

Authority to Confirm Withdrawal of Consent to Remain on Campus

(Delegation of Authority SCDA-SPS0001)

I. Delegation Summary

Delegated To: Vice Chancellor - Business & Administrative Services
Director - Planning & Analysis
Vice Chancellor - Student Affairs
Executive Assistant to the Chancellor
Executive Vice Chancellor

Scope of Delegation: California Penal Code 626.4(a) and 626.6

Delegated By: Chancellor

Issuing Date: August 7, 1997

II. Detailed Delegation

A. Detailed Delegation Statement

The Executive Vice Chancellor, Vice Chancellors, the campus Chief of Police, and all UCSC Police sworn personnel are charged with maintaining order on the Santa Cruz campus of the University of California.

Section 626.4(a) of the California Penal Code authorizes the chief administrative officer of a campus of the University or a person designated by that officer to issue an order summarily barring any person from the campus for 14 days, upon "reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus."

Section 626.6 of the California Penal Code authorizes the chief administrative officer or a person designated by that officer to direct a person other than a student, officer, or employee to leave the campus for a period of 7 days if "such person is committing any act likely to interfere with the peaceful conduct of activities of such campus or facility, or has entered such campus or facility for the

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purpose of committing any such act" If the individual fails to leave or willfully and knowingly re-enters the campus within the 7-day period, said individual is guilty of a misdemeanor.

Administrative Officers or law enforcement personnel who have withdrawn consent to remain on the Santa Cruz campus must under Penal Code Section 626.4 have this action confirmed by the Chancellor or by a person designed by him or her to enter written confirmation upon the report of the action taken.

Effective immediately, the authority to confirm the withdrawal of consent to remain on campus is delegated to: the Vice Chancellor - Business and Administrative Services, the Director - Planning & Analysis, the Vice Chancellor - Student Affairs, the Executive Assistant to the Chancellor, and the Executive Vice Chancellor. If the action is confirmed, it must be done within 24 hours after the time that consent is withdrawn.

B. Restrictions/Exceptions

In accordance with California Supreme Court decision, *Braxton v. Municipal Court* (1973) 10 Cal. 3d 138, the following interpretation applies:

1. A person may be excluded from the campus pursuant to Penal Code Section 626.4 or 626.6, only when his or her conduct or words are such as to constitute, or to incite to, a substantial and material physical disruption incompatible with the peaceful functioning of the academic institution and of those upon its campus.
2. Summary exclusion from the campus without a pre-exclusion hearing is authorized only when the person excluded has committed acts illegal under other statutes. Such unlawful acts include, but are not limited to, assault, battery, physical obstruction of ingress or egress, refusal to leave a public building upon request after its regular closing, destruction of property, incitement or participation in a riot, remaining at the scene of a riot after a lawful warning to disperse, resisting a police officer, possessing a firearm on campus, concealment or malicious possession of explosives, arson, or attempted arson, possession of an incendiary or fire-bomb, and physical intimidation of students and professors seeking to attend classes.

C. Authority to redelegate

This authority may not be redelegated.

D. Definitions

Person: any individual, including students, employees, and visitors.

Disrupt: a physical or forcible interference with normal University activities.

III. "Supersedes" Notification

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This delegation of authority supersedes all previous UCSC delegations on this subject.

IV. Getting Help

The campus Police Chief can respond to questions about this delegation of authority.

If you need help with ...	Contact ...
...disruption of activities	9-1-1
...hearing process for students	Student Judicial Affairs, x9-4447

V. Authority/References

References

California Penal Code, Section 626.4 and 626.6.

UCSC Rule Book: Policies and Regulations Applying to Campus Activities, Organizations, and Students.

VI. Copies

The following individuals/offices were provided copies of this delegation

Special Assistant--Coordination and Review
Assistant Vice President--Student Academic Services
General Counsel and Vice President for Legal Affairs

Dear Ms Gardner,

Chancellor Greenwood has approved, effective August 7, 1997, the attached delegation of authority SCDA-SPS0001, "Authority to Confirm Withdrawal of Consent to Remain on Campus," pursuant to California Penal Code, Section 626.4 and 626.6. Please distribute copies to the following individuals/offices within OP:

Assistant Vice President--Student Academic Services
General Counsel and Vice President for Legal Affairs

If you have any questions, please contact me at (408)459-5309 or Sue Carberry at (805)965-1331.

Sincerely,

Karrie Andre