

June 24, 2011

MEMBERS OF THE STUDENT CODE OF CONDUCT TASK FORCE

Dear Colleagues,

I want to thank all of you for the report of the Code of Student Conduct Task Force. I appreciate the enormous amount of work, time, and thought that went into this process. The main points you have recommended strike a good balance between your stated desire for procedural consistency and fairness, on the one hand, and your belief that those who violate the Code should take responsibility for their actions.

I fully accept the thrust of the report and accept its specific proposals almost entirely as written, with the few caveats noted below. As follow-up, I will make decisions about the matters you explicitly left to the EVCP to decide, will ask the Vice Chancellor for Student Affairs to plan and be responsible for implementation and communication of the recommendations, and will ask our Office of Legal Affairs to translate the recommendations into concrete changes in the wording of the existing Code of Conduct.

Recommendation 1: The Independent Hearing Officer (IHO) strikes me as a very useful innovation. There is not likely to be a steady need, throughout the year, for 40 hours a week of this person's time. Hence, the occupant of the position should have other major duties written into his/her job description. I agree that this position should not be an add-on to a current staff or faculty member's duties. It should be funded from Operational Excellence savings within the Vice Chancellorship for Student Affairs. We will aim to conduct a search for the IHO during the Fall 2011 semester, ideally with appointment effective January 1, 2012. The IHO will report directly to the Vice Chancellor for Student Affairs.

I assume that the IHO will have the right to issue blanket procedural rulings that will apply to all analogous cases, in order to expedite conduct cases that would otherwise drag on inordinately with the same procedural objections being raised in each case. This would be consistent with the Task Force's concern for both fairness and expeditiousness. Finally, the last sentence of the second bullet of the final section of Appendix A is ambiguous: "The committee would have to agree on candidates to be forwarded to the hiring authority." I interpret this to mean "a majority of the committee," since unanimity is not a practicable standard.

Recommendation #4: I do not think it practical or necessary that every academic department appoint a trained, designated person for advising on academic misconduct. I suggest that the deans of professional schools or colleges, and of divisions within the College of Letters & Science, ensure that departments have access to such expertise. I will involve our Vice Provost for Academic Affairs and Faculty Welfare in working with the Vice Chancellor for Student Affairs to ensure this.

Recommendation #11: We will incorporate only the Statement on Free Speech into the campus's posted "Time, Place, and Manner" rules. I believe that the Free Speech statement alone is sufficient, and this also seems to be the preference of the majority of the Task Force.

Recommendation #14: To effect the goal here endorsed, the IHO, who will not report to the Student Conduct office, should be responsible for the Interim Suspension Process.

Recommendation #18: This falls beyond the purview of the Task Force's charge and would require broader discussions with a variety of units within the campus and, more broadly, across the University of California, for the issues would be equally applicable to all entities within the system, and lack of uniformity of definitions and sanctions across the system could have adverse legal consequences.

Again, thank you very much for all the hard work and deep thought that went into this report.

Sincerely,

George W. Breslauer
Executive Vice Chancellor and
Provost