

The logo consists of a vertical bar on the left side of the page. The top portion of the bar is dark blue, and the bottom portion is a lighter, medium blue. The word "UCLA" is written in a bold, dark blue, sans-serif font to the right of the top portion of the bar.

UCLA

Student Conduct Code

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Revised Fall 2004

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INTRODUCTION

In order to carry on its work of teaching, research, and public service, the University has an obligation to maintain conditions under which the work of the University can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression, with full recognition by all concerned of the rights and privileges, as well as the responsibilities, of those who comprise the University community.

Students are members of both society and the academic community with attendant rights and responsibilities. Students are expected to make themselves aware of and comply with the law, University policies, and campus regulations.

The *University of California Policies Applying to Campus Activities, Organizations, and Students* (UC Policies) have been incorporated into the *UCLA Student Conduct Code (UCLA Code)* either by adapting or inserting verbatim the language of the policies. The complete *University of California Policies Applying to Campus Activities, Organizations, and Students* is available in the Dean of Students' Office or on the Internet at <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/toc.html>.

Students may contact the Office of Ombuds Services or Student Legal Services for advice concerning these policies.

I. DEFINITIONS

A. Student

The term "student" means an individual for whom the University maintains student records, and who:

1. is enrolled in or registered with an academic program of the University;
2. has completed the immediately preceding term and is eligible for reenrollment, including the recess periods between academic terms; or
3. is on an approved educational leave or other approved leave status, or is on filing-fee (i.e., the fee used in lieu of registration if all formal requirements for graduate degrees, except for taking comprehensive or oral examinations or filing theses or dissertations, are met prior to the first day of instruction of the term) status.

B. Notice

Whenever the *UCLA Code* requires giving notice to any student, mailing such notice to the mailing address most recently provided by the student to the Registrar or, if undeliverable at that address, to the student's permanent address of record, shall give rise to a conclusive presumption that notice has been given as of the date of mailing.

C. Days

For purposes of the *UCLA Code*, the term "days" means normal business days and shall not include Saturdays, Sundays, or days on which the campus is closed. With mutual consent of the accused student, the person presenting the University's case, and the Chair of the Student Conduct Committee (or the Hearing Officer), hearings or reviews may be held on Saturdays, Sundays, or days on which the campus is closed.

D. Hearing Coordinator

A university employee designated to schedule and otherwise facilitate the proceedings of matters related to the Student Conduct Committee (see Section III below).

E. Hearing Officer

A qualified individual appointed by the Chancellor and assigned by the Hearing Coordinator to conduct a hearing of student conduct matters. All persons serving as Hearing Officers for the University shall have experience in the arbitration or adjudication of disputes. (See Section III below).

II. STUDENT CONDUCT POLICIES

The Chancellor may impose discipline for the commission or attempted commission (including aiding or abetting in the commission or attempted commission) of the types of misconduct delineated in Section II.B of the *UCLA Code*. Discipline may be imposed whether or not such misconduct also violates the law, and whether or not proceedings are or have been pending in the courts involving the same acts. Because of this, students might be involved in University disciplinary proceedings before, after, or during court proceedings.

The standards of conduct apply to students as the term “student” is defined in Section I of the *UCLA Code*. They apply also to:

- 1) applicants who become students, for offenses committed as part of the application process;
- 2) applicants who become students, for offenses committed on campus and/or while participating in University-related events or activities that take place following a student's submittal of the application through his or her official enrollment; and
- 3) former students for offenses committed while students.

A. Jurisdiction

The University has jurisdiction over student conduct that occurs on University property, or in connection with official University functions whether on or off University property. Although the University will not routinely invoke its disciplinary processes over student conduct that occurs off campus except in connection with an official University function, the University has discretion to exercise jurisdiction over conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct had occurred on campus when:

- (1) the alleged misconduct indicates the student poses a threat to the safety or security of any member(s) of the University community; or
- (2) the alleged misconduct involves academic work or the forgery, alteration or misuse of any University document, record, key, electronic device, or identification.

Specifically, the University may choose to exercise jurisdiction over off-campus incidents under alternative A(1) above where the alleged misconduct involves:

- a. physical abuse, including, but not limited to, rape, sexual assault, sex offenses, and other physical assault; threats of violence; or conduct that threatens the health or safety of any person;
- b. stalking (as defined in Section 102.10 of the *University of California Policies Applying to Campus Activities, Organizations, and Students*).
- c. sexual harassment (as defined in Section 160.00 et seq. of the *University of California Policies Applying to Campus Activities, Organizations, and Students*).
- d. participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes or is likely to cause physical injury, or personal degradation or disgrace resulting in psychological harm to any student or other person.

In determining whether or not to exercise off-campus jurisdiction in cases under alternative A(1) above, the University will consider the seriousness of the alleged misconduct; whether the alleged victim is a member of the campus community; the ability of the University to gather evidence, including the testimony of witnesses; or whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

This section is intended only to provide guidance for the exercise of discretion by the University in invoking its jurisdiction over conduct that occurs off campus. It may not be relied upon by any student charged under this section to create any rights, substantive or procedural, or as a basis for a challenge to the exercise of the University's jurisdiction.

B. Types of Misconduct

Violations or attempted violations include, but are not limited to, the following types of misconduct.

102.01: Academic Dishonesty

All forms of academic misconduct, including, but not limited to, cheating, fabrication, plagiarism, multiple submissions or facilitating academic misconduct.

For the purposes of the *UCLA Code*, the following definitions apply:

102.01a: Cheating

Cheating includes, but is not limited to, the use of unauthorized materials, information, or study aids in any academic exercise; or the failure to observe the expressed procedures or instructions of an academic exercise (e.g., examination instructions regarding alternate seating or conversation during an examination).

102.01b: Fabrication

Fabrication includes, but is not limited to, falsification or invention of any information or citation in an academic exercise.

102.01c: Plagiarism

Plagiarism includes, but is not limited to, the use of another's words or ideas as if they were one's own, including, but not limited to, representing, either with the intent to deceive or by the omission of the true source, part of or an entire work produced by someone other than the student, obtained by purchase or otherwise, as the student's original work or representing the identifiable but altered ideas, data, or writing of another person as if those ideas, data, or writing were the student's original work.

102.01d: Multiple Submissions

Multiple submissions includes, but is not limited to, the resubmission by a student of any work which has been previously submitted for credit in identical or similar form in one course to fulfill the requirements of a second course, without the informed permission/consent of the instructor of the second course; or the submission by a student of any work submitted for credit in identical or similar form in one course to fulfill the requirements of a concurrent course, without the permission/consent of the instructors of both courses.

102.01e: Facilitating Academic Dishonesty

Facilitating academic dishonesty includes, but is not limited to, knowingly helping another student commit an act of academic misconduct (e.g., cheating, fabrication, plagiarism, multiple submissions).

102.02: Other Forms of Dishonesty

Other forms of dishonesty, including, but not limited to, fabricating information or knowingly 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, misappropriation of, or damage to or destruction of any property of the University or property of others while on University premises or at official University functions; or possession of any property when the student had knowledge or reasonably should have had knowledge that it was stolen.

102.05: Computers

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, and interference with the work of others and with the operation of computer and electronic communications facilities, systems, and services.

Violation of the UCLA E-mail Policy and Guidelines (available on the Internet at http://www.adminvc.ucla.edu/appm/public/app_0355_0.html), of the University of California Electronic Communications Policy (available on the Internet at <http://www.ucop.edu/ucophome/policies/ec>), or of any other University acceptable or allowable use policy will also be considered a violation of Section 102.05.

102.06: Unauthorized Use of University Resources or Name

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 and Parking

102.07a: University Housing

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

102.07b: Parking

Violation of policies, regulations, or rules governing University parking services or University-owned or -operated parking facilities.

102.08: Physical Abuse

Physical abuse, including, but not limited to rape, sexual assault, sex offenses, and other physical assault; threats of violence; or other conduct that threatens the health or safety of any person.

Rape: (For the purposes of the *UCLA Code*, rape refers to “rape” as defined by the California Penal Code, as it may be amended from time to time). The following acts, among others, are prohibited:

1. sexual intercourse against a person's will accomplished by force or threats of bodily injury.
2. sexual intercourse against a person's will where the person has reasonable fear that she (or he) or another will be injured if she (or he) does not submit to the intercourse.
3. sexual intercourse where the person is incapable of giving consent, or is prevented from resisting, due to alcohol or drugs, and this condition was known, or reasonably should have been known, by the accused.
4. sexual intercourse where the person is incapable of resisting because she (or he), at the time, is unconscious or asleep, and this is known to the accused.

Sexual Assault: The act of sexual assault includes: forced sodomy (anal intercourse); forced oral copulation (oral-genital contact); rape by foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal). These also include situations when the accused sexually assaults a complainant incapable of giving consent, including where the complainant is prevented from resisting due to alcohol or drugs and this condition was known, or reasonably should have been known, by the accused.

NOTE: For the purpose of this regulation, students should understand that:

1. forced intercourse, or other unwanted sexual contact, is defined as rape or sexual assault whether the assailant is a stranger or an acquaintance of the complainant.
2. intoxication of the assailant shall not diminish the assailant's responsibility for sexual assault.

102.09: Sexual Harassment

As defined in Section 160.00 of the *University of California Policies Applying to Campus Activities, Organizations, and Students*, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature constitute sexual harassment when:

- a. a student who is also an employee of the University makes submission to such conduct, either explicitly or implicitly, a term or condition of instruction, employment, or participation in other University activity over which the student has control by virtue of his or her University employment; or
- b. a student who is also an employee of the University makes submission to or rejection of such conduct a basis for evaluation in making academic or personnel decisions affecting an individual, when the student has control over such decisions by virtue of his or her University employment; or
- c. such conduct by any student has the purpose or effect of creating a hostile and intimidating environment sufficiently severe or pervasive to substantially impair a reasonable person's participation in University programs or activities, or use of University facilities.

In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the location of the incident and the context in which the alleged incidents occurred. In general, a charge of harassing conduct can be addressed under the *UCLA Code* only when the University can reasonably be expected to have some degree of control over the alleged harasser and over the environment in which the conduct occurred.

102.10: Stalking

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

102.11: Harassment

As defined in Section 102.11 of the *University of California Policies Applying to Campus Activities, Organizations, and Students*, “harassment” by a student of any person. For the purposes of this section, harassment:

- a. is the use, display, or other demonstration of words, gestures, imagery, or physical materials, or the engagement in any form of bodily conduct, on the basis of race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, or physical or mental disability, that has the effect of creating a hostile and intimidating environment sufficiently severe or pervasive to substantially impair a reasonable person’s participation in University programs or activities, or use of University facilities;
- b. must target a specific person or persons; and
- c. must be addressed directly to that person or persons.

NOTE: The Office of the President has issued the following guidance on interpretation and application of this section (102.11: Harassment):

“Prior to applying this provision of policy to any student conduct, the Office of General Counsel will be consulted regarding its proper interpretation and application in light of the specific circumstances.”

102.12: Hazing

Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace resulting in psychological harm to any student or other person.

102.13: Obstruction or Disruption

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.

102.16: Failure to Comply

Failure to identify oneself to, or comply with directions of, a University official or other public official acting in the performance of his or her duties while on University property or at official University functions, or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.

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 which 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

Except as expressly permitted by law, possession, use, storage, or manufacture of a firearm or other weapon capable of causing bodily injury.

102.21: Violation of Disciplinary Conditions

Violation of the conditions contained in the terms of a disciplinary action imposed under the *UCLA Code*.

102.22: Violation of Interim or Emergency Suspension Conditions

Violation of the conditions contained in a written Notice of Interim or Emergency Suspension issued pursuant to Section IV of the *UCLA Code*.

102.23 Unauthorized Use or Sale of University Materials

102.23a: Selling Course Notes

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 the *UCLA Code* whether or not it was the student or someone else who prepared the notes or recordings.

102.23b: Copying Course Notes

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 and the copyright holder in writing (if the instructor is not the copyright holder).

102.23c: Commencement Tickets

Selling Commencement tickets.

102.24: University Properties

Using University properties for the purpose of organizing or carrying out unlawful activity.

102.25: Violations of Law

Violation of Federal, State, or local laws.

III. STUDENT DISCIPLINE PROCEDURES

Procedural due process is basic to the proper enforcement of University policies and campus regulations. The Chancellor has established these procedures and published the *UCLA Code*, providing for the handling of student conduct cases in accordance with basic standards of procedural due process.

The procedures outlined in this section represent the steps that may be employed to reach a resolution in cases of alleged misconduct.

Questions concerning these procedures may be addressed to the Dean of Students' Office, the Office of Ombuds Services, or Student Legal Services.

A. Referral of Complaints

Complaints involving alleged misconduct by students shall be referred to the Dean of Students' Office, except those in which the accused student is subject to an approved disciplinary procedure of a school, college, or other University unit. Complaints falling within the above exception may also be referred to the Dean of Students' Office if such referral is provided for in the approved disciplinary procedure of the school, college, or other University unit. Referrals to the Dean of Students' Office shall be made within one year following discovery of the alleged misconduct, although exceptions may be granted by the Vice Chancellor of Student Affairs.

B. Investigation and Notice to Student

Upon receiving the complaint of the alleged violation(s), the Dean assigned to the case may consider information acquired from a complainant and may augment that information through further investigation in order to determine if there is a reasonable suspicion to believe that a violation may have occurred. If the Dean determines that there is a reasonable suspicion to believe that a violation may have occurred, the Dean of Students' Office shall give written notice to the accused student of the following:

1. the nature of the conduct in question, including a brief statement of the factual basis of the charges; the time, date, and place it is alleged to have occurred; and the University policies and/or campus regulations allegedly violated;
2. the nature of the student conduct procedures (to be accomplished by providing the student access to the *UCLA Code*);

3. that the student has seven days from the date written notice to contact the Dean of Students' Office was given for the purpose of scheduling an initial meeting. Meetings are to be scheduled within ten days of the student contacting the Dean of Students' Office;
4. that if the accused student does not contact the Dean of Students' Office within the seven-day period, or fails to keep any scheduled appointment, a Hold may be placed on the accused student's University records and the accused student shall be notified that this action has been taken. The placement of a Hold on the student's University records may, for example, prevent the student from registering and from obtaining transcripts, verifications, or a degree from the University. The Hold will be removed only when the student either attends a scheduled meeting at the Dean of Students' Office, or requests in writing that the case be referred to the Student Conduct Committee for a hearing; and
5. that no degree may be conferred on a student until any pending disciplinary charges against a student are fully resolved. The Dean of Students' Office may place a Hold on that student's University records to prevent him or her from receiving a degree.

In addition, the Dean may take such steps as he/she deems necessary to maintain, or to return the situation to, the status quo prior to the alleged misconduct, including but not limited to directing the student to act or refrain from acting in a manner specified by the Dean. These directions may include directing the student not to intentionally contact, telephone, or otherwise disturb the peace of others specifically named for a specified period of time; these directions shall not terminate the accused student's status as a student, and shall not be construed as a finding of culpability on the part of any student. Violation of these directions may be regarded as misconduct and may be subject to disciplinary action under section 102.16 (Failure to Comply), without regard to the outcome of the case which occasioned the issuance of these directions.

C. Meeting(s) with the Dean Assigned to the Case

The Dean assigned to the case shall, at the initial meeting:

1. ascertain that the student has been provided access to the *UCLA Code*;
2. discuss confidentiality; inform the student that the content of this and all subsequent communication with the Office regarding information not relevant to the case shall, insofar as allowed by law, be treated confidentially, unless such confidentiality is waived by the student; and that information relevant to the case may be divulged to those who have a legitimate educational interest, including but not limited to the Student Conduct Committee.
3. describe to the student as completely as possible the nature of the conduct in question, and the University policy(ies) and/or campus regulation(s) allegedly violated, hear the student's defense to such charges, and counsel the student as appropriate;
4. provide the student with an opportunity to inspect all documents relevant to the case which are in the possession of the Dean of Students' Office at the time of the meeting, at the student's request; and
5. provide the student with copies of the documents relevant to the case, at the student's request.

Should the case be referred to the Student Conduct Committee, the Dean of Students' Office shall provide the student with copies of all documents relevant to the case which are in the possession of the Dean of Students' Office at the time the case is referred.

Any documents relevant to the case arriving in the Dean of Students' Office after the case has been referred to the Student Conduct Committee shall be forwarded to the Hearing Coordinator.

D. Disposition by the Dean of Students' Office

After conducting any further necessary investigation, the Dean assigned to the case may take one of several actions:

1. Insufficient Evidence

If the Dean concludes that there is insufficient evidence to sustain a finding of culpability, he or she may decide not to refer the case to the Student Conduct Committee. The Dean may refer the matter to other campus or community resources (e.g., Student Psychological Services, the UCLA Santa Monica Rape Treatment Center, the Office of Ombuds Service). The complainant may still attempt to resolve the matter through campus and/or community resources.

2. Admonition

Whether or not the Dean concludes that there is insufficient evidence to sustain a finding of culpability, he or she may provide written notice to a student that his or her alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior may be subject to the disciplinary process.

3. Agreement of Resolution

In cases in which the Dean and the accused student determine that an Agreement of Resolution is appropriate, the accused student will be informed that this Resolution, while not considered to be a finding of culpability, is binding; and that, if the student fails to abide by the terms of the Agreement of Resolution, that failure may be regarded as actionable misconduct and may subject the student to disciplinary action by the University. Although not a formal disciplinary action, each Agreement of Resolution shall be regarded as binding.

An Agreement of Resolution may include such terms as:

- 1) Agreement by the student to refrain from specific behaviors, and/or to refrain from contacting others involved in the case;
- 2) Agreement by the student to participate in specified educational programs and/or reconciliation processes such as mediation; and/or
- 3) Agreement by the student to participate in specified community service activities.

The Agreement of Resolution shall be retained in the case file in the Dean of Students' Office for one year from the date the Agreement was signed. During that year, should the Dean have a reasonable basis to believe that the student has engaged in misconduct related in nature to the conduct which occasioned the Agreement, both cases may be the subject of University disciplinary action.

4. Referral to the Student Conduct Committee

If the student does not admit culpability, and if the Dean concludes that an Agreement of Resolution is not appropriate, and that there is sufficient evidence to sustain a finding of culpability so that a Student Conduct Committee could find, by a preponderance of the evidence, that the student has violated *the UCLA Code*, the Dean shall refer the case to the Student Conduct Committee for a hearing.

At any time until the Student Conduct Committee/Hearing Officer makes its report to the Vice Chancellor of Student Affairs, the accused student may make an admission of culpability to the Dean assigned to the case. The Dean may then impose, or impose and suspend, one or more of the sanctions listed in Section III.E; the imposition of any sanction may be effective retroactively. This disposition of the matter shall bind all parties and terminate all student conduct committee proceedings.

5. Imposition of Sanctions

If the student does admit culpability, and if the Dean concludes that there is sufficient evidence to sustain a finding of culpability, the Dean may impose, or impose and suspend, one or more of the sanctions listed in Section III.E; the imposition of any sanction may be effective retroactively. No sanction involving separation from the University (i.e., Suspension or Dismissal) shall become official until seven days from the date of written notice of the Dean's disposition.

Regardless of the action taken, the Dean shall confirm his or her disposition of the case in a written notice mailed to the student within seven days of the action.

6. Notification to Alleged Victim of Crime of Violence

The results of any disciplinary action by the University regarding an allegation of any crime of violence or a forcible or non-forcible sexual offense shall be disclosed to the alleged victim by the Office of the Dean of Students. The scope of information to be provided under this provision shall be: 1) the University's final determination with respect to the alleged offense; and 2) any sanction that is imposed against the alleged offender.

It is the alleged victim's obligation to keep the information provided under this provision confidential. (Please see Sections 104.70, 104.71, and 130.722 of the *University of California Policies Applying to Campus Activities, Organizations, and Students*). The alleged victim's failure to keep this confidentiality may be determined to be grounds for discipline.

E. Sanctions

When a student is found in violation of University policies or campus regulations, the Dean may decide to impose, or impose and suspend, one or more of the sanctions listed in this Section; the imposition of any sanction may be effective retroactively. Any sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation.

Where the preponderance of the evidence shows that a violation of University policies or campus regulations has been committed against any person or group because of the person's or group's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because of the perception by the student charged with the violation that the person or group has one or more of those characteristics, the recommendation or imposition of sanctions shall be enhanced, and usually will result in Suspension or Dismissal.

1. 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 the *UCLA Code*. 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.

2. Warning/Censure

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

3. Community Service

Service hours required of the student as an unpaid volunteer in activities for which no academic credit may be received.

4. Disciplinary Probation

A status imposed for a specific period of time in 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.

5. Loss of Privileges and Exclusion from Activities

Exclusion from participation in designated privileges and extracurricular activities for a specified term or terms. 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.

6. Hold on University Records

A Hold may be placed on the student's University records for either a stated period or until the student satisfies any conditions imposed as part of another sanction. The placement of a Hold on the student's University records may, for example, prevent the student from registering and from obtaining transcripts, verifications, or a degree from the University.

7. Exclusion from Areas of the Campus or from Official University Functions

Exclusion of a student as part of a disciplinary action 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.

8. Suspension

Termination of student status for a specified academic term or terms, to take effect at such time as the Dean or the Vice Chancellor of Student Affairs determines. After the period of Suspension, the student shall be reinstated if:

- a. the student has complied with all conditions imposed as part of the Suspension;
- b. the student is academically eligible;
- c. the student meets all other requirements for reinstatement including, but not limited to, removal of Holds on records, and payment of restitution where payment is a requirement of reinstatement; and
- d. the student meets the deadlines for filing all necessary applications, including those for readmission, registration, and enrollment.

Suspension may include a prohibition against entering specified areas of the campus. 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.

9. Dismissal

Termination of student status for an indefinite period. Readmission to the University shall require the specific approval of the Chancellor of the campus to which a dismissed student has applied. Readmission after Dismissal may be granted only under exceptional circumstances. Dismissal may include an exclusion from specified areas of the campus.

10. Revocation of Awarding of Degree

Subject to the concurrence of the Academic Senate, revocation of a degree obtained by fraud. Such revocation is subject to review on appeal by the Chancellor.

F. Posting of Suspension or Dismissal on Academic Transcript

When, as a result of violations of the *UCLA Code*, a student is suspended or dismissed, the fact that the discipline was imposed must be posted on the academic transcript for the duration of the Suspension or Dismissal.

G. Appeal of the Sanction

If the Dean imposes a sanction of Suspension or Dismissal, the student may submit a written appeal of the imposed Suspension or Dismissal to the Vice Chancellor of Student Affairs within seven days of the date of written notice from the Dean of his or her action. The imposition of a sanction of Suspension or Dismissal shall be suspended during such appeal. The Vice Chancellor of Student Affairs is not limited to those sanctions imposed by the Dean and may impose, or impose and suspend, any one or more of the sanctions listed in Section III.E above, even though such decision may result in an increase of the student's penalty; the imposition of any sanction may be effective retroactively. The Vice Chancellor of Student Affairs review of such appeal shall be in accordance with the provisions set forth in Section III.J. The Vice Chancellor of Student Affairs' decision is final.

If as a result of an appeal it is determined that the student was improperly disciplined, the Chancellor shall, if requested by the student, have the record of the hearing sealed and have any reference to the disciplinary process removed from the student's record. In such case, the record of the hearing may be used only in connection with legal proceedings. The Chancellor also may take other reasonable actions to ensure that the student's relationship to the University shall not be adversely affected.

H. Limits on Sanctions

The loss of University employment shall not be a form of discipline under the *UCLA Code*. However, when student status is a condition of employment, the loss of student status will result in termination of the student's employment. This section is not intended to preclude the disclosure to other appropriate University officials of information relating to any student's judicial records if that information may be reasonably construed to have bearing on the student's suitability for a specific employment situation. This section is also not intended to preclude an employer from terminating a student's employment outside the disciplinary process.

In imposing discipline other than Suspension or Dismissal, access to housing and health services shall not be restricted unless the nature of the act that occasioned the discipline is appropriately related to the restriction.

I. The Student Conduct Committee

When a formal hearing is deemed to be appropriate, the following procedures shall be provided to assure the accused student a fair hearing:

- a) written notice, including a brief statement of the factual basis of the charges, the University policies or campus regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing;
- b) the opportunity for a prompt and fair hearing where the University shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses presented by the University; no inference shall be drawn from the silence of the accused;
- c) a record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and
- d) an appeals process.

1. Referral of Cases

A hearing shall be provided for all cases referred to the Student Conduct Committee under the *UCLA Code*.

2. Composition

The Student Conduct Committee shall consist of the following members, all of whom are expected to serve from the effective date of their appointment, including recess periods between quarters or semesters and during summer periods:

- a. At least four members from the faculty, at least two of whom shall have training in the law or experience in the arbitration or adjudication of disputes and shall serve as Chair and Alternate Chair(s), respectively.
 - i. The faculty members shall be appointed by the Chancellor.
 - ii. They shall serve for not less than one nor more than three years, as the Chancellor shall determine. Notwithstanding the foregoing, each shall serve until a successor is appointed.
- b. At least two undergraduate students and at least two graduate students.
 - i. The student members shall be nominated by their respective authorized student government council and appointed by the Chancellor.
 - ii. Student members shall serve for a maximum of two years or such shorter time as their nominating authorized student government council shall determine. Notwithstanding the foregoing, each shall serve until a successor is appointed.
 - iii. From the time of appointment until a successor is appointed, each undergraduate student appointee must be a registered and enrolled student at UCLA during each quarter of service on the Committee except that the requirement of registration and enrollment need not be met during summer periods. Each undergraduate student appointee must have at the time of appointment, and must maintain throughout his or her period of service on the Committee, a cumulative grade point average of not less than 2.0.

- iv. From the time of appointment until a successor is appointed, each graduate student appointee must be registered and enrolled student at UCLA during each academic term of service on the Committee except that the requirement of registration and enrollment need not be met during summer periods.
 - c. At least two members to be appointed by the Chancellor from the staff, to serve for a period of time determined by the Chancellor.
3. Orientation

The Chair shall be responsible for conducting an annual orientation for the Committee. The purpose of the orientation shall be to describe the nature of the Committee, including its charge, the standard of proof it is to employ, the nature of the offenses it is likely to hear, the evidence it may entertain, and its role as advisor to the Vice Chancellor of Student Affairs on questions of fact and sanction; to discuss its operation; and to familiarize the members with each aspect of the *UCLA Code*.

4. Scheduling of Hearing

It is the intention of the *UCLA Code* that hearings be set as soon as reasonably possible after referral to the Hearing Coordinator.

The Hearing Coordinator shall schedule a hearing of the case before the Student Conduct Committee to be conducted no sooner than five days after the date of written notice that the case was being referred to the Student Conduct Committee.

Cases shall be heard by a panel of the Committee. This panel, which shall be assembled by the Hearing Coordinator, shall consist of at least three but no more than five members, one of whom must be the Chair or the Alternate Chair. To the extent possible, students, faculty and staff will be represented equally on hearing panels.

In consultation with the Chair or Alternate Chair(s), if the Student Conduct Committee is unable to hear the case within thirty days after the date of written notice of referral, the Hearing Coordinator shall assign a Hearing Officer to hear the case. The accused student may, for good cause, challenge the assignment of any particular Hearing Officer. The Chair of the Student Conduct Committee shall adjudicate all challenges to Hearing Officers.

The Hearing Coordinator shall give written notice of the time and place of the hearing to the student at least three days prior to the date of the hearing.

5. Hearing Procedures and Standards

Hearings shall be held in accordance with generally accepted standards of procedural due process. The accused student may choose to be represented by any person of the student's choice, at the student's own expense. Alternatively, students may request to be represented at no cost by a judicial advocate assigned by the Hearing Coordinator. (Judicial advocates are University employees who are trained to present cases in student conduct hearings.) Options for representation may be discussed with the Office of Student Legal Services or the Hearing Coordinator. The Committee Chair (or the Hearing Officer) shall rule on all questions of procedure. The student shall have the opportunity to confront the evidence being used against him, to present evidence in his defense, and to cross examine witnesses. Evidence may be received of 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.

If an accused student absents himself or herself from the disciplinary process, or has withdrawn from the University while subject to pending disciplinary action, the case may proceed to disposition without the student's participation.

6. Hearings Involving Allegations of Rape or Sexual Assault

When the hearing involves an allegation of rape or other forms of sexual assault, evidence of the complainant's past sexual history, including opinion evidence, reputation evidence, and evidence of specific instances of the complainant's sexual conduct, shall not be admissible unless the Committee Chair or Hearing Officer makes a specific finding of relevance after an offer of proof by the accused student. Under no circumstances is past sexual history admissible to prove consent. The offer of proof must be made and resolved by the panel before the complainant testifies.

The results of any hearing in which a forcible or non-forcible sexual offense is alleged shall be disclosed to the alleged victim by the Office of the Dean of Students. The scope of information to be provided under this provision shall be: 1) the University's final determination with respect to the alleged sex offense; and 2) any sanction that is imposed against the alleged offender. It is the alleged victim's obligation to keep the information provided under this provision confidential. (Please see Sections 104.70, 104.71, and 130.722 of the *University of California Policies Applying to Campus Activities, Organizations, and Students*). The alleged victim's failure to keep this confidentiality may be determined to be grounds for discipline.

7. Inference, Standard of Proof, and Record of Hearing

No inference shall be drawn from the silence of the accused student.

The University shall prove, by a preponderance of the evidence, that the student committed the misconduct of which he or she is accused.

The Student Conduct Committee Chair/Hearing Officer shall make an audiotape recording of the hearing, which, with the documents submitted by the parties and accepted by the Student Conduct Committee/Hearing Officer, shall constitute the official record of the hearing. The accused student shall receive, upon request, a copy of the official record without charge.

8. Spectators

The hearing shall be closed to spectators, including witnesses, unless the accused student specifically requests an open hearing. The Committee Chair (or the Hearing Officer) has the right to exclude spectators from the hearing room if deemed necessary for the quiet or secure conduct of the hearing.

When the hearing involves an allegation of rape or other forms of sexual assault, the hearing shall also be closed to spectators except for the following:

- a. the complainant shall be entitled, for support, to have up to two persons of the complainant's choice accompany the complainant to the hearing. A support person may be called as a witness, and the fact that he or she is to act as a witness shall not preclude that person's attendance throughout the entire hearing. If a support person is also a witness, the Committee Chair (or the Hearing Officer) may require him or her to testify prior to the complainant. Neither of these persons shall be entitled to represent or defend the complainant. Similar rights shall be afforded the accused student.
- b. the complainant shall have the right to be present during the entire hearing, notwithstanding the fact that the complainant is to be called as a witness.

9. Responsibility for Presentation of Cases

At the hearing, the accused student may choose to represent himself or herself, or to be represented by another, entirely at the student's own expense. If the student wishes the Hearing Coordinator to direct communications concerning the case to his or her representative, as well as to the accused student, he or she must provide the Hearing Coordinator with such a request, including the name and address of his or her representative, in writing.

The University shall be represented by a judicial advocate assigned by the Hearing Coordinator. (Judicial advocates are University employees who are trained to present cases in student conduct hearings.)

10. Continuing Resolution between the Accused Student and the Dean of Students' Office

Until the Student Conduct Committee (or the Hearing Officer) makes its report to the Vice Chancellor of Student Affairs, the accused student may make an admission of culpability to the Dean assigned to the case. The Dean may then impose, or impose and suspend, one or more of the sanctions listed in Section III.E; the imposition of any sanction may be effective retroactively. This disposition of the matter shall bind all parties and terminate all proceedings.

11. Reports to the Vice Chancellor of Student Affairs

Within fifteen days after the conclusion of a hearing, the Committee Chair (or the Hearing Officer) shall submit a report to the Vice Chancellor of Student Affairs, advising him or her of:

- a. the outcome of the Committee's (or the Hearing Officer's) examination of the evidence concerning the alleged misconduct;
- b. whether, in the opinion of a majority of the Committee (or in the Hearing Officer's judgment), the student has violated one or more of the University policies or campus regulations he has been charged with violating; and
- c. a recommendation of sanction, provided that, prior to recommending any sanction, the Committee (or the Hearing Officer) shall confer with the Dean of Students' Office regarding sanctions imposed in similar cases and any previous cases of misconduct by the student on file with the Dean of Students' Office; and provided further that the Committee (or the Hearing Officer) indicates the rationale for such recommendation.

The Vice Chancellor of Student Affairs may grant an extension of time for submission of the report for good cause shown and upon such terms as shall avoid undue prejudice to the student. A minority report may be submitted to the Vice Chancellor of Student Affairs by any member of the Committee.

12. Copies of Reports

A copy of all reports required to be submitted to the Vice Chancellor of Student Affairs by the *UCLA Code*, including any minority reports, shall be sent to the accused student, the student's representative, the University Representative, Hearing Coordinator, and the Dean of Students' Office when transmitted to the Vice Chancellor of Student Affairs.

13. Appeal by Student through Augmentation of the Record

The accused student shall have seven days from the date of written notice of the Committee or Hearing Officer's report in which to appeal the recommendations included in the report by submitting to the Vice Chancellor of Student Affairs a written argument or augmentation to the record supporting the student's position.

J. The Vice Chancellor of Student Affairs

1. Decision by the Vice Chancellor of Student Affairs

- a. The final decision regarding a case that has been heard by a Student Conduct Committee/Hearing Officer shall be made by the Vice Chancellor of Student Affairs.
- b. The final decision regarding sanction, in which a student has appealed in writing a sanction of Suspension or Dismissal imposed by the Dean of Students' Office, or the Dean of a school or college or other university unit with its own approved student disciplinary procedure, shall be made by the Vice Chancellor of Student Affairs.

2. Discussion with Student

If the Vice Chancellor of Student Affairs deems it necessary or desirable, he or she may meet with the student at any point to discuss the case. The student may be accompanied by any person of his or her choice at the student's own expense.

3. Bases for Decision

- a. In cases that have been heard by a Student Conduct Committee/Hearing Officer, the Vice Chancellor of Student Affairs shall base his or her decision upon:
 - i. the report submitted by or through the Student Conduct Committee/Hearing Officer, or the Dean of a school or college with its own approved student disciplinary procedure;
 - ii. counsel solicited from the Dean of Students' Office, or the Dean of a school or college with its own approved student disciplinary procedure, regarding sanctions imposed in similar cases and any previous cases of misconduct by the student on file with the Dean of Students' Office or the Office of the Dean of such school or college; and
 - iii. any argument or augmentation to the record regarding the student's position submitted by the student (See Section III.I.13).

In order to verify any statement of fact submitted by the student regarding the student's position, the Vice Chancellor of Student Affairs may contact persons reasonably expected to have knowledge of such matters.

- b. When reviewing a student's appeal of a sanction of Suspension or Dismissal imposed by the Dean, the Vice Chancellor of Student Affairs shall base his or her decision upon:
 - i. any written argument or augmentation to the record submitted by the student regarding the sanction (i.e., as mentioned in Section III.G); and
 - ii. counsel solicited from the Dean of Students' Office, or the Dean of a school or college with its own approved student disciplinary procedure, regarding sanctions imposed in similar cases and any previous cases of misconduct by the student on file with the Dean of Students' Office or the Office of the Dean of such school or college.

4. Sanctions

The Vice Chancellor of Student Affairs may decide to impose, or impose and suspend, one or more of the sanctions listed in Section III.E. The Vice Chancellor of Student Affairs is not limited to those sanctions imposed by the Dean of Students' Office or the Dean of a school or college with its own approved student disciplinary procedure, or to those recommended by the Student Conduct Committee or Hearing Officer, even though such decision may result in an increase of the student's penalty; the imposition of any sanction may be effective retroactively.

5. Failure to Abide by Procedures

Either in the interest of fairness to the accused student or the protection of the integrity of the disciplinary process, the Vice Chancellor of Student Affairs may consider substantial failure by any party at any point in the process to abide by the procedures set forth herein, or set forth in the approved disciplinary procedures of a school or college, in arriving at or modifying his or her decision. This consideration may extend to a decision to dismiss all charges.

6. Notification of Decision

Written notification of the Vice Chancellor of Student Affairs' decision shall be delivered to:

- a. the accused student, and his or her representative, if any;
- b. the Dean of Students' Office; and
- c. the Dean of a school or college with its own approved student disciplinary procedure, if the case was one originally under the jurisdiction of that Dean.

If the case involved a formal hearing, written notification of the decision shall also be delivered to:

- d. the University Representative; and
- e. the Chair of the Student Conduct Committee or the Hearing Officer;

Written notification shall be delivered not later than twenty days after the date of written notice of:

- a. the report of the Student Conduct Committee or Hearing Officer,
- b. the written appeal/augmentation of the record by the student; or

whichever is latest.

The Vice Chancellor of Student Affairs may also notify other parties of his or her decision, or may direct the Dean of Students' Office, or the Dean of a school or college with its own approved student disciplinary procedure, to do so, if there is an institutional interest in doing so, and if such parties are authorized to receive such information under the provisions of Section 130.00 et seq. of the *University of California Policies Applying to Campus Activities, Organizations, and Students*.

The results of any hearing in which a crime of violence or forcible or non-forcible sexual offense is alleged shall be disclosed to the alleged victim by the Office of the Dean of Students. The scope of information to be provided under this provision shall be: 1) the University's final determination with respect to the alleged offense; and 2) any sanction that is imposed against the alleged offender. It is the alleged victim's obligation to keep the information provided under this provision confidential. (Please see Sections 104.70, 104.71, and 130.722 of the *University of California Policies Applying to Campus Activities, Organizations, and Students*). The alleged victim's failure to keep this confidentiality may be determined to be grounds for discipline.

IV. INTERIM AND EMERGENCY SUSPENSION

A. Interim Suspension

Before final determination of an alleged violation, Interim Suspension may be imposed by the Dean of Students' Office. Interim Suspension, as defined in Section 105.08 of the *University of California Policies Applying to Campus Activities, Organizations, and Students*, may include exclusion from classes or from other specified activities or areas of the campus. A student shall be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to 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.

1. Within twenty-four hours of the imposition of the Interim Suspension, the Chancellor shall review the information upon which the Interim Suspension was based. If the Chancellor does not affirm the Interim Suspension within twenty-four hours of its imposition, the Interim Suspension shall be deemed void and a reasonable effort shall be made to inform the student who was suspended that the Interim Suspension is void. Should the Interim Suspension be voided, that shall have no bearing on University disciplinary proceedings arising from the conduct which gave rise to the Interim Suspension. Any such disciplinary proceedings shall be conducted under the normal procedures provided by the *UCLA Code*.
2. Upon imposition of the Interim Suspension, the Dean of Students' Office will notify the student under the Interim Suspension of the charges against him or her, the length and conditions of the Interim Suspension, and the opportunity for a hearing with the Assistant Vice Chancellor, Student and Campus Life to challenge the Interim Suspension.
3. Hearings to review Interim Suspensions shall have scheduling priority. The student may be assisted at the hearing by a representative of the student's choosing and at the student's expense. The student may present evidence in support of the contention that the Interim Suspension is unnecessary or that its conditions should be modified. The Assistant Vice Chancellor, Student and Campus Life is authorized to investigate the facts which gave rise to the Interim Suspension and may lift the Interim Suspension or modify its conditions. Within three days of the conclusion of the hearing, the Assistant Vice Chancellor, Student and Campus Life shall determine a) if the Interim Suspension is necessary; and b) if its conditions should be modified. The result of this hearing shall have no bearing on other University disciplinary proceedings arising from the conduct which gave rise to the Interim Suspension. Any such disciplinary proceedings shall be conducted under the normal procedures provided in the *UCLA Code*.
4. Disciplinary proceedings involving students on Interim Suspension shall follow the normal procedures provided in the *UCLA Code*, however, at each step of the proceedings they shall have scheduling priority.

B. Emergency Suspension

During a state of emergency, the Chancellor may impose Emergency Suspension on a student as described in Section 53.00 of the *University of California Policies Applying to Campus Activities, Organizations, and Students* when there is 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.

- a. If Emergency Suspension is imposed by a designated representative of the Chancellor, such representative shall immediately inform the Chancellor and shall submit a written report on the action to the Chancellor as soon as it is reasonably possible. The report shall contain a description of the person suspended, including the person's name and, if available, address and telephone 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 Emergency Suspension has been imposed, the Emergency Suspension shall be deemed void and a reasonable effort shall be made to inform the person who was suspended that the Emergency Suspension is void.
- b. Any student placed on Emergency Suspension shall be given written Notice of Emergency Suspension, either by delivering it to the individual personally or by mailing it to the individual's last known address of record. The Notice of Emergency Suspension shall 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. 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 such an individual who has been disadvantaged in his or her employment or academic status.
- c. Any student placed under Emergency Suspension shall not, during the period of Emergency 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 shall 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.
- d. The outcome of the appeal shall have no bearing on University disciplinary proceedings arising from the conduct which gave rise to the Emergency Suspension.
- e. Violation of any condition set forth in the Notice of Emergency Suspension shall subject the individual to disciplinary proceedings based upon such violation.

V. AMENDMENT AND MODIFICATION

Amendment of the *UCLA Code* may be made by the Chancellor in consultation with students, faculty, staff, and the Dean of Students' Office. Prior to adoption, such amendments shall be submitted to the Office of General Counsel for review for consistency with the policies of the University of California and state and federal law.