

UNIVERSITY OF CALIFORNIA, BERKELEY

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588 MINOR HALL
SCHOOL OF OPTOMETRY
BERKELEY, CALIFORNIA 94720

Mr Zachary Bowin
2320 Warring St
Berkeley, CA 94720

December 18, 2009

Dear Zachary:

The following report covers your hearing held on Thursday, December 17, 2009, to review the interim suspension placed on you, pursuant of Section VI. 105.08 of the Berkeley Campus Code of Student Conduct, and supporting evidentiary material.

The hearing panel comprised myself as Chair (Christine Wildsoet, Professor in the School of Optometry), H. Faye Lawson, Student Advocate, Office of the Dean, Haas, and Chen Ling, undergraduate student. Laura Bennett represented the Center for Student Conduct and Community Standards Campus Life and Leadership (CSCCSCLL; she is an Assistant Director), with Susan Trageser, Assistant Dean of Students and Director of CSCCSCLL, in attendance for advice on procedures. Stephen Rosenbaum, Lecturer, Boalt, was present for most of the hearing as your advisor, as was your mother, as an observer during the proceedings.

An interim suspension was put in place by Harry Le Grande, Vice Chancellor for Student Affairs, based on complaints that you had participated in a disturbance of the peace at University House that included property damage, attempted arson and burglary, threats and assault. On the night in question, December 11, you were arrested and charged with multiple violations of the Codes, although you indicated that the charges have since been dropped by the District Attorney. The conditions of the suspension prohibited you from contact, by any means, with all University faculty, staff and students, and from entering the University campus or any facility of the University, with the exception of the CSCCSCLL office and its staff. The concurrence of Dean Poullard and Associate Dean Christina Gonzalez had been obtained for this suspension. As you explained at this hearing, because of this suspension, you had been unable to take 2 final examinations and to complete a term paper.

Information available to the panel about the events outside University House on the night of December 11, were limited to a news report of the attack on the Chancellor's home, provided by Laura Bennett, representing the University, although you stated that you had not been involved in any act of vandalism and also that you were against both vandalism and other forms of violence as means of protest. The resume provided to the panel by you also showed you to be an outstanding student, both academically (GPA of 4.0 after transferring to UC Berkeley from Moorpark College in Spring 2008), and in terms of your many worthy contributions to campus life for which you deserve high praise.

As the panel understood the events on the night in question, you attended a concert before joining what you asserted to be a peaceful protest march, although how and why you joined the latter was unclear, due to your reluctance to share information about the night's events. While Detective Miller was available to give an account of the events outside the Chancellor's residence on this night, her evidence was not allowed, given that you had not anticipated being able to bring your own witnesses.

The panel decided, based on the limited information provided by you and taking into account your otherwise excellent student record, to give the benefit of the doubt until the hearing of your case, and thus to modify the conditions of your suspension to allow you to proceed with your studies, including completing your Fall 2009 semester courses. The following modifications to your suspension, as relayed verbally to you at the close of the hearing were made to this end:

- 1) All restrictions of associations with University faculty, staff and students were lifted, with the qualification that student activities on campus be limited to academically related ones; the panel agreed to accommodate collegial activities among friends in the definition of academic student activities but not organized protest meetings;
- 2) All restrictions on electronic communication were lifted, to allow pursuit of essential academic activities, including completion of an outstanding assignment (due today, Dec 18), fall final exams, and enrollment in spring semester courses;
- 3) Using the UC Berkeley's Emergency Area map for reference, initial restrictions on access to the campus were reduced to preclude area 1, with Hearst Street added as an artificial northern boundary, and area 5, with Oxford and Hearst Streets added as northern and western boundaries. It was recognized that these restrictions might need to be reviewed, should your case not be resolved before the start of the Spring semester, and classes were scheduled in buildings within these exclusion zones. You were given a copy of the campus map on which the above exclusion zones were indicated.

You were advised to consult with Susan Trageser in the CSCCSCLL, should you need clarification of any of the above restrictions, including interpretation of the imposed condition relating to campus student activities, or assistance in negotiating terms for completion of incomplete grades with your professors for fall semester courses.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Christine Wildsoet', with a stylized flourish at the end.

Christine Wildsoet OD, PhD, FAAO
Professor in Optometry/Vision Science