

# UC SAN DIEGO STANDARDS OF CONDUCT SUMMARY

## September 2020

### I. INTRODUCTION

The University of California [Policies Applying to Campus Activities, Organizations, and Students \(PACAOS\)](#) are a compendium of University-wide policies relating to student life. PACAOS Section 100.00 describes the University's [Policy on Student Conduct and Discipline](#). The UC San Diego *Student Conduct Code (Code)* traditionally served as UC San Diego's implementing regulations for PACAOS Section 100.00.

In Summer 2020, the *Code* was revised to more effectively complement the PACAOS. The *Code* was renamed the *Student Conduct Procedures (SCP)*. Additionally, any Standards of Conduct that duplicated those already included in PACAOS 102.00 were removed.

Certain Standards of Conduct previously found in Section VII of the *Code*, but not in PACAOS 102.00, are now listed in the SCP. This document lists the Standards of Conduct from the PACAOS and SCP in one place for easy review.

Language in plain font below comes directly from PACAOS or the SCP. Language in *italics* serves as guidance and commentary.

### II. STANDARDS OF CONDUCT

#### PACAOS Section 102.00

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: (formerly Section VII introduction)

*For example, if someone breaks into the Chancellor's office and tries to steal a laptop but is unable to secure the item prior to being detained, their "attempt" would be considered theft. Similarly, if one student sets up an exchange between two students to sell controlled substances but is not actually party to the exchange between the other students, the first student "aided" the conduct in question. Both would be violation of the Standards of Conduct and be sanctioned similarly to those who completed the behavior.*

- **102.01 – Academic Misconduct** (See UC San Diego *Policy on Integrity of Scholarship*)  
All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty.
- **102.02 – Non-Academic Dishonesty** (formerly *Code Section VII, Letter A*)  
Other forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the University.

*Includes bribery of University officials.*

- **102.03 – Forgery/Alteration/Misuse** (formerly Code Section VII, Letter B)  
Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification.
- **102.04 – Theft/Damage** (formerly Code Section VII, Letter C)  
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.

*Theft means the intentional and unlawful taking of property. For a theft to occur, the Respondent must intend to deprive the owner of the property.*

*Conversion means the Respondent recklessly or substantially interfered with the Complainant's property, the Complainant did not consent and suffered harm as a result of the interference, and the Respondent's conduct was a substantial factor in causing the harm.*

- **102.05 – Computing Abuse** (formerly Code Section VII, Letter D)  
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.

*The relevant campus regulation at UC San Diego are the [ETS Acceptable Use Policies](#).*

- **102.06 – Unauthorized Entry/Use** (formerly Code Section VII, Letter E)  
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.

*Use of University Name and Seals, Campus Names, and Seal and Trademark Policy (PPM 510-10) defines permitted uses, as well as restrictions on the uses of the University of California name and seals and the UC San Diego names, seal, trademarks, logos, and visual images in any form of media.*

- **102.07 – Housing Policy Violations** (formerly Code Section VII, Letter F)  
Violation of policies, regulations, or rules governing University-owned, -operated, or -leased housing facilities or other housing facilities located on University property.

*The standards governing UC San Diego-owned housing facilities are the [UC San Diego Residential Life Community Standards](#).*

- **102.08 – Physical Abuse/Threats/Health & Safety** (formerly Code Section VII, Letters G, H, & I)  
Physical abuse including but not limited to physical assault; threats of violence; or other conduct that threatens the health or safety of any person.

*Physical assault includes both assault and battery.*

*Assault means the Respondent acted intentionally to cause harmful or offensive contact or threatened to touch the Complainant in a harmful or offensive manner, the Complainant reasonably believed they were about to be touched in a harmful or offensive manner or it reasonably appeared to them the Respondent was about to carry out the threat, the Complainant did not consent to the conduct, the Complainant was harmed, and the Respondent's conduct was a substantial factor in causing the Complainant's harm.*

*Battery means the Respondent touched or caused the Complainant to be touched with the intent to harm or offend, the Complainant did not consent to the touching, the Complainant was harmed or offended by the Respondent's conduct, and a reasonable person would have been offended by the touching.*

*Self-defense means that the Respondent is not responsible if they reasonably believed, in view of all the circumstances of the incident, that the Complainant or other party was going to harm them and they used only the amount of force reasonably necessary to protect themselves.*

- **102.09 – Harassment** (formerly Code Section VII, Letter J)  
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.

*Reports alleging harassment will be referred to the Office for the Prevention of Harassment and Discrimination (OPHD) for an initial review and potential investigation.*

- **102.10 – Stalking** (formerly Code Section VII, Letter K)  
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** (*not mapped to Code*)  
(deleted on October 9, 2009: see <http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>);
- **102.12 – Hazing** (*formerly Code Section VII, Letter L*)  
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/Disruption** (*formerly Code Section VII, Letter M*)  
Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities.
- **102.14 – Disorderly/Lewd Conduct** (*formerly Code Section VII, Letter N*)  
Disorderly or lewd conduct.

*Disorderly or lewd conduct includes, but is not limited to, public urination, indecent exposure, loud and unreasonable noise serving no legitimate purpose, or unauthorized gambling.*

- **102.15 – Disturbance of the Peace/Unlawful Assembly** (*formerly Code Section VII, Letter O*)  
Participation in a disturbance of the peace or unlawful assembly.

*Unlawful assembly includes two or more people assembling together to commit an unlawful act, or a lawful act in a violent, boisterous, or tumultuous manner, as defined by state law.*

- **102.16 – Failure to Comply/Obstruction** (*formerly Code Section VII, Letters P & Q*)  
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 – Controlled Substances** (*formerly Code Section VII, Letter R*)  
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.

*This section includes the misuse of any prescribed medication, over the counter drugs and/or other controlled substances, as prohibited by federal law, state law, or University Policy. Controlled substances include any drugs regulated by the local, state, or federal government.*

- **102.18 – Alcohol** (*formerly Code Section VII, Letter S*)  
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.

The relevant campus regulation is the UC San Diego Alcohol Policy ([PPM 510-1 XIII](#)).

- **102.19 – Explosives/Firebombs/Destructive Devices** (formerly Code Section VII, Letter T)  
Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.

*Explosives include fireworks.*

- **102.20 – Weapons/Firearms** (formerly Code Section VII, Letter T)  
Possession, use, or manufacture of a firearm or other weapon as prohibited by campus regulations.

*“Weapon” means any object or substance designed to inflict a wound, cause injury, or incapacitate including, but not limited to, firearms, projectiles, pellet guns, chemicals, and knives.*

*This also includes any harmless instrument that could reasonably appear to a reasonable person as being a weapon (e.g. laser pointers).*

*The term “knives” refers to any and all knives that California or Federal law prohibit from being carried or possessed on a University of California campus.*

- **102.21 – Violation of Disciplinary Actions** (formerly Code Section VII, Letter U)  
Violation of the conditions contained in the terms of a disciplinary action imposed under these Policies or campus regulations.
- **102.22 – Violation of Emergency Suspension Conditions** (formerly Code Section VII, Letter U)  
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 – Course Lecture Notes and Handouts/Readers/Course Materials** (formerly Code Section VII, Letters V & W)  
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 – Terrorizing Conduct** (formerly Code Section VII, Letter X)  
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.

*The term "actor" refers to Respondent.*

- **102.25 – Privacy Policy** (formerly Code Section VII, Letter Z)

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.

Making a video recording, audio recording, or streaming audio/video of private, nonpublic conversations and/or meetings, without the knowledge and express consent of all recorded parties.

These provisions do not extend to public events or discussions, nor 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.

"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 – Sexual Violence and Sexual Harassment** (formerly Code Section VII, Letter BB)  
Violations of the University of California *Policy on Sexual Violence and Sexual Harassment*.

*All incidents involving Sexual Violence and Sexual Harassment must be referred to OPHD for review and potential resolution/investigation. If OPHD proceeds, the incident will be handled under the UC San Diego Policy for Reporting and Responding to Sexual Violence and Sexual Harassment, or PPM 200-19 (SVSH Policy) and the UC Sexual*

*Violence and Sexual Harassment Student Investigation and Adjudication Frameworks for Non-DOE and DOE covered conduct (PACAOS Appendix E or F).*

The relevant Policy and Procedures [applicable to incidents involving Sexual Violence and Sexual Harassment](#) include:

- UC San Diego SVSH Policy (PPM 200-19).
- UC Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework
  - Non-DOE covered conduct (PACAOS Appendix E)
  - DOE covered conduct (PACAOS Appendix F)

### **SCP Section C**

Violations of any of the Standards of Conduct described in PACAOS Section 102.00 and/or in this section, including attempts to engage in or aid in such conduct, violate the University's community standards (and may be subject to action under the processes outlined in these *Procedures*). These standards will not be used to restrict the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

- **SCP 4 (a) - Unwanted Personal Contact** (*formerly Code Section VII, Letter Y*)  
Physical, verbal, written, face-to-face, telephonic, electronic or other means of contact that a Student knows or should know is unwanted, is communicated directly to one or more specific Students, faculty, or staff, constitutes severe and/or pervasive, and objectively offensive conduct; and does not constitute speech protected by the First Amendment of the United States Constitution (e.g. speech in a public forum on a matter of public concern).

*In considering whether unwanted personal contact is severe and/or pervasive, all of the surrounding circumstances should be considered. These include:*

- Whether the contact was physical (i.e., did it involve unwanted touching).
  - The frequency and duration of the contact.
  - The degree to which the contact negatively affected one or more students' ability to pursue their education.
  - Whether there is a difference in power/authority between the Respondent and Complainant.
  - Whether the Respondent was previously advised that the contact was unwanted.
  - Whether the contact would make a reasonable person fearful or intimidated (e.g., a group surrounding an individual at night in an isolated location).
  - Whether the conduct occurs at a time or place where the person subject to the contact has a reasonable expectation of privacy (e.g., phone calls in the middle of the night.)
- **SCP 4 (b) - Complaints Made in Bad Faith/Discouraging Participation in the Process** (*formerly Code Section VII, Letter AA*)  
Instituting a complaint in bad faith and/or attempting to discourage an individual's proper participation in, or use of, the student conduct process.

- **SCP 4 (c) - Violating Other University Policies** (formerly Code Section VII, Letter BB)  
Violating Other University Policies.

Common policies used here include, but are not limited to,

- *Student Organizations Policy (PPM 160-9)*
- *Regulations Concerning Skateboards and Skating Devices (PPM 270-2)*
- *Regulations Concerning Bicycles (PPM 270-3)*
- *Smoke & Tobacco Free Policy (PPM 270-7)*
- *Policy on Speech, Advocacy and Distribution of Literature on University Grounds (PPM 510-1 IX & XII)*
- *Environmental Sanitation – Housing (PPM 516-10.3) (prohibits camping)*
- *Face Covering Policy (PPM 516-30)*
- *COVID-19 Testing Program (PPM 516-31)*

- **SCP 4 (d) - Violating Other Laws** (formerly Code Section VII, Letter CC)  
Violations of federal, state, or local law not covered by the standards described above.

*Common laws used here include, but are not limited to:*

- *San Diego Social Host Ordinance*
- *Penal Code Section 597 – Animal Cruelty*

- **SCP 4 (e) - Health and Safety Requirements for Public Health Emergencies** (new standard not previously mapped in the Code)  
Violating health and safety requirements issued by the University and/or local, state or federal governments in response to public health emergencies (e.g. COVID-19).