations of this *Code*;
  2. Summary of the evidence relating to the alleged violations of this *Code*;
  3. Notice that the Student Organization has five business days from the date of the notice to contact the Director of the Center for Student Involvement or their designee to schedule an Administrative Resolution meeting;
  4. Electronic or hard copy versions of relevant case materials to be reviewed at the meeting (e.g. incident report, police report, etc.);
  5. Information about how to request the presence of witnesses during the meeting; and
  6. Information about how to request assistance from the A.S. Office of Student Advocacy, Office of the Ombuds, and the Office of Student Legal Services.
- I. Principal members of a Student Organization who cannot attend a scheduled Administrative Resolution meeting must contact the Director of the Center for Student Involvement or their designee to request a new date and/or time at least two business days prior to the meeting. It is at the discretion of the Director of the Center for Student Involvement or their designee if the meeting will be rescheduled and a Student Organization may only request one change to the date and/or time of the meeting.
- J. If, after proper notice, the principal members do not contact the Director of the Center for Student Involvement or their designee to schedule an Administrative Resolution meeting, the Director of the Center for Student Involvement or their designee may determine the Student Organization's responsibility for the alleged violations of this *Code* and may assign sanctions based off the information in their possession without the Student Organization's participation.
- K. Administrative Resolution meetings will be closed to the public. Recording devices (audio and/or video) of any kind are not permitted for use by the principal members of the Student Organization, Complainant, witnesses, or Advisors.
- L. Principal members of a Student Organization are entitled to be assisted by an Advisor during an Administrative Resolution meeting. A Student Advocate serving as an Advisor may speak on behalf of their advisee. Students, faculty, staff, or attorneys serving as an Advisor are allowed to be present at the meeting but only to confer with their advisee. Student Organizations electing to be accompanied by an Advisor must notify the Director of the Center for Student Involvement or their designee at least three business days prior to the meeting.
- M. At the meeting, the Director of the Center for Student Involvement or their designee will explain the Administrative Resolution process to the Student Organization's principal members. The Director of the Center for Student Involvement or their designee will provide the principal members an opportunity to review the applicable incident report(s), explain their rights, and describe the alleged violations of this *Code*. The principal members will then have the opportunity to present their version of the incident, including providing witnesses for the Director of the Center

for Student Involvement or their designee to meet with. At the conclusion of the meeting, if the principal members accept responsibility for the alleged violations, the Director of the Center for Student Involvement or their designee will explain the potential sanctions.

- N. Student Organizations accepting responsibility at an Administrative Resolution meeting will be assigned sanction(s) by the Director of the Center for Student Involvement or their designee pursuant to Section XV (D) of this *Code*. Principal members will be provided with a brief summary of the meeting and assigned sanction(s) in writing within 10 business days after the Administrative Resolution Meeting, unless circumstances warrant otherwise.
- O. If the Student Organization does not accept responsibility for one or more alleged violations of this *Code* and the Director of the Center for Student Involvement or their designee believes there is a Preponderance of the Evidence to sustain those violations, the Director of the Center for Student Involvement or their designee will refer the matter to the Office of Student Conduct for a Student Conduct Review within five business days of the meeting, unless circumstances warrant otherwise. The Student Conduct Review will be held to determine whether the Student Organization is responsible for the alleged violations not resolved at the Administrative Resolution meeting. Sanctions for all alleged violations, including those resolved at the Administrative Resolution meeting, will be assigned by the Director of the Center for Student Involvement or their designee.
- P. If the Director of the Center for Student Involvement or their designee determines there is not a Preponderance of the Evidence to sustain all alleged violation(s) of this *Code* and the matter is not forwarded to a Student Conduct Review, they will notify the Student Organization, in writing, within 10 business days, that the alleged violation(s) have been dismissed, unless circumstances warrant otherwise.

#### **XV. SANCTIONS AND UNIVERSITY ACTIONS**

Violations of the standards set forth in Section VII may result in the assignment of sanctions based on the specific circumstances of the incident and applicable University Sanctioning Guidelines. Any sanction assigned should be appropriate to the violation and, when appropriate, educational in nature.

- A. A Respondent's student conduct record is cumulative. Therefore, increased sanctions may be assigned to take into consideration the Respondent's overall record of violations of all types, not just those of a similar type. Violations of this *Code* or other University Policies during the period of an active sanction may be cause for further action.
- B. Repeated violations of any provision of this *Code* may also result in suspension or dismissal. Lesser sanctions may be assigned if specific factors are present. Factors to be considered in increasing or mitigating a sanction may include:
  - 1. The severity of the violation;
  - 2. The student conduct record of the Respondent;
  - 3. The nature of the offense;
  - 4. The severity of any damage; and
  - 5. Any injury or harm resulting from the matter to necessitate student conduct action.
- C. Violations of this *Code* may result in an enhanced sanction when the conduct was motivated by a person's membership in a protected classification (e.g., race, color, national or ethnic origin, citizenship, sex, gender, religion, age, sexual orientation, gender expression, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, or medical condition) or perceived membership in a protected classification.
- D. When a Respondent accepts responsibility for violating this *Code* or is found responsible for violating this *Code*, one or more of the following sanctions may be assigned:

1. **Formal Warning:** A formal written notice to the Respondent that a violation of this *Code* has occurred and that continued or repeated violations of this *Code* or other University Policies may be cause for further action.
2. **Probation:** A status assigned for a specified period of time during which the Respondent must demonstrate conduct that conforms to University standards. Conditions restricting the Respondent's privileges or eligibility for activities may be assigned. Violations of this *Code* during the probationary period or violation of any conditions of the probation may result in further action.
3. **Loss of Privileges and Exclusion from Activities:** An exclusion from participating in designated privileges and activities for a specified period of time. Violating any specified conditions, this *Code* or other University Policies during the period of this sanction may be cause for further action.
4. **Suspension:** The termination of student status for a specified period of time with a defined reinstatement thereafter certain, provided that the Respondent has complied with all conditions assigned as part of the suspension and is otherwise qualified for reinstatement. Suspensions will normally take effect in the academic quarter immediately following the sending of the notice of final sanctions to the Respondent, unless the incident involves harm to self or others, threats of violence, or other circumstances warranting an immediate suspension. Violation of the conditions of suspension or of this *Code* or University policies during the period of suspension may be cause for further action. The suspension will be noted on the Respondent's transcript for the duration of the suspension and removed when the suspension has ended.
5. **Dismissal:** The termination of student status for an indefinite period. Readmission to UC San Diego will require the specific approval of the Chancellor or their designee. Readmission after dismissal may be granted only under exceptional circumstances. The dismissal will be noted permanently on the Respondent's transcript.
6. **Exclusion from Areas of the Campus or from University-Supported Activities:** The exclusion of a Respondent from specified areas of the campus or other University-owned, -operated, or -leased facilities, or other facilities located on University Grounds and Facilities, or from University-Supported Activities.
7. **Restitution:** The reimbursement of expenses incurred by the University or other parties resulting from a violation of this *Code*. Reimbursement may be in the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be assigned to any Respondent who alone, in a group, as part of a Student Organization, or through concerted activities, participates in causing the damages or costs. Students may be responsible for the restitution of damage(s) caused by their guests.
8. **Revocation of Awarding of Degree:** Subject to the concurrence of the Academic Senate, revocation of a degree obtained by fraud. Such revocation is subject to review on appeal by the Chancellor or their designee.
9. **Other Sanctions:** Other sanctions may be assigned instead of, or in addition to those specified in this section of this *Code* at the discretion of the Student Conduct Officer or Council of Deans of Student Affairs. Other sanctions may include, but are not limited to, stay away orders, written apologies, mandated assessments, placement of a hold on University transcripts, diplomas, or other student records, University Bookstore fines, and/or other sanctions as deemed appropriate in light of the violation(s).
10. **Educational Sanctions:** Educational sanctions may be assigned instead of, or in addition to those specified in this *Code* at the discretion of the Student Conduct Officer or Council of Deans of Student Affairs. Educational sanctions may include, but are not limited to, reflection papers, participation in alcohol or drug education programs, conducting research projects, or meeting with University Officials.

## **XVI. INTERIM ACTIONS**

- A. Any sanction authorized by this *Code* may be assigned on an interim basis by the Director of Student Conduct or their designee in consultation with the Dean or their designee or the Director of the Center for Student Involvement or their designee. In imposing such interim action, the Director of Student Conduct or their designee will attempt to ensure that a Student or Student Organization will only be restricted to the minimum extent necessary when their participation in University-Supported Activities, use of University resources, or presence on University Grounds and Facilities is reasonably likely to lead to:
1. Physical harm to any person or property;
  2. Threats of violence;
  3. Conduct that threatens the health or safety of any person; or
  4. Other disruptive activity incompatible with the orderly operation of the campus<sup>7</sup> (see UC San Diego *Policy on Speech, Advocacy and Distribution of Literature on University Grounds* (Policy and Procedure Manual, Section 510-1 IX & XII) for guidelines related to expressive activity on University Grounds and Facilities).
- B. Interim suspensions must be submitted by the Director of Student Conduct or their designee to the Chancellor or their designee, who will review the Interim Suspension prior to its issuance. If the Chancellor or their designee does not approve the Interim Suspension, it will be considered void and will not be issued to the Student or Student Organization.
- C. A Student or Student Organization subject to an Interim Suspension will be given, in writing, prompt notice of allegation(s), the duration of the Interim Suspension, and the opportunity for a prompt review. Interim Suspensions will be re-reviewed by the Chancellor or their designee within 24 hours.
- D. A Student or Student Organization suspended on an interim basis will be given an opportunity to appear personally for an Interim Suspension hearing before the Director of Student Conduct or their designee within three business days from the effective date of the Interim Suspension. During this hearing, the Student or Student Organization may present information and witnesses to support discontinuing the Interim Suspension in accordance with Section XVI (E) below. The Student or Student Organization may also be accompanied to the hearing by an Advisor. All provisions in this *Code* pertaining to Advisors apply during an Interim Suspension hearing.
- E. After the Interim Suspension hearing, the Director of Student Conduct or their designee will determine whether the Interim Suspension should continue until a final determination on the merits of the alleged violations of this *Code*. If the Director of Student Conduct or their designee determines that the conduct and surrounding circumstances reasonably indicate that the continued presence of the Student or Student Organization on campus pending the hearing on the merits is reasonably likely to lead to any of the prohibited conduct as referenced in Section XVI (A) above, they may continue the Interim Suspension through the conclusion of all appeals related to alleged violation(s). Administrative Resolution meetings and Student Conduct Reviews involving Students or Student Organizations on a continued Interim Suspension will have scheduling priority.
- F. If a Student or Student Organization is found to have been unjustifiably placed on Interim Suspension, the University will make a reasonable effort to assist Students or Student Organizations who have been disadvantaged with respect to employment or academic status.
- G. The Director of Student Conduct, in consultation with the Dean or their designee or the Director of the Center for Student Involvement or their designee, may direct a Student or Student Organization to act or refrain from engaging in a specified manner pending student conduct proceedings. These directions may include directing Students or Student Organizations not to intentionally contact others specifically named for a specified period of time. These directions will not terminate the Student's or Student Organization status as a Student or Student Organization and will not be construed as a finding or acceptance of responsibility on the part of any Student or

Student Organization. However, failure to comply with these directions may be a violation of Section VII (P).

- H. The Director of Student Conduct, in consultation with the Dean or their designee or the Director of the Center for Student Involvement or their designee may take further protective action that they deem appropriate concerning the interaction of the parties throughout the process, including directing appropriate University officials to alter the Students' academic, University housing, and/or University employment arrangements.

## **XVII. APPEALS AND SANCTION REDUCTION REQUESTS**

A Student or Student Organization found to have violated this *Code* in a Student Conduct Review has the right to appeal the decision and/or request a reduction of the assigned sanction(s). A Student or Student Organization accepting responsibility in an Administrative Resolution meeting may only request a reduction of any sanctions assigned by the Student Conduct Officer.

- A. Appeals and sanction reduction requests must be submitted in writing to the Office of Student Conduct within 10 business days from the date that the Respondent was notified of the original decision. The submission must specify the grounds for review in accordance with Section XVII (C) or (D) below and include all the supporting reasons, evidence, arguments, and documents. The Respondent will, upon request to the Office of Student Conduct, be given access to the record (e.g. written decision and/or audio recording) of the original meeting or Review before submitting an appeal or sanction reduction request. Failure to appeal or request a reduction in sanctions within the specified time period will make the original decision final and conclusive. Requests will be reviewed in the following manner:
  - 1. Appeals and sanction reduction requests submitted by an undergraduate Student will be reviewed by the Council of Provosts.
  - 2. Appeals and sanction reduction requests submitted by a graduate Student will be reviewed by the Dean of the Graduate Division.
  - 3. Appeals and sanction reduction requests submitted by a medical or pharmacy Student will be reviewed by the respective Dean of their school.
  - 4. Appeals and sanction reduction requests submitted by an Extension Student will be reviewed by the Dean of UC San Diego Extension.
  - 5. Appeals and sanction reduction requests submitted by a Student Organization will be reviewed by the Assistant Vice Chancellor – Student Life.
- B. If a Respondent submits a timely appeal or sanction reduction request, the group or individual reviewing the submission may direct the Office of Student Conduct to provide a copy to the Complainant and/or relevant University Official and request a written response. If a written response is submitted, a copy of this response will be provided by the Office of Student Conduct to the Respondent, who may respond in writing.
- C. Appeals must be based upon one or more of the following grounds:
  - 1. The determinations of responsibility for the violations are not supported by the findings;
  - 2. There was unfairness in the proceedings that prejudiced the result (e.g. the denial of due process); or
  - 3. There is newly discovered evidence not known at the time of the Review that would have affected the result.
- D. Sanction reduction requests must be based on the ground that the sanction(s) assigned was grossly disproportionate to the violation committed.
- E. Appeals and sanction reduction requests will be decided upon the record of the original Administrative Resolution meeting or Student Conduct Review, the complete statement of the Respondent setting forth specific reasons, evidence, and arguments for the submission, and any written statement or response by the Complainant, Respondent, or relevant University Official.

- F. The implementation of sanctions will typically be deferred during this process, unless otherwise decided at the discretion of the Student Conduct Officer (individual Students) or the Director of the Center for Student Involvement (Student Organizations), in consultation with the Director of Student Conduct or their designee.
- G. The group or person reviewing an appeal of a decision made by the Community Standards Board or Review Officer and/or a sanction reduction request will take one or more of the following actions:
  - 1. The decision by the Board or Review Officer is affirmed in whole or in part.
  - 2. The case, in whole or in part, is referred back to the Office of Student Conduct for re-review by a new Board or Review Officer. On re-review, the results of the previous Review will not be provided to the new Board or Review Officer. The new Board or Review Officer will be reminded of applicable procedures to ensure proper handling of the Review;
  - 3. The decision is dismissed;
  - 4. The assigned sanction(s) is affirmed;
  - 5. The assigned sanction(s) is modified (e.g. increased or decreased); or
  - 6. The assigned sanction(s) is dismissed.
- H. Respondents will generally be notified in writing of the result of the appeal or sanction reduction request by the Office of Student Conduct within 10 business days of the date when the request was forwarded to the group or person listed in Section XVII (A) above. A brief statement explaining the basis of the decision by the group or individual reviewing the request will be included with this notice. The result of the appeal or sanction reduction request is final.
- I. If, as a result of an appeal or sanction reduction request, it is determined that the Respondent was improperly found responsible or sanctioned for violating this *Code*, the Office of Student Conduct will, upon request by the Respondent, remove corresponding references to the proceedings from the Respondent's student conduct record. The Director of Student Conduct or their designee, in consultation with the Respondent's Dean of Student Affairs, may take other reasonable actions to ensure that the status of the Respondent's relationship with the University is not adversely affected in an improper way.

#### **XVIII. STUDENT CONDUCT RECORDS**

- A. The referral of a report of alleged violations to the Office of Student Conduct may result in the development of a student conduct record for the Respondent.
- B. A Respondent's student conduct record will generally contain the applicable incident report(s) and/or police report(s), meeting and decision letters, and other documents related to student conduct incidents the Respondent has been involved in while a UC San Diego Student or while registered as a Student Organization.
- C. In pending student conduct actions that may result in a Respondent's suspension or dismissal, a temporary hold will normally be placed on the Respondent's student account by the relevant Dean or the Office of Student Conduct. In addition, if a Respondent becomes eligible for a degree before the completion of the student conduct process, the Executive Vice Chancellor may direct that the degree not be awarded until the process is completed.
- D. The student conduct record of a Respondent found responsible of any violation of this *Code* will normally be retained by the Office of Student Conduct as a student conduct record for not longer than seven years from the date of the incident or as otherwise required by law (whichever is longer). If the Student leaves UC San Diego without graduating, their student conduct record will normally be retained by the Office of Student Conduct for not longer than seven years from the date of the incident or as otherwise required by law (whichever is longer).

- E. The record of a student conduct matter resulting in a Student or Student Organization's dismissal will be retained permanently.
- F. Student conduct records of a Respondent found not responsible for all violations of this *Code* will be retained for seven years from the date of the incident or as otherwise required by law (whichever is longer). However, such records will not be considered while determining sanctions in a subsequent case.
- G. Whenever any information is included by the Office of Student Conduct or any University Official in a student conduct record, the Respondent will be allowed to include in the record a brief written statement or response concerning the student conduct action. The Respondent may not request a change in the underlying decision or sanction(s) through this process.

## **XIX. ATTRIBUTION**

Portions of this document are attributed to the University of California *Policy on Student Conduct and Discipline*, the UC Berkeley *Campus Code of Student Conduct*, the UC Irvine *Student Conduct Code*, the UCLA *Student Conduct Code*, the University of Maryland *Student Code of Conduct*, the University of Missouri School of Law *Honor Code*, the University of Virginia *Policy and Procedures for Student Sexual Misconduct Complaints*, the *Model Code of Student Conduct (Pavela, G.)*, *Model Student Conduct Code (Stoner, E. & Lowery, J.)*, Brown University *Student Conduct Code*, Loyola Marymount University *Community Standards*, the Rutgers University *Code of Student Conduct*, and the Pacific University *Code of Student Conduct*.

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## **ANNOTATIONS**

<sup>1</sup> For purposes of this definition, the term "knives" refers to any and all knives that California or Federal law prohibit from being carried or possessed on a University of California campus.

<sup>2</sup> See Section VII (J) for the definition of harassment in this *Code*.

<sup>3</sup> For purposes of this community standard, the following apply:

- A. Pursuant to Section XV(C), sanctions may be enhanced for conduct motivated on the basis of the above classifications.
- B. 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 VII (I) is the applicable standard for harassment by students. For cases of harassment on the basis of sex, see also the University of California *Policy on Sexual Harassment* and the *Procedures for Responding to Sexual Harassment*.

<sup>4</sup> For the purposes of this community standard, controlled substances include any drugs regulated by the local, state, or federal government. This includes medicinal marijuana.

<sup>5</sup> For purposes of this community standard, the following apply:

- A. This section applies without regard to whether the conduct is motivated by race, ethnicity, personal animosity, or other reasons. However, it does not apply to conduct that constitutes the lawful defense of oneself, of another, or of property.
- B. "**Reckless Disregard**" means consciously disregarding a substantial risk.
- C. "**Terrorize**" means to cause a reasonable person to fear bodily harm or death, perpetrated by the actor or those acting under his/her control.

<sup>6</sup> For purposes of this community standard, the following apply:

- A. These provisions do not extend to public events or discussions, nor to lawful official law or policy enforcement activities.
- B. "**Express consent**" means clear, unmistakable and voluntary consent that may be in written, oral, or nonverbal form.
- C. "**Private locations**" mean settings where the person reasonably expected privacy. Generally, residential living quarters, bathrooms, locker rooms, and personal offices are considered private locations.
- D. "**Private, non-public conversations and/or meetings**" mean any communication carried on in circumstances that reasonably indicate that any party wants the communication to be confined to the parties, but excludes communication made in a public gathering, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

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<sup>7</sup> For purposes of this section, this term refers to conduct creating an immediate and/or continuing disruption related to:

1. The health and safety of members of the University community;
2. Teaching, research, administration, disciplinary procedures, or other University-Supported Activities; or
3. Access and/or use of University Grounds and Facilities.