# Berkeley Campus Code of Student Conduct

## General Overview

The University of California at Berkeley is a community of scholars committed to maintaining an environment that encourages personal and intellectual growth. It is a community with high standards and high expectations for those who choose to become a part of it, including established rules of conduct intended to foster behaviors that are consistent with a civil and educational setting. Members of the University community are expected to comply with all laws, University policies and campus regulations, conducting themselves in ways that support a scholarly environment. In this context, students are guided by the UC Berkeley Campus Code of Student Conduct ("Code").

This Code of Student Conduct complies with UC Office of the President issuance of the revised Policies Applying to Campus Activities, Organizations and Students (PACAOS 100.00) Appendix H: Student Conduct Investigation and Resolution Frameworks. The revised PACAOS 100.00 applies to incidents occurring on or after July 1, 2026. The revised Appendix H applies to student conduct matters for which the written notice initiating the conduct process is issued on or after July 1, 2026, regardless of when the underlying incident occurred.

## For More Information:

Center for Student Conduct
203 Sproul Hall
MC 2432
Berkeley, CA 94720

Phone: (510) 643-9069
Email: **studentconduct@berkeley.edu**
**https://conduct.berkeley.edu/**

# Table of Contents


*I. Definitions* ..... *4*

**A. Student** ..... **4**
**B. Student Organization** ..... **4**
**C. Notice** ..... **4**
**D. Days** ..... **4**
**E. Committee on Student Conduct** ..... **5**
1. Composition of Committee ..... 5
2. Hearing Panels ..... 5
3. Duration of Appointment ..... 5

**F. Independent Hearing Officer** ..... **5**

*II. Jurisdiction* ..... *5*

**A. Generally** ..... **5**
**B. Off-Campus Conduct** ..... **5**
**C. Conduct on Other UC Campuses** ..... **6**

*III. Student Rights* ..... *6*

**A. Notice of Conduct Charges** ..... **6**
**B. Requesting a Conduct Record** ..... **6**
**C. Presumption of Innocence** ..... **6**
**D. Choosing Not to Participate** ..... **6**
**E. Hearing** ..... **6**
**F. Appeal** ..... **7**
**G. Advisors & Support Persons** ..... **7**

*IV. Conduct Procedures* ..... *7*

**A. Administration of the Code of Conduct** ..... **7**
1. The Center for Student Conduct ..... 7
2. The Independent Hearing Officer ..... 7
3. Procedures and Timelines ..... 7

**B. Filing a Complaint and Investigation of Allegations** ..... **7**
1. Filing a Complaint ..... 7
2. Sexual Violence and Sexual Harassment Complaints ..... 8
3. Harassment and Discrimination Complaints ..... 8
4. Complaints Relating to University Housing ..... 8
5. Allegations of Research Misconduct ..... 8
6. Allegations of Graduate Academic Misconduct ..... 8
7. Request for Restorative Justice Services ..... 8

**C. Response to Alleged Misconduct** ..... **8**
1. Case Not Pursued ..... 8
2. Alternative Resolution ..... 9
3. Case Charged ..... 9

**D. Resolution of Charged Cases** ..... **10**
1. No Finding of Responsibility/Notification ..... 10
2. Faculty Resolution of Undergraduate Academic Violations ..... 10
3. Student Conduct Administrative Resolution ..... 11
4. Formal Hearing Processes ..... 12
5. Appeals ..... 16
6. Interim Measures ..... 17

*V. Grounds for Discipline* ..... *18*

**102.01 - Academic Misconduct** ..... **18**
**102.02 - Other Dishonesty** ..... **18**
**102.03 - Forgery** ..... **18**
**102.04 - Theft** ..... **18**
**102.05 - Electronic Resources** ..... **18**
**102.06 - Unauthorized Conduct** ..... **18**
**102.07 - University Housing** ..... **18**
**102.08 - Physical Abuse** ..... **18**
**102.09 - Harassment** ..... **18**
**102.10 - Stalking** ..... **19**
**102.11 - (Rescinded by UCOP on October 9, 2009)** ..... **19**
**102.12 - Hazing** ..... **19**
**102.13 - Obstruction of University Activities** ..... **19**
**102.14 - Disorderly Conduct** ..... **19**
**102.15 - Disturbing the Peace** ..... **19**
**102.16 - Failure to Comply** ..... **19**
**102.17 - Controlled Substances** ..... **19**
**102.18 - Alcohol** ..... **19**
**102.19 - Destructive Devices** ..... **20**
**102.20 - Weapons** ..... **20**
**102.21 - Disciplinary Actions** ..... **20**
**102.22 - Notice of Emergency Suspension** ..... **20**
**102.23 - Course Materials** ..... **20**
**102.24 - Terrorizing Conduct** ..... **20**
**102.25 - Violation of Privacy** ..... **20**
**102.26 - Camping or Lodging** ..... **21**
**102.27 - Other Policies or Regulations** ..... **21**

*VI. Conduct Sanctions* ..... *21*

**Warning (Non-Reportable)** ..... **21**
**Warning for Student Organizations** ..... **21**
**Disciplinary Probation** ..... **21**
**Loss of Privileges and Exclusion from Activities** ..... **21**
**Suspension** ..... **21**
**Dismissal** ..... **22**
**Exclusion from Areas of the Campus or from Official University Functions** ..... **22**
**Restitution** ..... **22**
**Revocation of Awarding of Degree** ..... **22**
**Other** ..... **22**
A. Stay of Sanction ..... 22
B. Other Actions ..... 22
C. Additional Student Organization Sanctions ..... 22

*VII. Miscellaneous* ..... *22*

**A. Actions for Pending Cases** ..... **22**
1. Records Hold ..... 22
2. Deferral or Withholding of Degree ..... 23

**B. Maintenance of Student Conduct Records** ..... **23**
1. University Policy, State and Federal Law ..... 23
2. Campus Policy Regarding Retention of Records ..... 23
3. Posting on Transcripts ..... 23

4. Expunging of Conduct Records ..... 23

**C. Application of the Code ..... 24**
**D. Revisions of the Code ..... 24**
**E. Threats to Health and Safety/Disruptive or Illegal Activity ..... 24**
1. Threats to Health and Safety ..... 24
2. Disruptive and Illegal Activity ..... 24

***Appendix I: Emergency Suspension ..... 24***
***Appendix II: Academic Misconduct ..... 26***

**A. Cheating ..... 26**
**B. Plagiarism ..... 26**
**C. False Information and Representation and Fabrication or Alteration of Information ..... 26**
**D. Theft or Damage of Intellectual Property ..... 26**
**E. Alteration of University Documents ..... 26**

***Appendix III. The Restorative Educational Practices Initiative (REPAIR) ..... 27***

**A. Restorative Justice Pathway ..... 27**
1. Request for Services and Party Engagement ..... 27
2. Repair Plans ..... 27
3. Failure to Reach or Complete Repair Plans ..... 28
4. Repair Plans and Conduct Records ..... 28

## *I. Definitions*

### *A. Student*

#### *1. The term "student" for the purposes of this Code means an individual for whom the University maintains student records and who:*

a) is enrolled in or registered with an academic program of the University;

b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment, including the recess periods between academic terms; or

c) is on an approved educational leave or other approved leave status, or is on filing-fee status.

#### *2. The Code also applies to:*

a) applicants who become students, for offenses committed as part of the application process;

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

c) former students for offenses committed while a student.

Individuals enrolled in UC Berkeley Extension who do not meet the definitions listed above are subject to the UC Berkeley Extension Code of Student Conduct.

### *B. Student Organization*

Unless otherwise stated, wherever this Code refers to "student" the same also applies to registered student organizations. "Student organization" means any group or organization of students of the University of California, Berkeley that has obtained official recognition as a student organization from an office or department of the campus.

Registered student organizations are subject to the revocation of recognition by/affiliation with the university, and the individual members of those student organizations are subject to discipline under the Code. Communications with student organizations will be directed to the president, principal officer, student group signatory, or other students designated by the group to act as an agent on behalf of the group.

Intercollegiate Athletic teams and other groups of students participating in programs that are University-managed can be subjected to consequences at the group or organization level by their responsible administrator, and the individual members of those student organizations are subject to discipline under the Code.

Organizations that are unrecognized, unaffiliated, and/or otherwise not established with the University are not subject to discipline by the University, however, the individual student members of those organizations are subject to discipline under the Code.

### *C. Notice*

Wherever written notice to the student is required by the Code, it will be conclusively presumed to have been furnished if the notice is sent to the student by email to the email address most recently filed with the Registrar's office. It will be conclusively presumed that written notice to a student organization has been furnished if the notice is sent by email to the email address provided upon registering for University recognition.

### *D. Days*

The term "day" is defined as a full business day and does not include Saturdays, Sundays, legal holidays or University designated administrative holidays. With the mutual consent of the student, the Center for Student Conduct and the hearing body, hearings may be held outside of normal business hours, on Saturdays, Sundays or administrative holidays. The count of days will begin on the first day following the date of action and/or from which a deadline is set.

### *E. Committee on Student Conduct*

#### *1. Composition of Committee*

The Committee on Student Conduct is the body of individuals who serve on hearing panels and consists of faculty, staff and both graduate and undergraduate students. The Independent Hearing Officer is responsible for overseeing the recruitment, organization and training of the Committee. One undergraduate student may be nominated by the recognized student government and one graduate student may be nominated by the Graduate Assembly. Additional students are solicited from the community at large for appointment to the committee. Faculty members are recommended or appointed by the Academic Senate Committee on Committees. All members of the committee are appointed by the Chancellor or their designee.

#### *2. Hearing Panels*

Hearing panels are generally comprised of five members of the Committee on Student Conduct and include: one faculty member, one undergraduate student, one graduate student, one staff member and the faculty or staff chair. Hearings may be heard by a quorum of three members of the Committee on Student Conduct so long as the faculty or staff chair and one student are included on the panel.

a) If the case involves an alleged academic violation, at least two of the individuals hearing the case must be members of the faculty, one of whom must be the chair.

b) If the case involves an alleged non-academic violation, a member of the faculty is not required on the panel; however, the chair must be a staff member.

#### *3. Duration of Appointment*

Faculty and staff appointments to the Committee normally last for a term of one year with the possibility of extension to be determined by the Independent Hearing Officer. Student appointments to the Committee normally last for a term of one year. Members may be appointed for successive terms.

### *F. Independent Hearing Officer*

The Independent Hearing Officer is appointed by the Vice Chancellor for Student Affairs. Because it is intended that the Independent Hearing Officer operate independently of the Center for Student Conduct, neither shall report to the other nor to the direct supervisor of the other. The Independent Hearing Officer shall not participate in *ex parte* communications regarding the merits of a pending case, except that the Independent Hearing Officer may consult the Office of Legal Affairs for legal advice.

## *II. Jurisdiction*

### *A. Generally*

These provisions govern student conduct on, or as it relates to, University property, or at official University functions and University-sponsored programs conducted away from the campus. University property is defined for purposes of this Code as all land, buildings, facilities or other grounds or structures, or any item in possession of or owned, used, maintained or controlled by the University or designated by the campus as subject to these policies, including the International House. University property also includes computers and network systems owned, maintained or controlled by the University or funded by University budgets or designated by the campus as subject to these policies.

### *B. Off-Campus Conduct*

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

Jurisdiction may also be exercised over off-campus conduct, where the off-campus behavior includes, but is not limited to, allegations of physical assault, battery, credible threats of violence, or illegal possession or use of weapons, explosives or destructive devices.

In determining whether or not to exercise jurisdiction over such conduct, the Center for Student Conduct will consider the seriousness of the alleged offense, the risk of harm involved, whether the

victim(s) are members of the campus community and/or whether the off-campus conduct is part of a series of actions that occurred both on and off University property.

### *C. Conduct on Other UC Campuses*

A student at one campus of the University who is accused of violation(s) of University policies or campus regulations on another campus of the University, at an official function of that campus, or at any site at which a University function is sponsored, shall be subject to the disciplinary procedures of either the former or the latter campus as agreed by designees of both campuses. The imposition of any recommendations for disciplinary sanctions arising from these procedures must be reviewed and approved by both campuses before the sanctions are imposed.

## *III. Student Rights*

Students charged with violations of the Code are advised of their due process rights when they meet with Center for Student Conduct staff and throughout the process. They are entitled to the following procedural protections:

### *A. Notice of Conduct Charges*

If the Center for Student Conduct determines that a student will be charged with violations of the Code, a notice is emailed to the student within ten (10) days after a complaint is filed or initiated by Student Conduct (unless the ten day period is extended by the Independent Hearing Officer [see Procedures and Timelines]). The Alleged Violation Letter identifies the sections of the Code the student is charged with violating and includes a description of the facts supporting the charge(s) (see Cases Charged).

The University may bring charges against a former student for offenses committed while a student within six (6) months after termination of student or student organization status. This limitation does not apply to cases that involve academic dishonesty or fraud affecting the acquisition of a degree, over which the University maintains indefinite jurisdiction.

Notwithstanding the above, charges alleging a violation of the UC Policy on Sexual Violence and Sexual Harassment and the UC Anti-Discrimination Policy will be filed in accordance with those policies.

### *B. Requesting a Conduct Record*

The student may request a copy of the student's own conduct record at any time. The Center for Student Conduct must provide a copy within three (3) days of such requests. Generally, a student's conduct record contains the applicable incident report(s), meeting and decision letters, and other documents related to student conduct incidents in which the student has been involved. The release of such information may be subject to limitations imposed by state and federal law (see the Berkeley Campus Policy Governing Disclosure of Information from Student Records).

### *C. Presumption of Innocence*

It is presumed that a student charged with a violation of the Code is not responsible for such violations unless the student admits responsibility or it is determined otherwise following the administrative resolution or a formal hearing (see Standard of Proof, Section IV.D.2.d.5).

### *D. Choosing Not to Participate*

The conduct process works best when students and staff work collaboratively to resolve a case. Students may choose not to participate in the resolution of their charges. In this situation the Center for Student Conduct will proceed to resolve the charge without the participation of the student (see Resolution of Charged Cases). When the investigation, administrative resolution, or formal hearing process continues without the student's participation, the decisions of the Center for Student Conduct, Independent Hearing Officer, the hearing body, the Dean of Students or their designee, and/or the Appeal Officer or their designee will have the same force and effect as if the student had participated. Students may also choose to remain silent during any portion of the conduct process and no inference will be drawn from the decision of the student to remain silent. However, when a party selectively participates in the process, such as choosing to answer some but not all questions posed, it may be considered in evaluating the party's credibility.

### *E. Hearing*

Students charged with violations of the Code are encouraged to fully explore the administrative resolution of their case with the Center for Student Conduct. In cases where a separation student status sanction is imposed, they may, however, elect to have resolution of the case through a formal administrative or panel hearing (see Formal Hearing Processes).

### *F. Appeal*

Students have a right to submit a written appeal under certain defined grounds as it relates to administrative resolution or formal hearing processes (see Appeals).

### *G. Advisors & Support Persons*

Students may be accompanied by one advisor and/or one support person at any stage of the process. A student may select an advisor of their choosing or request that the University provide one; the student is responsible for any expenses associated with selecting an advisor not provided by the University. The advisor will have access to training regarding the procedures for student conduct investigation and resolution. An advisor and/or support person may be present with the written permission of the student. The advisor and/or the support person may be any person (including an advocate, attorney, friend, or family member) who is not otherwise a party involved in the incident or a witness. With written permission from the student, the advisor will receive updates along with the student during the adjudication process of the alleged violation. The advisor's primary role is to provide guidance through the process. The support person's primary role is to provide emotional support. All communication must come from the student; the advisor and/or the support person may not write or speak on behalf of a student or otherwise disrupt any meetings or proceedings in any manner. An advisor and/or support person may be excluded from participation by the Independent Hearing Officer or Center for Student Conduct staff member should they fail to adhere to these procedures. If a student has requested an advisor be assigned to them, the process will not begin without an advisor being identified. However, the conduct process will not be delayed due to repeated or ongoing unavailability of a particular advisor.

## *IV. Conduct Procedures*

### *A. Administration of the Code of Conduct*

#### *1. The Center for Student Conduct*

The Center for Student Conduct is responsible on behalf of the campus for intake of complaints alleging violations of the Code, investigation of alleged violations, issuing charges of Code violations, facilitating the administrative resolution process, presentation of cases at formal hearings, submitting appeal responses to the designated appeal officer, and implementing resolution plans (sanctions). The Center for Student Conduct administers complaints of both academic and non-academic violations of the Code. Faculty members may also resolve academic violations directly with the student through the faculty disposition process (see Faculty Resolution of Undergraduate Academic Violations).

#### *2. The Independent Hearing Officer*

The Independent Hearing Officer is responsible for resolving procedural matters described in this Code (see Resolution of Charged Cases), administering the formal hearing process (see Formal Hearing Processes), presiding over formal hearings, and deciding all procedural and evidentiary matters related to formal hearings. The Independent Hearing Officer may additionally be delegated to serve as the appeal officer for cases that do not proceed to a formal hearing (see Designation of Appeal Officer).

#### *3. Procedures and Timelines*

Each case is handled individually and, while due process is always provided, every procedure outlined in the Code may not be used in a particular case. All investigations shall be concluded promptly, generally within sixty (60) to ninety (90) days of when a student is notified of the allegations, unless there is a good cause extension. All deadlines and time requirements in this document may be extended for good cause as determined by the Independent Hearing Officer or upon the agreement of the Center for Student Conduct and the responding student. Requests for extensions of deadlines must be made in writing to the Independent Hearing Officer. The Independent Hearing Officer will notify appropriate parties whether or not the extension is granted, and if an extension is granted, the specific date of the new deadline or event.

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

#### *1. Filing a Complaint*

Most cases begin with a complaint alleging that a student has committed an academic or non-academic violation of the Code. Any member of the faculty or staff, a student, or any other person may file a complaint with the Center for Student Conduct within sixty (60) days of the date the reporting party knew or should reasonably have known of the alleged violation unless law or an external agency requires that information be withheld. The Center for Student Conduct may waive the 60-day limitation whenever the complaint may result in suspension or

dismissal from the University, and/or the reporting party would not have understood in the course of their role that they should report the misconduct to the Center for Student Conduct. Notwithstanding the above, complaints alleging a violation of the UC Policy on Sexual Violence and Sexual Harassment and the UC Anti-Discrimination Policy, will be addressed as prescribed in those policies. The Center for Student Conduct may also independently investigate information concerning student misconduct from any source, such as police and/or press reports, even where no formal complaint has been filed.

***2. Sexual Violence and Sexual Harassment Complaints***

In cases involving sexual violence and sexual harassment (SVSH), the investigation and adjudication of specific allegations will be conducted in accordance with the UC Policy on Sexual Violence and Sexual Harassment, the UC Student Adjudication Framework for Sexual Violence and Sexual Harassment, and UC Berkeley's Local Procedures for the Student Adjudication Framework.

***3. Harassment and Discrimination Complaints***

In cases involving protected class harassment or discrimination the investigation and adjudication of specific allegations will be conducted in accordance with the UC Anti-Discrimination Policy and the PACAOS Appendix G Student Investigation and Adjudication Framework for Prohibited Conduct: Discrimination, Harassment, and Retaliation.

***4. Complaints Relating to University Housing***

Students residing in University-owned and/or -operated housing facilities who are accused of violating the Residential Code of Conduct may be adjudicated under the process outlined in the Residential Code of Conduct or referred directly to the Center for Student Conduct.

***5. Allegations of Research Misconduct***

Allegations of research misconduct are investigated under the procedures described by the UC Policy on Research Misconduct. The Office of the Vice Chancellor for Research oversees the administration of the policy. When an investigation concludes with a finding of responsibility by an undergraduate student, the report will be forwarded to the Center for Student Conduct and the student will be subject to disciplinary action under this Code. When an investigation concludes with a finding of responsibility by a graduate student, the student may be subject to disciplinary action under the Graduate Academic Misconduct Policy (see Allegations of Graduate Academic Misconduct).

***6. Allegations of Graduate Academic Misconduct***

Allegations of academic misconduct against graduate students are governed by the campus's Graduate Academic Misconduct Policy. The Graduate Division oversees the administration of the Graduate Academic Misconduct Policy and school-specific Graduate Academic Misconduct Policies.

***7. Request for Restorative Justice Services***

Community members who believe they have been harmed by a UC Berkeley student may also attempt to repair the harm through the REPAIR restorative justice (RJ) pathway outlined in Appendix III. Requesting services through REPAIR will pause the sixty (60) day reporting window referenced in Filing a Complaint. This process is not available for alleged behavior subject to the UC Policy on Sexual Violence and Sexual Harassment.

### *C. Response to Alleged Misconduct*

As soon as practicable after receiving a report alleging student misconduct, and typically within ten (10) days from receipt of all necessary information unless the length of the investigation period is extended to a later specific date by the Independent Hearing Officer (notice does not need to be provided to the student of the application for issuance of such an extension), the Center for Student Conduct will conduct a preliminary assessment to determine whether the report falls within the scope of these procedures and whether the allegations, if true, may constitute a policy violation. One of the following actions will then be taken:

***1. Case Not Pursued***

*a) Notification*

As an alternative to pursuing charges against a student who has allegedly violated the Code, the Center for Student Conduct may issue a written notification to a student that

the student's alleged behavior, if it had actually occurred, would have violated University policy, campus regulations or the Code and would be subject to the conduct process. The Notification is not a determination that the allegations against the student are true, does not result in a reportable conduct record, and therefore is not appealable. However, the prior alleged behavior as detailed in the Notification may be introduced in a subsequent conduct process for the purpose of establishing that the student was warned that such behavior violates University policy, campus regulations or the Code. Normally the issuing of a Notification will close the matter, however, should additional relevant information be discovered in the future the matter may be reopened.

### *2. Alternative Resolution*

a) At any point during the process, the Center for Student Conduct may offer an alternative resolution, the REPAIR RJ pathway (see Appendix III). Alternative Resolution is subject to the following conditions:
   (1) The student does not dispute the facts relevant to whether the policy violation occurred, and/or acknowledges responsibility
   (2) All involved parties who are willing to participate in any process, including any impacted individuals, consent in writing to participate. The Center for Student Conduct will determine who is an "involved party."

b) Alternative resolution of cases involving medical treatment for personal use of alcohol or other drugs, pursuant to PACAOS 104.10.
   (1) Students receiving medical treatment for the personal use of drugs or alcohol shall not be subject to disciplinary action if they complete an appropriate rehabilitation/education program assigned by the Center for Student Conduct.
   (2) If the student does not complete the appropriate rehabilitation/education program, they shall be subject to disciplinary action.
   (3) This only applies to students one time per academic semester. For subsequent alleged violations within the same semester, the student may be subject to disciplinary action or offered a rehabilitation/education program.
   (4) This does not apply when students may have engaged in other alleged violations of this Code (such as hazing, physical abuse, or theft) or other campus policy (such as the Policy of Sexual Violence and Sexual Harassment or the Anti-Discrimination Policy), in which case a student is subject to disciplinary action.

### *3. Case Charged*

*a) Notice of Allegations ("Alleged Violation Letter")*

If the Center for Student Conduct determines the report falls within the scope and that the allegations, if true, may constitute a policy violation, the student will receive written communication of charges, also referred to as the Alleged Violation Letter (AVL), which will include information related to the procedures for resolution. The AVL will include:

(1) A brief summary of the incident including, wherever possible, the date, time, and location of the alleged offense;

(2) A list of the University policy(-ies) or campus regulation(s) the student is alleged to have violated;

(3) A specific statement of the student status sanction(s) that may be applied, including if the student chooses not to participate in the conduct process;

(4) Notice of the opportunity to meet with a Center for Student Conduct staff member to discuss resolution of the charges (see Resolution of Charged Cases);

(5) Notice that the student will have the right to a formal hearing if a separation status sanction is implemented in the administrative resolution.

(6) Notice of the student's right to an appeal;

(7) A statement regarding the student's right to be accompanied by an advisor and/or support person at any stage of the conduct proceedings, including the right to an advisor provided by the University if requested.

(8) Procedures for requesting a time extension;

(9) Notice of the Center for Student Conduct's intent to continue the conduct process in the student's absence unless the student meets with Center for Student Conduct staff;

(10) And a copy of these adjudication procedures.

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

The Center for Student Conduct may place a student or student organization on interim suspension by issuing a Notice of Interim Suspension (see Interim Measures).

b) Student Conduct Investigation and Administrative Resolution Meeting
The Center for Student Conduct will offer a meeting, referred to as an Administrative Resolution Meeting, for the purpose of explaining the alleged violation(s), discussing information that was received in relation to the allegation(s), and providing the student with an opportunity to respond to the allegation(s) and to present any information that may assist in investigation and resolution of the case.

If the student wishes to meet with the Center for Student Conduct, the student must request the meeting within five (5) days of issuance of the AVL. The student must participate in the meeting no later than ten (10) days after the issuance of the AVL.

The Center for Student Conduct will review the facts and information available and shall determine, based on the preponderance of the information, whether it is more likely than not the student violated University policy (see Resolution of Charged Cases).

## *D. Resolution of Charged Cases*

### *1. No Finding of Responsibility/Notification*

During an investigation, the Center for Student Conduct may conclude the investigation without rendering a determination on the policy violations. This could be by dropping the case due to insufficient information or by instead issuing a Notification (see Notification).

### *2. Faculty Resolution of Undergraduate Academic Violations*

*a) Generally*

Faculty members may choose to informally resolve incidents of undergraduate academic misconduct through the faculty disposition form or may refer such complaints to the Center for Student Conduct. All faculty dispositions will be reported to the Center for Student Conduct, for adjudication (as described in Resolution of Charged Cases) and record-keeping purposes. If the student has a prior history of misconduct at the University, the Center for Student Conduct may administer the matter after consultation with the instructor or faculty member (see Student Conduct Administrative Resolution).

*b) Initial Inquiry*

Instructors or faculty members attempting to settle academic matters will discuss allegations of academic misconduct with the student directly and, if appropriate, others involved in the suspected academic violation. If the student maintains innocence of the violation and the instructor or faculty member determines that no such violation occurred, they may cease pursuing the complaint.

*c) Faculty Determined Disposition*

If, upon discussion, the student admits the violation, the instructor may impose an appropriate academic sanction after confirming with the Center for Student Conduct that the student has no prior history of academic misconduct. Academic sanctions may only be imposed by faculty members and include but are not limited to resubmitting assignments and grade adjustments. All faculty dispositions will be reported to the Center for Student Conduct. After receiving a signed faculty disposition and confirming the student's eligibility to have the matter resolved through the faculty disposition process, the Center for Student Conduct will issue a letter documenting the faculty resolution and issuing a Non-Reportable Warning and educational sanctions (see Conduct Sanctions). Faculty members may not impose sanctions as listed in Conduct Sanctions.

*d) Referral to the Center for Student Conduct*

If the instructor or faculty member is unable to, or elects not to resolve the complaint with the student, they will report the alleged violation to the Center for Student Conduct.

If the student, in discussion with the instructor or faculty member, maintains innocence of the alleged violation and the instructor or faculty member believes a violation did occur, they will report the alleged violation to the Center for Student Conduct.

When the alleged violation is reported to the Center for Student Conduct, it will be handled as outlined in Student Conduct Administrative Resolution. If a student is found responsible for academic violations of the Code, academic sanctions may be imposed by the faculty member (see Faculty Determined Disposition) and non-academic sanctions may be imposed through the Administrative Resolution or (if applicable) Formal Hearing process (see Conduct Sanctions).

When an instructor or faculty member reports an alleged academic violation to the Center for Student Conduct, a course grade of "RD" (Review Deferred) will be noted on the grade sheet while the grade is pending the resolution of the allegations.

*e) Notice of Final Disposition*

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

### *3. Student Conduct Administrative Resolution*

Cases may be resolved if the charged student, at any time prior to the hearing and/or appeal, accepts the administrative resolution. Administrative resolutions generally include sanctions including student disciplinary status sanctions and educational sanctions that help the student to reflect on their actions (see Conduct Sanctions).

*a) Administrative Resolution Letter*

After providing the student with an opportunity to participate in the administrative resolution process, the Center for Student Conduct will review the facts and information available and shall determine, based on the preponderance of the information, whether it is more likely than not the student violated University policy. The Center for Student Conduct will issue an Administrative Resolution Letter which will include:

(1) A summary of the information considered;

(2) An analysis and determination of facts;

(3) A statement as to whether a preponderance of the information is present to find the student responsible for each charged policy;

(4) A determination of what sanction(s) will be imposed, if applicable;

(5) A statement of the student's response options, including hearing and/or appeal

*b) Response to Administrative Resolution*

(1) The student's options will be determined based on the student status sanction included in the Administrative Resolution.

(1) Non-Separation student status sanctions include a Non-Reportable Warning, Student Organization Warning, and Disciplinary Probation

(2) Separation student status sanctions include Suspension, Dismissal, Revocation of a Degree Previously Awarded, and Revocation of Student Organization Recognition.

(2) Options and Timelines for the Administrative Resolution:

(1) If the student accepts the Administrative Resolution, the outcome of the violation and imposed sanctions are final, and no hearing or appeal will follow. The student can accept by affirmatively stating so in writing, or by allowing the following applicable timelines to pass:

(2) If the Administrative Resolution does not include a separation status sanction, the student may appeal. The appeal must be submitted in writing within 10 days of issuance of the Administrative Resolution Letter (see Appeals).

(3) If the Administrative Resolution includes a separation status sanction and the student does not accept responsibility for the policy violation, the student may request a formal hearing (see Formal Hearing Process). The request must be made in writing within 5 days of issuance of the Administrative Resolution Letter.

(4) If the Administrative Resolution includes a separation status sanction, and the student accepts responsibility for the policy violation, but wishes to appeal the sanction, the student may appeal specifically on the ground that the sanctions are disproportionate. The student must submit a written intent to appeal the sanctions within five (5) days of issuance of the Administrative Resolution Letter and must submit their written appeal within 10 (10) days of the issuance of the Administrative Resolution (see Appeals).

(3) When a hearing or appeal is permitted under the procedures outlined above, the implementation of sanctions will be deferred pending the final outcome of the case.

(4) If the student does not respond in the timeframes listed above, the outcome is final and no hearing or appeal will follow.

### *4. Formal Hearing Process*

In a case where a separation status is included in the Administrative Resolution, the student may choose to have the case resolved through the formal hearing process. The student may indicate a choice of a panel or administrative hearing; if the student does not select a hearing type, or if the student stops participating in the formal process without indicating a hearing type, the case will be conducted as an administrative hearing.

The hearing notice will be sent by the Independent Hearing Officer within ten (10) days of referral from the Center for Student Conduct, scheduled to occur within a reasonable timeline. The Independent Hearing Officer will provide written notice to the Center for Student Conduct and to the charged student of the date, time and location of the hearing, to occur no less than 10 days from the date of the hearing notice. The Independent Hearing Officer may determine,

for good cause that the date of the hearing should be continued to a later specific date or that the time or place of the hearing should be changed. The student or the Center for Student Conduct may also request a continuance for such good cause. A good cause for continuance includes, but is not limited to, final examinations, panelist availability, significant illness, etc. The Independent Hearing Officer will provide reasonable notice to the parties of any changes to the date, time or location of the hearing.

*a) Panel Hearing*

Panel hearing cases are presented to hearing panels comprised of members of the Committee on Student Conduct, which act as the hearing body and make a determination regarding the alleged violation(s). Panel hearings are presided over by the Independent Hearing Officer.

*b) Administrative Hearing*

Administrative hearings are conducted by the Independent Hearing Officer, who shall act as the hearing body and make determinations regarding the alleged violation(s). In all other respects, administrative hearings are conducted in the same manner as panel hearings.

*c) Pre-Hearing Process*

(1) *Exchange of Information*

The Independent Hearing Officer will establish a procedure for the parties to exchange information prior to the formal hearing. The exchange will occur no later than five (5) days prior to the hearing, unless the Independent Hearing Officer sets an earlier date for the exchange. The parties will exchange copies of all information relevant to the incident to be shared at the hearing and a list of possible witnesses. The list of possible witnesses should be annotated with details regarding the relevance of each witness to the case. The Independent Hearing Officer may exclude witnesses from participating in the hearing should they be irrelevant to the matter at hand or redundant in content.

The Independent Hearing Officer may exclude any information from the hearing that a party fails to include in its exchange of information or fails to exchange according to these procedures. The release of information pursuant to this section may be subject to limitations imposed by state and federal law (see Berkeley Campus Policy Governing Disclosure of Information from Student Records).

(2) *Pre-Hearing and Procedural Matters*

The Independent Hearing Officer will review and decide on any procedural matters either in advance of or during the hearing as necessary and appropriate. These matters include but are not limited to: limits on each side's time for presentation, exclusion of duplicated or irrelevant matters, or order of presentation of information. The Independent Hearing Officer will make such decisions based upon the specific circumstances of the case in order to promote the fair and efficient resolution of the hearing.

The Independent Hearing Officer will rule on and remedy any violations of a charged student's procedural rights with regard to the Conduct process and this Code. If the Independent Hearing Officer determines that a violation of the student's procedural rights has occurred, the Independent Hearing Officer may take whatever actions are necessary with respect to the pending case to remedy any harm resulting from the violation, including but not limited to exclusion of evidence or dismissal of some or all of the charges.

Prior to the hearing, if a charged student believes the information or evidence is not sufficient to conclude that it is more likely than not that the student committed the violation(s), and/or if the student believes that the alleged violation is not within the jurisdiction of the Code, the student may ask the Independent Hearing Officer to dismiss the charge.

The Independent Hearing Officer may establish procedures for submission and determination of all pre-hearing matters.

*d) The Hearing*

(1) *Presentation of Information*

Hearings are not conducted according to formal rules of procedure and evidence. The responding student and the Center for Student Conduct will each be given an opportunity to make both opening and closing statements. The members of the hearing panel, the Independent Hearing Officer, the responding student and the Center for Student Conduct shall all be allowed an opportunity to question each witness. Once the hearing body has completed its questioning of a witness, the Center for Student Conduct and the responding student will each be given the opportunity to ask any remaining questions.

(2) *Question and Answer*

No person is required to provide information against one's own self in any conduct proceeding. Information shared will normally not be admissible unless the opposing party is afforded a reasonable opportunity to confront and ask questions of the witness. It is the responsibility of the student to ensure that the student's witnesses are present. However, if a witness is unavailable or declines to attend, the Independent Hearing Officer will determine whether written or other recorded statements of such witness will be admitted.

(3) *All Information Presented at the Hearing*

The hearing body's decision will be based only upon information introduced at the hearing. Neither the charged student nor the Center for Student Conduct may communicate information regarding the merits of the case or its disposition to the hearing body without the other party being afforded an opportunity to respond.

(4) *Choosing Not to Appear*

Unless good cause is shown, if the student does not appear at the hearing, the hearing body may find the student responsible for some or all of the charges and may recommend some or all of the proposed sanctions against the student. The hearing body's decision will be based only upon the information available at the hearing, and that information may be introduced informally. If the Center for Student Conduct does not appear at the hearing, the Independent Hearing Officer may dismiss the charges against the student.

(5) *Standard of Proof*

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

(6) *Admissibility of Information*

Admissible information is the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to evidence admissible under the strict rules of evidence of a court of law. The hearing body will not consider information that it determines has been obtained by fundamentally unfair means.

(7) *Prior Conduct Record*

The hearing body will take into account the student's prior conduct record, including Notifications (for the purpose of establishing the student had actual knowledge the behavior violated the Code), if any, only for the purpose of determining an appropriate sanction unless the information is considered to be relevant to the charges.

*e) Hearing Body's Determination and Dean of Students' Decision*

The hearing body is responsible for determining, based on the evidence presented at the hearing, whether it is more likely than not that the responding student violated the Code with respect to each charged violation. Where the hearing is conducted before a

hearing panel, the Independent Hearing Officer shall not participate in the panel's deliberations, nor shall the Independent Hearing Officer make recommendations to the panel regarding what decision the panel should make. If by a majority vote, the hearing body determines that it is more likely than not that the student violated the Code, then the sanctioning phase of the hearing will immediately commence. The Independent Hearing Officer will outline the procedures for this phase, which includes a presentation of information related to the sanctions by the Center for Student Conduct and the responding student.

The hearing body's decision will be documented in a report that includes a summary of the relevant facts, the student's behavior, and a determination of whether the student has been found responsible or not of each alleged violation of the Code of Student Conduct. The hearing body will also recommend to the Dean of Students or their designee specific sanctions to be imposed if it finds the student in violation of the Code. The hearing body will deliver the report to the Independent Hearing Officer within ten (10) days of the hearing, and the Independent Hearing Officer will promptly send the report to the Dean of Students. The Independent Hearing Officer will also send the hearing report to the Center for Student Conduct for the student's file.

Based upon the findings of the hearing body and any recommendation for sanctioning, the Dean of Students or their designee will issue a written statement. The written statement, also referred to as the Dean's Decision Letter, will be issued for all hearings, regardless of whether there is a finding of responsibility. The Dean's Decision Letter will state the policy determinations of the hearing body and, should there be a finding of responsibility, will assign the sanction(s). The Dean of Students or their designee has sole authority in assigning sanctions. The letter will also provide a statement of the parties' right to appeal and the procedures to appeal. The Dean's Decision Letter and hearing body's report will be sent to the charged student within ten (10) days of receiving the hearing body's report.

*f) Recommendation to Revoke Degree Previously Conferred*

If the hearing body determines that a student has committed an act of academic misconduct or fraud affecting the acquisition of the student's degree, the Dean of Students or their designee may forward a recommendation that the degree be revoked to the Committee on Courses of the Academic Senate.

The Dean of Students' or their designee's recommendation will not be forwarded to the Committee on Courses until expiration of the time to file a written appeal (see Appeals) or until determination that the appeal by the Vice Chancellor for Student Affairs or their designee has been completed.

The Committee on Courses makes the final decision as to revocation of the degree. This determination is not appealable to the Vice Chancellor for Student Affairs.

*g) Consolidation of Hearings*

Cases in which more than one student is charged with violating the same Code section(s) and which depend on common evidence may, at the discretion of the Independent Hearing Officer, either be considered jointly in a single consolidated hearing or be assigned to separate, individual hearings. All charged students must waive their rights to confidentiality before the hearing may be consolidated (see Berkeley Campus Policy Governing Disclosure of Information from Student Records), unless a consolidated hearing can be conducted in a manner that doesn't violate University or campus policy regarding the privacy rights of students.

When an individual student is alleged to have violated the Code in separate incidents, the cases may be resolved in a single hearing process when appropriate as determined by the Independent Hearing Officer.

*h) Recording of Hearing*

The Independent Hearing Officer will make an official recording of the hearing, a copy of which must be made available to the charged student upon request. In some

instances the recording may have to be transcribed before it can be released (see Berkeley Campus Policy Governing Disclosure of Information from Student Records).

*i) Hearings Generally Closed to the Public*
In order to protect the privacy of the student, hearings are closed to the public unless an exception is granted by the Independent Hearing Officer upon written request by the student. The student may request an open hearing by submitting a written request for a public hearing along with a waiver of confidentiality to the Independent Hearing Officer within a reasonable time in advance of the scheduled hearing date. If the request for an open hearing is denied, the Independent Hearing Officer will provide a rationale in writing. In a consolidated hearing, all charged students must waive their rights to confidentiality and to a closed hearing before the hearing may be opened to the public. The Independent Hearing Officer may close any hearing to the public when necessary to maintain order or to protect the rights of the participants including the privacy rights of student witnesses or others.

## *5. Appeals*

The student may appeal the Administrative Resolution when the outcome does not include a separation status sanction. When an Administrative Resolution includes a separation status sanction, a student may submit an appeal after a hearing determination, or may appeal the sanctions included in the Administrative Resolution if they accept responsibility for the policy violation(s).

*a) Designation of Appeal Officer*
(1) If a hearing has not occurred, then the Independent Hearing Officer shall act as the Appeal Officer. The Independent Hearing Officer may designate another person to act as the Appeal Officer.
(2) If a hearing has occurred, then the Vice Chancellor for Student Affairs shall act as the Appeal Officer. The Vice Chancellor may designate another person to act as the Appeal Officer

*b) Appeal Submission Procedure and Timeline*
The timelines for a written appeal are as follows:

(1) If the administrative resolution does not include a separation status sanction, the student must submit the written appeal within ten (10) days of the issuance of the Administrative Resolution Letter.
(2) If the Administrative Resolution includes a separation status sanction, and the student does not request a formal hearing but wishes to appeal the sanctions, the student must submit a written intent to appeal the sanctions within five (5) days of issuance of the Administrative Resolution Letter and must submit their written appeal within ten (10) days of the issuance of the Administrative Resolution
(3) If the case proceeded to a hearing, the student or the Center for Student Conduct must submit the written appeal within ten (10) days of the issuance of the Dean's Decision Letter.
(4) The written appeal should be submitted to the Center for Student Conduct. When such an appeal is timely submitted, a copy of the appeal must promptly be sent to the other party. Within seven (7) days of receiving the copy, the other party may submit a written response to the appeal.

*c) Deferral of Implementation of Sanctions During Appeal*
The filing of a timely appeal suspends the imposition of sanctions until the appeal is decided, but interim action may be taken as determined by the Dean of Students or their designee. Grades or degrees may be withheld pending conclusion of the appeal.

*d) Basis for the Appeal*
An appeal must be based on one of the following grounds:

(1) New information not available at the time of the Administrative Resolution, the absence of which can be shown to have materially affected the outcome.

(i) In cases where a hearing has occurred, the appeal ground is based on new information not available at the time of the hearing, the absence of which can be shown to have materially affected the outcome

(2) There was a procedural error in the process that materially affected the outcome;

(3) The proposed sanction is disproportionate given the findings of fact.

(i) If the Administrative Resolution includes a separation status sanction, and the student accepts responsibility for a violation and the case does not proceed to a hearing, then the appeal can only be based on the ground the sanctions are disproportionate to the findings of fact.

*e) Final Determination of Appeal*

The Appeal Officer will review the record of the case and will make the final determination of all cases appealed under these regulations. Except in cases where the appeal is based upon newly discovered evidence, the Appeal Officer will not consider information that was not part of that record, other than the student's prior conduct record, if any.

The Appeal Officer may approve, reject, or modify the decision and sanction in question, or remand the case to a prior procedural point. Where the appeal is based upon new information, the case may be referred back for further consideration. Absent good cause for an extension, the Appeal Officer will issue a written decision to the student and the Center for Student Conduct within fifteen (15) days of receiving the appeal and all related documents, including a response to the appeal. Once issued, the decision of the Appeal Officer is final.

### *6. Interim Measures*

Pending the final determination of alleged violation, the interim measure known as an interim suspension may temporarily exclude a student from classes, specified activities, areas of campus, or the entire campus. These exclusions are set forth in a Notice of Interim Suspension issued by the Center for Student Conduct.

A student will be restricted only to the minimum extent necessary and when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus. A student placed on interim suspension will be given prompt notice of the reason for the interim suspension and the duration of the interim suspension. Any interim suspension will be reviewed by the Chancellor or their designee within twenty-four hours of issuance by the Center for Student Conduct.

The student will be provided with the opportunity for a prompt hearing before the Independent Hearing Officer regarding the merit of the interim suspension. Interim Suspension hearings are not recorded. After reviewing the merit at the Interim Suspension hearing, the Independent Hearing Officer will issue a written determination that may cancel, modify or uphold the Interim Suspension during the course of the Interim Suspension hearing. If an interim suspension is determined by the Independent Hearing Officer to have been issued improperly, then the University will engage in reasonable efforts to assist an individual who has been disadvantaged with respect to employment or academic status resulting from the suspension.

Interim Suspensions may be periodically reviewed by the Independent Hearing Officer for appropriateness as circumstances change through the length of a case. Generally, an Interim Suspension is in effect for the duration of the investigation and adjudication of the conduct case. Notices of Interim Suspension and determinations regarding the merits of an Interim Suspension and related exclusions shall be maintained by the Center for Student Conduct record keeping purposes. The Center for Student Conduct will issue an Alleged Violation Letter concerning the alleged conduct that led to the Notice of Interim Suspension within ten (10) days following the issuance of the Notice of Interim Suspension. In cases involving sexual

violence, and sexual harassment (SVSH), the Office for the Prevention of Harassment and Discrimination (OPHD) will issue a Notice of Investigation as described by the procedures outlined in the UC Student Adjudication Framework for Sexual Violence and Sexual Harassment, and UC Berkeley's Local Procedures for the Student Adjudication Framework. Failure of a student to comply with the requirements of an interim suspension is a violation of this Code.

## *V. Grounds for Discipline*

The Chancellor may impose discipline for the commission or attempted commission (including aiding or abetting in the commission or attempted commission) of the following types of violations by students (as specified by University Policy 100.00), as well as such other violations as may be specified in campus regulations:

***102.01 - Academic Misconduct***
All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty.

See Appendix II of this Code for further explanation of academic misconduct.

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

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

***102.04 - Theft***
Theft of, conversion of, destruction of, or damage to any property of the University, or any property of others while on University premises, or possession of any property when the student had knowledge or reasonably should have had knowledge that it was stolen.

***102.05 - Electronic Resources***
Theft or abuse of University computers and other University electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others; interference with the work of others and with the operation of computer and electronic communications facilities, systems, and services; or copyright infringement (for example, the illegal file-sharing of copyrighted materials).

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

Please refer to the Acceptable Use of Technology Resources ("Acceptable Use" Policy for additional information.

***102.06 - Unauthorized Conduct***
Unauthorized entry to, possession of, receipt of, or use of any University services; equipment; resources; or properties, including the University's name, insignia, or seal.

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

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

Sexual Violence (including Sexual Assault – Penetration, Sexual Assault – Contact, and Relationship Violence) is defined by the University of California Policy on Sexual Violence and Sexual Harassment.

***102.09 - Harassment***
Harassment defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities.

Harassment based on a protected category is defined by the University of California Anti-Discrimination Policy. Pursuant to PACAOS section 104.90, sanctions may be enhanced for conduct motivated on the basis of the protected categories defined in the University of California Anti-Discrimination Policy.

Sexual Harassment is defined by the University of California Policy on Sexual Violence and Sexual Harassment.

***102.10 - Stalking***
Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for their safety, or the safety of their family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose.

Stalking of a sex-based nature is defined by the University of California Policy on Sexual Violence and Sexual Harassment.

***102.11 - (Rescinded by UCOP on October 9, 2009)***

***102.12 - Hazing***
Participation in hazing or any intentional, knowing, or reckless act, activity, or method committed by a person (whether individually or in concert with other persons) against another person or persons, including current, former, or prospective students, regardless of the willingness of such other person or persons to participate, that is committed in the course of a preinitiation, an initiation into, an affiliation with, or the maintenance of membership in, an official or unofficial student organization or other student group that

(i) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury, including personal degradation or disgrace, and/or

(ii) the person knew or should have known was likely to cause serious bodily injury.

More information can be found in the Student Hazing Prevention and Campus Response Policy.

***102.13 - Obstruction of University Activities***
Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.

***102.14 - Disorderly Conduct***
Disorderly or lewd conduct.

***102.15 - Disturbing the Peace***
Participation in a disturbance of the peace or unlawful assembly. (see Berkeley Campus Regulations Implementing University Policies for further information.)

***102.16 - Failure to Comply***
Failure to identify oneself to, or comply with the directions of, a University official or other public official acting in the performance of the official's duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.

***102.17 - Controlled Substances***
Unlawful manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of controlled substances, identified in federal and state law or regulations.

***102.18 - Alcohol***
Manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, University policy or campus regulations.

***102.19 - Destructive Devices***
Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.

***102.20 - Weapons***
Possession, use, storage or manufacture of a firearm or other weapon.

***102.21 - Disciplinary Actions***
Violation of the conditions contained in the terms of a disciplinary action imposed under this Code or campus regulations.

***102.22 - Notice of Emergency Suspension***
Violation of the conditions contained in a written Notice of Emergency Suspension issued pursuant to Appendix I (Emergency Suspension) of this Code or violation of orders issued during a declared state of emergency (see University Policy on Campus Emergencies, Section 52.00).

***102.23 - Course Materials***
Selling, preparing, or distributing for any commercial purpose course lecture notes or video or audio recordings of any course unless authorized by the University in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a student is a violation of these Policies whether or not it was the student or someone else who prepared the notes or recordings.

Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a University of California course unless authorized by the University in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder).

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

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

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.

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.

These provisions do not extend to public events or discussions, nor to lawful official law or policy enforcement activities. These provisions may not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

Definitions:

> "Express consent" is clear, unmistakable and voluntary consent that may be in written, oral or nonverbal form.
>
> "Private locations" are settings where the person reasonably expected privacy. For example, in most cases the following are considered private locations: residential living quarters, bathrooms, locker rooms, and personal offices.
>
> "Private, non-public conversations and/or meetings" include any communication carried on in circumstances that reasonably indicate that any party wants the communication to be confined to the parties, but excludes a communication made in a public gathering, or in any other circumstance in

which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

Invasions of Sexual Privacy are defined by the University of California Policy on Sexual Violence and Sexual Harassment.

***102.26 - Camping or Lodging***
Camping or lodging on University property other than in authorized facilities.

***102.27 - Other Policies or Regulations***
Violation of any other University policy or campus regulation including violations of the University of California Policy on Sexual Violence and Sexual Harassment and the University of California Anti-Discrimination Policy.

## *VI. Conduct Sanctions*

When a student is found in violation of University policies or campus regulations, any of the following sanctions or combination thereof may be imposed. The administrator determining the sanction will consider the then-current version of PACAOS Appendix H, which describes principles applicable to sanctioning and other actions that could be appropriate in the resolution of a student conduct complaint, when determining the appropriate sanction.

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

***Warning (Non-Reportable)***
Written notice or reprimand to the student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of University policies or campus regulations may be cause for further disciplinary action. A non-reportable warning may be issued in instances of deliberate and serious violations as well as for repeat, non-egregious violations. Once issued, a non-reportable warning will not create a reportable conduct record, and records of the warning will be maintained only for in-house reference in case of subsequent violations.

***Warning for Student Organizations***
Written notice or reprimand to the student organization that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of University policies or campus regulations may be cause for further disciplinary action. A warning may be issued in instances of deliberate and serious violations as well as for repeat, non-egregious violations.

***Disciplinary Probation***
A status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the student's privileges or eligibility for activities may be imposed. Misconduct during the probationary period or violation of any conditions of the probation may result in further disciplinary action, normally in the form of Suspension or Dismissal. Disciplinary probation will typically be issued in response to more egregious violations and recurring serious violations to communicate to the student that further violations will most likely lead to temporary or permanent removal from campus.

***Loss of Privileges and Exclusion from Activities***
Exclusion from participation in designated privileges and activities for a specified period of time. Violation of any conditions in the written Notice of Loss of Privileges and Exclusion from Activities, or violation of University policies or campus regulations during the period of the sanction may be cause for further disciplinary action, normally in the form of Probation, Suspension or Dismissal.

***Suspension***
Termination of student status at the campus for a specified period of time with reinstatement thereafter certain, provided that the student has complied with all conditions imposed as part of the suspension and provided that the student is otherwise qualified for reinstatement. Suspensions will typically be issued in cases of extraordinarily serious first-time violations and for subsequent violations of a serious degree after a warning or disciplinary probation has been administered. Violation of the conditions of Suspension or

of University policies or campus regulations during the period of Suspension may be cause for further disciplinary action, normally in the form of Dismissal.

A student may not transfer or register for courses at another campus or location of the University of California during the period of Suspension.

***Dismissal***
Termination of student status for an indefinite period. Readmission to the University requires the specific approval of the Chancellor of the campus to which a dismissed student has applied. Dismissal will typically be used in cases that cannot be appropriately addressed with a suspension because the recurring nature of multiple violations or the extraordinary caliber of a single violation demonstrates that the student does not deserve an opportunity to return to campus. Readmission after dismissal may be granted only under exceptional circumstances.

***Exclusion from Areas of the Campus or from Official University Functions***
Exclusion of a student as part of a disciplinary sanction from specified areas of the campus or other University-owned, -operated, or -leased facilities, or other facilities located on University property, or from official University functions, when there is reasonable cause for the University to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

***Restitution***
A requirement for restitution in the form of reimbursement may be imposed for expenses incurred by the University or other parties resulting from a violation of these policies. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student who alone, or through group or concerted activities, participates in causing the damages or costs.

***Revocation of Awarding of Degree***
Subject to the concurrence of the Academic Senate, revocation of a degree obtained by fraud or other academic dishonesty. Such revocation is subject to review on appeal by the Chancellor.

***Other***
Other disciplinary actions, such as monetary fines, community service, or holds on requests for transcripts, diplomas, deferral or withholding of a degree, or other student records to be sent to third parties, as set forth in campus regulations.

***A. Stay of Sanction***
The imposition of any sanction may be held in abeyance pending future conduct.

***B. Other Actions***
Other appropriate action, including, but not limited to, additional academic assignments.

***C. Additional Student Organization Sanctions***

***1.*** *In addition to the sanctions listed above, violations by student organizations may also result in revocation of the organization's recognition or revocation of recognition of the organization's officers.*

***2.*** *A recognized student organization may be sanctioned where a member or members of the organization violated the Code with the knowledge and consent of the organization's officers, or acted in concert with other members of the organization.*

## *VII. Miscellaneous*

### *A. Actions for Pending Cases*

#### *1. Records Hold*

Pursuant to PACAOS 104.81, a hold may be placed on transcripts and/or diploma(s) or other records as a sanction and/or until a student satisfies the terms and conditions of any sanction imposed.

### *2. Deferral or Withholding of Degree*

Pursuant to PACAOS 104.81, an academic degree may be deferred when disciplinary proceedings are pending or when a student's full compliance with disciplinary sanctions is pending, or withheld when academic dishonesty or fraud affected the acquisition of the student's degree.

## *B. Maintenance of Student Conduct Records*

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

Conduct case records and all supporting documentation will be maintained according to the University policies and applicable State and Federal laws concerning maintenance and disclosure of student records, protection of a student's right of privacy, and the disclosure of personal student information.

### *2. Campus Policy Regarding Retention of Records*

Student conduct records are confidential and are separate from the student's academic record. These records will be maintained by the Center for Student Conduct and will generally contain the applicable incident report(s) and/or police report(s), meeting and decision letters, and other relevant documents related to student conduct incidents as determined by the Center for Student Conduct. The Center for Student Conduct will retain student conduct records according to the following schedule:

(1) In cases where the final disposition is dismissal from the University, or revocation of a degree, the records will be retained for fifty (50) years from the end of the academic year in which the student no longer attends the University.

(2) Student conduct records in all other cases will be retained for five (5) years after the end of the academic year in which the case is closed or as otherwise required by law, provided there are no incomplete sanctions or conditions. No student conduct records will be destroyed while there are outstanding holds, sanctions or conditions, or when a matter is pending or on hold.

(3) When there have been repeated violations of the Code of Student Conduct, all student conduct records pertaining to an individual student will be retained five (5) years from the end of the academic year in which the most recent case is closed. Conduct records may be retained for longer periods of time or permanently, if so specified in the sanction or if required by law such as the Campus Security Act.

(4) Records that are subject to maintenance under the Campus Security Act (also known as the Jeanne Clery Act) will be retained for seven (7) years after the end of the academic year in which the case is closed or as otherwise required by law (whichever is longer)

(5) Conduct records of student organizations will be maintained for seven (7) years after the end of the academic year in which the case is closed or as otherwise required by law. In cases where the final disposition is Revocation of University Recognition, all records shall be maintained for a period of fifty (50) years from the end of the academic year in which the organization is no longer recognized by the University.

### *3. Posting on Transcripts*

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

### *4. Expunging of Conduct Records*

Conduct records may be expunged by the Dean of Students or their designee for good cause, upon written request of a student who has a conduct record. Factors to be considered in review of such petitions shall include:

(1) The person's conduct record as a whole;

(2) The conduct of the student subsequent to the violation;

(3) The nature of the violation(s) and the severity of any damage, injury, or harm resulting from it.

Conduct records retained for less than 120 days or designated as "permanent" shall not be expunged without unusual and compelling justification.

Expunged files may be so marked, shall not be kept with active conduct records, and shall not leave any student with a conduct record.

### *C. Application of the Code*

Conduct for violations of University policies or campus regulations may be imposed whether or not such violations are also violations of law, and whether or not proceedings are or have been pending in the courts involving the same acts. The proceedings described herein are separate and distinct from criminal or civil proceedings which may arise from identical circumstances and which apply to students as citizens at large. Whenever it is possible and reasonable to do so, student conduct cases will be handled in an informal manner that encourages students to learn from their experiences and be positive contributors to the community.

### *D. Revisions of the Code*

The Chancellor consults faculty, staff and students, including representatives of student governments, in the revision of the Berkeley Campus Code of Student Conduct except when such revisions result from changes to University-wide policies or are specifically mandated by law. Any member of the campus community may submit written proposals to change the provisions of this Code to the Chancellor at any time. Prior to the adoption of a revised Code of Student Conduct, all proposed modifications are submitted to the Office of Legal Affairs for review for consistency with University-wide policies and the law.

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

#### *1. Threats to Health and Safety*

In cases involving behavior that is willfully disruptive or presents a threat to the health or safety of others, interim suspension or exclusion pursuant to California Penal Code Section 626 may be invoked in addition to or instead of the initiation of conduct action (see Interim Measures).

#### *2. Disruptive and Illegal Activity*

Independent of the procedures described above, the Berkeley Campus Chief of Police or other designated officer may exclude disruptive students from the campus under the Berkeley Campus Procedures for Implementing Section 626 of the State Penal Code. Such exclusions may be ordered where there is reasonable cause to believe that the individual has engaged in an activity which (1) willfully disrupts the orderly operation of the campus and (2) is illegal under criminal statutes other than Section 626.4. (see for further information.)

## Copies of all campuswide and University policies referenced herein are available online at http://conduct.berkeley.edu/policies/.

### *Appendix I: Emergency Suspension*

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

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

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

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

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

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

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

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

## *Appendix II: Academic Misconduct*

This appendix provides students with a further explanation of different forms of academic misconduct. This list is not exhaustive. Individual departments at the University of California, Berkeley may have differing expectations for students, and therefore students are responsible for clarifying the standards and expectations of their individual departments.

### *A. Cheating*

Cheating includes fraud, deceit, or dishonesty in an academic assignment, or using or attempting to use materials, or assisting others in using materials that are prohibited or inappropriate in the context of the academic assignment in question.

### *B. Plagiarism*

Plagiarism includes use of intellectual material produced by another person without acknowledging its source. Plagiarism also includes self-plagiarism.

### *C. False Information and Representation and Fabrication or Alteration of Information*

Furnishing false information, failing to identify oneself honestly, fabricating or altering information and presenting it as legitimate, or providing false or misleading information to an instructor or any other University official in an academic context.

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

Sabotaging or stealing another person's work, improper access to or electronically interfering with the property of another person or the University, or obtaining or distributing a copy of an exam or assignment without the permission of the instructor.

### *E. Alteration of University Documents*

Forgery of an instructor's signature, submitting an altered transcript of grades to or from another institution or employer, putting one's name on another individual's work, or falsely altering a previously graded exam or assignment.

## *Appendix III. The Restorative Educational Practices Initiative (REPAIR)*

### *A. Restorative Justice Pathway*

#### *1. Request for Services and Party Engagement*

*a)* The restorative justice pathway aims to provide those who may have been harmed by student behavior and students who may have engaged in harmful behavior with an additional resolution option, in lieu of formal conduct charges. It is an elective option capable of addressing a broad range of alleged student behavior. The process will be initiated by a Request for Services filed through the Center for Student Conduct's website.

*b)* A Center for Student Conduct staff member will conduct an intake meeting with the requesting party within 5 days of receipt of the Request for Services. If the requesting party and the Center for Student Conduct staff member determine that the matter can be resolved through restorative justice, the Center for Student Conduct staff member will invite the student who allegedly engaged in the harmful behavior to their own restorative justice intake meeting within 5 days.

*c)* The student who is alleged to have engaged in harmful behavior may decline the invitation. If the invitation is declined, the Center for Student Conduct will inform the requesting party, who may then choose to formally report the behavior for potential adjudication as outlined in Section IV.C. If the invitation is declined, information gathered by the Center for Student Conduct staff member regarding the Request for Services will not be disclosed to other campus offices unless such disclosure is required by UC or campus policy or by law, or is necessary to respond to an emergency or to mitigate threats of imminent harm to self or others. Examples of mandatory disclosures include but are not limited to SVSH reporting obligations, CANRA reporting obligations, and subpoenas. If a disclosure subject to mandatory report under the SVSH policy is necessary, the parties will be provided with support options and informed of reporting obligations. The information may also be disclosed if the requesting party explicitly agrees to disclose it as part of a formal report to engage in the adjudication procedures outlined under Section IV.C.

*d)* If the student who is alleged to have engaged in harmful behavior accepts the invitation, the parties will attempt to reach a mutually agreed upon resolution called a Repair Plan within forty-five (45) days of all parties agreeing to engage in the process.

*e)* Requesting services will not be treated as a report of an alleged violation. However, requesters should engage with the Center for Student Conduct within sixty (60) days if they believe that the alleged behavior could be in violation of the Berkeley Student Code of Conduct.

#### *2. Repair Plans*

*a)* Repair Plans are collaboratively designed agreements that encourage accountability and healing without punitive intent. They are designed with input from all parties and attempt to address the harm(s) that brought the parties to the Restorative Justice process. When appropriate, Repair Plans may include referrals to campus or community resources that can support accountability and healing. Although Repair Plans may include temporary or permanent periods of separation from the campus or other sanctions (e.g. warning or probation), Repair Plans recognize that those features alone cannot repair harm. The student responsible for the harm must play an active role in making things right as a way of rebuilding trust, mending relationships, and making positive contributions to the campus community.

*b)* Repair Plans should aim to be completed within sixty (60) days from the date of agreement. However, timelines can shift as needed to account for the considerations listed within the Repair Plan.

### *3. Failure to Reach or Complete Repair Plans*

*a)* Because this is a voluntary process, either party or both may choose to end their engagement with the restorative justice pathway. Additionally, the restorative justice pathway may not be a practicable model to reach a mutually agreed upon resolution in some cases after it is attempted. As a result, the restorative resolution pathway can be stopped by any party, including the Center for Student Conduct, before a Repair Plan is agreed upon and a requesting party may seek a formal report. No new information learned in the restorative justice pathway should be used by the parties in the adjudication procedures outlined under Cases Charged unless the use of that information is necessary to carry out the obligations of the campus pursuant to campus polices or law.

*b)* The parties will be given an opportunity to design contingencies for the potential failure of part or all of the Repair Plan, which could include a referral to disciplinary processes outlined in Cases Charged.

*c)* The requesting party may request that the Center for Student Conduct bring formal charges against a student for the original alleged harm if they believe a student is intentionally failing to act upon an agreed Repair Plan. A requesting party may also report any alleged further misconduct adjudication outlined in Cases Charged.

### *4. Repair Plans and Conduct Records*

In almost all circumstances, matters resolved through the restorative justice pathway will not result in a reportable conduct record. If, however, the parties conclude during the restorative justice pathway that it will help repair harm created as a result of the reported behavior, or prevent future harm, to designate the matter as creating a reportable conduct record, then that agreement can be included in the Repair Plan. The Center for Student Conduct will respond accordingly to future record requests for information about the student responsible for causing harm. Most often though, the Center for Student Conduct will simply maintain records regarding the restorative justice pathway and the parties involved that are necessary to comply with FERPA, Clery, and/or other applicable laws or campus record retention policies.