

## STUDENT CONDUCT-RELATED COVID-19 GUIDANCE

### September 25, 2020

#### OVERVIEW

- The University of California Policies Applying to Campus Activities, Organizations, and Students (PACAOS) are a compendium of University-wide policies relating to student life. Section 100.00 describes the University's policy on student conduct and discipline.
- The UC San Diego *Student Conduct Procedures (Procedures)* (PPM 160-10) serves as UC San Diego's implementing regulations for PACAOS Section 100.00. The *Procedures* describe UC San Diego procedure and requirements for addressing non-academic student conduct incidents.
- This document provides guidance developed by the Office of Student Conduct (OSC) on policy changes, updates and other, related information concerning student conduct and the novel coronavirus for the 2020-21 academic year.
- The campus community is encouraged to contact OSC to consult on any potential student conduct matters. Additional information can be found on a [Blink student conduct reference page](#) for faculty and staff.

#### POLICY UPDATES

- The current *Student Conduct Procedures* have been further bolstered with a few, small revisions to address COVID-19 related student conduct.
  - **Policy Statement, Section C (4) e** - This standard was added to hold students accountable to applicable health and safety requirements not part of official University policy or governmental law or policy. This includes enhanced safety requirements for social distancing.
  - **Policy Statement, Section E (7)** – The previous version of the *Procedures* was designed to allow for in-person meetings and remote meetings but there was no specific language on point. The new language describes our normal preference of in-person meetings but provides for remote meetings at the discretion of Student Conduct Officers and OSC.
- The UC San Diego *Residential Life Community Standards* were revised by the Directors Council of Residence Life (Directors Council) to include enhanced safety measures to help prevent and control the potential spread of the novel coronavirus, as well as serve as a tool for preventative education. Key revisions include:

- **Guests and Non-Primary Guests** - For the 2020-2021 academic year, limitations were created to help control the spread of the novel coronavirus, specifically that all living areas are "residents-only" communities with no guests permitted. Guests are defined as anyone who is not contracted in the residential space that is being visited. The restriction on guests does not apply to necessary caregivers.
- **Health and Safety** - Residents living in University owned facilities must not engage in conduct threatening the health or safety of any person and must abide by any and all enhanced county, State, or Federal health and safety guidance or requirements applicable to UC San Diego to contain the spread of the novel coronavirus. Specifically, residents must wear face coverings whenever coming within 6 feet of another person while on Housing\*Dining\*Hospitality property, unless a specific exemption applies (e.g., approved residential pod).
- Two additional campus policies were implemented to help limit the spread of the novel coronavirus.
  - The campus Face Coverings Policy (PPM 516-30) requires that all people on campus or in any campus owned or operated property in San Diego County must wear face coverings per the most recent County Health Order.
  - The campus COVID-19 Testing Program (PPM 516-31) requires all students entering or physically present on campus during Fall Quarter are required to be tested periodically for coronavirus as directed by Student Health Services. Also, students covered by the policy must immediately produce proof of compliance with the testing program upon demand by University Officials.

## **JURISDICTION**

- The *Procedures* apply to the non-academic student conduct of UC San Diego Students and Student Organizations that occurs on University Property, or at University-Supported Activities, and/or to off-campus conduct that occurs in the context of an education program or activity, or adversely affects the UC San Diego Community and/or the pursuit of the University's objectives as determined by the Vice Chancellor – Student Affairs.
- The Vice Chancellor – Student Affairs is responsible for extending off-campus jurisdiction. When determining whether to extend jurisdiction, and in addition to the factors stated in the *Procedures*, the following factors will be considered when determining whether conduct meets the standard for exercising off-campus jurisdiction.
  - Whether such conduct has a sufficient nexus to campus, such as in cases where multiple UC San Diego students attend or host a large party or gathering, especially when students aren't following safety requirements.

- Whether such conduct intentionally or recklessly exposes the UC San Diego community to the novel coronavirus.
- Even if jurisdiction is not exercised for an off-campus case, the Office of Student Conduct may request to meet with students mentioned in off-campus related reports to discuss the information in the report, and review campus expectations and policies, and applicable local, state, and federal requirements.

### **INTERIM SUSPENSIONS**

- As described in the *Procedures*, a student may be placed on interim suspension if their behavior is reasonably likely to lead to conduct that threatens the health or safety of any person or other disruptive activity incompatible with the orderly operation of the campus.
- When determining whether to request an interim suspension, OSC evaluates whether the student has engaged in continued non-compliance with enhanced safety requirements, acted intentionally or recklessly, or other aggravating or mitigating factors present (e.g. severity, impact, etc.). OSC also considers whether other interim sanctions, such as exclusions from areas of the campus or from Official University Functions, are more appropriate based on the totality of the circumstances.
- Student organizations may be issued a cease and desist by their national organization and/or the Center for Student Involvement according to their existing protocol.

### **SANCTIONING**

- The Office of Student Conduct maintains sanction guidelines for Standards of Conduct violations. These guidelines are neither “absolutes” nor exhaustive of every single potential violation or scenario. Instead, they are rather important starting points for determining sanctions. They provide a uniform set of initial sanctions for all Student Conduct Officers and ensure greater consistency among colleges and residential areas.
- In developing COVID-19 specific sanctioning guidelines, the following factors were considered:
  - The potential impact of such conduct to the health and safety of the community, those at greater risk of infection and complication, and the campus’ orderly operation within the context of high density/multi-unit housing, even at partial capacity for enhanced safety.
  - Starting sanctions for violations of a similar nature, such as battery, fire safety, and other health and safety violations.

- Student Conduct assessment findings that knowledge of subsequent sanctions is a stronger factor against recidivism than knowledge of policy, which has little to no effect in most cases.
- Summer Housing incidents with recurring roommate and community disagreements regarding safe behavior. Similarly, the substantial, daily inquiries directed at HDH and the Residential Life areas on these issues.
- California Department of Public Health guidance on Institutions of Higher Education and San Diego County Health Mandates and other, related orders and guidance
- Below is a non-exhaustive list of potential violations for each COVID-19 sanctioning tier:
  - First time low-level violations
    - Not wearing a face covering while on campus (outside of contracted residential space and not under a specific exception)
    - Hosting guests in campus residential facilities
    - Not following physical distancing guidelines
  - Mid-level violations; Repeat low level violations
    - Hosting a medium-sized gathering in a campus residential space
    - Failing to provide proof of compliance with COVID-19 testing program
  - Egregious violations; repeated noncompliance; repeated mid-level violations
    - Knowingly disregarding a quarantine directive
    - Failing to complete required COVID-19 testing
    - Forcibly removing another person's face covering without that person's consent
    - Intentionally coughing on other persons or property
    - Hosting a large-sized gathering in a campus residential space or off-campus residence

## **HOUSING CONTRACT CONSEQUENCES**

- While often administered in parallel to the student conduct process and using many of the same principles as sanctioning for fairness, transparency and education, the housing contract process is separate and independent from the student conduct process. Please review the [UC San Diego Sample Housing Contract](#) for more information about this process.