

**UNIVERSITY OF CALIFORNIA  
POLICIES APPLYING TO CAMPUS  
ACTIVITIES, ORGANIZATIONS, AND STUDENTS**

University of California  
Office of the President  
October 9, 2009

**including**

**UCSF IMPLEMENTING REGULATIONS  
(in bold)**

*University of California San Francisco  
Campus Implementing Regulations Updated October 2012  
UC Systemwide Policies Updated April 2012*

# **University of California Policies Applying To Campus Activities, Organizations, and Students**

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# UNIVERSITY OF CALIFORNIA POLICIES APPLYING TO CAMPUS ACTIVITIES, ORGANIZATIONS, AND STUDENTS

## 10.00 PREAMBLE AND GENERAL PROVISIONS

In carrying out its teaching, research, and public service activities, the University has an obligation to maintain conditions under which the work of its members--the faculty, students and staff--can go forward freely, in accordance with the highest standards of excellence, institutional integrity, and freedom of expression, and with full recognition by all concerned of the rights, privileges, and responsibilities of those who comprise the University community.

### 10.10

These Policies address the rights and responsibilities of members of the University community as well as others while on University property. These Policies also address the responsibilities of students as defined herein and provide Universitywide standards for campus implementing regulations as a means of sustaining this community.

Each member of the University shares in the responsibility for maintaining this unique community so that the University's mission of teaching, research, and public service can be achieved.

These Policies and their campus implementing regulations are designed to protect and promote the rights of members of the University, prevent interference with University functions or activities, and assure compliance with all pertinent laws and other applicable University policies.

## 11.00 AUTHORITY

The Regents of the University of California is a corporation that derives its authority from the California Constitution, Article IX, Section 9, which prescribes its powers of organization and governance. These *Policies* are issued under this authority, and supersede all previous versions issued by the Office of the President as the *University of California Policies Applying to Campus Activities, Organizations, and Students*.

### 11.01

**The UCSF supplemental implementing regulations are issued under this authority, and they supersede the regulations contained in the booklet entitled UCSF Campus Supplement to the University of California Policies Applying to Campus Activities, Organizations, and Students, dated September, 1980.**

## **12.00 APPLICABILITY**

These *Policies* and the campus regulations implementing them apply to all campuses and properties of the University and to functions administered by the University, unless in special circumstances the President directs otherwise. Campus implementing regulations for these *Policies* may extend their application to cover student conduct that occurs off-campus as provided in Section 100.00 of these *Policies*.

### **12.10**

These *Policies* do not apply where inconsistent with the Higher Education Employer-Employee Relations Act (HEERA) or applicable collective bargaining agreements.

### **12.20**

For all pertinent activities involving University students, employees, and properties, these *Policies* apply to the Division of Agriculture and Natural Resources and to the Department of Energy Laboratories operated by the University of California, subject to Laboratory implementing regulations and contractual obligations between The Regents and the Department of Energy. Any provision of these *Policies* that covers such activities also applies to the Laboratories when it refers to the campuses, and to the Laboratory Directors when it refers to the Chancellors.

## **13.00 DEVELOPMENT AND REVIEW OF UNIVERSITYWIDE POLICIES AND CAMPUS IMPLEMENTING REGULATIONS**

### **13.10**

The President shall consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and Universitywide advisory committees prior to amending these *Policies*. Chancellors shall consult with faculty, students, and staff prior to submitting to the President any campus recommendations related to proposed amendments to these *Policies*. Amendments that are specifically mandated by law, however, do not require consultation with campus representatives or Universitywide advisory committees to the extent that legal requirements do not permit such consultation.

### **13.20**

Chancellors shall adopt campus implementing regulations consistent with these *Policies*. The University shall publish these *Policies* and make them widely available, and Chancellors shall do the same with respect to the implementing regulations for their campuses. This requirement may be satisfied through the online publication of these *Policies* and their respective campus implementing regulations.

### **13.21**

**These regulations are adopted by the Chancellor with the approval of the President. The responsibility for developing, modifying, and publishing these regulations is delegated by the Chancellor to the Vice Chancellor for Student Academic Affairs. "Policies Applying to Campus Activities, Organizations, and Students" and the UCSF Supplement to "Policies Applying to Campus Activities, Organizations, and Students" are available at: <http://osl.ucsf.edu/policies.html>.**

### **13.30**

Chancellors shall consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these Policies that have been specifically mandated by law. Campuses shall specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised.

### **13.31**

**Any student, faculty, or staff member may recommend a change in these campus regulations by submitting a request in writing to the Vice Chancellor for Student Academic Affairs.**

**Vice Chancellor for Student Academic Affairs will convene the Review Board for Policies Applying to Campus Activities, Organizations, and Students on a regular basis, or as necessary, to review such requests and to make recommendations to the Chancellor. Requesters will be given the opportunity to appear before the Board.**

**The Review Board for Policies Applying to Campus Activities, Organizations, and Students will be appointed annually by the Chancellor and shall be composed of:**

**One student nominated by the President, Associated Students - UCSF**

**One student nominated by the President, Associated Students - School of Dentistry**

**One student nominated by the President, Associated Students - School of Medicine**

**One student nominated by the President, Associated Students - School of Pharmacy**

**One student nominated by the President, Graduate Students' Association**

**One student nominated by the President, Graduate Students' Association to represent Graduate Academic Students**

**Two students nominated by the Nursing Student Council**

**One faculty or staff member nominated by the Dean of the School of Dentistry**

**One faculty or staff member nominated by the Dean of the School of Medicine**

**One faculty or staff member nominated by the Dean of the School of Nursing**

**One faculty or staff member nominated by the Dean of the School of Pharmacy**  
**One faculty or staff member nominated by the Dean of the Graduate Division**

**Two staff members nominated by the Vice Chancellor - Student Academic Affairs**  
**One staff member nominated by the Senior Vice Chancellor - Financial and Administrative Services**

**Campus Counsel - Office of Legal Affairs**

### **13.40**

Prior to their adoption, all proposed campus implementing regulations, including all substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these *Policies* and the law.

## **14.00 DEFINITIONS**

For the purposes of these Policies and the campus implementing regulations adopted pursuant to them, the following definitions are provided:

### **14.10 Campus**

The term "campus" means a University of California campus. The term "campus" also applies to the Office of the President, the Division of Agriculture and Natural Resources, and each Department of Energy Laboratory operated by the University.

### **14.20 Property**

The term "property" means any University-owned, -operated or -leased property, including all University grounds and structures or such other property as shall be designated by a campus as property subject to these *Policies*.

### **14.30 Registered Campus Organization**

The term "Registered Campus Organization" means an organization whose membership predominantly comprises students, faculty, and/or staff of a particular University campus, and that attains recognition as a Registered Campus Organization by complying with the requirements and procedures set forth in Section 70.10 of these Policies and in campus implementing regulations.

### **14.40 Student**

The term "student" 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; or (c) is on an approved educational leave or other approved leave status, or is on filing-fee status.

#### **14.50 University**

The term "University" means the University of California and includes all campuses, the Office of the President, the Division of Agriculture and Natural Resources, and each Department of Energy Laboratory operated by the University.

### **20.00 POLICY ON NONDISCRIMINATION**

The University is committed to a policy against legally impermissible, arbitrary, or unreasonable discriminatory practices. All groups operating under the authority of The Regents, including administration, faculty, student governments, University-owned residence halls, and programs sponsored by the University or any campus, are governed by this policy of nondiscrimination. The intent of the University's policy on nondiscrimination is to reflect fully the spirit of the law. In carrying out this *Policy*, the University also shall be sensitive to the existence of past and continuing societal discrimination. (See also Appendix C [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters]; Section 140.00; Section 150.00; and Section 160.00.)

### **30.00 POLICY ON SPEECH AND ADVOCACY**

#### **30.10**

The University is committed to assuring that all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship.

#### **30.20**

It is the responsibility of the Chancellor to assure an ongoing opportunity for the expression of a variety of viewpoints.

#### **30.30**

The time, place, and manner of exercising the constitutionally protected rights of free expression, speech, assembly, and worship are subject to campus regulations that shall provide for non-interference with University functions and reasonable protection to persons against practices that would make them involuntary audiences or place them in reasonable fear, as determined by the University, for their personal safety.

### **30.31 Speech and Advocacy**

**The University has a special obligation to protect the right of free inquiry and free expression. On University grounds open to the public generally, all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship. Such activities shall not interfere with the orderly operation of the campus and must be conducted in accordance with campus time, place, and manner regulations. Physical force, the threat of force, and other coercive activities used to subject anyone to a speech of any kind are expressly prohibited.**

#### **A. Time, Place, and Manner Regulations**

**The time, place, and manner of exercising free speech and advocacy shall be consistent with orderly behavior and the normal conduct of University affairs. Regard for the privacy of others shall be observed, and reasonable precautions shall be taken to avoid practices that could render a person unable to avoid unwanted speech.**

#### **B. Areas for Public Gatherings**

**Specific areas and properties available for public meetings and gathering are assigned through the appropriate scheduling office. Check with the Office of Student Life, or online at [www.ucsf.edu/osl/reserve](http://www.ucsf.edu/osl/reserve), for a list of specific areas and reservation guidelines.**

#### **C. Amplification**

**Reasonable levels of amplified sound are permitted in specified Special Use Areas. Time regulations for amplified sound are site specific. Prior approval is required by the Director of Student Life. (For Special Use Area Guidelines and Procedures contact the Office of Student Life, or online at <http://osl.ucsf.edu/space.html>)**

#### **D. Non-University Speakers**

**Non-University persons are permitted to speak without invitation in areas of the campus open to the public; however, because such areas are limited, a reservation is advised through the appropriate scheduling office. Except as provided by Section 40.40 [university grounds open to the public] and subject to Section 30 [speech and advocacy], non-University persons may address meetings in all other areas only by invitation from an authorized student government, a registered club or organization, campus departments, and/or officially recognized organizations. Faculty members may invite non-University persons to appear in classes in accordance with the academic policy on guest lecturers.**

## **30.40**

The University recognizes, supports, and shall not abridge the constitutional rights of faculty, students, or staff to participate, either as individuals or as members of a group, in the political process of supporting candidates for public office or any other political activity.

## **40.00 POLICY ON USE OF UNIVERSITY PROPERTIES**

### **40.10**

University properties shall be used only in accordance with federal, State, and local laws and shall not be used for the purpose of organizing or carrying out unlawful activity.

### **40.20**

All persons on University property are required to abide by University policies and campus regulations and shall identify themselves upon request to University officials acting in the performance of their duties. Violation of University policies or campus regulations may subject a person to possible legal penalties; if the person is a student, faculty member, or staff member of the University, that person may also be subject to disciplinary action in accordance with University policies and campus implementing regulations.

### **40.30**

All use of University properties and services must conform to applicable campus time, place, and manner regulations.

### **40.40**

On University grounds open to the public generally, as may be described in campus implementing regulations, all persons may exercise the constitutionally protected rights of free expression, speech, assembly, and worship (including the distribution or sale of noncommercial literature incidental to the exercise of these freedoms). Such activities shall not interfere with the orderly operation of the campus and must be conducted in accordance with campus time, place, and manner regulations.

### **40.41 Use of Grounds Open to Public Generally**

**"Areas open to the public generally" at UCSF are defined as outdoor paved walkways on campus. These areas may be used for distribution of noncommercial literature incidental to First Amendment freedoms. This literature must be distributed free of charge except for reasonable fees to recover the costs of production. No distribution of literature may occur in such a way as to impede traffic flow or obstruct entrances to buildings.**

**Special Use Areas, such as, but not limited to, Saunders Court, Laurel Heights Upper and Lower Courtyards, and the Gene Friend Plaza at Mission Bay, may also be used for exercise of speech and assembly rights, consistent with Special Use Area Guidelines and Procedures. Advertised outdoor events which can be expected to attract a crowd of fifteen or more are restricted to designated Special Use Areas and must be reserved in accordance with Special Use Area Guidelines and Procedures (Special Use Area Guidelines and Procedures are available from the Office of Student Life, or online at [osl.ucsf.edu/space](http://osl.ucsf.edu/space)). Such events may not interfere with the orderly operation of the campus and must be conducted in accordance with applicable time, place and manner regulations.**

**Use of public grounds for employee organizations, defined as labor unions, should be directed to campus Labor and Employee Relations. Access guidelines are available at <http://ucsfhr.ucsf.edu/index.php/policies/article/regulations-governing-use-of-ucsf-facilities-and-access-to-ucsf-employees-b/>.**

#### **41.00 University Support, Sponsorship, or Endorsement**

All individuals or organizations using University properties and services must avoid any unauthorized implication that they are sponsored, endorsed, or favored by the University.

#### **41.10 University Neutrality on Religious and Political Matters**

As a State instrumentality, the University must remain neutral on religious and political matters. The University cannot sponsor or fund religious or political activities except when authorized for University purposes by The Regents or the President or their designees. See Sections 60.00, 70.00, and 80.00 of these Policies for the special conditions that apply to the sponsoring or funding of such activities by student governments and Registered Campus Organizations from compulsory campus-based student fees.

#### **41.11**

Religious, political, and ideological Registered Campus Organizations and other campus organizations shall have access to University properties on the same basis as all other campus organizations, according to guidelines set forth in campus implementing regulations.

#### **41.12**

In personal and other non-official correspondence, statements, or other material represented in a variety of media, including but not limited to printed matter, the Internet, and film or television relating to commercial, religious, or political activities or issues, the University title of a faculty or staff member or the title of a student government official shall be used only for identification. If such identification might reasonably be construed as implying the support,

endorsement, or opposition of the University with regard to any commercial, religious or political activity or issue, the identification shall be accompanied by a disclaimer: an explicit statement that the individual is speaking for himself or herself and not as a representative of the University or any of its offices or units. Similarly, such correspondence, statements, or other material issued by a Registered Campus Organization shall be accompanied by a disclaimer to the same effect if it might reasonably be construed as implying the support, endorsement, or opposition of the University.

#### **41.20 Use of University Name, Insignia, Seal, or Address**

The name, insignia, seal, or address (including the electronic address) of the University or any of its offices or units shall not be used for or in connection with religious, political, business or other purposes or activities except as consistent with University policy, campus implementing regulations, and applicable law (including, but not limited to "Use of the University's Name", State of California Education Code, Section 92000). (See also the Presidential Policy to Permit Use of the University's Name. In addition, see Section 70.40 of these *Policies* for further guidance on the use of the University's name by Registered Campus Organizations.)

#### **41.21 UCSF Use of University Name, Seal or Logo**

**UCSF policy for the Use of University Name, Seal or Logo is provided in Campus Administrative Policy 050-13 and Appendix B of these policies.**

**UCSF University Relations has full and final authority over how the name “University of California, San Francisco”, UCSF logo, etc. may be used, and by whom.**

#### **42.00 Campus Regulations**

Chancellors shall develop campus implementing regulations that provide procedures and criteria for the use of University properties by student governments and Registered Campus Organizations. Such regulations may provide procedures and criteria, based upon benefit to the University, permitting the use of University properties by other persons or organizations and shall specify the conditions under which University property may be used by non-University persons or organizations.

#### **42.01 Defined Space at UCSF**

##### **42.011 General Assignment Space**

**General Assignment space includes, but is not limited to, classrooms and lecture halls. This space is reserved primarily to meet the University's academic and educational mission. (For site specific policies and guidelines contact Educational Technology Services.) Use of this space must be in accordance with UC policy, and must conform to applicable time, place and manner regulations.**

## **42.012 Conference Center and Reception Facilities**

Conference center and reception facilities include, but are not limited to, the Millberry Union Event & Meeting Center, the Faculty/Alumni House, and the Lange Reading Room. (For site specific policies and guidelines contact the site scheduling coordinator.) Use of this space must be in accordance with UC policy, and must conform to applicable time, place and manner regulations.

## **42.013 Special Use Areas**

Special Use Areas are open spaces at UCSF designated for use by Registered Clubs and Organizations (student, faculty and staff), student governments and campus departments for noncommercial activities. (For Special Use Area Guidelines and Procedures contact the Office of Student Life, or online at <http://osl.ucsf.edu/space.html>.) Use of this space must be in accordance with UC policy, and must conform to applicable time, place and manner regulations.

## **42.02 Space Reservation Guidelines and Procedures**

### **42.02a Student Governments and Registered Clubs and Organizations**

All student government and Registered Clubs and Organization reservation request forms shall be submitted to the Director of the Office of Student Life for approval prior to space reservation and at least one week prior to the event. Approved reservation request forms shall be returned to the appropriate scheduling coordinator.

### **42.02b University Departments**

University departments may reserve space by submitting reservation request forms directly to the appropriate site scheduling coordinator except when cosponsoring an event with a non-University organization (see Section 42.02d below).

### **42.02c Employee Organizations Defined as Labor Unions**

Access to UCSF space by employee organizations, defined as labor unions, should be directed to Campus Labor and Employee Relations. Access guidelines are available at <http://ucsfhr.ucsf.edu/index.php/policies/article/regulations-governing-use-of-ucsf-facilities-and-access-to-ucsf-employees-b/>.

### **42.02d Non-University Organizations**

Non-University organizations may use University properties for noncommercial activities that are for the benefit of the University when the events are sponsored by a student

government, University department, or by a Registered Club or Organization. The sponsoring student government, University department, or Registered Club or Organization shall assume responsibility for the event, including responsibility for expenses incurred. Request forms to reserve space shall be submitted by the sponsoring student government, University department, or Registered Club or Organization to the Director of the Office of Student Life for approval prior to space reservation and at least one week prior to the event.

#### **42.02e Space Reservation Coordinators**

General Assignment space, such as classrooms and lecture halls, are reserved by the Scheduling Coordinator in Educational Technology Services. The Scheduling Coordinator is responsible for reservations, space inventory, and use of space guidelines.

Conference Center and Reception Facilities, such as Millberry Union Event & Meeting Center, the Faculty Alumni House, are reserved by Facility Coordinators. The Facility Coordinator is responsible for reservations, space inventory, and use of space guidelines.

Special Use Areas are reserved by the Site Scheduling Coordinators. The Site Coordinator is responsible for reservations and compliance to the use of space guidelines. The Office of Student Life is responsible for the space inventory and use of space guidelines. The Office of Student Life oversees the application of UC time, place and manner policy regulating the use of these areas.

Other University properties are generally unavailable for use other than for academic and administrative activities.

#### **42.02f Reservation Priorities**

Should conflicts arise, reservations will be made according to the following priorities:

**General Assignment space:**

- a. Academic uses by academic departments other than Continuing Education
- b. Continuing Education
- c. Others

**Conference Center and Reception Facility space:**

- a. Office of the President/UC Regents
- b. UC Departments
- c. Student Governments and Registered Clubs and Organizations
- d. Outside Groups

**Special Use Areas:**

- a. General campus need
- b. Registered Clubs and Organizations and Student Governments

- c. Campus Departments
- d. Others

If conflict results in displacement of a reservation, the appropriate scheduling coordinator shall make an attempt to provide adequate space for the displaced activity.

#### **42.02g Responsibility of Sponsor**

The sponsor of the event, as indicated on the reservation form, accepts full responsibility for the event. This responsibility includes but is not limited to financial responsibility for all costs and damages associated with the event.

#### **42.02h Time Regulations**

"General Assignment" space will be reserved for events occurring between 6 a.m. and 11 p.m. daily. Requests for exceptions will be considered on an individual basis.

Time regulations with regard to Conference Center and Reception Facilities will be at the discretion of the Facilities Coordinator, and must conform to applicable UC time, place and manner regulations.

Special Use Areas will be reserved for events occurring between 6 a.m. and 11 p.m. daily. Requests for exceptions will be considered on an individual basis.

#### **42.02i Amplified Sound in Outdoor Areas**

Reasonable levels of amplified sound are permitted in specified Special Use Areas. Time regulations for amplified sound are site specific. Prior approval is required by the Director of Student Life. (For Special Use Area Guidelines and Procedures contact the Office of Student Life, or online at [osl.ucsf.edu/space](http://osl.ucsf.edu/space).)

#### **42.02j Appropriate Use of Space**

A request for use of space may be denied if the proposed event would be inappropriate for the space requested and/or if the request is not in accordance with applicable UC time, place and manner regulations.

#### **42.03 Use of Alcoholic Beverages**

California State and city and county of San Francisco laws and ordinances, and University of California and UCSF policies dealing with alcoholic beverages apply to all University properties. Alcoholic beverages may only be served in accordance with the Alcoholic Beverage Policy (see Campus Administrative Policy 200-22 and *UCSF Appendix I of these policies*) and with all required approvals.

#### **42.10 Denial of Requests for Use**

A request for use of University properties may be denied if the request is not in accordance with campus regulations implementing these *Policies*. The applicant shall be accorded a review of any denial of a request for use of University properties.

A request for use of University properties shall be denied if circumstances are such that the event will present a clear and present danger to the orderly operation of the campus. The applicant shall be accorded a prompt appeal to the Chancellor, who shall recognize the University's heavy burden in justifying such a denial.

The review processes shall be set out in campus regulations.

#### **42.11 Denial of Requests for Use of University Properties by Employee Organizations Defined as Labor Unions**

**For employee organizations defined as labor unions, denial of request for use of University properties shall be made in accordance with the provision of the collective bargaining agreement, if applicable. (See Collective Bargaining Agreements at [http://ucsfhr.ucsf.edu/index.php/policies/cat/site/Collective Bargaining Agreements/](http://ucsfhr.ucsf.edu/index.php/policies/cat/site/Collective+Bargaining+Agreements/))**

#### **42.12 Appeal of Denial of Request for Use of Properties**

**Written appeals to the Vice Chancellor for Student Academic Affairs must be made within five business days of the receipt of the denial. The Vice Chancellor for Student Academic Affairs or his/her designee will review the appeal and issue a written decision within five business days of receipt of the appeal. The decision of the Reviewing Officer may be appealed in writing to the Chancellor within ten business days. The Chancellor will review the appeal and issue a written decision within ten business days of receipt of the appeal. The Chancellor's decision shall be final.**

#### **42.20 Posting of Noncommercial Materials**

Campus implementing regulations shall permit University students, faculty, staff, Registered Campus Organizations, and University units to post and exhibit noncommercial materials at locations designated in campus regulations for that purpose. Posting and exhibiting of noncommercial materials by others also may be permitted by campus regulations. All such materials shall clearly indicate the name of the sponsoring campus, individual, Registered Campus Organization, University unit, or other individuals or organizations permitted to post and exhibit pursuant to campus regulations.

## **42.21**

**For the purposes of these regulations, the term "noncommercial material" refers to printed material that is not sold or distributed for private business or personal profit, or the promotion of such profit.**

## **42.22 General Purpose Bulletin Boards**

**UCSF students, faculty, staff, Registered Clubs and Organizations, and University departments may post noncommercial materials on general purpose bulletin boards. General purpose bulletin boards are those without a sign indicating departmental jurisdiction.**

**Posted materials must clearly indicate the name of the sponsor, as well as the date of the posting. Items must be removed by the sponsor after the completion of an announced event. Items may be removed by the University ten (10) business days after posting in order to make room for other notices.**

**Poster size should be no larger than 11" X 17" so as not to limit space available for others.**

**Since posting space is limited, organizations and persons are limited to one poster per event per bulletin board. There shall be no posting over announcements that are still current.**

**Individuals or organizations misposting or failing to remove their posters after an event may be billed for the time it takes to remove the posters and clean or restore the area. Individuals or organizations may also be subject to other disciplinary action consistent with University policy.**

## **42.23 Banners**

**UCSF departments, student governments, and Registered Clubs and Organizations may post banners in designated locations. For information on locations and current banner practices, contact the Office of Student Life.**

## **42.24 Exhibits**

**UCSF departments, student governments, and Registered Clubs and Organizations may reserve specific Special Use Areas for temporary exhibits of noncommercial materials. Reservation requests shall be reviewed by the Director of the Office of Student Life to ensure that the exhibit does not block traffic or display cases. Exhibit space may be reserved for five business days. Denials may be appealed through the process described in Section 42.11.**

## **42.25 Literature Distribution and Voter Registration Tables**

**Specified Special Use Areas may be reserved for distribution tables for noncommercial materials and for voter registration. (For Special Use Area Guidelines and Procedures contact the Office of Student Life, or online at [osl.ucsf.edu/space](http://osl.ucsf.edu/space); see Section 42.50 for information regarding student voter registration activities)**

## **42.30 Noncommercial Fund Raising**

Noncommercial fund-raising by student governments and by Registered Campus Organizations shall be permitted pursuant to University policies and campus implementing regulations. Noncommercial fund-raising by individuals or by other groups also may be permitted under regulations developed by the campus, consistent with University policy. Provisions may be made in such regulations governing the collection of donations, sale of materials, admission charges, and financial accountability.

## **42.31**

**For the purposes of these regulations, the term "noncommercial fund raising" refers to an income generating activity that is not conducted primarily for private business or personal profit, or the promotion of such profit.**

**Student Governments and Registered Clubs and Organizations may engage in noncommercial fund raising on-campus in accordance with the UCSF Fundraising Guidelines, available in the Office of Student Life.**

**Non-University organizations may not engage in collection of funds on campus other than to charge reasonable fees to recover costs of production of noncommercial literature that is distributed in campus areas generally open to the public.**

## **42.40 Use of University Property for Commercial Purposes**

Campus implementing regulations may adopt restrictions, consistent with existing law and University policy, on the use of University properties for commercial purposes and personal financial gain. (See the "University of California Policy and Supplemental Guidelines on the On-campus Marketing of Credit Cards to Students" for the special conditions controlling the on-campus marketing of credit cards to students by banks and other commercial entities.)

## **42.41**

**Other than the conference centers and reception facilities, off-campus vendors and commercial entities are permitted access to University properties only when sponsored by a University department, student government, or Registered Club or Organization.**

**University departments, student governments, and Registered Clubs and Organizations may invite off-campus vendors and commercial entities onto University properties in connection with an appropriate service or program, and must be for informational purposes only. The sale of products or services is prohibited.**

#### **42.50 Student Voter Registration Activities**

Consistent with the requirement under federal law that the University make a "good faith effort" to distribute voter registration forms to students, and the requirement under State law that the University "do all in its power to ensure that students are provided the opportunity and means to register to vote" (Student Voter Registration Act of 2003), campus implementing regulations may authorize non-partisan student voter registration activities that are carried out either directly by, or under the direct supervision of and on behalf of, a campus student government or other official unit of the University on University grounds that are not open to the public generally, including campus residence halls and dining commons, subject to specified conditions to be established by each campus. Such activities shall not be considered to be commercial or noncommercial solicitation, since there is no offer of either goods or services, nor any solicitation of funds or other assistance from students.

#### **50.00 POLICY ON CAMPUS EMERGENCIES**

##### **51.00 State of Emergency**

See the Declaration of a State of Emergency section within the Policy on Safeguards, Security and Emergency Management.

##### **52.00 Emergency Regulations and Procedures**

Chancellors shall adopt campus emergency regulations and procedures consistent with the provisions of Section 13.30 of these *Policies*.

##### **52.01**

**Regulations and procedures governing a campus state of emergency are available on the University of California Police Department website, <http://police.ucsf.edu/index.php?/Preparing-for-Emergencies>.**

##### **53.00 Emergency Suspension**

##### **53.10**

During a state of emergency, Chancellors or their designated representatives are empowered to impose Emergency Suspension on any student, faculty member, or employee where such

suspension would be authorized under California Penal Code Sections 626.4 and 626.6, as interpreted by the Supreme Court of California in *Braxton v. Municipal Court* (1973) 10 Cal.3d 138.

### **53.11**

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 is reasonably possible. The report shall 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 shall be deemed void and a reasonable effort shall be made to inform the person who was suspended that the suspension is void.

### **53.12**

Any individual placed on Emergency Suspension shall be given written confirmation of the suspension, either by delivering it to the individual personally or by mailing it to the individual's last known address of record. The confirmation 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 in accordance with applicable campus procedures. If an individual is found to have been unjustifiably placed on Emergency Suspension, the University is committed to making reasonable efforts to assist any individual who has been disadvantaged in employment or academic status by that action.

### **53.121**

The outcome of the appeal shall have no bearing on any University disciplinary proceedings arising from the conduct that gave rise to the Emergency Suspension.

### **53.13**

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 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.

### **53.14**

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

## **60.00 POLICY ON STUDENT GOVERNMENTS**

### **61.00 Status**

Chancellors have authority to authorize or discontinue recognition of student governmental entities as official student governments, consistent with the status of such governments as official units of the University of California (see The Regents' Policy on the Status of Associated Students). Such governments are responsible for representing student constituencies comprising either the student body as a whole or particular segments of it. Chancellors may also assign to such governments specified powers and other responsibilities concerning student affairs.

#### **61.10 Authority, Responsibility, and Purposes**

Student governments shall have authority and responsibility over matters that are consistent with their enabling documents such as constitutions and by-laws, and with the University's purposes for such governments as defined by these *Policies* and implementing campus regulations. It shall be the responsibility of student governments, in consultation with the Chancellor or the Chancellor's designee, to ensure that their enabling documents, as well as all their programs and activities, are consistent with the status of such governments as official units of the University, and with the University's purposes for such governments as set forth in Section 61.10-15 of these *Policies*, as well as with all other provisions of these *Policies* and with implementing campus regulations.

Consistent with the provisions of these *Policies*, the University's purposes for student governments are:

#### **61.11**

To provide students with the educational benefits of participation in student government;

#### **61.12**

To provide a forum for the discussion of issues and ideas of interest, importance, and/or of concern to students;

#### **61.13**

To provide financial and other tangible support for student activities and organizations on a viewpoint-neutral basis, consistent with the provisions of Section 86.00 of these *Policies*, in order to foster a sense of community and to further discussion among students of the broadest range of ideas;

## **61.14**

To communicate student views to audiences, including external governmental offices and agencies, consistent with the provisions of Sections 63.00 and 64.00 of these *Policies*; and

## **61.15**

To provide such additional services to students as may be determined by the Chancellor or Chancellor's designee to be consistent with the status of student governments as official units of the University and with the other provisions of these *Policies*.

## **62.00 Support**

Student governments may be supported by compulsory campus-based student fees as specified in Section 81.00 of these *Policies* and/or by voluntary student contributions as specified in Section 90.10 of these *Policies*.

## **63.00 Right To Take Positions on Public Issues**

Student governments shall have the right to address and take positions on public issues as consideration of such matters serves the University's purposes for such governments as set forth in Section 61.10-15 of these *Policies*. Positions on issues taken by student governments shall not be represented as or deemed to be positions of any entity of the University other than the student government.

## **64.00 Lobbying and Other Public Policy-Oriented Activities**

Consistent with the University's purposes for student governments as set forth in Section 61.10-15 of these *Policies*, student governments may undertake lobbying and other public policy-oriented activities on student-related matters, as defined in Section 64.01 and 64.02 of these *Policies*, supported by compulsory campus-based student fees and/or by voluntary student contributions.

The lobbying and other public policy-oriented activities of student governments serve the University's purposes for such governments when such activities provide students with educational experiences in developing, discussing, and resolving positions on student-related matters, and articulating these positions through public and private discussions, meetings, and other forms of communication.

In furtherance of the University's purposes for student governments, the educational benefit provided to students by such activities must outweigh any purpose of furthering a particular ideological or political viewpoint. Consistent with this requirement, all such activities must be established by and under the direct and exclusive control of student governments and their democratic processes, and offer opportunities for participation by University of California students in meaningful learning experiences.

### **64.01 Definition of Lobbying Activities**

The term "lobbying activities" as used in these *Policies* means the funding or sponsorship by student governments of any program or activity of such governments that involves direct contact (whether face-to-face, by telephone, or in writing) with non-University legislative or other governmental officials in order to communicate a student government position (including the supporting rationale for that position) on a student-related matter.

### **64.02 Definition of Public Policy-Oriented Activities Other Than Lobbying**

The term "other public policy-oriented activities" as used in these *Policies* means the funding or sponsorship by student governments of any program or activity of such governments (other than "lobbying activities" as defined in Section 64.01 of these *Policies*) that involves the communication to a University audience of a student government position (including the supporting rationale for that position) on a student-related matter.

### **64.10 Systemwide Pro Rata Refund Requirement for Lobbying Activities**

Any student objecting to a particular lobbying activity of student government (as defined in Section 64.01 of these *Policies*) supported by compulsory campus-based student fees is entitled to a pro rata refund of that portion of his or her fees that went to support the activity. Criteria and procedures for particular campus-based refund mechanisms shall be developed by campuses in consultation with their student governments, and with the Office of the President and the Office of the General Counsel as required, to ensure the compliance of such mechanisms with both these *Policies* and the law. Such criteria and procedures must provide that the availability of pro rata refunds be widely and frequently publicized among students, and that all requests for such refunds by objecting students be processed equitably and expeditiously. (See also Sections 70.83 and 86.13 of these *Policies*.)

### **64.20 Pro Rata Refunds for Public Policy-Oriented Activities of Student Governments Other Than Lobbying**

In consultation with its student government or governments, a campus may at its discretion establish and administer a mechanism providing for a pro rata refund to any student of that portion of his or her compulsory campus-based student fees that has been allocated to support a particular public policy-oriented activity of student government other than lobbying (as defined in Section 64.02 of these *Policies*).

Campuses are encouraged but not required to consult with the Office of the President and with the Office of General Counsel in the development of criteria and procedures for any such refund mechanism. Such criteria and procedures should provide that the availability of pro rata refunds be widely and frequently publicized among students, and that all requests for such refunds by objecting students be processed equitably and expeditiously. Establishment of such a refund mechanism for the public policy-oriented activities of student governments

other than lobbying is not required either as a matter of University policy or the law. (See also Section 86.13 of these *Policies*.)

### **65.00 Sponsorship of Speakers**

Compulsory campus-based student fees allocated to student governments and/or voluntary contributions made to student governments may be expended to support speakers sponsored by those governments. The purpose of such support must be to stimulate on-campus discussion and debate on a wide range of issues. Student governments may bring in speakers as part of their public policy-oriented activities consistent with Sections 63.00 and 64.00 of these *Policies*. In the event that an allocation is made by a student government to sponsor a forum with speakers advocating for or against a candidate for a non-student-government office, or for or against an off-campus ballot proposition, the student government must make a good faith effort to invite a representative of the opposing campaign or campaigns to appear at the same time or, if this opportunity is declined, to appear at another time. (See also Sections 66.00 and 86.34 of these *Policies*.)

### **66.00 Participation in Non-University Political Campaigns**

Consistent with Section 41.10 of these *Policies* and with the "University's Legal Guidelines for UC Participating in Ballot Campaigns", student governments may not use University resources to support or oppose a particular candidate or ballot proposition in a non-University political campaign. This is not intended to preclude the use of such resources by student governments for legitimate educational purposes related to such non-University campaigns, in which information about competing candidates for government office and/or information about competing viewpoints with respect to particular ballot propositions is provided in a fair and balanced way. (See also Sections 65.00 and 86.34 of these *Policies*.)

### **67.00 Fiscal Soundness and Fiscal Accountability**

Chancellors are responsible for the fiscal soundness of student governments, and are responsible in addition for maintaining fiscal accountability over compulsory campus-based student fees and voluntary contributions collected from students to support student governments under the University's authority. The allocation and expenditure of all such funds by student governments shall be in accordance with all applicable University policies.

In the discharge of these responsibilities, Chancellors may conduct audits of the finances of student governments, exercise control over expenditures of their funds when and to the extent necessary to maintain the financial solvency of student governments, and where required may take action to ensure that any financial or business activity under the control of student governments is operated in accordance with sound business practices and is consistent with legal requirements and University policies and procedures.

## **67.10 Transfer of Compulsory Campus-Based Student Fees to Non-University Entities**

Compulsory campus-based student fees may be expended by a student government to cover the expenses of direct participation by University students in a particular non-University-sponsored educational program or activity. Such fees may also be expended in payment of applicable dues necessary to sustain student government membership in national and other regional non-University associations at the basic level established by such associations, so long as the level of any such assessment is in line with what is assessed similar student organizations at other institutions comparable in size and nature to the University as a requirement of basic membership. Except as provided immediately below, memberships at a preferential level that require the payment of higher periodic dues than what is required to sustain basic membership, or the assessment by such non-University associations of supplemental contributions from their members as an expectation but not a requirement of continued membership, may not be supported from compulsory campus-based student fees.

Other than for considerations of basic membership as set forth above, additional transfers of funds from compulsory campus-based fees by a student government to such non-University associations may be made only when they can be justified, in advance of the transfer, to the Chancellor (or other campus official designated by the Chancellor with administrative oversight over student government) as providing a direct educational benefit to University of California students commensurate with the proposed expenditure.

Compulsory campus-based fees may not otherwise be expended by a student government in support of, or be otherwise transferred to, a non-University organization, program, or activity, except in payment for goods and services directly necessary to the operation of that student government, its programs or activities.

The referendum process set forth in Section 82.00 of these *Policies* shall not be available either to establish a new compulsory campus-based student fee, or to lock in an increase to an existing such fee, that is earmarked for the purpose of providing direct support to any non-University organization, program, or activity. (See also Sections 70.90 and 87.00 of these *Policies*.)

## **70.00 POLICY ON REGISTERED CAMPUS ORGANIZATIONS**

### **70.10 Definition; Registration and Membership Requirements**

A Registered Campus Organization is an organization whose membership predominantly comprises students, faculty, and/or staff of a particular University campus, and that attains recognition as a Registered Campus Organization by complying with the requirements and procedures set forth in campus implementing regulations. Such regulations shall require that the organization furnish a written statement of its name and its purposes, signed by its officers or other authorized representatives, and that includes as well such other pertinent information as the campus may specify. Membership in a Registered Campus Organization shall be open to any student, consistent with the Nondiscrimination Policy Statement for

University of California Publications Regarding Student-Related Matters, with the exception that membership in an officially recognized sorority or fraternity may be limited by gender. Membership in a Registered Campus Organization may be extended to individuals other than students, faculty, and staff, under conditions specified in campus implementing regulations. An authorized student government of a campus shall not be eligible for registration also as a Registered Campus Organization of that campus.

## **70.11**

**Any organization whose membership is comprised predominately of UCSF students, faculty, and/or staff may register with the Office of Student Life and receive all of the benefits of Registered Clubs and Organizations.**

**Registration of any campus organization does not imply that such organizations are sponsored, endorsed, or favored by the University, and organizations should take care to avoid any unauthorized implication that they are sponsored, endorsed or favored by, or acting on behalf of, the University.**

## **70.12 Registration Requirements**

**A. Each organization must register annually for the period extending September 1st through the following August 31st.**

**B. Complete a Registered Clubs and Organizations registration form indicating the organization's name, purpose, and names of three UCSF affiliated officers or representatives.**

**C. Registration requirements and procedures are available in the Office of Student Life or online at <http://clubs.ucsf.edu/registration>.**

## **70.20 Requirements for Funding from Compulsory Campus-Based Student Fees**

A Registered Campus Organization that is preponderantly or exclusively funded by a student government or other campus entity from compulsory campus-based student fees shall primarily have University of California students as its members. Particular programs and activities of a Registered Campus Organization funded from compulsory campus-based student fees shall be open to participation by the entire campus community. In addition, all expenditures relating to particular programs and activities of a Registered Campus Organization (whether the program or activity takes place on- or off-campus) that are funded from such fees must be under the direct control of University of California students. (See also Section 86.11 of these *Policies*.)

### **70.30 Conduct and Discipline**

A Registered Campus Organization is required to comply with University policies and campus regulations as well as applicable laws or it will be subject to revocation of registration, loss of privileges, or other sanctions. In denying or revoking registration or applying sanctions, campus regulations shall provide an opportunity for a hearing with basic standards of procedural due process.

### **70.31**

**The membership of Registered Clubs and Organizations, whether on or off campus, shall comply with University policies and campus regulations. The Director of the Office of Student Life may revoke specific privileges for specified periods of time, or may revoke the registration of any registered club or organization that violates these regulations or University policies. Disciplinary actions shall be appropriate to the violation. Individuals who violate the regulations or University policies may also be sanctioned.**

**Campus regulations are subject to normal review processes prior to revision, and are available in the Office of Student Life.**

### **70.40 Use of University Name**

A Registered Campus Organization shall not use the name of the University of California or abbreviations thereof as a part of its own name except in accordance with applicable law and University policy (including, but not limited to, State of California Education Code, Section 92000, and the Presidential Policy to Permit Use of the University's Name) as well as campus implementing regulations.

### **70.41**

- A. Registered Clubs and Organizations shall not use the name of the University of California, or abbreviation thereof as part of its own name, but may use the phrase “at UCSF” to indicate location.**
- B. Registered Clubs and Organizations may state that its membership is composed of students, faculty, and/or staff of the University of California, but shall not indicate or imply that it is sponsored, endorsed or favored by, or acting on behalf of, the University.**
- C. Registered Clubs and Organizations violating Policy 70.40, 70.41 A and B, and/or Appendix B, shall bear all costs associated with correcting this violation. Corrections include, but are not limited to, violations in printed materials, email, and websites.**

### **70.50 Use of University Properties**

Any use of University properties and services by a Registered Campus Organization must conform to Section 40.00 of these *Policies* and applicable campus time, place, and manner regulations.

### **70.60 Fiscal Accountability**

Chancellors may investigate, through audits or other means, and take action to ensure that the fiscal activities of a Registered Campus Organization comply with legal requirements and University policies and procedures.

### **70.70 University Sponsorship**

As provided in Section 41.00 of these *Policies*, a Registered Campus Organization that uses University property, services, or other resources must avoid any unauthorized implication that it is sponsored, endorsed, or favored by the University.

### **70.71**

**The campus encourages the formation of Registered Clubs and Organizations to promote and provide for the special interests of the UCSF community. Registered Clubs and Organizations may, consistent with these regulations, raise funds on campus, invite speakers, and use University properties. However, the University does not sponsor or endorse an organization by virtue of registration or by granting permission to use properties, and Registered Clubs and Organizations should take reasonable precautions to avoid any unauthorized implication that they are sponsored, endorsed or favored by, or acting on behalf of, the University.**

### **70.80 Support**

A Registered Campus Organization or Registered Campus Organization-related program or activity may be supported from compulsory campus-based student fees and/or from voluntary contributions under conditions set forth in Sections 86.00 and 90.00 respectively of these *Policies*.

### **70.81**

The referendum process set forth in Section 82.00 of these *Policies* shall not be accessible to a Registered Campus Organization or any student group other than a student government. The foregoing is not intended to preclude access to the referendum process by any administrative unit of the University, subject to appropriate student consultation. Support for a Registered Campus Organization or any student group other than a student government from compulsory campus-based student fees must be in the form of a reallocation from student

government or other appropriate campus entity to the Registered Campus Organization or other student group. All such reallocations must be made consistent with the requirements for viewpoint-neutral funding set forth in Sections 70.82, 86.20, and 86.30 of these *Policies*. (See also Section 86.12 of these *Policies*.)

### **70.82**

Any process adopted by a student government or other campus entity to provide support to a Registered Campus Organization or Registered Campus Organization-related program or activity from compulsory campus-based student fees must employ solely viewpoint-neutral criteria as set forth in Section 86.30 of these *Policies*.

### **70.83**

A student government in consultation with the campus, or a campus with the concurrence of the student government, may at its discretion establish and administer a mechanism providing for a pro rata refund to any student of that portion of his or her compulsory campus-based student fees that has been allocated by a student government or other campus entity to support a particular Registered Campus Organization or Registered Campus Organization-related program or activity. Establishment of such a refund mechanism is not required either as a matter of University policy or the law. (See also Section 86.13 of these *Policies*.)

### **70.90 Transfer of Compulsory Campus-Based Student Fees to Non-University Entities**

Compulsory campus-based student fees may be expended by a Registered Campus Organization to cover the expenses of direct participation by University students in a particular non-University-sponsored educational program or activity. Such fees may also be expended for the payment of applicable dues necessary to sustain membership by a Registered Campus Organization in national and other regional non-University associations at the basic level established by such associations, so long as the level of any such assessment is in line with what is assessed similar student organizations at other institutions comparable in size and nature to the University as a requirement of basic membership. Except as provided immediately below, memberships at a preferential level that require the payment of higher periodic dues than what is required to sustain basic membership, or the assessment by such non-University associations of supplemental contributions from their members as an expectation but not a requirement of continued membership, may not be supported from compulsory campus-based student fees.

Other than for considerations of basic membership as set forth above, additional transfers of funds from compulsory campus-based student fees by a Registered Campus Organization to such non-University associations may be made only when they can be justified, in advance of the transfer, to the Chancellor (or other campus official designated by the Chancellor with administrative oversight over Registered Campus Organizations) as providing a direct educational benefit to University of California students commensurate with the proposed expenditure.

Compulsory campus-based fees may not otherwise be expended by a Registered Campus Organization in support of, or be otherwise transferred to, a non-University organization, program, or activity, except in payment for goods and services directly necessary to the operation of the Registered Campus Organization, its programs or activities.

The referendum process set forth in Section 82.00 of these *Policies* shall not be available either to establish a new compulsory campus-based student fee, or to lock in an increase to an existing such fee, for the purpose of supporting any non-University organization, program, or activity. (See also Sections 67.10 and 87.00 of these *Policies*).

## **80.00 POLICY ON COMPULSORY CAMPUS-BASED STUDENT FEES**

The Regents have authority to impose fees for any University purpose. All campus-based student fees at a campus must be approved by the Chancellor of that campus, except that no compulsory campus-based fees shall be effective until also approved either by The Regents or by the President under the President's delegated authority, as appropriate.

### **81.00 Compulsory Campus-Based Student Fees: Definition and Exclusions; Provision for Return-to-Aid**

#### **81.10 Definitions and Exclusions**

Compulsory campus-based student fees are fees levied at individual campuses that must be paid by all registered students to whom the fee applies. Such fees may be used to fund: (1) student-related services and programs, including, but not limited to, referenda-based student health insurance programs; (2) construction and renovation of student facilities such as student centers and recreation facilities; and (3) authorized student governments (as defined in Section 61.00 of the *Policy on Student Governments*), Registered Campus Organizations, and student government- and Registered Campus Organization-related programs and activities.

This Policy does not apply to Universitywide fees, to non-referendum-based campus health insurance fees that may be assessed to meet a non-academic condition of enrollment established by either The Regents or the President, to fees related to instruction, or to campus-based miscellaneous fees that require either the Chancellor's or the President's approval.

#### **81.20 Provision for Return-to-Aid**

Effective from the date of final issuance of this *Policy* as revised on April 14, 2006, any compulsory campus-based student fee approved as either a new fee or an increase to an existing fee shall provide for fee revenue for local need-based financial aid ("return-to-aid") to be set aside in an amount equal to at least 25% of the total new fee or fee increase as appropriate. The return-to-aid generated by undergraduate students shall be reserved for

undergraduate student financial support and the return-to-aid generated by graduate and professional students shall be reserved for graduate and professional student financial support.

Campuses also are strongly encouraged to seek future student approval, through the referendum process, of either separate new fees or increases to existing fees that would provide financial aid to cover the need associated with all existing compulsory campus-based student fees that do not already include return-to-aid as of the date of final issuance of this *Policy* as revised on April 14, 2006, and that are thus exempt from the new return-to-aid requirement.

Any campus-based fee (whether referendum-based or non-referendum-based) that is charged to a student as a premium to purchase health insurance for that student shall be exempt from any return-to-aid requirement. This exemption shall not extend to campus-based fees that have been approved by students through the referendum process for the purpose of providing direct support to campus student health centers.

## **82.00 Referendum Requirement for Establishing or Increasing Compulsory Campus-Based Student Fees**

Compulsory campus-based student fees may only be established, increased, or renewed following a referendum in which students vote in favor of the compulsory fees, except as provided in Section 83.00 of these *Policies*.

### **82.01 Referenda Requirements For Establishing or Increasing Compulsory UCSF Campus-Based Student Fees**

**See Appendix II for procedures for establishing or increasing a compulsory campus-based student fee.**

## **83.00 Exceptions to the Referendum Requirement**

### **83.10**

A new compulsory campus-based student fee, or an increase to or renewal of an existing such fee, may be approved by The Regents subject to the President's and the Chancellor's recommendation, and does not require a student referendum, under any of the following circumstances:

### **83.11**

When a student referendum was not specifically required for increases in a compulsory campus-based student fee, as established in the original ballot measure language approved by students in a student election.

## **83.12**

When the Chancellor determines that a new fee, or an increase to or renewal of an existing fee is necessary for the health and safety of students, and when that fee or fee increase or renewal is specifically related to the maintenance of the safety of a building or other facility that is funded, wholly or in significant part (as determined by the Chancellor with the concurrence of the Office of the President) by student fees. Safety issues are those that are potentially dangerous consistent with the standards set forth in the *University Policy on Seismic Safety* and the *University Policy on Management of Health, Safety, and the Environment*, as determined by the Chancellor with the concurrence of the Office of the President, such as those that relate to the risk of fire, the presence of asbestos, or the existence of seismic or other structural deficits.

Any new fee, or any increase to or renewal of an existing fee, established under the provisions of this Section shall be retired once the fee's stated purpose is fulfilled. Upon the recommendation of the President, the Chancellor may petition The Regents for continuation of any such new fee, fee increase, or fee renewal in advance of its retirement.

For buildings or facilities with multiple uses, whenever possible the costs to students for funding safety-related or health-related maintenance should be based on the proportion of current non-academic student use of the building or other facility; or

## **83.13**

When a new fee, or an increase to or renewal of an existing fee, is necessary to meet legal requirements (such as new code requirements) or contractual obligations (such as income projections) specified in the funding covenants of a building or facility that is funded wholly or in part by student fees. For buildings or facilities with multiple uses, whenever possible the costs to students for such increases should be based on the proportion of current non-academic student use of the facility.

## **84.00 Procedures and Required Approvals for Establishing or Increasing a Compulsory Campus-Based Student Fee**

### **84.01**

**See Appendix II for procedures for establishing or increasing a compulsory campus-based student fee.**

### **84.10**

Except as provided in Section 83.00 of these *Policies*, to establish, increase, or renew a compulsory campus-based student fee Chancellors shall establish in campus implementing

regulations, prior to any student referendum, procedures that meet at least the following minimum systemwide standards for such referenda:

#### **84.11**

Procedures for student consultation with student governments and campus student fee committees and, in the case of compulsory campus-based-student-fee funded buildings or other facilities, procedures for continuing student consultation once the building or other facility is constructed;

#### **84.12**

A requirement for a minimum voting pool of at least 20% of all students eligible to vote in a particular student election, subject to the following:

(a) a Chancellor may, in exceptional circumstances and on a case-by-case basis, petition the President in advance of a particular student election for approval of a lower minimum voting pool requirement for that election;

(b) for any ballot measure in support of a non-capital-project-related campus program, where voter eligibility is limited to graduate and/or professional students, a Chancellor may set the minimum voting pool, for that ballot measure only, at a lower level (based on historical graduate and professional student voter turnout rates for the campus), without petitioning the President in advance for approval

#### **84.13**

A requirement for at least a majority-vote approval by students voting on a particular ballot measure, for that ballot measure to be successful;

#### **84.14**

A requirement that each proposed new compulsory campus-based fee, or proposed increase to or renewal of any existing such fee, (except as specified in Section 83.00 of this *Policy* above) be voted on by students as a separate ballot measure in a student election, except that multiple proposed new such fees or fee increases or renewals may be aggregated into a single ballot measure where the proposed fees or fee increases or renewals strongly and clearly support a common student life, student services, or other programmatically related goal;

#### **84.15**

A requirement that the actual language of any ballot measure in a student election that is intended to fund either construction of a new building or other facility, or major renovation of an existing building or other facility, explicitly state:

- 1) whether the fee will be continued following retirement of the original debt on the new construction or major renovation, and
- 2) if the fee is to be continued, the purpose or purposes for which the fee will be used, as well as the mechanism that will be used to determine the level at which the fee will be set, following retirement of the original debt (please note that, as a general principle, campuses are encouraged to continue such fees at an appropriately adjusted level following retirement of the original debt, to provide for the actual costs associated with long-term building or other facility maintenance needs); and

#### **84.16**

A requirement that payment by students of compulsory campus-based student fees to support student-referendum-funded construction of new buildings or other facilities, or major renovation of existing buildings or other facilities, be initiated only from the time that students can actually benefit from and use the new or renovated building or other facility, except as specified immediately below.

Notwithstanding this requirement, a campus may assess students a pro rata percentage of any such fee in advance of completion of the new or renovated building or other facility for the purpose of supporting the design and planning costs, project mitigations, and financing costs associated with construction or renovation of the building or other facility, provided that both the purpose and level of this assessment are approved by students as part of the original ballot measure for the new or renovated building or other facility.

#### **84.20**

All student referendum results are advisory to the Chancellor and, conditional on the Chancellor's recommendation, are subject to final approval by the President under the authority delegated to the President by The Regents.

#### **85.00 Requirements For Reducing or Eliminating a Compulsory Campus-Based Student Fee**

Chancellors shall establish in campus regulations procedures for reducing or eliminating a compulsory campus-based student fee.

#### **85.10**

**See Appendix II for procedures for reducing or eliminating a compulsory campus-based student fee.**

**86.00 Support for Registered Campus Organizations and Related Programs and Activities from Compulsory Campus-Based Student Fees [replaces the University of California Guidelines for Funding Registered Campus Organizations and Related Programmatic Activities by Compulsory Student Fees, as revised October 26, 1999]**

**86.10 Conditions for Support**

Compulsory campus-based student fees allocated to student government may be reallocated to support Registered Campus Organizations and Registered Campus Organization-related programs and activities consistent with the University's educational purposes in providing such support, as set forth in Section 86.20 of these Policies. The process for making such reallocations must be based solely on viewpoint-neutral criteria, as set forth in Section 86.30 of these *Policies*.

**86.11**

A Registered Campus Organization that is preponderantly or exclusively funded by a student government or other campus entity from compulsory campus-based student fees shall primarily have University of California students as its members. Particular programs and activities of a Registered Campus Organization funded from compulsory campus-based student fees shall be open to participation by the entire campus community. In addition, all expenditures relating to particular programs and activities of a Registered Campus Organization (whether the program or activity takes place on- or off-campus) that are funded from such fees must be under the direct control of University of California students. (See also Section 70.20 of these *Policies*.)

**86.12**

The referendum process set forth in Section 82.00 of these *Policies* shall not be accessible to a Registered Campus Organization or any student group other than a student government. The foregoing is not intended to preclude access to the referendum process by any administrative unit of the University, subject to appropriate student consultation. Support for a Registered Campus Organization or any student group other than a student government from compulsory campus-based student fees must be in the form of a reallocation from student government or other appropriate campus entity to the Registered Campus Organization or other student group. All such reallocations must be made consistent with the requirements for viewpoint-neutral funding set forth in Sections 86.20 and 86.30 of these *Policies*. (See also Section 70.81 of these *Policies*.)

**86.13**

A student government in consultation with the campus, or a campus with the concurrence of the student government, may at its discretion establish and administer a mechanism providing for a pro rata refund to any student of that portion of his or her student government

fees that has been allocated by a student government or other campus entity to support a particular Registered Campus Organization or Registered Campus Organization-related program or activity. Establishment of such a refund mechanism is not required either as a matter of University policy or the law. (See also Section 70.83 of these *Policies*.)

### **86.20 The University's Educational Purposes**

The University's educational purposes are served when reallocations by a student government or other campus entity of compulsory campus-based student fees to support Registered Campus Organizations and Registered Campus Organization-related programs and activities are made: (1) to provide opportunities for the educational benefits and personal and social enrichment that derive from participation in extracurricular programs and activities; and (2) to stimulate on-campus discussion and debate on a wide range of issues from a variety of viewpoints.

Consistent with the above purposes, such reallocations shall only be made to support either the general organizational expenses of Registered Campus Organizations and Registered Campus Organization-related programs and activities or their associated communicative purposes.

In addition, allocation decisions to provide such support must be made without regard to the viewpoint of a particular Registered Campus Organization or Registered Campus Organization-related program or activity, and must be balanced in relation to the support provided to other Registered Campus Organizations or Registered Campus Organization-related programs and activities in similar circumstances.

### **86.30 Campus Procedures and Criteria to Assure Viewpoint Neutrality**

In fulfilling these purposes consistent with applicable law and Section 86.20 of these *Policies*, campuses shall have responsibility for ensuring that student governments and, as applicable, other campus reallocation entities, maintain procedures and criteria for making specific reallocation decisions for the support of Registered Campus Organizations and Registered Campus Organization-related programs and activities from compulsory campus-based student fees. Such procedures and criteria must be viewpoint-neutral in their nature; that is, they must be based upon considerations which do not include approval or disapproval of the viewpoint of the Registered Campus Organization or any of its related programs or activities.

### **86.31**

Criteria appropriate to be given balanced consideration in the making of viewpoint-neutral reallocation decisions might include, but are not limited to: the objectively documented organizational needs of the Registered Campus Organization based on membership size; its office or equipment requirements; the extent of financial support the Registered Campus Organization receives from other sources; or the production costs associated with a particular event or series of events the Registered Campus Organization typically sponsors. Such

sponsored events supported in whole or in part by compulsory campus-based student fees need not avoid controversial political, religious, or ideological content, subject to the understanding that under current University policy (see Section 30.20 of the “Policy on Speech and Advocacy”) campuses have a responsibility to assure an ongoing opportunity for the expression of a variety of viewpoints.

### **86.32**

Campus procedures and criteria shall provide: (a) that student governments or other campus entities responsible for reallocating compulsory campus-based student fees must publicize widely and regularly to Registered Campus Organizations the availability of such funds to support Registered Campus Organizations on a viewpoint-neutral basis, as well as the viewpoint-neutral criteria on the basis of which such funds will be reallocated; and (b) that communications to Registered Campus Organizations on the availability of such funds must be made in a timely fashion, and be reiterated periodically during the year as long as such funds remain available, to ensure sufficient time for the preparation of funding proposals in advance of funding decisions.

### **86.33**

Campus criteria and procedures shall also provide for: (a) documentation of all funding processes available to Registered Campus Organizations, including notice of the opportunity to apply for funding and the criteria upon which funding requests will be judged, consistent with Section 86.32 of these *Policies*; (b) documentation of all funding requests by Registered Campus Organizations and actions taken by the student government or other campus entity with reference to the published funding criteria in response to such requests; and (c) a formal process that allows Registered Campus Organizations or individual students to appeal, in a reasonable and timely manner, funding decisions regarding particular Registered Campus Organizations or Registered Campus Organization-related programs and activities made by the student government or other campus reallocating entity.

### **86.34**

Compulsory campus-based student fees may be reallocated to pay for speakers sponsored by Registered Campus Organizations. Over time, such events should stimulate on-campus discussion and debate from a wide range of viewpoints on a variety of issues.

### **86.40 Legal Review of Campus Procedures and Criteria**

Campus procedures and criteria for reallocation of compulsory campus-based student fees to support Registered Campus Organizations and Registered Campus Organization-related programs and activities on a viewpoint-neutral basis must be reviewed by the Office of the General Counsel to ensure that the procedures and criteria are consistent with the law and these *Policies*. In addition, campuses are advised to consult with the Office of the General

Counsel should a question arise about whether a particular reallocation is viewpoint-neutral in nature and meets the University's educational purposes as specified in Section 86.20 of these *Policies*.

### **87.00 Transfer of Compulsory Campus-Based Student Fees to Non-University Entities**

Compulsory campus-based student fees may be expended by a student government, Registered Campus Organization, or other campus entity to cover the expenses of direct participation by University students in a particular non-University-sponsored educational program or activity. Such fees may also be expended in payment of applicable dues necessary to sustain membership by a student government or Registered Campus Organization in national and other regional non-University associations at the basic level established by such associations, so long as the level of any such assessment is in line with what is assessed similar student organizations at other institutions comparable in size and nature to the University as a requirement of basic membership. Except as provided immediately below, memberships at a preferential level that require the payment of higher periodic dues than what is required to sustain basic membership, or the assessment by such non-University associations of supplemental contributions from their members as an expectation but not a requirement of continued membership, may not be supported from compulsory campus-based student fees.

Other than for considerations of basic membership as set forth above, additional transfers of funds from compulsory campus-based fees by a student government, Registered Campus Organization, or other campus entity to such non-University associations may be made only when they can be justified, in advance of the transfer, to the Chancellor (or other campus official designated by the Chancellor with administrative oversight over the student government, Registered Campus Organization, or other campus entity) as providing a direct educational benefit to University of California students commensurate with the proposed expenditure.

Compulsory campus-based student fees may not otherwise be expended by a student government, Registered Campus Organization, or other campus entity in support of, or be otherwise transferred to, a non-University organization, program, or activity, except in payment for goods and services directly necessary to the operation of that student government, Registered Campus Organization, or other campus entity, its programs or activities.

The referendum process set forth in Section 82.00 of these *Policies* shall not be available either to establish a new compulsory campus-based student fee, or to lock in an increase to an existing such fee, for the purpose of supporting any non-University organization, program, or activity. (See also Sections 67.10 and 70.90 of these *Policies*.)

## **90.00 POLICY ON THE CAMPUS ASSESSMENT OF VOLUNTARY STUDENT CONTRIBUTIONS TO STUDENT GOVERNMENTS AND REGISTERED CAMPUS ORGANIZATIONS**

### **90.10 Campus Procedures**

In furtherance of the University's stated goal of actively encouraging voluntary student support for the programs and activities of student governments and Registered Campus Organizations, and consistent with the "University of California Guidelines for Implementing a Voluntary Student Fee Pledge System", Chancellors may establish procedures permitting the use of the student registration process or other formal campus assessment process to collect voluntary contributions from students in support of student governments and their related programs and activities, as well as Registered Campus Organizations and their related programs and activities when they serve the interests of students enrolled at the University. No program or activity of a student government or a Registered Campus Organization may be supported by voluntary contributions collected through a formal campus assessment process unless that program or activity is also in compliance with all other applicable University policies and the law.

Campuses shall consult broadly with representatives of student government in the development of such assessment and collection procedures. Such procedures:

#### **90.11**

Shall require that any voluntary contribution assessed through the student registration process or other formal campus assessment process be collected only from those students who have affirmatively elected by means of a positive check-off mechanism to authorize such an assessment;

#### **90.12**

Shall require either a student referendum (conducted under the same criteria as for compulsory campus-based student fees as set forth in Section 84.00 of these *Policies*) or, subject to the concurrence of the Chancellor or Chancellor's designee, a duly adopted resolution of student government, to authorize use (consistent with the "University of California Guidelines for Implementing a Voluntary Student Fee Pledge System") of the student registration process or other formal campus assessment process for the collection of voluntary contributions;

#### **90.13**

Shall require that the actual costs (as defined in Section 8 of the "University of California Guidelines for Implementing a Voluntary Student Fee Pledge System") of the collection of voluntary contributions to benefit a Registered Campus Organization be borne by the

Registered Campus Organization (at the discretion of the Chancellor or Chancellor's designee, all or a part of the actual costs of collection of voluntary contributions to benefit a student government may or may not be required to be borne by the student government); and

#### **90.14**

Shall require that a written disclaimer be incorporated into the ballot measure language (or the duly adopted resolution of student government) at the time of authorization, and into the student registration or other formal campus assessment process at the time of collection. This disclaimer shall state that the collection of such voluntary contributions through the University's agency for support of the programs and activities of student governments or Registered Campus Organizations does not constitute sponsorship or endorsement by the University (or, in the case of the programs and activities of student governments, does not constitute sponsorship or endorsement by any entity of the University other than the student government).

#### **90.20**

These *Policies* shall apply only to voluntary contributions collected from students as part of the student registration process or other formal campus assessment process and shall not apply to voluntary contributions solicited from students as part of the more general fund-raising activities of any University or University-affiliated entity. Student governments and Registered Campus Organizations engaged in more general fund-raising activities are subject to all other applicable University policies relating to the fund-raising activities of University and University-affiliated entities.

### **100.00 POLICY ON STUDENT CONDUCT AND DISCIPLINE**

#### **100.10**

**The mission of the University of California, San Francisco is advancing health worldwide. As future health care professionals and health science researchers, UCSF students are held to high standards of behavior, particularly in matters of ethics, judgment, and professionalism. As such, student conduct is considered a part of a student's academic performance. Matters of discipline are therefore initiated by the Deans of the Schools and the Dean of the Graduate Division. The Dean shall be made aware of alleged misconduct, determine the appropriate response for alleged violations of conduct (either via academic professionalism standards or via student conduct procedures), determine the responsibility of those charged, and provide or recommend such disciplinary measures as are described in Section 105.00 of these *Policies*.**

#### **101.00 Student Conduct**

Students are members of both society and the University community, with attendant rights

and responsibilities. Students are expected to comply with all laws and with University policies and campus regulations.

The standards of conduct apply to students as the term 'student' is defined in Section 14.40 of these *Policies*. They also apply 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 his or her official enrollment; and
- c. former students for offenses committed while a student.

If specified in implementing campus regulations, these standards of conduct may apply to conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct occurred on campus.

### **101.10 Off-Campus Behavior**

**In addition to conduct which occurs on University property or in connection with official university related events, the University shall have the discretion to exercise jurisdiction over off-campus behavior if it: 1) adversely affects the health, safety, or security of any member of the campus community; or 2) conflicts with the University's mission, Code of Conduct, and Policy on Student Conduct and Discipline. In determining whether or not to exercise off-campus jurisdiction, the University may consider the seriousness of the alleged behavior, 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 which occurred both on and off campus.**

### **102.00 Grounds for Discipline**

Chancellors 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 well as such other violations as may be specified in campus regulations:

#### **102.01**

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

#### **102.02**

Other forms of dishonesty including but not limited to fabricating information, furnishing false

information, or reporting a false emergency to the University.

### **102.03**

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

### **102.04**

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**

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

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

Please refer to the UC Electronic Communications Policy (<http://www.ucop.edu/ucophome/policies/ec/>) and Digital Copyright Protection at UC (<http://www.ucop.edu/irc/policy/copyright.html>) for the University's position on digital copyright. **(See UCSF Administrative Policy Section 650-18 Authorized and Acceptable Use of Electronic Information Resources.)**

### **102.06**

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**

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

## **102.09**

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 includes, but is not limited to, conduct that is motivated on the basis of a person's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identify, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications. Pursuant to section 104.90, sanctions may be enhanced for conduct motivated on the basis of the above classifications.

For cases of harassment on the basis of sex, see also *Policy on Sexual Harassment (pdf)* and the *Procedures for Responding to Sexual Harassment (pdf)*.

## **102.10**

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**

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

## **102.12**

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

## **102.14**

Disorderly or lewd conduct.

### **102.15**

Participation in a disturbance of the peace or unlawful assembly.

### **102.16**

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

### **102.17**

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**

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. **(See Appendix I of these *Policies*.)**

### **102.19**

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

### **102.20**

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

### **102.21**

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

### **102.22**

Violation of the conditions contained in a written Notice of Emergency Suspension issued pursuant to Section 53.00 of these *Policies* or violation of orders issued pursuant to Section 52.00 of these *Policies*, during a declared state of emergency.

### **102.23**

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**

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

### **102.25**

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.

Photographs and recordings made in private locations of sexual activity or that contain nudity, may not be posted online or otherwise shared or distributed in any manner without the knowledge and express consent of all recorded parties, even if the photograph or recording was originally made with the knowledge and express consent of those parties.

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, or 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.

"Nudity" means the absence of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person or any portion of the breast at or below the areola thereof of any female person.

"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.

## **102.26**

**Violation of local, State, or federal laws otherwise not covered under these standards of conduct.**

## **102.27**

**In addition to the violations outlined above, students at UCSF are held to a high standard of academic professionalism. Unprofessional behavior, as defined by each school and the Graduate Division, may result in the initiation of student discipline and/or academic professionalism discipline procedures.**

## **103.00 Student Discipline Procedures**

### **103.10 Procedural Due Process**

Procedural due process is basic to the proper enforcement of University policies and campus regulations. Chancellors shall establish and publish campus regulations providing for the handling of student conduct cases in accordance with basic standards of procedural due process. Consistent with this requirement, procedures specified in such regulations shall be appropriate to the nature of the case and the severity of the potential discipline.

### **103.11**

When a formal hearing is deemed to be appropriate, campus implementing regulations shall provide the following minimum procedural standards 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.

### **104.00 Administration of Student Discipline**

#### **104.10**

Chancellors may impose discipline for violations of University policies or campus regulations 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.

#### **104.20**

Each Chancellor may appoint faculty, student, or other advisory committees, or hearing officers, as specified in campus regulations, but the final authority for administration of student discipline rests with the Chancellor.

#### **104.21**

**Although the final authority for the administration of student discipline rests with the Chancellor, student conduct (related to academic professionalism and/or alleged non-academic conduct policy violations) is addressed by the Dean or Dean's designee of the student's School or the Graduate Division. Information to assist students with navigating the academic professionalism standards and student discipline procedures are available online at:**

**School of Dentistry [add URL]  
School of Medicine [add URL]  
School of Nursing [add URL]  
School of Pharmacy [add URL]  
Graduate Division [add URL]**

While more specific procedures may be found at each of the links above, the essential elements for student discipline procedures that apply to investigating allegations of non-academic policy violations, are as follows:

- A. Fact Finding:** Upon learning of an alleged policy violation, initial fact finding will occur by relevant faculty, staff, or administrator.
- B. Optional Informal Resolution:** After the initial fact finding, and dependent upon the severity of the alleged violation, the faculty, staff, or administrator may choose to resolve the matter informally with verbal admonishment or written notice that repeated behavior will be subject to the formal disciplinary process. If informal resolution is determined to be appropriate, such action shall be determined within five (5) business days of the completion of the fact finding process.
- C. Initiation of Formal Disciplinary Proceedings:** If informal resolution is deemed insufficient, the faculty, staff, or administrator will submit a written description of the incident to the Dean (or designee) for consideration of formal discipline.
- D. Pre-hearing Conference:** The Dean (or designee) shall meet with the accused student and the student will be presented with the allegation and evidence/documentation. The Dean (or designee) will explain applicable policies and proposed disciplinary sanctions. Third party observers for both the student and the Dean (or designee) may be permitted. Third party observers may include legal counsel.
- E. Response:** The student will have the opportunity to respond to the allegations and be asked to enter a response of "no contest", "admit responsibility", or "deny responsibility" within 10 business days of the pre-hearing conference.
  - If the response is "no contest" the Dean (or designee) shall impose an appropriate sanction.
  - If the response is "admit responsibility" the Dean (or designee) shall impose an appropriate sanction.
  - If the response is "deny responsibility", either the student or the Dean (or designee) may request a hearing. If no hearing is requested, the Dean (or designee) shall make a determination of the facts and if the student violated any policies. This determination will be final and the Dean (or designee) shall impose an appropriate sanction.
- F. Scheduling Formal Hearing:** If a hearing is requested, its purpose shall be to weigh the evidence and determine if the student is responsible for the alleged misconduct. The date for the hearing will be confirmed within 30 business days of the time the Dean (or designee) has met with the accused student, although the hearing itself may occur beyond the thirty-day period. Written notice of the date, time, and place

of the hearing, in addition to the final notice of allegations, will be given to the student a minimum of 10 business days in advance of the hearing.

- G. Hearing Committee:** An ad hoc committee, including faculty and student representation, will be appointed by the Dean (or designee).
- H. Due Process:** Hearings shall be held in accordance with generally accepted standards of procedural due process, including the student and the university both having: 1) the right to reasonable pre-hearing exchange of evidence; 2) the opportunity to present evidence and witnesses in an orderly manner; and 3) the right to examine and cross-examine witnesses and the right to counsel. The student may be represented by legal counsel, at his/her own expense, and shall notify the Dean (or designee) of legal counsel at least five (5) business days prior to the hearing. University Counsel will represent the University if the student is represented by legal counsel. Exceptions to this timeline may be made for good cause (see Section P below).
- I. Hearing Procedures:** The Chair of the hearing committee shall rule on all questions of procedure, the extent of pre-hearing exchange of evidence, the admissibility of evidence and the relevance of testimony. Evidence may be received of the sort upon which responsible persons are accustomed to rely on 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 shall be confidential and closed to the public unless both parties agree to an open hearing. When the hearing is closed to the public, the student is entitled to have one non-participant observer, in addition to legal counsel, present. When the hearing is open to the public, the Chair of the hearing committee may exclude spectators from the hearing room if deemed necessary for the orderly conduct of the hearing.
- J. Burden of Proof:** The University shall bear the burden of proof. Factual findings shall be based on a preponderance of the evidence. No inference shall be drawn from the silence of the student.
- K. Recording of Hearing:** The hearing shall be audio recorded, or at the option of the student or the University, a stenographer may be provided. The party requesting the stenographer is responsible for payment of the stenographer's services. If the non-requesting party would like a copy of the transcript, s/he shall be responsible for the cost of that copy. If the hearing is audio recorded, the student shall have access to a copy of the recording and may copy the recording at the student's own expense.
- L. Committee Findings:** After hearing the evidence the committee will determine by majority vote if the student is responsible for the alleged misconduct based on a review of the testimony, documentary evidence, if any, and a review of the credibility of the witnesses.

- M. Written Summary:** The hearing committee will provide the Dean (or designee) with a written report of the findings of fact and a record of the hearing within ten (10) business days of the close of the hearing. The student will also be provided a copy of this report. All audio recordings and transcripts pertaining to the hearing shall be kept by the University for a period of seven (7) years.
- N. The Dean (or designee) shall issue a written decision and appropriate sanctions, if applicable, within ten (10) business days of receipt of the report from the hearing committee.**
- O. The student may make a written appeal to the Chancellor within ten (10) business days of the receipt of the Dean's (or designee) decision. An appeal may be granted or denied based upon: 1) whether there is new evidence that was not available at the time of the formal hearing, and if the new evidence is considered relevant; 2) whether procedures, as described above, were not followed and the failure to follow procedures resulted in a decision adverse to the student; and 3) whether the sanction imposed was too harsh given the finding of fact. The Chancellor shall issue a written decision within fifteen (15) business days of receipt of the appeal. Final authority for the administration of student discipline rests with the Chancellor. Exceptions to this timeline may be granted for good cause (see Section P below).**
- P. Upon establishment of good cause by either party to the hearing, the Dean of the School or Graduate Division may grant reasonable extension of the time limits specified in this procedure.**

#### **104.30**

A student, as defined in Section 14.40 of these *Policies*, at one campus of the University, who is accused of violation of University policies or campus regulations on another campus of the University or at an official function of that campus, shall be subject to the disciplinary procedures of either the former or the latter campus as an outcome of conferral between 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.

#### **104.31**

If an alleged violation of University policies occurs in connection with an official Universitywide function not on a campus, the student accused of the violation shall be subject to the disciplinary procedures of the campus at which the individual is a student, except in those cases in which the President directs otherwise.

#### **104.40**

The loss of University employment shall not be a form of discipline under these *Policies*. 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.

#### **104.50**

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

#### **104.60**

If as a result of an official campus 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 status of the student's relationship to the University shall not be adversely affected.

#### **104.70**

The results of any disciplinary action by the University that alleged a forcible or nonforcible sex offense, as defined in 34 CFR 668.46(c)(7), must be disclosed to both the alleged offender and the alleged victim. The scope of information to be provided under this section 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.

**104.71** [Rescinded October 13, 2005]

#### **104.80**

Whether or not a hearing is conducted, campuses 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 will be subject to the disciplinary process. Evidence of the prior alleged behavior as detailed in the written notice may be introduced in a subsequent disciplinary action in order to enhance the penalty.

## **104.90**

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

## **105.00 Types of Student Disciplinary Action**

When a student is found in violation of University policies or campus regulations, any of the following types of student disciplinary action may be imposed. Any sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation.

### **105.01 Warning/Censure:**

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

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

### **105.03 Disciplinary Probation:**

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

### **105.04 Loss of Privileges and Exclusion from Activities:**

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

### **105.05 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. 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.

#### **105.06 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.

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

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

#### **105.08 Interim Suspension:**

Exclusion from classes, or from other specified activities or areas of the campus, as set forth in the Notice of Interim Suspension, before final determination of an alleged violation. A student shall be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to 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 shall be given prompt notice of the charges, the duration of the Interim Suspension, and the opportunity for a prompt hearing on the Interim Suspension. Interim Suspension shall be reviewed by the Chancellor within twenty-four hours. If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist an individual who has been disadvantaged with respect to employment or academic status.

#### **105.08a**

**Notice of interim suspension may be verbal but must be confirmed in writing by the Dean (or designee), after which he/she shall immediately inform the Chancellor (or designee). The notification to the Chancellor shall include the student's name, the reasons for imposing the interim suspension, and the student's address and phone number on file. The student is responsible for providing the University with current**

**contact information. Within twenty-four hours of the imposition of the interim suspension, the Chancellor (or designee) shall affirm or over rule the interim suspension.**

**If the Chancellor (or designee) does not affirm the interim suspension by the end of the twenty-four hours, it shall be deemed void and the Chancellor (or designee) shall immediately inform the student at the student's phone number and/or email on file that the interim suspension is void. The student is responsible for providing the University with current contact information. Should the interim suspension be voided, such an action shall have no bearing on the University's 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 these policies.**

**If the Chancellor (or designee) affirms the suspension, the student shall be given prompt written notice that the interim suspension was upheld and that the student may request, in writing, a meeting with the Dean to challenge the interim suspension. The written request must be submitted within ten (10) business days from when the student was first notified of his/her interim suspension. Upon receipt of the request, the Dean will notify the student of the time, place, and date of the meeting to challenge the interim suspension. The Dean shall convene this meeting within seven (7) business days from the date of receipt of the request.**

**Convening the meeting shall not restrict the University's right to initiate disciplinary proceedings for the conduct which gave rise to the interim suspension. Any such disciplinary proceedings shall be conducted under the normal procedures provided for in these policies.**

#### **105.09 Restitution:**

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

#### **105.10 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.

#### **105.11 Other:**

Other disciplinary actions, such as monetary fines, community service, or holds on requests

for transcripts, diplomas, or other student records to be sent to third parties, as set forth in campus regulations.

### **106.00 Posting Suspension or Dismissal on Academic Transcripts**

When, as a result of violations of the Policy on Student Conduct and Discipline, a student is suspended or dismissed, a notation that the discipline was imposed must be posted on the academic transcript for the duration of the suspension or dismissal. Thereafter, notations of Suspension or Dismissal reflected on a student's transcript may be removed as set forth in campus regulations.

## **110.00 POLICY ON STUDENT GRIEVANCE PROCEDURES**

**UCSF grievance procedures can be found in the Bylaws, Regulations, and Appendices of The University of California, San Francisco Division of the Academic Senate, Appendix VII Divisional Procedure for Student Grievance in Academic Affairs.**

### **111.00**

Chancellors shall develop and submit for approval by Student Academic Services in the Office of the President, and in consultation with the Office of the General Counsel, procedures to resolve grievances claiming to have been the subject of any of the following types of University action:

#### **111.10**

Violation of the privacy rights accorded by the Federal Family Educational Rights and Privacy Act of 1974, portions of the State of California Education Code, and the Policies Applying to the Disclosure of Information from Student Records (see Section 130.00);

#### **111.20**

Discriminatory practices based upon sex, under Title IX of the Education Amendments of 1972 or applicable federal or state laws, or under the Student-Related Policy Applying to Nondiscrimination on the Basis of Sex (see Section 150.00) and the Policy on Sexual Harassment and Complaint Resolution Procedures (see Section 160.00);

#### **111.30**

Discriminatory practices based upon disability, under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990 or under the Guidelines Applying to Nondiscrimination on the Basis of Disability (see Section 140.00);

#### **111.40**

Discriminatory practices based upon race, color, or national origin, under Title VI of the Civil Rights Act of 1964; and

#### **111.50**

Other types of actions that may be grieved, such as discrimination on the basis of sexual orientation, age, or marital status, as specified in campus regulations.

#### **112.00**

Campus student grievance procedures shall be developed with student consultation, and shall at a minimum meet the requirements of applicable federal anti-discrimination and privacy laws. Once adopted, they shall serve as the sole remedy within the University for nonacademic student grievances brought pursuant to any such law.

#### **113.00**

As provided in state law, civil or criminal law remedies including injunctions, restraining or other court orders, and monetary damages also may be available to complainants.

#### **114.00**

Assignment of grades to students enrolled in University classes is the exclusive prerogative of University faculty. Grade-related and other academic grievances are covered under separate policies established in consultation with the Academic Senate.

### **120.00 POLICY ON STUDENT PARTICIPATION IN GOVERNANCE**

As members of the campus community, students have a substantial interest in the governance of the University. Their participation has increased significantly in the last decades, and the University has benefited from it. It is the intent of this *Policy* to reaffirm the University's commitment to the principle of student involvement in governance in both administrative and academic areas and to state the primary purposes and goals of that involvement.

This commitment is based on the premise that student participation is vital to a vigorous intellectual exchange and the furtherance of the objectives of University education and research. Appropriate, effective, and productive student involvement, consistent with the development of policies that reflect the total needs of the University, is the goal.

The governance of the University involves more than the process of making decisions. The process of governance provides a forum for group interaction, expression of concerns, exploration of feasible solutions, and reconciliation of diverse viewpoints. Within this context,

student participation serves several functions.

First, it is important to the sound development of policy. Student views and advice, often from special perspectives, provide for more informed University decision making. Participation should be encouraged and strengthened through the involvement of all levels of student representation.

Second, there is a recognition that students have a vital interest in decisions directly related to policies and programs affecting their academic and non-academic experience at the University. Clear procedures are required to ensure that students are afforded access to needed information, an opportunity to share ideas, and encouragement to express concerns, both formally and informally.

Finally, student participation is crucial to ensure that student viewpoints are considered on issues of importance to the University community. This communication provides opportunities for testing assumptions, for understanding the attitudes of others, for sharing information, and for developing understanding and mutual trust among constituencies. The special nature of the University requires a sense of community. While every decision may not be wholly satisfactory to all parties, the governance process should provide a forum for candid discussion.

Efforts should continue to be directed toward improving not only the extent but also the quality and effectiveness of student involvement. To these ends, the University must work to achieve several goals.

First, the processes central to student involvement, including the selection, training, and continuity of student participants, need to be clearly understood by all members of the campus community and periodically reexamined. Care should be taken, in particular, that the process of reaching decisions in campus governance is openly communicated and well understood. Second, building on existing mechanisms, means for student participation in administrative and academic areas should be developed and implemented on the campuses and in the Office of the President; it is important that a variety of ways be provided to ensure that the University gains full benefit from student participation in those areas. Third, areas where students are not now participating need to be examined. In this regard, ways should be sought to enhance student involvement in academic departments, where important decisions that affect students are made.

In order to achieve these goals, each campus has developed a plan for student participation. Essential to the success of such plans is a periodic review of the procedures used by campus academic and administrative departments, student governments, and other student organizations, and an evaluation of progress toward implementation of the plan. This review process should involve broad consultation with the campus community, including formal consultation with student governments and the Academic Senate. Campus plans for student participation in institutional governance should be made readily available for review. Matters which have been delegated by The Regents to the Academic Senate are beyond the scope of

these campus plans, but direct discussions between students and the Academic Senate on student participation in the deliberations of the Senate should continue.

## **130.00 POLICIES APPLYING TO THE DISCLOSURE OF INFORMATION FROM STUDENT RECORDS**

### **130.10 Introduction**

#### **130.11**

University of California campuses maintain various types of records pertaining to students. Some are maintained for academic purposes; others, such as medical records, are maintained for other specific purposes.

These policies apply only to records directly related to students as students, hereafter referred to as 'student records' in these policies (also see Section 130.233). The disclosure of information from student records is generally governed by the Federal Family Educational Rights and Privacy Act (FERPA).

These policies are not applicable to other records that are maintained for purposes unrelated to a student's status as a student. Specific categories of such records are identified in Section 130.234. The disclosure of information from such records is governed by the California Information Practices Act.

It is the purpose of these policies to provide reasonable interpretations of the Federal Family Educational Rights and Privacy Act and to protect the student's right of privacy as guaranteed by the Constitution of the State of California and the Information Practices Act. When the law is silent, the campuses shall be guided by two principles: (1) the privacy of an individual is of great weight, and (2) the information in a student's file should be disclosed to the student on request.

#### **130.12**

These policies supersede the University of California Policies Applying to the Disclosure of Information from Student Records, Policies Applying to Campus Activities, Organizations, and Students, dated August 15, 1994. They incorporate the requirements set forth in the regulations implementing the Federal Family Educational Rights and Privacy Act and all amendments thereto through April 25, 2002.

#### **130.13**

Although not strictly required under federal law, as a matter of University policy, for the purposes of implementing the provisions of the Family Educational Rights and Privacy Act, the University generally views itself as thirteen separate institutions, rather than as a single entity. The thirteen institutions include the nine general campuses, the one health sciences

campus, and the three Department of Energy Laboratories operated by the University. Therefore, personally identifiable information contained in student records maintained by one campus may not be disclosed to the other campuses without the written consent of the student, unless the disclosure is consistent with the provisions of Section 130.70 of these *Policies*. Such information may be disclosed by any campus to the Office of the President, as permitted by Section 130.721(a)(2) of these *Policies*.

## **130.20 Definitions**

The following terms are defined for the purposes of these policies and campus implementing regulations made in accordance with them.

### **130.210 Student**

#### **130.211**

A "student" is 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; or (c) is on an approved educational leave or other approved leave status, or is on filing-fee status.

#### **130.212**

"Enrolled in or registered with" as specified in these policies is equivalent to the term "attendance" as used in the Family Educational Rights and Privacy Act. The University uses enrollment and registration rather than attendance as a measure of student status.

### **130.220 Record**

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

### **130.230 Student Records**

#### **130.231**

"Student records" are those records that contain information directly related to a student and that are maintained by a University of California campus, the University of California Office of the President, or by any organization authorized to act on behalf of the University.

#### **130.232**

Student records include, but are not limited to, academic evaluations, including student examination papers, transcripts, test scores and other academic records; general counseling and advising records; disciplinary records; and financial aid records, including student loan

collection records.

### **130.233**

The term "student records" as used in these policies is synonymous with the term "education records" in the Federal Family Educational Rights and Privacy Act.

### **130.234**

The term "student records" does not include the following records, and therefore such records are not governed by these *Policies*.

- a. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons, which:
  1. Are kept in the sole possession of the maker of the record; and
  2. Are not accessible or revealed to any other individual, except to an individual who performs on a temporary basis the duties of the individual who made the record.
- b. Campus Police records which are created and maintained by campus police solely for law enforcement purposes.
- c. Employment records, when University employment did not result from and does not depend upon the fact that an individual is a student at the University, provided that the employment records:
  1. Relate exclusively to the individual in that individual's capacity as a University employee;
  2. Are made and maintained in the normal course of business; and
  3. Are not available for use for any other purpose.

All records relating to a student who is also an employee of the University are included in the definition of student records, if the student's employment is contingent upon the fact that he or she is a student. For example, work-study program records are student records.

- d. Health records which:
  1. Are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity;
  2. Are created, maintained, or used only in connection with the provision of treatment to

the student; and

3. Are not disclosed to anyone other than individuals providing the treatment, except that the records may be personally reviewed by a physician or other appropriate professional of the student's choice.

For the purpose of this definition, "treatment" does not include academic and career advising, tutoring, disability management counseling, or any activities which are part of the program of instruction offered by the campuses.

- e. Applicant records of individuals who do not enroll in or register with an academic program of the University. If and when applicants become students, their applicant records become student records, which are then accorded the same privacy rights as any other student records governed by these policies. Insofar as applicant records are not student records, they are governed by the privacy protections found in the California Information Practices Act (Civil Code §1798 et seq). See Section 130.210 for definition of "student."
- f. Records (i.e., alumni records) about a person containing only information obtained from that person after that person is no longer a student, or relating to that person and obtained from others after that person is no longer a student.

### **130.240 Personally Identifiable Information**

#### **130.241**

The term "personally identifiable information" means any information that identifies or describes a student. It includes, but is not limited to:

- a student's name;
- the name of a student's parent or other family members;
- the address of a student or student's family;
- any personal identifier such as a student's social security number, student number or biometric record;
- other indirect identifiers such as the student's date of birth, place of birth, and mother's maiden name;
- other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the campus community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- information requested by a person who the University reasonably believes knows the identity of the student to whom the student record relates.

Information is considered "de-identified," and is no longer considered to be "personally identifiable information" once all personally identifiable information has been removed, and the University has made a reasonable determination that a student's identity is not personally

identifiable, whether through single or multiple releases, and taking into account other reasonably available information. Information containing “small cell sizes” must be carefully reviewed before disclosure in order to determine whether it has been sufficiently de-identified.

### **130.242**

Personally identifiable information is divided into two categories:

1. directory information, which may be disclosed to any party without the prior written consent of the student to whom the information pertains, except as specified in Section 130.710, and
2. confidential information, which may not be disclosed to any party without the prior written consent of the student to whom the information pertains, except as specified in Section 130.720.

### **130.250 Directory Information**

#### **130.251**

The term "directory information" means information contained in a student record that would not generally be considered harmful or an invasion of privacy if disclosed. Pursuant to Section 130.711, campuses are required to give public notice of the categories of personally identifiable information that have been designated by the campus as directory information. Campuses may designate the following types of information as "directory information": a student's name, address (local and/or permanent), e-mail address, telephone numbers, date and place of birth, field(s) of study (including major, minor, concentration, specialization, and similar designations), dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate, full time or part time), number of course units in which enrolled, degrees and honors received, the most recent previous educational institution attended, photo, participation in officially recognized activities, including intercollegiate athletics, and the name, weight, and height of participants on intercollegiate University athletic teams.

#### **103.251a**

**The following information is directory information: a student’s name, local and permanent mailing address, e-mail addresses, telephone numbers, photograph, date and place of birth, major field of study, dates of attendance, number of course units in which enrolled, degrees and honors received, the most recent/previous educational institution attended, and participation in officially recognized activities.**

#### **130.252**

The above categories of information, as designated by each campus, may be considered "directory information" unless a student notifies the campus in writing or via electronic

procedures established by the campus that any or all of the categories of information about that student may not be disclosed (see Section 130.710).

### **130.253 [Rescinded April 25, 2002]**

### **130.260 Disclosure**

The term "disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in a student record by any means, including, but not limited to, oral, written, or electronic means. Disclosure to the party identified as the party that provided or created the record does not constitute a "disclosure" for purposes of FERPA. For example, the University may disclose a student's high school transcript to the high school identified on the transcript in order to determine whether the transcript is legitimate. This is not considered a "disclosure" because the high school has been identified as the party that provided and/or created the transcript.

### **130.265 Financial Aid**

"Financial aid" means the provision of financial resources to students, based on the strength of their academic achievements, or on the strength of their financial need, or on a combination of the two.

### **130.270 Campus**

"Campus" means a University of California campus. For the purposes of these *Policies*, the term "campus" also applies to the Lawrence Berkeley National Laboratory subject to Laboratory implementing regulations and contractual obligations between The Regents and the Department of Energy.

### **130.275 University**

"University" means the University of California.

### **130.280 Campus Official or University Official**

A "campus official" or "University official" is any individual designated by the University of California to perform an assigned function on behalf of the University.

A campus or University official may be:

- a. a person employed by the University in an administrative, supervisory, academic, research, or support staff position;
- b. a person serving on a University governing body;

- c. a contractor, consultant, volunteer or other party to whom the University has outsourced institutional services or functions provided that: (1) the outside party performs an institutional service or function for which the University would otherwise use employees; (2) the outside party is under the direct control of the University with respect to the use and maintenance of student records; and (3) the outside party may not disclose the information to any other party without the student's consent, and may not use the information for any purpose other than the purpose for which the disclosure was made; or
- d. a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing his or her tasks.

### **130.290 Legitimate Educational Interest**

#### **130.291**

"Legitimate Educational Interest" means: (1) the information or record is relevant and necessary to the accomplishment of some task or determination; and (2) the task or determination is an employment responsibility for the inquirer or is a properly assigned subject matter for the inquirer.

#### **130.292**

Chancellors shall specify in campus implementing regulations, criteria for determining what the campus considers to be a "legitimate educational interest."

Such criteria may specify, by way of example, the following:

A University official is determined to have legitimate educational interest in a particular record if the information requested is relevant and necessary for that official to:

- a. perform a task or determination that is an employment responsibility or is a properly assigned subject matter for the inquirer;
- b. perform a task that is related specifically to the official's participation in the student's education;
- c. perform a task that is related specifically to the discipline of the student; or
- d. provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.

#### **130.292 a**

**UCSF campus officials are deemed to have legitimate educational interest when information from a student's record is relevant and necessary for the official to: perform**

**a task or determination that is an employment responsibility or a properly assigned subject matter for the official; perform a task that is related specifically to the official's participation in the student's education; perform a task that is related specifically to the discipline of the student; or provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.**

### **130.293**

Reasonable physical, technological or administrative methods must be used to ensure that campus or University officials obtain access to only those student records in which they have legitimate educational interests

### **130.30 Annual Notification of Rights**

#### **130.310**

Students enrolled in or registered with a University campus shall be informed annually of their rights under these policies, and under the Federal Family Educational Rights and Privacy Act and its implementing regulations, by such means and at such times as are reasonably likely to inform them of those rights.

#### **130.311**

Such notifications shall be published in the official campus newspapers or other official campus publications in a manner that will provide students with clear and specific information regarding their rights.

#### **130.312**

The notification shall include a statement that the student has a right to:

- a. Inspect and review the student's own records (see Section 130.40);
- b. Request correction of the student's own records (see Section 131.00);
- c. Grieve an alleged violation of privacy rights, as specified in these policies (see Section 132.00);
- d. Have personally identifiable information contained in student records not be disclosed without signed and dated written consent that specifically identifies: (1) the records to be disclosed, (2) the purpose of the disclosure, and (3) the party or class to whom disclosures are to be made. Consent is not required for those disclosures authorized by Sections 130.711 and 130.721 of this policy; and
- e. File with the United States Department of Education a complaint concerning alleged

failures by the campus to comply with the requirements of the Federal Family Educational Rights and Privacy Act (see Section 133.00).

## **130.40 Inspection and Review of Student Records By Students**

### **130.410**

Campus implementing regulations shall include procedures students must follow to inspect and review student records. The procedures shall comply with all the provisions of Section 130.40.

### **130.411**

With the exception of the records listed in Section 130.420, students shall be permitted to inspect and review their student records within a reasonable period of time, but in no case longer than 45 days after receipt of the student's request.

### **130.412**

Students shall be entitled to a response to reasonable requests for explanations and interpretations of the records. The response need only inform students of what the record contains, and not why the records exist or why specific information is included in the records. If a student believes that a record is inaccurate or misleading, procedures for seeking the correction of the record can be found in Section 131.00.

### **130.413**

Campuses shall comply with written requests from students for copies of their records when failure to provide copies would effectively prevent them from exercising the right to inspect and review their student records. For example, a campus shall provide copies of a student's record if the student does not live within commuting distance of the campus.

### **130.414**

Fees for copies of student records shall be assessed in accordance with campus fee schedules unless the imposition of a fee effectively prevents a student from exercising the right to inspect and review the student's own records. No charge may be made to search for or to retrieve any student record. A schedule of fees to be charged for copies of student records shall be included in campus implementing regulations. Such fees shall be limited to the actual cost of providing the copies of the records requested.

### **130.415 [Rescinded April 25, 2002]**

### **130.416**

Student records shall not be destroyed if there is an outstanding request to inspect and review them (see also Section 130.840). If there is no request pending, the records may be destroyed pursuant to the campus-specific or University record disposition requirements.

### **130.420 Records Exempt From Inspection and Review by Students**

#### **130.421**

Campus implementing regulations shall include a description of the limitations that exist on a student's right to inspect and review student records. Pursuant to the Federal Family Educational Rights and Privacy Act, the following student records are not subject to inspection and review by students:

- a. Financial records and statements of the student's parents or guardians or any information contained therein. Information from the Parents' Confidential Statement, or equivalent information, may be disclosed to the student on condition that the proper authorization has been signed by the parent(s) or guardian(s).
- b. Confidential letters and statements of recommendation which were placed in a student's records prior to January 1, 1975, provided that the letters and statements are used only for the purposes for which they were specifically intended.
- c. Confidential letters and statements of recommendation which were placed in a student's records after January 1, 1975, with regard to admission, application for employment, or the receipt of an honor, if the student has waived the right to inspect and review those recommendations (see also Section 130.60).
- d. Records containing personally identifiable information about other students. If student records contain information on more than one student, students may inspect and review or be informed of only the specific information which pertains to themselves, except as specified in Section 130.721(j).

### **130.50 Inspection and Review of Admissions Records by Applicants**

#### **130.510**

Privacy of and access to admissions records of applicants who do not subsequently become students are not covered by these policies, but are subject to the policies and procedures found in campus guidelines and/or regulations, the University of California Business and Finance Bulletin-Records Management Program Series, and the California Information Practices Act. Information about those policies and procedures may be obtained from Campus Information Practices Coordinators.

## **130.60 Waivers of Access Rights to Student Records by Students and Limitations on Such Waivers**

### **130.610**

Subject to the limitations in this Section, and in Section 130.420(c) of these *Policies*, students may waive, or may be requested to waive, their right of access to confidential recommendations or evaluations regarding admission, application for employment, or the receipt of an honor or award.

Such waivers must be voluntary, and may not be required as a condition for admission to the University or the receipt of any other service or benefit from the University. Any waiver must be in writing and signed by the student. Students may waive their rights to inspect and review either individual documents or classes of documents (e.g., part or all of an admission or career placement file).

### **130.611**

Students shall be notified upon request of the names of all individuals providing confidential letters and statements of recommendation to which they have waived their right of access.

### **130.612**

Such recommendations retain their confidentiality only if they are used for the purpose for which they were originally intended. If used for other purposes, the waivers are void and the documents may be inspected by students.

### **130.613 [Rescinded April 25, 2002]**

### **130.614**

No student may be required to sign a form saying that he or she has not waived access to any confidential recommendation.

### **130.615**

Waivers may be revoked in writing with respect to records obtained or received subsequent to the revocation. Such revocations shall not affect a student's access to records obtained or received prior to such written notice of revocation.

## **130.70 Disclosure of Personally Identifiable Information from Student Records**

### **130.710 Disclosure of Directory Information**

### **130.711**

Each campus shall give public notice of the categories of personally identifiable information that have been designated by the campus as directory information. Such categories shall fall within the limitations of the definition of directory information in Section 130.250 and may be disclosed without prior student consent unless a student notifies the campus in writing or via an established electronic procedure that such information shall not be disclosed.

### **130.712**

Students shall be informed at the time they enroll in, or register with, any academic program of the University, and at least annually thereafter, of their right to refuse to permit any or all of the categories of personally identifiable information to be designated as directory information with respect to themselves.

### **130.713**

Students shall notify the campus in writing or via an established electronic procedure of the personally identifiable information related to themselves that is not to be designated as directory information. Within a reasonable time after receipt of notification, information so designated may not be disclosed without the written consent of the student, except as otherwise noted in Section 130.720.

### **130.714**

Students shall be informed of the time period during each academic term in which they must notify the campus of the categories that are not to be designated as directory information with respect to themselves and the effective date of that request.

### **130.715**

Students may not use the right to refuse disclosure of their directory information to prevent the University from disclosing information pursuant to the applicable provisions in Section 130.721. Further, students may not use the right to refuse disclosure of their directory information to prevent the University from disclosing or requiring a student to disclose the student's name, identifier, or University email address in a class in which the student is enrolled, including but not limited to online classes.

### **130.716**

The University may not disclose or confirm directory information without the student's consent, if a student's social security number or other non-directory information is used, alone or combined with other data elements, to identify or help identify the student or the student's records.

### **130.717 Directory Information About Former Students**

Information regarding former students that was designated directory (formerly known as "public") information by their campus at the time they were students may be disclosed without the former students' consent unless their last written notification received by the campus at the time they were students specified that the information with respect to themselves was not to be considered directory information. For students who attended before February 1, 1977, the directory information shall be limited to former students' registration, dates of attendance at the University, degrees granted, and dates on which degrees were conferred.

### **130.720 Disclosure of Personally Identifiable Information**

#### **130.721 Permissible Disclosures**

Except for the disclosure of directory information under conditions specified in Section 130.711, personally identifiable information from student records may not be disclosed without the prior written consent of the student, other than to the following parties and under the following circumstances:

- a. To campus and University officials who have been determined to have legitimate educational interest in the records (see Sections 130.280 and 130.290). Determinations as to whether the legitimate educational interest requirement is satisfied shall be made by the head administrator of the unit retaining the information, consistent with campus implementing regulations defining legitimate educational interest established by the Chancellor as specified in Section 130.292 of these *Policies*. Campus personnel receiving or utilizing the information shall be responsible for its subsequent disclosure pursuant to the provisions of these policies. This section applies to:
  1. Officials at a particular campus of the University.
  2. Officials in the Office of the President and the Office of the General Counsel and Vice President for Legal Affairs.
  3. Officials at other campuses of the University, in connection with the administration of joint programs or activities.
  4. Officials at other campuses of the University or other institutions, if a student is concurrently enrolled in, or concurrently receives services from one campus of the University and from another institution, or from two campuses of the University. This provision includes institutions participating in Education Abroad Programs.
  5. Officials at other campuses of the University for the purposes of facilitating: a) the enrollment of a student seeking to attend a summer session program at another

campus; b) the reporting of academic achievement in the summer coursework once completed; or c) other administrative needs related to summer session programs, such as, but not limited to, student disciplinary matters as specified in Section 104.30 of these *Policies*.

6. The Chancellor, or the Chancellor's designees, of the campus at which the individual is a student, in connection with disclosures arising from disciplinary procedures of another University of California campus, as specified in Section 104.30 of these *Policies*.

- b. To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or State and local educational authorities, in connection with the audit and evaluation of Federally and State supported education programs, or in connection with the enforcement of Federal or State laws which relate to such programs.
- c. In connection with financial aid for which a student has applied or which a student has received, only as may be necessary:
  - 1. To determine the eligibility of the student for financial aid;
  - 2. To determine the amount of the financial aid,
  - 3. To determine the conditions which will be imposed regarding the financial aid; or
  - 4. To enforce the terms or conditions of the financial aid.

Such information shall be disclosed to donors only if the conditions of the gift or award expressly require that the information be disclosed.

- d. Information concerning the juvenile justice system to State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974.
- e. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction. The University must enter into a written agreement with the organization that: (1) Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed; (2) Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement; (3) Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and (4) Requires the organization to destroy or return to the educational agency or institution all personally identifiable information when

the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed. The term "organizations" includes, but is not limited to, Federal, State, and local agencies, and independent organizations. The University is not required to initiate the study or agree with or endorse the conclusions or results of the study.

- f. To accrediting organizations in order to carry out their accrediting functions.
- g. To comply with a judicial order or subpoena. A reasonable effort shall be made to notify the student in advance of the disclosure of the record unless responding to a grand jury or other subpoena that specifies that the student not be informed of the subpoena, or unless responding to an ex parte court order obtained by the office of the United States Attorney General concerning an investigation or prosecution of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism specified in 18 U.S.C. 2331.
- h. To appropriate parties, including but not limited to parents, law enforcement agencies, campus or University officials, next-of-kin, emergency contacts, spouse/partner, or other institutions, when there is an particularly and significant threat to the health or safety of the student or any other person(s), and the disclosure of the information is necessary to protect the health or safety of the student or other persons. In making a determination about whether this exception applies, the University may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. Under this provision, the University may disclose personally identifiable information to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, including disclosure to persons who may be able to provide necessary information about the situation. The University must record the articulable and significant threat that formed the basis for disclosure, and the identities of the persons to whom the information was disclosed, and must maintain that information with the student's records.
- i. To students requesting their own records. With the exception of information from records specified in Section 130.420, campuses must disclose student records or components thereof without written consent to students who request information from their own records.
- j. To the alleged victim of an alleged forcible or nonforcible sex offense, as defined in 34 CFR 668.46(c)(7). The scope of the information to be provided is: 1) the University's final determination with respect to the alleged sex offense, and 2) any sanction that is imposed against the alleged offender.
- k. To any person, information concerning sex offenders and other individuals, where the information was provided to the University under the Jacob Wetterling Act (federal sex offender registration and disclosure requirements).

### **130.722 Redisclosure of Personally Identifiable Information**

Any disclosure of personally identifiable information which is permitted under these policies must meet the following requirements:

- a. The recipient of the information must be informed that the information may not be further disclosed without written consent of the student. Any consent form obtained from the student must be maintained in the student's file.
- b. The recipient (including the officers, employees, and agents of the party of the recipient) may use the information only for the express purposes for which the disclosure was made.

These requirements do not apply to disclosures made pursuant to court orders or to lawfully issued subpoenas or to disclosures to a student under Section 130.40, Section 130.721(i), or to disclosures of directory information under Section 130.711.

Notwithstanding the above, a party that receives a court order or lawfully issued subpoena for personally identifiable information in student records may redisclose that information in compliance with the court order or subpoena, but must provide the notification required under Section 130.721(g).

### **130.723 Requests to Forward Academic Records**

University of California campuses may forward appropriate student records, including academic records, disciplinary records, and other student records, to other educational institutions in which a student seeks or intends to enroll, or is currently enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer. The campus will provide annual notification of this disclosure policy, or else a reasonable attempt will be made to provide notification to individual students about whom information is disclosed.

When students request that their academic records be forwarded to other institutions, students may be required to pay all fees and charges due the University before the records are forwarded.

### **130.724 Authentication of Identity of Person to Whom Disclosure is Made**

The University must use reasonable methods to authenticate the identity of any parties to whom disclosure of personally identifiable information is made, including but not limited to parents, campus or University officials, and students who are requesting their own records.

### **130.80 Record Keeping Requirements Regarding Requests For and Disclosure of Information**

### **130.810**

The campuses shall maintain records, kept with the student records of an individual, which indicate:

- (a) The parties who have requested or obtained personally identifiable information from student records;
- (b) The legitimate interest these parties had in requesting or obtaining the information; and
- (c) The date of the requests for the information and the dates of the disclosure of the records.

### **130.820**

A record of disclosures is not required for:

- (a) Disclosures to students of their own records;
- (b) Disclosures pursuant to the written consent of a student, when the consent is specific with respect to the party or parties to whom the disclosure is to be made;
- (c) Disclosures to campus officials under Section 130.721(a);
- (d) Disclosures of directory information; or
- (e) Disclosure made pursuant to court order or subpoena, and the student has been notified in advance of compliance with the order or subpoena in accordance with Section 130.721(g) of these *Policies*.

### **130.830**

The record of disclosures may be inspected:

- (a) By the student;
- (b) By the campus official and his or her assistants who are responsible for the custody of the records; or
- (c) For the purpose of auditing the record keeping procedures of the campus, by the parties authorized in, and under the conditions set forth in Sections 130.721(a) and (b).

### **130.840 Records Disposition**

Student records are subject to mandatory disposition schedules contained in the University Records Disposition Schedules Manual, with the following exceptions:

- (a) Student records shall be retained if there is an outstanding request to inspect and review them (see also Section 130.416);
- (b) Explanations placed in the student record of an individual seeking to correct the record shall be retained as long as the contested portion of the record is retained; and
- (c) The record of access shall be retained as long as the student record to which it relates is maintained by the campus.

## **131.00 PROCEDURES FOR SEEKING THE CORRECTION OF STUDENT RECORDS**

### **131.10 Requests for Correction of Records**

Students shall be entitled to a response to reasonable requests for explanations and interpretations of the records as specified in Section 130.412 of these *Policies*. If they believe information contained in their student records is inaccurate or misleading, or otherwise in violation of their right of privacy as provided in these policies, they may request of the campus official responsible for maintaining the records that their records be corrected. If their request is granted, the records shall be corrected within a reasonable period of time following receipt of the request. If their request is denied, they shall be informed of the refusal and advised of their right to a hearing.

#### **131.101**

**The department head in charge of the disputed record shall respond in writing within ten (10) working days of receipt of the request to amend the record. The department head's response shall include the reasons for the decision. If the decision is to modify or delete the challenged material, the records shall be amended immediately and the response shall indicate the date the records were amended. If the decision is not to modify or delete the challenged material, the response shall inform the student of his or her right to request a hearing and shall specify the Dean or Vice Chancellor to whom the request for a hearing should be directed. The written request for a hearing shall be addressed to the Dean of the School or the Graduate Division in cases involving academic offices or to the appropriate Vice Chancellor in cases involving non-academic offices. The response shall also refer the student to the Director of the Office of Student Life for additional information about procedures.**

### **131.11 Requests for Correction of Grades Given in a Course of Study**

Grades given in a course of study, including written evaluations which reflect institutional judgments of the quality of a student's academic performance in a course of study, are not subject to challenge under Section 131.00 of these Policies (see Section 114.00).

## **131.20 Hearing Procedures**

### **131.21**

Each Chancellor shall establish or specify appropriate hearing procedures to be used when the request for the correction of student records is denied. Such procedures shall include at least the following elements:

- (a) The hearing shall be held within a reasonable period of time after it has been requested, and the student shall be notified of the date, place, and time reasonably in advance of the hearing;
- (b) The hearing shall be conducted by a hearing officer who has no direct interest in the outcome of the hearing and who may be a campus administrator;
- (c) Students shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under Section 131.10, and may be assisted or represented by individuals of their choice, at their own expense;
- (d) The decision rendered shall be made in writing within a reasonable period of time after the conclusion of the hearing; and
- (e) The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

### **131.211 Correction of Student Records Request for Hearing**

**In the event that a request for correction of records (see Section 131.10 and 131.101) is denied, the student may file a written request for a hearing within fifteen (15) working days of the date of receipt of the department head's written refusal to amend or delete the disputed records. The written request for a hearing shall be addressed to the Dean of the School or the Graduate Division in cases involving academic offices or to the appropriate Vice Chancellor in cases involving non-academic offices. Such a request must include an explanation of the specific nature of the student's claim that the records are inaccurate, misleading, or otherwise in violation of the student's right of privacy or other rights, and the remedy requested. The student shall also indicate whether he/she is to be assisted by a representative, the name of the representative, and whether that representative or the student has legal training. Students assisted by a representative must sign a release at this time authorizing the representative to receive copies of relevant materials.**

### **131.212 Hearing Arrangements**

**The appropriate Dean or Vice Chancellor shall appoint an impartial hearing officer who**

will conduct a hearing at a mutually agreeable time within twenty (20) business days of the filing of a request for a correction of student records hearing. The head of the affected University department and the student shall be given, either personally, by registered or certified mail, or electronic mail, at least ten (10) business days written notice of the date, time, place, and format of the hearing.

#### **131.213 Exchange of Evidence**

Upon request, each party shall describe relevant material including the identities of all witnesses which he/she intends to introduce at the hearing. To the extent feasible, this exchange of information should be completed at least five (5) working days prior to the hearing.

#### **131.214 Scope of Hearing**

The authority of the hearing officer shall be limited to a review of the evidence presented in the hearing and to the reporting of findings of fact based thereon to the Dean or Vice Chancellor. The scope of the hearing is limited to determining whether or not the challenged records are inaccurate, misleading or otherwise in violation of the student's right of privacy or other rights.

#### **131.215 Representatives at Hearing**

The student and an official representing the affected University department shall have the right to be present throughout the hearing, and to be represented by another. If the student has legal training or is represented by a person with legal training, the University shall be represented by University counsel.

#### **131.216 Presentation of Evidence**

The student and the University shall have the right to present evidence and witnesses and to cross-examine each other's witnesses. The hearing officer may determine the admissibility of evidence and its order of presentation. Admissible evidence shall be of the sort upon which reasonable 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. Witnesses may be excluded by the hearing officer except during their testimony at the request of either party. The hearing will be private unless both parties agree to an open hearing.

#### **131.217 Record**

The hearing shall be audio recorded, or at the option of the student or the University, a stenographer may be provided. The party requesting the stenographer is responsible for payment of the stenographer's services. If the non-requesting party would like a

copy of the stenographer's transcript, s/he shall be responsible for the cost of that copy. If the hearing is tape recorded, the student shall have access to a copy of the tape recording and may copy the tape at the student's own expense. All records pertaining to the hearing shall be kept by the University for a period of seven (7) years.

### **131.218 Findings**

The hearing officer shall make a report to both the Dean and Vice Chancellor within ten (10) business days of the close of the hearing. Such a report shall contain findings of fact as to whether the challenged records are inaccurate, misleading, or otherwise in violation of the student's right of privacy or other rights, and recommendations for an appropriate remedy. The findings shall be based on a preponderance of evidence. The report shall be transmitted to both parties and their representatives.

The Dean or Vice Chancellor shall issue a written decision within ten (10) business days of the receipt of the report from the hearing officer.

### **131.219 Delays and Extensions**

Reasonable extensions of time, with respect to any time limit in these procedures, may be granted by the hearing officer or the Dean or Vice Chancellor for good cause.

### **131.30 Hearing Outcomes**

#### **131.31**

If, as a result of the hearing, campus officials decide that the information in question is inaccurate, or misleading, or otherwise in violation of the privacy rights of the student, the record shall be corrected accordingly and the student informed in writing of the action taken.

#### **131.32**

If, as a result of the hearing, campus officials decide that the information in question is not inaccurate or misleading, or otherwise in violation of the privacy rights of the student, the student shall be informed of his or her right to insert into the record a statement commenting upon the information in the record and/or setting forth any reasons for disagreeing with the decision to leave the record unchanged. This statement shall remain a permanent part of the record as long as the contested portion remains a part of the record, and it shall be revealed to any party to whom the contested portion is revealed.

#### **131.33 Appeals**

Within ten (10) business days of receipt of the decision of the Dean or Vice Chancellor, the student may file an appeal with the Chancellor. The Chancellor shall respond within

**ten (10) business days of the appeal. The Chancellor's decision shall be final.**

### **131.40 Records Concerning Disciplinary Action**

Whenever any information is included in any student record concerning any disciplinary action taken by campus personnel in connection with the student, the student shall be allowed to include in the record a written statement or response concerning the disciplinary action. A student may not request a change in the underlying disciplinary decision through this process.

### **132.00 GRIEVANCE PROCEDURES**

Any alleged violation of privacy rights as provided by these policies, other than those rights specified in Section 131.00 relating to the content of student records, may be grieved pursuant to Section 111.10 of these *Policies*.

### **133.00 COMPLAINT PROCEDURE**

Complaints regarding alleged violations of the rights accorded students by the Federal Family Educational Rights and Privacy Act may be filed with the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20203.

### **134.00 CIVIL REMEDIES [Rescinded April 25, 2002]**

### **140.00 GUIDELINES APPLYING TO NONDISCRIMINATION ON THE BASIS OF DISABILITY**

In compliance with the Federal Rehabilitation Act of 1973, as amended (Public Law 93-112) and the Americans with Disabilities Act of 1990 (Public Law 101-336), University of California policy prohibits unlawful discrimination on the basis of disability in its programs, services, and activities.

The following Guidelines are designed to be consistent with the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. However, it is possible that these statutes may be amended in the future and, in such instances, the most current applicable laws shall represent University policy as it applies to nondiscrimination on the basis of disability.

### **141.00 DEFINITIONS**

#### **141.10 Individual with a Disability**

#### **141.11**

An "individual with a disability" means any person who has a physical or mental impairment which substantially limits one or more major life activities, who has a record of such an

impairment, or who is regarded as having such an impairment.

#### **141.12**

"Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory (including speech organs); cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine.

"Physical or mental impairment" also means any mental or psychological disorder, such as mental retardation or developmental disabilities, organic brain syndrome or acquired brain injury, emotional or mental illness, and specific learning disabilities.

Physical and mental impairment also includes, but is not limited to, contagious and noncontagious diseases and conditions such as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; HIV disease (whether symptomatic or asymptomatic) and tuberculosis.

#### **141.13**

"Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

#### **141.14**

"Has a record of such impairment" means has a history of, or has been incorrectly classified as having, a mental or physical impairment that substantially limits one or more major life activities.

#### **141.15**

"Is regarded as having an impairment" means has a physical or mental impairment that does not substantially limit major life activities, but is treated by the University as limiting such activities; has a physical or mental impairment that substantially limits major life activities as a result of the attitudes of others toward such an impairment; or has none of the impairments listed in Section 141.12, but is treated as having such an impairment, such as persons with a limp or persons with disfiguring scars.

#### **141.16**

An "individual with a disability" does not include a person who is currently engaging in the illegal use of drugs. However, an individual who is currently participating in, or who has successfully completed, a supervised drug rehabilitation program and is not currently

engaging in the illegal use of drugs, or who is otherwise no longer engaging in such use, shall be considered an individual with a disability if the individual otherwise fits the definition of a disabled person as described in Sections 141.00 through 141.15 of these *Guidelines*.

#### **141.17**

Individuals with drug or alcohol addictions who are not currently engaging in the illegal use of drugs, or who are no longer engaging in drug or alcohol abuse as described in Section 141.16 above, should not be prohibited from attending the University if they can successfully participate in the education program of the University, if they comply with University policies and campus/laboratory regulations, and if their behavior does not impede the performance of other students.

#### **141.20 Qualified Individual with a Disability**

#### **141.21**

With respect to students who are employed by the University, a qualified individual with a disability is one who, with or without reasonable accommodation, can perform the essential functions of the position in question and who meets the definition of an individual with a disability, as specified in Sections 141.00 through 141.16 of these *Guidelines*.

#### **141.22**

With respect to post-secondary education, an otherwise qualified individual with a disability is one who meets the academic and technical standards requisite for admission or participation in the education programs of the University and who meets the definition of an individual with a disability, as specified in Sections 141.00 through 141.16 of these *Guidelines*.

The term "technical standards" refers to nonacademic admissions criteria that are applicable to such programs.

#### **141.23**

With respect to other services, a qualified individual with a disability is one who meets the eligibility requirements for the receipt of such services and who meets the definition of an individual with a disability, as specified in Sections 141.00 through 141.16 of these *Guidelines*.

#### **141.30 Facility**

"Facility" means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock and other conveyances (e.g., buses, shuttles, vans), roads, walks, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

## **142.00 DISCRIMINATION PROHIBITED**

### **142.10**

In providing any aid, benefit, or service, the University may not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of disability to:

- a. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit, or service which it provides;
- b. Provide any qualified individual with a disability an opportunity to participate in, or benefit from, any aid, benefits, or services that are not equal to those afforded to individuals who do not have disabilities;
- c. Provide a qualified individual with a disability with any aid, benefits, or services that are not as effective as those provided to individuals who do not have disabilities. To be "equally effective," an aid, benefit, or service need not produce an identical result or level of achievement for individuals with disabilities and individuals without disabilities. However, the University must afford individuals with disabilities an equal opportunity to obtain the same result or level of achievement in the most integrated setting appropriate to the individual's needs and to encourage, as appropriate, interaction among all users, including individuals with disabilities;
- d. Provide any different or separate aid, benefits, or services to individuals with disabilities or to any class of individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, or services that are as effective as those provided to individuals who are not disabled;
- e. Aid or perpetuate discrimination against a qualified individual with a disability by providing any significant assistance to any agency, organization, or person that discriminates on the basis of disability against beneficiaries of the University's programs;
- f. Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or
- g. Otherwise limit a qualified individual with a disability in the enjoyment of any University right, privilege, advantage or opportunity enjoyed by individuals who are not disabled.

### **142.20**

In determining the site or location of a facility, the University may not make selections that have the following effect:

- a. Excluding qualified individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination under any program, service, or activity it operates; or
- b. Defeating or substantially impairing the accomplishment of the objectives of the University's programs, services, or activities with respect to qualified individuals with disabilities.

## **142.30**

The exclusion of individuals who do not have disabilities from the benefits of a program limited by statute or executive order to individuals with disabilities, or the exclusion of a specific class of individuals with disabilities from a program limited by statute or executive order to a different class of individuals with disabilities, is not prohibited.

## **143.00 EDUCATIONAL PROGRAMS, SERVICES, AND ACTIVITIES**

### **143.10 Admissions, Enrollment, and Recruitment**

#### **143.11**

Qualified individuals with disabilities may not, on the basis of disability, be denied admission to the University or enrollment in University classes or participation in University programs, services, or activities, or be subjected to discrimination in the admissions process or in recruitment procedures.

#### **143.12 Admissions or Enrollment**

- a. Limitations may not be applied upon the number or proportion of individuals with disabilities who may be admitted or enrolled.
- b. Tests or criteria for admission may not have a disproportionate, adverse effect on individuals with disabilities or any class of such individuals unless:
  1. The tests or criteria have been validated as predictors of success in the education programs, services, or activities in question; and
  2. Alternate tests or criteria that have a less disproportionate, adverse effect, and which are acceptable to the University, are not shown to be available by the appropriate Federal agency.
- c. Before admission tests are selected and administered, campuses should be assured that:
  1. Admissions tests are selected and administered to ensure that when a test is administered to an applicant who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level, or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills, except when those skills are the factors that the test purports to measure;
  2. Admissions tests that are designed for persons with disabilities are offered as often and in as timely a manner as are other admissions tests; and

3. Admissions tests are administered in facilities that, on the whole, are accessible to individuals with disabilities. In this context, "on the whole" does not mean that all facilities must be accessible, only that a sufficient number must be available to individuals with disabilities.
- d. Pre-admission inquiries as to whether applicants for admission are individuals with disabilities may not be made, except for the purpose of recruitment, as discussed in Section 143.13 of these *Guidelines*. Post-admission inquiries may be made on a confidential basis regarding disabilities that may require accommodation.

### **143.13 Recruitment**

When voluntary action is taken to overcome the effects of conditions that resulted in limited participation in certain programs, services, or activities, pursuant to Section 147.00 of these *Guidelines*, campuses may invite applicants for admission or enrollment to indicate whether and to what extent they are disabled, provided that:

- a. It is clearly communicated that the information requested is for use solely in connection with voluntary action efforts; and
- b. It is clearly communicated that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with the implementing regulations of applicable laws and executive orders.

### **143.20 Treatment of Students and Participants in University Programs, Services, or Activities**

#### **143.21**

Qualified students with disabilities or participants with disabilities in University programs, services, or activities may not, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular activity, or other educational program, service, or activity offered by the University.

Health services and insurance plans should be provided to qualified students with disabilities on the same basis as for students without disabilities generally. However, student health centers need not provide specialized services and aids; for example, if a center treats only simple disorders, such as cuts, bruises, and colds, its obligation to students with disabilities is to treat only those same disorders.

## **143.22**

Campuses that consider participation by students in education programs, services, or activities not wholly operated by them as part of, or equivalent to, an education program, service, or activity they operate, should assure themselves that the other education program, service, or activity, as a whole, provides an equal opportunity for the participation of qualified individuals with disabilities. For example, in connection with student teaching assignments, campuses may work with elementary or secondary school systems only if their student teaching programs, when viewed in their entirety, offer student teachers with disabilities the same range and quality of choice in assignments offered to student teachers without disabilities.

## **143.23**

All programs, services, and activities should be conducted in the most integrated setting appropriate to a disabled individual's needs and to encourage, as appropriate, interaction among all users, including individuals with disabilities. For example, if a campus offers several elementary physics classes, and one such class is moved to the first floor of the science building to accommodate students who use wheelchairs, it would be a violation of this requirement to also concentrate students with disabilities but who are not mobility impaired in this class.

## **143.30 Academic Adjustments**

### **143.31 Modification of Academic Requirements**

Academic requirements should be modified, as necessary and appropriate, to ensure that they do not discriminate or have the effect of discriminating, on the basis of disability, against qualified applicants or students with disabilities. As appropriate, modifications may include changes in the length of time permitted for the completion of degree requirements, substitution or waiver of specific courses required for the completion of the requirements, and adaptation of the manner in which specific courses are conducted. For example, a campus may permit an otherwise qualified student who is deaf to substitute a music history class for a required class in music appreciation, or the campus could modify the manner in which the music appreciation course is conducted for the student who is deaf.

Academic requirements that are determined by the Academic Senate to be essential to programs of instruction or for any directly related licensing requirement are not regarded as discriminatory.

### **143.32 Course Examinations**

In course examinations or other procedures for evaluating students' academic achievement, methods should be provided, as appropriate, for evaluating the achievement of students who have a disability that impairs sensory, manual, or speaking skills as will best ensure that the

results of the evaluation represent students' achievement in the course, rather than reflecting students' impaired sensory, manual, or speaking skills, except when such skills are among the factors the test purports to measure.

### **143.33 Auxiliary Support Services and Devices**

- a. Steps should be taken, as appropriate, to ensure that no qualified student or participant with a disability in a University program, service, or activity is denied the benefits of, is excluded from participation in, or is otherwise subjected to discrimination because of the absence of educational auxiliary support services and devices.

In meeting this requirement, campuses may assist qualified students or participants with disabilities in University programs, services, or activities in contacting existing resources, such as State vocational rehabilitation agencies and private charitable organizations, to obtain auxiliary support services and devices. Also, other students may be asked to work with students with disabilities, or private agencies that tape texts for individuals with disabilities free of charge may be contacted in order to reduce the number of readers needed for students with visual impairments and students with learning disabilities. Typically, it is still the University's obligation to provide appropriate educational auxiliary support services and devices should public and private agencies be unable to provide such services or devices. As appropriate, the provision of auxiliary support services and devices to students with disabilities may be provided by the University during the period in which outside help is solicited or in lieu of such outside help.

As long as no qualified person with a disability is excluded from a program because of the lack of appropriate auxiliary support services or devices, such support services and devices need not be on hand at all times.

- b. Educational auxiliary support services and devices include, but are not limited to, taped texts, interpreters, notetakers, or other effective methods of making orally delivered materials available to, for example, students with hearing impairments or learning disabilities; readers for students with visual impairments; classroom equipment adapted for use by students with manual impairments; or other aids for students with disabilities.

Attendants, individually prescribed devices, readers for personal use, or other devices or services of a personal nature need not be provided.

Any prohibition against the use of tape recorders or brailers in classrooms, or dog guides and service dogs in campus buildings, or other rules that have the effect of limiting the participation of qualified students with disabilities in educational programs, services, or activities, may not be adopted.

Students or participants with disabilities in University programs, services, or activities may be required to sign an agreement that they will not release tape recordings or transcriptions of lectures, or otherwise hinder the ability of a professor to obtain a copyright.

### **143.34 Responsibility for Academic Adjustments**

Section 10.00 of these *Policies* specifies that each member of the University community shares the responsibility of maintaining conditions conducive to the achievement of the University's mission of research, teaching, and public service. Thus, in attempting to provide any type of academic adjustment, faculty, disability-management staff, and students with disabilities should work in concert to formulate accommodations that meet the individual educational needs of qualified students with disabilities while maintaining the academic integrity of the program, service, or activity to be modified.

Moreover, it is essential that during this consultative process students be given an opportunity to express their preferred choice for disability accommodations and that this choice be given careful consideration, unless an equally effective accommodation can be provided, or that the use of the student's choice would result in a fundamental alteration of the academic program, service, or activity, or would result in an undue financial and administrative burden.

### **143.35 Student-Specific Obligations in the Provision of Academic Adjustments**

In providing any type of academic adjustment, including, but not limited to, modification of academic requirements, course examinations, or support services and devices, the University may require that: 1) students with disabilities provide reasonable advance notice of requests for, changes to, or cancellation of, academic adjustments; 2) students with disabilities provide sufficient and timely verification of their disability and documentation of their disability-related academic adjustment needs; and 3) students with disabilities comply with campus rules regulating requests for, and the proper use of, auxiliary support services or devices.

### **143.36 Campus Disability Accommodation and Mediation Procedures**

Campuses are encouraged to develop written procedures for: 1) the provision of academic accommodations to students with disabilities; and 2) resolving disagreements regarding the provision of academic adjustments to students with disabilities.

**UCSF appeals and problem resolution procedures are available on the Student Disability Services website, <http://sds.ucsf.edu/problem-resolution>.**

### **143.40 Housing**

#### **143.41 On-Campus Housing**

The University provides on-campus housing for non-disabled students and shall provide comparable, convenient, and accessible on-campus housing at the same cost to students with disabilities. Housing for students with disabilities should be made available in sufficient quantity and variety so the scope of their choice of living accommodations will, when viewed

in its entirety, be comparable to that of students who are not disabled.

### **143.42 Off-Campus Housing**

With regard to housing that is not provided by the University, but is listed by the campus, each campus shall assure itself that such housing, when viewed in its entirety, is made available in a manner that does not result in discrimination on the basis of disability. If a campus determines that off-campus housing, when viewed in its entirety, is not available to students with disabilities, efforts should be made to generate new sources of housing.

### **143.50 Financial Aid**

#### **143.51**

In providing financial assistance to qualified students with disabilities, the University may not, on the basis of disability, provide less assistance to those students than is provided to non-disabled students, may not limit their eligibility for assistance, or may not otherwise discriminate against them. The University also may not assist any entity or person that provides financial assistance to any student in a manner that discriminates against qualified students with disabilities on the basis of disability.

#### **143.52**

The University may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of disability, only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of disability.

#### **143.53**

Athletic scholarships may be denied to students with disabilities on the basis of disability, if the disability renders the person unable to qualify physically for the award. For example, a student who has lost the use of his legs may be denied a varsity football scholarship on the basis of the student's inability to play football. However, a student who has a hearing-impairment could not, on the basis of disability, be denied a scholarship for the diving team; the student with a hearing-impairment could only be denied the scholarship on the basis of comparative diving ability.

### **143.60 Student Employment**

Each campus, each Laboratory, the Office of the President, and the Division of Agriculture and Natural Resources may not employ University students in a manner that would violate Section 144.00 of these *Guidelines*.

When assisting outside agencies, organizations, or persons in providing employment opportunities for University students, campuses should assure themselves that such opportunities, as a whole, are available in a manner that would not violate Section 144.00 of these *Guidelines*.

### **143.70 Physical Education, Athletics, and Similar Activities**

In providing physical education courses and athletics, and similar programs, services, and activities, campuses may not discriminate on the basis of disability. Qualified students or participants with disabilities in University programs, services, or activities should be provided with an equal opportunity to participate in physical education courses, intercollegiate, club, and intramural athletics or similar activities whether as part of the required curriculum or as an extracurricular activity. For example, a student who uses a wheelchair should not be denied the opportunity to enroll in a regular archery course, nor should a student who has a speech impairment be excluded from participating in a wrestling course.

Students with disabilities who cannot participate in regularly offered physical education courses or who cannot compete in athletic programs may be offered separate physical education and athletic activities designed to accommodate students with disabilities. However, students with disabilities must be offered the opportunity to participate in regular physical education or athletic activities, in the most integrated setting possible, even if separate physical education or athletic programs for students with disabilities are offered.

### **143.80 Counseling and Placement Services**

Personal, academic, or career counseling, guidance, and placement services should be provided without discrimination on the basis of disability.

Campuses should ensure that qualified students with disabilities are not counseled toward more restrictive career objectives than are non-disabled students with similar interests and abilities. This does not preclude providing factual information about licensing and certification requirements that may present obstacles to individuals with disabilities in their pursuit of particular careers.

### **143.90 Social Organizations**

Before providing any significant assistance, such as financial support, use of University facilities, or official University recognition or affiliation, including, but not limited to, fraternities, sororities, or similar organizations, campuses shall assure themselves that these organizations do not permit discrimination that is otherwise prohibited by these *Guidelines*.

## **144.00 EMPLOYMENT PRACTICES**

The University may not discriminate against any qualified individual with a disability, on the

basis of disability, in employment under any program, service, or activity, including any program, service, or activity that employs students with disabilities. Information concerning the University's employment policies as they apply to individuals with disabilities may be obtained from campus personnel offices or ADA/Section 504 Compliance Officers.

## **145.00 PROGRAM ACCESSIBILITY**

No qualified individual with a disability shall be denied, on the basis of that disability, the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of the University's programs, services, or activities because University facilities are inaccessible to, or unusable by, individuals with disabilities. The University must make its programs, services, and activities accessible to and usable by any qualified individual with a disability, unless doing so would result in a fundamental alteration to the nature of its programs, services, and activities, or would result in undue financial and administrative burdens.

### **145.10 Existing Facilities**

Each program, service, or activity shall be operated so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, except where to do so would result in a fundamental alteration in the nature of the program, service, or activity or in undue financial and administrative burdens. This requirement does not mean that each facility, or every part of each facility must be accessible to and usable by individuals with disabilities. Accessibility may be achieved through other means such as:

- a. Redesign of equipment;
- b. Reassignment of classes or other services to accessible buildings;
- c. Assignment of aides to beneficiaries;
- d. Home visits;
- e. Delivery of health, welfare, or other social services at alternate accessible sites;
- f. Use of accessible rolling stock or other conveyances (e.g., buses, shuttles, vans); or
- g. Alteration of existing facilities, including changes, additions, or modifications in construction or occupancy.

Alterations of existing facilities will be implemented only when administrative solutions are either not feasible or not preferable and when there is no other way to make a program accessible. Neither a totally barrier-free environment, nor the removal of all architectural barriers in existing facilities is required. Regarding the methods selected, priority should be given to those that offer programs, services, and activities to individuals with disabilities in the most integrated setting appropriate to the individual's needs and to encourage, as appropriate, interaction among all users, including individuals with disabilities.

If sufficient relocation of classes is not possible using existing facilities, alterations to ensure

program accessibility should be made. Students with disabilities may not be excluded from a specifically requested course offering because it is not offered in an accessible location, but every section of that course need not be made accessible.

Buildings leased by the University are not necessarily required to meet accessibility standards because they are not owned by the University. However, such buildings are subject to the program accessibility requirements stated above. If a leased building is altered, such alterations shall be constructed in compliance with applicable Federal and State accessibility standards.

### **145.20 New Construction**

### **145.21 New Facilities**

All new facilities constructed by, on behalf of, or for the use of the University shall be designed and constructed so that the facilities are readily accessible to and usable by individuals with disabilities. New construction shall be planned and constructed according to all applicable Federal accessibility regulations and State building codes.

### **145.22 Altered or Remodeled Facilities**

Each facility or part of a facility constructed or altered by, on behalf of, or for the use of the University shall be designed, constructed, or altered to be readily accessible to, and usable by, individuals with disabilities. Altered or remodeled facilities shall be planned and constructed according to all applicable Federal accessibility regulations and State building codes.

### **145.30 Transportation**

Campus/laboratory transportation systems and services shall comply with applicable Federal and State accessibility laws.

## **146.00 HEALTH, WELFARE, AND OTHER SOCIAL SERVICES AND BENEFITS**

Health care providers have the responsibility and authority to determine the nature and extent of medically necessary care and treatment for their patients. Subject to the foregoing, in providing health, welfare, or other social services or benefits, the University's hospitals, medical clinics, or other health-related programs may not, on the basis of disability:

- a. Deny a qualified individual with a disability such benefits or services;
- b. Afford a qualified individual with a disability an opportunity to receive benefits or services that are not equal to those offered to individuals who do not have a disability;
- c. Provide a qualified individual with a disability with benefits or services that are not as

effective as those provided to others (see Section 142.00 of these *Guidelines*);

- d. Provide benefits or services that limit or have the effect of limiting participation of qualified individuals with disabilities; or
- e. Provide different or separate benefits and services to individuals with disabilities, except when necessary to provide qualified individuals with disabilities with benefits and services as effective as those provided to others.

This Section does not require specialized hospitals and other health care providers to treat all individuals with disabilities. For example, a burn treatment center need not provide other types of medical treatment to individuals with disabilities unless it provides such medical services to individuals who do not have a disability. It could not, however, refuse to treat the burns of a person who is deaf because of his or her deafness.

Special programs, services, or activities for individuals with disabilities or classes of individuals with disabilities are permitted.

#### **146.10 Notice**

Any notice concerning benefits or services or written material concerning waivers of rights or consent to treatment shall ensure that qualified individuals with disabilities, including those with impaired sensory or speaking skills, are not denied effective notice because of their disability.

#### **146.20 Emergency Treatment for Hearing-Impaired Persons**

A procedure shall be established for effective communication with persons who are deaf or hard of hearing for the purpose of providing emergency health care. For example, a hospital may fulfill this responsibility by providing either full-time interpreters or interpreters on call, both within and outside the institution, and paper and pencils for written communications.

#### **146.30 Auxiliary Support Services and Devices**

Appropriate auxiliary support services and devices shall be provided to individuals with disabilities, when necessary, to afford them an equal opportunity to benefit from services offered by University hospitals, medical clinics, or health-related programs. Auxiliary support services and devices may include, for example, brailled and taped material, and interpreters. In providing any type of auxiliary support services and devices, the University may require that individuals comply with campus rules regulating requests for and proper use of auxiliary support services and devices.

#### **146.40 Drug and Alcohol Addiction**

University hospitals, medical clinics, or health-related programs may not discriminate in

admission or treatment against a person with a medical condition, because of the person's drug or alcohol abuse or alcoholism, although University health care providers have the responsibility and authority to determine the nature and extent of medically necessary care and treatment for their patients. This does not require that all facilities must treat drug addiction and alcoholism. For example, a cancer clinic may not refuse to treat a cancer patient because he or she is also an alcoholic. If the patient's primary problem is drug addiction or alcoholism, the clinic may refer him or her to a more appropriate facility.

#### **146.50 Education of Persons Admitted to University Medical Facilities**

Campuses should ensure that qualified individuals with disabilities, present in University medical facilities as a result of their disability and who qualify for public preschool, elementary, secondary, or adult educational services, are provided with access to these educational services for the period of their stay. For example, a campus hospital that admits an individual with a disability who qualifies for a free public elementary school education should ensure that appropriate elementary school officials are notified of the individual's presence and should provide access to these school officials, as medically appropriate, so that they may provide an "appropriate education" as defined in Subpart D of the Federal regulations implementing Section 504 of the Rehabilitation Act of 1973 (34 CFR Part 104).

#### **147.00 VOLUNTARY ACTION**

Each campus, each Laboratory, the Office of the President, and the Division of Agriculture and Natural Resources may take voluntary steps to overcome the effects of conditions that resulted in limited participation by qualified individuals with disabilities in its programs, services, or activities.

#### **148.00 NOTIFICATION AND PUBLICATION REQUIREMENTS**

##### **148.10 Content of Publication**

The implementing regulations of the Rehabilitation Act of 1973 require that students, beneficiaries, and applicants be informed that the University does not discriminate on the basis of disability. In addition, the Americans with Disabilities Act requires that applicants, participants, beneficiaries, and other interested persons be informed that the University does not discriminate against qualified individuals with disabilities on the basis of disability. It is the purpose of these Guidelines to apprise all such persons of those provisions.

##### **148.20 Designation of Compliance Officer**

Each campus, each Laboratory, the Office of the President, and the Division of Agriculture and Natural Resources shall designate at least one employee to coordinate compliance with the applicable sections of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, including investigation of grievances and handling of inquiries.

### **148.30 Compliance Statement**

The compliance statement should read:

As required by applicable laws and regulations, the University of California does not discriminate on the basis of disability in admission or access to, or treatment in, the programs, services, and activities which it operates. Compliance statements should include the Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters found in Appendix C, which includes nondiscrimination on the basis of disability. Inquiries concerning these laws and regulations should be directed to (name, title, and telephone number of responsible University official).

The individual named in the compliance statement should be the person designated by each campus, each Laboratory, the Office of the President or the Division of Agriculture and Natural Resources to coordinate compliance with applicable sections of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act (see Section 148.20).

### **148.40 Frequency of Publication**

The compliance statement should be included on a continuing basis in recruitment materials and publications containing general information that are made available to students, beneficiaries, applicants, or program participants.

### **148.50 Medium of Publication**

Methods used for notification may include the posting of notices, publication in newspapers and magazines, placement of notices in official campus/laboratory publications, and distribution of memoranda or other written communications. Such notices should be available in accessible formats, which may include braille or taped formats.

### **149.00 GRIEVANCE PROCEDURES**

Each campus has established grievance procedures for students to deal with complaints and allegations of noncompliance with these Guidelines. Information concerning the University's grievance procedures as they apply to individuals with disabilities may be obtained from campus ADA/Section 504 Compliance Officers.

### **149.10 UCSF Student Grievance Procedures for Discrimination on the Basis of Disability**

**UCSF grievance procedures can be found in the Bylaws, Regulations, and Appendices of The University of California, San Francisco Division of the Academic Senate, Appendix VII Divisional Procedure for Student Grievance in Academic Affairs.**

## **150.00 STUDENT-RELATED POLICY APPLYING TO NONDISCRIMINATION ON THE BASIS OF SEX**

### **150.10 Introduction**

In compliance with Federal regulations implementing Title IX of the Education Amendments of 1972 and applicable Federal and State laws pertaining to sex discrimination, University of California policy prohibits unlawful discrimination on the basis of sex. Except where noted otherwise, for purposes of determining compliance with Federal and State laws, each campus is considered a separate unit, and in those sections of this *Policy* requiring proportionate facilities or services for each sex, such proportionate equality is required of each separate campus.

### **150.11**

The term "discrimination" is used throughout this *Policy* to refer to unlawful discrimination. There are some discriminatory actions which are lawful and may benefit members of a particular sex. For example, Federal regulations permit actions which are undertaken for affirmative action purposes.

### **150.12**

The term "Federal and State laws" is used throughout this *Policy* to refer to all applicable Federal and State laws pertaining to nondiscrimination on the basis of sex and includes implementing regulations when they exist.

### **150.20 General Provisions**

#### **150.21**

Except as provided in Federal or State laws, no person may be excluded on the basis of sex from participation in, denied the benefits of, or discriminated against in any academic, extracurricular, research, or other program offered by the University. This includes: (a) sex discrimination in requirements or qualifications for any University-offered aid, benefit, or service; (b) providing different aid, benefits, or services or such aid, benefits, or services in a different manner; (c) application of separate rules of appearance; (d) application of separate rules as to domicile for admission or out-of-State fee purposes; or (e) providing any assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit, or service to students or employees (for example, single-sex clubs not exempted in Section 150.40).

#### **150.22**

No campus unit, in the totality of its services, can offer programs or services exclusively for women or for men.

### **150.23**

The University may continue to administer scholarships established by foreign or domestic legal instruments or by acts of foreign governments designed to provide opportunities for graduating students of one sex to study abroad. (See also Section 153.223.)

### **150.24**

Programs in which the University requires or facilitates participation by its students, but which are not wholly operated by the University (for example, study abroad, clinical programs, student-teaching programs, internships) must be actively monitored to ensure that they do not contain violations of this *Policy*. If such violations occur and cannot be rectified, the program relationship must be terminated.

### **150.30 Marital and Parental Status**

#### **150.31**

No campus may apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

#### **150.32**

Pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom must be treated in the same manner and under the same policies as any other temporary disability. This includes the campus policy on exclusion from any class or extracurricular activity; the right to medical services; the requirement of a doctor's certification for continuance in a normal academic program; and the right to a leave of absence if requested by the student.

### **150.40 Exemptions**

#### **150.41**

Federal and State laws concerning sex discrimination do not apply to the membership practices of social fraternities and sororities which are exempt from taxation under applicable sections of the Internal Revenue Code. The exempt organizations include the following:

Fraternal beneficiary societies, orders, or associations--

- a. operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and
- b. providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents.

Domestic fraternal societies, orders, or associations, operating under the lodge system--

- a. the net earnings of which are devoted exclusively to religious, charitable, scientific, literary, educational, and fraternal purpose, and
- b. which do not provide for the payment of life, sick, accident, or other benefits.

#### **150.42**

Federal and State laws concerning sex discrimination do not apply to membership practices of the Young Men's Christian Association, Young Women's Christian Association, girl scouts, boy scouts, camp fire girls, or voluntary youth service organizations which are exempt from taxation under applicable sections of the Internal Revenue Code.

#### **150.43**

Father-son or mother-daughter activities and similar activities are exempt from the requirements of this *Policy* provided that, if such activities are offered for students of one sex, opportunities for reasonably comparable activities are offered for students of the other sex.

### **151.00 ADMISSIONS**

#### **151.10**

Except as provided in this *Policy*, no preference on the basis of sex can be given in the admission of students. This includes: (a) ranking of applicants separately by sex; (b) the use of quotas for one sex; or (c) the use of tests or other criteria which have disproportionately adverse effects on one sex. The prohibition against tests or criteria which have disproportionately adverse effects on one sex is not applicable when they are shown to validly predict success in the educational program in question and alternative tests or criteria are shown to be unavailable.

#### **151.20**

Affirmative action in terms of recruitment and expansion of the availability pool is allowed in order to overcome the limited participation of one sex in a program or activity.

#### **151.30**

No inquiries as to marital status may be made in admission forms or questionnaires, nor can marital or parental status be used as a criterion for admission to any school, college, or program.

## **151.40**

Pregnancy, childbirth, termination of pregnancy, or recovery therefrom must be treated as any other temporary disability, and such disabilities may not exclude any person from admission.

## **151.50**

No preference in admissions to the University may be given to applicants from institutions which admit solely or predominantly members of one sex.

## **152.00 RECRUITMENT**

### **152.10**

Additional or intensified recruitment of one sex is permissible only:

- a. as a remedial action required because of past discriminations; or
- b. as affirmative action to counter previously limited participation in a program by members of one sex.

### **152.20**

The University may not recruit primarily or solely at institutions which are predominantly or entirely of one sex, if such recruitment has the effect of discriminating on the basis of sex in University admissions.

## **153.00 EDUCATIONAL PROGRAMS AND ACTIVITIES**

### **153.10 Access to Course Offerings**

#### **153.11**

Except as provided in this *Policy*, all educational programs or activities offered by the University, including physical education, ROTC, and music classes must be offered without discrimination on the basis of sex.

#### **153.12**

With regard to physical education classes, there may be a separation of students by sex within the class activities involving physical contact as their major activity or purpose (for example, wrestling, football, and rugby). In addition, students may be grouped within classes according to ability, as measured by objective standards applied without regard to sex (for example, weight training). In cases where a single standard of grading in physical education classes has a disproportionately adverse effect upon one sex, the instructor must use

alternative standards which do not have such an effect.

### **153.13**

With regard to music classes, requirements of vocal range or quality may be used in selection of choruses, which may result in choruses of one or predominantly one sex.

### **153.20 Financial Aid**

#### **153.21 General Provisions**

It is the intent of this *Policy* that student aid funds administered by the University are awarded to men and women in a nondiscriminatory manner. A campus may not at its own discretion set aside any University-administered student aid funds in a manner that would result in discrimination on the basis of sex in the amount or type of aid received by University students on that campus. However, as provided in Federal and State laws, certain funds may be administered on a sex-restricted basis (see Section 153.22).

#### **153.211**

As a general rule, men and women in similar circumstances shall be given comparable financial aid packages and awards. The percent of aggregate need which is filled by all awards must be equitable between women and men. The proportion of repayable to nonrepayable aid in individual awards must be equitable for men and women in the same categories and the same need evaluation must be used for both sexes.

#### **153.212**

Students who are married or who are parents may not be treated differently by virtue of sex. Thus, the same policies and rules shall apply to any parent, whether married or not, without regard to sex; for instance, a woman with two dependent children shall be treated no differently from a man with two dependent children if the circumstances are otherwise the same.

#### **153.213**

As provided in Section 150.10, the campuses of the University are considered to be separate institutions. Therefore, in determining that student aid funds are awarded to men and women in a nondiscriminatory manner, each campus is responsible for assuring that financial aid funds administered by the campus adhere to this *Policy*.

### **153.22 Administration of Sex-Restricted Funds**

### **153.221 Types of Awards and Conditions Governing Their Administration**

The University may administer and assist outside organizations in the administration of selected sex-restricted scholarships, fellowships, prizes, or other forms of financial aid, so long as the overall effect of the sex-restricted awards on each campus does not result in discrimination on the basis of sex in the overall campus student aid program.

### **153.222 Acceptance of New Funds**

The University may continue to accept, for direct University administration, irrevocable gifts which impose mandatory sex restrictions on the award of student financial aid which meet the following two conditions.

- a) The funds must have been established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government. A letter conveying an irrevocable gift of sex-restricted student aid funds to the University, regardless of the source of the funds, would qualify the funds for University administration under the exception permitted in Federal and State laws.
- b) The instrument from which the funds derive must require that awards be made to members of a particular sex.

As new funds are accepted, periodic review of the overall student financial aid program should be undertaken by each campus to assure that the overall impact of the financial aid program remains nondiscriminatory within the meaning of this *Policy*.

### **153.223 Acceptance of Funds for Opportunities to Study Abroad**

The University may administer and assist in the administration of scholarships and other aid established by foreign or domestic wills, trusts, or similar legal instruments or by acts of foreign governments to provide members of one sex with opportunities to study abroad, provided that reasonable opportunities for similar studies for members of the other sex are made available. These opportunities may be provided from either domestic or foreign sources.

### **153.224 Athletic Grants-in-Aid**

It is the intent of this *Policy* that men and women student athletes should have reasonable opportunities for athletic grants-in-aid in proportion to the number of students of each sex participating in intercollegiate athletics. This does not mean that such grants must be awarded in proportion to the number of students participating in each individual sport. There may be differences in the number of grants for each team, but the general policy governing awards must be the same for men and women. Any short term deviation from substantial proportionality must be based on nondiscriminatory factors.

This section does not apply to campuses which do not award athletic grants.

### **153.30 Athletics**

#### **153.31 Federal Requirements--General**

It is intent of this *Policy* that equal athletic opportunities be available for members of both sexes. As provided in Federal regulations and Office for Civil Rights guidelines, in determining whether equal opportunities are available, the following factors will be considered:

- a) Whether the nature and extent of the sports programs (including the levels of competition, such as varsity, club, etc.) effectively accommodate the interests and abilities of members of both sexes;
- b) The provision of equipment and supplies;
- c) The scheduling of games and practice time;
- d) The provision of travel and per diem allowances;
- e) The nature and extent of the opportunity to receive coaching and academic tutoring;
- f) The assignment and compensation of coaches and tutors, including the provision of administrative and clerical support;
- g) The provision of locker rooms, practice, and competitive facilities;
- h) The provision of sports medical and training facilities and services;
- i) The provision of housing and dining facilities and services;
- j) The nature and extent of publicity;
- k) Opportunities and funding for recruitment of prospective student athletes.

While each factor does not, in and of itself, have to be distributed equally to men and women athletes, the overall program should represent a reasonably equal apportionment of services to athletes. All prime time practice hours in the main gymnasium should not, for example, be allotted to men's intercollegiate teams, nor should women receive inferior equipment, lower travel allowances, or lesser publicity.

Each campus is encouraged to conduct a self-study to determine its compliance with these factors and prepare a plan to eliminate deficiencies if they exist.

#### **153.32 Federal Requirements--Teams**

##### **153.321 Level One Activities: Intercollegiate Teams and Competitive Sports Clubs (including all teams for which members are chosen competitively)**

Teams in this category may be offered separately for men and women or a single team may be offered. When a single team is offered, and members of one sex are completely or substantially excluded, the campus must offer separate teams if the athletic interests of the excluded sex are not otherwise accommodated. For example, Campus X decides to offer a

single boxing team, but when tryouts are completed, it finds that all but one of the twenty females who tried out were eliminated. If boxing is a high priority on the list of sports in which women students wanted to participate, then the campus must offer separate teams. If boxing is low on the list and the sponsorship of teams in other sports would more effectively accommodate the interests of the excluded sex, then the campus may continue with the single boxing team.

### **153.322 Level Two Activities: Intramurals and Recreational/Noncompetitive Sports Clubs**

At this level, contact sports activities may be offered on a separate basis, a single-activity basis, or both. However, if a campus chooses to sponsor only a single activity and members of one sex are completely or substantially excluded, the campus must offer separate activities if the interests of the excluded sex are not otherwise accommodated. (See Level One Activities, above.)

Campuses may offer either coeducational teams or separate teams for noncontact sports at this level. Noncontact sports activities at this level, which do not involve selection based on skills, must be offered on a coeducational basis. When selection for teams is based upon competitive skill, separate teams for noncontact sports may be offered for members of each sex. However, if a campus offers a noncontact sport at this level for members of one sex, but such a sport is not available to members of the other sex, and athletic opportunities for members of that sex previously have been limited, members of the excluded sex must be allowed to try out for the sport.

### **153.33 Athletic Grants-in-Aid**

See Section 153.224.

### **153.34 Program Administration**

Federal and State laws do not impose structural requirements on program administration. Single athletic departments are no more or less acceptable than separate men's and women's departments. However, when a campus contemplates a change in administrative structure, it must take care to assess the effects on employees of both sexes of current and proposed administrative models. The campuses may not adopt any structural model which has a disproportionately adverse effect upon employment opportunities of employees of one sex.

### **153.40 Housing**

### **153.41 On-Campus Housing**

The campuses may provide separate housing on the basis of sex if the housing offered to renters of each sex annually is, as a whole, comparable in quality and cost and proportionate

in number to the number of housing applicants from each sex. To assess quality, each campus must review the variety of on-campus housing opportunities available.

## **153.42 Off-Campus Housing**

### **153.421**

The California Fair Housing and Employment Act and the Federal Fair Housing Act prohibit discrimination in housing based on sex. In addition, these Acts prohibit any person from publishing a notice regarding rentals which discriminates on the basis of sex. Accordingly, rental listings which specify a preference based on sex should not be accepted for listing at the University. Federal law exempts owners of single-family homes and dwelling units of no more than four units from these prohibitions, provided in the latter case that the owner lives in one of the units. Federal law also exempts religious or nonprofit organizations or private clubs which offer lodging to members.

### **153.422**

Federal and State laws do not specifically prohibit or exempt individuals seeking roommates from specifying sex preference. Nonetheless, a campus may accept single-sex roommate listings provided the campus assures itself that, when considered in its entirety, housing listed separately for men and women is comparable in quality and cost to the student and proportionate in number.

### **153.423**

Given the difficulty of investigating each listing to determine if off-campus housing is comparable in quality and cost and proportionate in number, each campus may choose to list only off-campus housing not restricted by sex or to follow up on grievances related to the above and look for patterns of discrimination in housing. If the campus determines on the basis of a grievance investigation that housing for one sex is not comparable to that available to the other sex, then the campus should take corrective action to generate new sources of comparable housing or eliminate all separate listings.

## **153.50 Counseling**

### **153.51**

Each campus must evaluate its practices and policies with regard to academic and career counseling and assure itself that such counseling is not done on the basis of sex. Further, if a campus finds, by means of an annual review of enrollment data by sex, that any one class or program has a disproportionate participation by one sex, that campus must assure itself that such participation is not the result of sex discrimination in counseling.

## **153.52**

In addition, each campus must assure itself, by a review thereof, that the tests and other materials which it uses in its counseling programs are the same for both sexes. Only when counseling is being used to eliminate previous sex bias, may different materials be used (for example, academic or career counseling for women in fields with disproportionate representation). If upon evaluation it is determined that the tests or materials being used to counsel students have the effect of channeling a substantially disproportionate number of persons of one sex into a particular program or course of study, alternative materials must be used.

## **153.60 Student Employment**

### **153.61**

The placement office of each campus must require all prospective employers to attest to the fact that they do not discriminate unlawfully on the basis of sex in either their hiring or employment practices. If an employer refuses, or it is determined that the employer does, in fact, discriminate unlawfully on the basis of sex, the campus may not continue to assist the employer in any way.

### **153.62**

With regard to student part-time employment, when job listings are often phoned in for jobs available immediately, it is often difficult for an employer to sign a statement. In this case, staff at the student placement office should read the compliance statement over the phone to the prospective employer and a record of that agreement should be noted by the placement office.

### **153.63**

Each campus must require off-campus organizations that offer work-study jobs which are administered through the financial aid offices to verify that they do not discriminate on the basis of sex in either their hiring or employment practices.

## **153.70 Health Insurance and Benefits and Services**

### **153.71 Health Insurance**

If a campus makes available medical or health insurance policies to students and those policies include coverage of temporary disabilities, pregnancy and related conditions must be included in the coverage.

## **153.72 Benefits and Services**

Benefits and services may be provided which may be used by a larger proportion of students of one sex than of the other, including family planning and contraceptive services. Any campus which provides full coverage health services must provide gynecological care.

## **154.00 FACILITIES**

The campuses may provide separate toilet, locker room, and shower facilities on the basis of sex. However, all such facilities offered to members of one sex must be comparable to those offered to the other sex (for example, men's or women's lounges).

## **155.00 DESIGNATION OF RESPONSIBLE EMPLOYEE**

Each campus and the University as a whole must designate at least one employee to coordinate compliance with Federal and State laws pertaining to nondiscrimination on the basis of sex, including investigation of grievances and handling inquiries. In addition, these employees must supervise the various reviews and evaluations of programs and policies required by law. As provided in Section 157.00 below, all students must be notified of the name and/or title, office address, and telephone number of this person or persons.

## **156.00 GRIEVANCE PROCEDURES**

Each campus has established student grievance procedures to handle complaints and allegations of noncompliance with Federal and State laws and this *Policy*.

As provided in State law, persons who have filed a complaint pursuant to this *Policy* must be advised by the campuses that civil law remedies may also be available, including injunctions, restraining or other orders, and monetary damages. Campuses must make this information available to students and employees by publication in appropriate informational materials.

### **156.10 UCSF Student Grievance Procedures for Discrimination on the Basis of Sex**

**UCSF grievance procedures can be found in the *Bylaws, Regulations, and Appendices of The University of California, San Francisco Division of the Academic Senate, Appendix VII Divisional Procedure for Student Grievance in Academic Affairs.***

## **157.00 NOTIFICATION**

Federal and State laws require the University to inform students of the University's policy of nondiscrimination on the basis of sex. Notification statements should include the *Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters* found in Appendix C, which includes nondiscrimination on the basis of sex.

The individual(s) named in the notification statement should be the appropriate campus official(s) designated in Section 155.00 to respond to inquiries concerning nondiscrimination on the basis of sex.

## **158.00 PUBLICATION REQUIREMENTS**

### **158.10 Frequency of Publication**

The notification statement must be included on a continuing basis in materials given to applicants for admission, sources of referral for applicants for admission, and in other materials used in connection with recruitment of students. The notice also must be included in publications containing general information that are made available to all students.

### **158.20 Methods of Publication**

Methods used for notification may include the posting of notices, publication in campus newspapers and magazines, placement of notices in official University publications, and distribution of memoranda or other written communications.

## **160.00 POLICY ON SEXUAL HARASSMENT AND COMPLAINT RESOLUTION PROCEDURES**

University of California Policy on Sexual Harassment

University of California Procedures for Responding to Reports of Sexual Harassment

### **160.01 UCSF Sexual Harassment Complaint Resolution Policy and Procedures**

**The UCSF Sexual Harassment Complaint Resolution Policy and Procedures may be obtained from the Office of Sexual Harassment Prevention and Resolution.**

## **170.00 POLICY ON UNIVERSITY OBLIGATIONS AND STUDENT RIGHTS**

### **171.00**

As members of the University community students shall have the right:

#### **171.01**

To participate in the governance of the University, consistent with the University's stated goal (see Section 120.00 of these *Policies*) of enhancing student participation in the governance process by seeking student opinions and viewpoints on matters affecting both their academic and non-academic experiences and especially those decisions that directly affect their

welfare, through drawing upon official student representation, as well as additional means for seeking student input as appropriate;

#### **171.02**

To have published annually by the University those schedules of both systemwide and campus-based fees and charges that must be paid by all students to whom the fees and charges apply as a condition of attendance. Such schedules shall not be subject to change during the year, except upon recommendation of the Chancellor or the President (as appropriate) or as required by action of The Regents. Each campus shall issue procedures as appropriate for challenging whether a particular fee or charge is due and, if it has already been paid and is subsequently determined by the campus not to be due, for securing a refund;

#### **171.03**

To have published annually by the University refund schedules for new and continuing students. This provision may also be satisfied by the publication by the University of annual written notice that such schedules are available electronically on the Internet on official University websites;

#### **171.04**

To have published annually by the University information about graduation rates of enrolled students and student athletes, as well as information in compliance with all other notification requirements to students that may be satisfied by publication, as specified by applicable law. This provision may also be satisfied by the publication by the University of annual written notice that such information is available electronically on the Internet on official University websites;

#### **171.05**

To receive annually from the University written information on campus crime statistics, as well as information in compliance with all other notification requirements to students that rise above simple publication to require individual distribution of the information to students, as specified by applicable law. This provision may also be satisfied by the publication by the University of annual written notice that such information is available electronically on the Internet on official University websites, subject to the additional requirement that, if the campus crime statistical information is made available by posting on the Internet, notice must be provided directly to the enrolled student that includes the exact electronic address at which the information is posted, a brief description of the information, and a statement that the campus will provide a paper copy of the information upon request (for the specific language of the requirements see the [UC Clery Act Compliance Manual](#));

### **171.06**

To receive annually written information on the campus' standards of conduct regarding the unlawful use, possession, and distribution of drugs, alcohol, and other illegal substances; a statement affirming that disciplinary sanctions will be imposed for violations of the standards of conduct; a description of the sanctions; and other information as specified by applicable law;

### **171.07**

To be protected against the improper collection of information on students' political and social views, beliefs, and associations;

### **171.08**

To have access to, and be protected against the improper disclosure or withholding of, information from student records in accord with applicable State and federal law, Section 130.00 of these *Policies*, and campus implementing regulations. When the law and regulations are unclear in their application, the University shall be guided by two principles: (1) the privacy of an individual student is of great weight, and (2) the information in a student's file should be disclosed to the student upon request;

### **171.09**

To have all academic decisions affecting their academic standing, including the assignment of grades, based upon academic considerations only, administered fairly and equitably under policies established by the Academic Senate. In professional curricula, such decisions may include consideration of performance according to accepted professional standards. Equitable grievance procedures, established pursuant to Section 114.00 of these *Policies*, shall be developed in consultation with student representatives and implemented;

### **171.10**

To petition the Academic Senate on matters within the jurisdiction of the Senate;

### **171.11**

To the extent appropriate to the circumstances, to be free from University discipline for actions committed involuntarily or under duress. However, violations committed under the influence of drugs, alcohol, or illegal substances will be subject to student disciplinary procedures;

**171.12**

To have access to equitable grievance procedures established pursuant to Sections 111.00 and 112.00 of these *Policies*;

**171.13**

To petition for any change in these *Policies*, or in campus implementing regulations, through the appropriate campus office or the Office of the President;

**171.14**

To petition to appear before the Board of Regents under procedures set forth in the Bylaws. Individual students are entitled to seek an appearance before the Board to speak in open committee or Board session on matters on The Regents' agenda. Students must follow administrative procedures established by their respective campuses to appeal individual academic or administrative decisions relating to the above; and

**171.15**

If registered for a current term on any University campus, to have access to basic outpatient health care services of any other University campus, under conditions that apply to students registered on that campus.

## **APPENDIX A**

### **Authorized Student Governments**

Pursuant to Section 61.00 of these Policies, the student governments of the University of California authorized by the Chancellors as of September 5, 2007 are as follows:

Associated Students of the University of California, Berkeley  
Associated Students of the University of California, Davis  
Graduate Student Association, University of California, Davis  
Law Student Association, University of California, Davis  
Associated Students of the University of California, Irvine  
Associated Graduate Students, University of California, Irvine  
Associated Medical Students, University of California, Irvine  
Undergraduate Student Association, University of California, Los Angeles  
Graduate Student Association, University of California, Los Angeles  
Associated Students of the University of California, Merced  
Graduate Student Association, University of California, Merced  
Associated Students, University of California, Riverside  
Graduate Student Association, University of California, Riverside  
Associated Students of the University of California at San Diego  
Graduate Student Association, University of California, San Diego  
Associated Students of the University of California, San Francisco  
Graduate Students Association, University of California, San Francisco  
Associated Students, University of California, Santa Barbara  
Graduate Students Association, University of California, Santa Barbara  
College Student Governments, University of California, Santa Cruz  
Student Union Assembly, University of California, Santa Cruz  
Graduate Student Association, University of California, Santa Cruz

**The authorized student governments of the University of California, San Francisco, existing as of April 2012 are as follows:**

**Associated Students of the University of California, San Francisco**  
**Associated Students - School of Dentistry**  
**Associated Students - School of Medicine**  
**Associated Students - School of Pharmacy**

**Graduate Students Association, University of California, San Francisco**  
**Nursing Student Council**

## **APPENDIX B**

### **Use of the University's Name**

#### **State of California Education Code**

##### **Section 92000**

- (a) The name "University of California" is the property of the state. No person shall, without the written permission of the Regents of the University of California, use this name, or any abbreviation of it or any name which these words are a part, in any of the following ways:
- (1) To designate any business, social, political, religious, or other organization, including, but not limited to, any corporation, firm, partnership, association, group, activity, or enterprise.
  - (2) To imply, indicate or otherwise suggest that any such organization, or any product or service of such organization is connected or affiliated with, or is endorsed, favored or supported by, or is opposed by the University of California.
  - (3) To display, advertise, or announce this name publicly at, or in connection with, any meeting, assembly, or demonstration, or any propaganda, advertising, or promotional activity of any kind which has for its purpose or any part of its purpose the support, endorsement, advancement, opposition, or defeat of any strike, lockout, or boycott, or of any political, religious, sociological, or economic movement, activity, or program.
- (b) Nothing in this section shall interfere with or restrict the right of any person to make a true and accurate statement of his or her present or former relationship or connection with, his or her employment by, or his or her enrollment in, the University of California in the course of stating his or her experience or qualifications for any academic, governmental, business, or professional credit or enrollment, or in connection with any academic, governmental, professional or other employment whatsoever.
- (c) Every person violating the provisions of this section is guilty of a misdemeanor.

##### **Section 92001**

Notwithstanding Section 11425.10 of the Government Code, Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to a hearing conducted by the University of California.

**For information on the use of the UCSF Name, Seal, and Logo, see Campus Administrative Policy #050-13.**

## APPENDIX C

### **Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters**

**(revised October 20, 2008)**

The University of California, in accordance with applicable Federal and State law and University policy, does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, pregnancy<sup>1</sup>, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, citizenship, sexual orientation, citizenship, or service in the uniformed services.<sup>2</sup> The University also prohibits sexual harassment. This nondiscrimination policy covers admission, access, and treatment in University programs and activities.

Inquiries regarding the University's student-related nondiscrimination policies may be directed to:

**Office of Affirmative Action, Equal Opportunity & Diversity, UCSF  
3333 California Street, Room 101  
San Francisco, California 94143-0988  
(415) 476-4752**

<sup>1</sup>*Pregnancy* includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

<sup>2</sup> *Service in the uniformed services* includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

## **APPENDIX D**

### **University of California Policy and Supplemental Guidelines on the On-Campus Marketing of Credit Cards to Students**

(Compliant with California State Legislature AB 262 (Coto), the College Student Credit Protection Act, chaptered October 14, 2007)

The "California Student Financial Responsibility Act of 2001" requested that the University of California "adopt policies to regulate the marketing practices used on campuses by credit card companies." Pursuant to that legislation and consistent with the interest of the University in establishing minimum Universitywide standards (based on existing campus policies in this area) to regulate such activity, the following Policy applies to all banks and other commercial entities (including their third-party representatives) that engage in the on-campus marketing of credit cards to students through solicitation activities (hereafter referred to as "tabling" activities) in public campus areas of the University of California, except as provided in Section IX of this Policy.

The accompanying *Guidelines* are intended to provide supplemental guidance to campuses in their implementation of this *Policy*.

#### **University of California Policy on the On-Campus Marketing of Credit Cards to Students**

- I. All banks and other commercial entities (including their third- party representatives) shall be required to register with the campus administration before engaging in tabling activities for the purpose of the on-campus marketing of credit cards to students.
- II. Such tabling activities shall be restricted to specific sites and times designated by the campus administration as appropriate to such activities.
- III. At the discretion of the campus administration, all banks and other commercial entities (including their third-party representatives) engaged in such tabling activities may be assessed a daily or other periodic fee by the campus, at a level consistent with that charged to other commercial vendors.
- IV. In order to help ensure that students are provided the opportunity to make reasonably informed decisions about both the general degree of credit indebtedness they are equipped to incur and the terms of a particular offer of credit, all banks and other commercial entities (including their third-party representatives) that have registered with the campus administration to engage in tabling activities as defined in Section I of this *Policy*:

- A. Are permitted to solicit students by providing them with information on credit card offers, including credit card application materials and accompanying information relating to the terms and conditions of a particular offer of credit as required by law;
  - B. Are required, when requested by the campus, to display appropriate signage identifying the bank or other commercial entity they represent and verifying that they have registered with the campus, and also to display and make available a copy of this *Policy* as well as campus-supplied debt education materials promoting the responsible use of credit cards. Banks and other commercial entities (including their third-party representatives) that have available such debt education materials from a non-campus source that wish to provide those materials to students in lieu of campus-supplied materials may do so, as long as the materials are campus-approved;
  - C. Are prohibited, while on campus, from collecting personal information from students specifically for credit card application purposes (including, but not limited to, completed credit card application forms and similar materials), either at the time of solicitation or subsequently. Rather, such completed application materials may be mailed or hand-delivered by students, once they have read and considered the materials and are in a position to make an informed decision, to an off-campus office of the bank or other soliciting entity at a later time.
- V. Banks and other commercial entities (including their third-party representatives) engaged in tabling activities that are found to be in material violation of any provision of this *Policy* may be denied access to the campus for the purpose of engaging in such activities for a specified period, depending on the nature and extent of the violation(s).
- VI. Consistent with the above and other applicable provisions of University policy, campuses may develop such additional implementing regulations governing the time, place, and manner of the tabling activities of banks and other commercial entities (including their third-party representatives) for the purpose of the on-campus marketing of credit cards to students as are reasonable and appropriate.
- VII. Campuses must annually disclose all exclusive arrangements, excluding proprietary information, with banks or other commercial entities to engage in the on-campus marketing of credit cards to students through tabling activities.
- VIII. Consistent with the applicable laws governing commercial free speech, nothing in this *Policy* shall preclude campuses from prohibiting outright the tabling and/or other solicitation activities of banks and other commercial entities (including their third-party representatives) for the purpose of the on-campus market of credit cards to students, as long as that prohibition is part of a blanket campus

prohibition against the on-campus tabling and/or other solicitation activities of all categories of commercial vendors without consideration for the content or nature of the goods or services of any particular category of vendor. Campuses shall consult with the Office of the General Counsel in the development of any local campus regulations that are more restrictive than this *Policy*.

IX. Exemptions

- A. Any bank or other commercial entity that occupies on-campus facilities, or that makes available on-campus automated teller machines, for the purpose of providing banking and other financial services to the campus community is exempted from compliance with any provision of this *Policy* that is in conflict with the current lease or other contractual agreement between the campus and said entity. This exemption applies only to the primary contractor in any such contractual agreement with the campus and may be held by the campus not to apply to any of the primary contractor's affiliates. Any lease or other contractual agreement negotiated after July 1, 2008 shall incorporate the provisions of this *Policy*.
- B. Any bank or other commercial entity that has entered into an affiliation or similar agreement with the campus alumni association or any other campus entity is exempted from compliance with any provision of this *Policy* that is in conflict with the terms of the current affiliation or similar agreement. This exemption applies only to the primary contractor in any such contractual agreement with the campus alumni association or any other campus entity and may be held by the campus not to apply to any of the primary contractor's affiliates. Any affiliation or similar agreement negotiated after July 1, 2008 shall incorporate the provisions of this *Policy*.

**Supplemental Guidelines for Implementing the University of California Policy on the On-Campus Marketing of Credit Cards to Students**

- I. When restricting tabling activities to specific sites and times as provided by Section II of the *Policy*, campuses are strongly encouraged to give consideration to strictly limiting the number of such sites, as well as the times that such activities can take place, consistent with the provisions of the "California Student Financial Responsibility Act of 2001".
- II.A. Further consistent with the provisions of the "California Student Financial Responsibility Act of 2001", campuses are strongly encouraged to provide credit-card and other debt education to all students. Although campuses may develop their own programs (see Section II.B of these *Guidelines*), they are encouraged to minimize workload by taking advantage of available third-party programs and materials that have been reviewed and approved by the campus and/or by

providing referrals to high-quality programs, materials, and counseling available at no cost from third-party entities. Among the means to be considered by campuses are:

1. Using new student orientation programs to target education efforts particularly toward first-year students, many of whom have no previous experience managing personal credit;
2. Posting debt management information on a campus website that students commonly access; and
3. Encouraging cross-departmental sharing of credit card and other debt education materials.

II.B. Pursuant to Section II.A of these *Guidelines*, campuses that elect to charge tabling fees as provided by Section III of the *Policy* may wish to give consideration to applying the fee to the cost of developing new, or improving existing, campus debt counseling services and/or related credit-card education activities and programs that may be available through the Office of Student Financial Support and other campus departments.

III. To the extent financially feasible, campuses are further encouraged to examine their practices regarding the insertion of credit-card promotional materials into shopping bags that are used in their bookstore or other retail operations, and give consideration to either 1) phasing out that practice, or 2) requiring that such materials be accompanied by campus-approved debt-education materials promoting the responsible use of credit cards.

IV. The University recognizes that any *Policy* aiming at the stricter regulation of the on-campus credit card solicitation of students by banks and other commercial entities or their third-party representatives may have the effect of redirecting the focus of such solicitation efforts to students just outside the campus boundaries. Accordingly, campuses are encouraged to consider working with local municipalities to promote the enactment of new municipal time, place, and manner regulations and/or, where such regulations are already in existence, to support their more rigorous enforcement, consistent with the underlying public policy intent of the "California Student Financial Responsibility Act of 2001" to promote an environment actively supportive of the conditions for encouraging student financial responsibility.

## UCSF APPENDIX I

### University of California San Francisco Alcoholic Beverage Policy

- A. A license to engage in the sale of any alcoholic beverage is not available to any individual, group, or campus unit acting in the name of The Regents, or in the name of the University.
- B. The regular service of alcoholic beverages, including the provision of bottle lockers, mixers, ice, or glassware, in unlicensed faculty clubs or campus organized faculty or student lounges is prohibited.
- C. The furnishing or sale of any alcoholic beverages to anyone under 21 years of age within any University-owned or operated facility is prohibited.
- D. The service of alcoholic beverages to groups exclusively 21 years of age or older is permissible at occasional special events. No sale of such beverages may take place at the special event without the prior issuance of an alcoholic beverage license. (Sale of alcoholic beverages by an appropriately licensed caterer in conjunction with a bona fide catered meal fulfills the license requirements.)
- E. Alcoholic beverages may be served at receptions or events only when the cost can be recharged to non-state funds.
- F. With the approval of the Director of the Office of Student Life, alcoholic beverages may be purchased off-campus and brought into Millberry Union. This approval will be limited, however, to on-campus consumption of beer, wine, and champagne.

For more information, contact the Office of Student Life, or online at [osl.ucsf.edu/alcohol.policies.html](http://osl.ucsf.edu/alcohol.policies.html).

## UCSF APPENDIX II

### Referendum Procedures for Establishing, Eliminating, Increasing, or Reducing Compulsory UCSF Campus-Based Student Fees

These procedures have been developed in accordance with the Policy on Campus Based Student Fees, Section 80.00 of the University of California Policies Applying to Campus Activities, Organizations and Students.

Upon proposal of a referendum by either a recognized student government or an official campus advisory committee, the following procedures shall be followed:

#### 1. Referendum Language

For referendums sponsored by an official campus advisory committee, the Executive Boards of the Associated Students-UCSF and the Graduate Students' Association shall approve the wording of the referendum and information materials.

For referendums sponsored by a student government, the sponsoring Executive Board shall approve the wording of the referendum and information materials.

#### 2. Information Materials and Dissemination

Comprehensive and impartial materials describing the referendum shall be developed and approved by the sponsoring advisory committee or student government. The University shall provide these materials to each registered student affected by the referendum electronically or by U.S. Mail.

At least one open forum at each major campus site shall be held to provide equal opportunity for arguments both in favor and against the referendum.

#### 3. *Synapse*

Opinions both in favor and against the referendum shall be printed in *Synapse*, the UCSF student newspaper.

#### 4. Voting Procedures

The voting procedures of the ASUCSF Election Code shall be used for all referendum.

A special Referendum Election Board shall be appointed by the sponsoring organization, and shall be representative of the constituencies affected by the

referendum. The Referendum Election Board shall hear and resolve complaints.

To establish a new compulsory student fee by referendum, or increase an existing compulsory student fee, a minimum of 20% of all eligible voters affected by the fee must vote for the election to be valid. A majority vote is required for approval.

To eliminate a compulsory student fee by referendum, or reduce an existing compulsory student fee, a minimum of 20% of all eligible voters affected by the fee must vote for the election to be valid. A majority vote is required for approval.

For any ballot measure in support of a non-capital-project-related campus program, where voter eligibility is limited to graduate and/or professional students, the Chancellor may set the minimum voting pool, for that ballot measure only, at a lower level based on historical graduate and professional student voter turnout rates.

If a proposed referendum is not passed, it shall be at least one year before it can be brought to vote again. These procedures shall be followed again at that time.

## 5. Approval

All referendum results are advisory to the Chancellor and subject to final decision by the Chancellor and approval by the President of the University of California.

**UCSF APPENDIX IV**  
**University of California San Francisco**  
**Policy Concerning the Death of a Student or Trainee**

*Revised: January 2011*

The University of California San Francisco has responsibility to respond appropriately and notify promptly the parents, spouse/domestic partner, next of kin, and/or emergency contact of a currently enrolled student, postdoctoral scholar, resident, or fellow if their death occurs on the campus, at the Medical Center, or at a campus-sponsored event away from the campus. Hereafter, the term “trainee” will be used to include post doctoral scholars, residents, and fellows.

**I. Notification**

Any community member learning of or discovering the death of a student or trainee is to a) notify the Campus Police Department and b) inform the Vice Chancellor for Student Academic Affairs and/or the Dean or Associate Dean in the appropriate professional school or Graduate Division. This notification should happen as soon as is possible.

The senior officials in the Police Department, Student Academic Affairs, and the relevant School or Graduate Division will then coordinate with one another to take all necessary steps to ensure parents, spouse/domestic partner, next of kin, and/or emergency contact, appropriate offices, faculty and students are notified. The officials will work collaboratively to ensure necessary support and response is provided to the family and campus community, and that appropriate business functions are addressed.

Guidelines to assist in the campus response are available in Student Academic Affairs or online at <http://saa.ucsf.edu/compliance-info>.

**II. Documentation of Events Surrounding a Student’s or Trainee’s Death**

When a student or trainee dies, the information worksheet must be completed by a senior official (or his/her designate) in the School or Graduate Division or within Student Academic Affairs. This report should be distributed as outlined in the guidelines.