



# Policies Applying to Campus Activities, Organizations and Students (PACAOS)

## ***100.00 POLICY ON STUDENT CONDUCT AND DISCIPLINE***

<b>Responsible Officer:</b>	VP - Student Affairs
<b>Responsible Office:</b>	SA - Student Affairs
<b>Issuance Date:</b>	8/14/2020
<b>Effective Date:</b>	8/14/2020
<b>Last Review Date:</b>	7/18/18
<b>Scope:</b>	Consistent with PACAOS 12.00, these Policies and the campus regulations implementing them apply to all campuses and properties of the University and to functions administered by the University, unless in special circumstances the President directs otherwise.

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## **I. POLICY SUMMARY**

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The *Policies Applying to Campus Activities, Organizations and Students* are a compendium of Universitywide policies relating to student life. Section 100.00 describes the University's policy on student conduct and discipline.

When a formal investigation is deemed appropriate for cases involving reports of Sexual Violence, Sexual Harassment or other prohibited conduct by the UC Policy on Sexual Violence and Sexual Harassment, campuses shall implement the procedures set forth in PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework for Non-DOE-Covered Conduct or PACAOS Appendix F: Sexual Violence and Sexual Harassment Student Adjudication for DOE-Covered Conduct. Campuses may also apply PACAOS Appendix E or PACAOS Appendix F to adjudicate student conduct violations that occur in connection with violations of sexual violence and sexual harassment.

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## **II. DEFINITIONS**

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Definitions for the *Policies Applying to Campus Activities, Organizations and Students*, and the campus implementing regulations adopted pursuant to them, are provided in Section 14.00.

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## **III. POLICY TEXT**

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### ***100.00 POLICY ON STUDENT CONDUCT AND DISCIPLINE***

#### **101.00 STUDENT CONDUCT**

Students are members of both society and the University community, with attendant rights and responsibilities. Students are expected to comply with all laws and with University policies and campus regulations.

The standards of conduct apply to students as the term 'student' is defined in Section 14.40 of these *Policies*. They also apply to:

- a. applicants who become students, for offenses committed as part of the application process;
- b. applicants who become students, for offenses committed on campus and/or while participating in University-related events or activities that take place following a student's submittal of the application through his or her official enrollment; and
- c. former students for offenses committed while a student.

If specified in implementing campus regulations, these standards of conduct may apply to conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct occurred on campus.

## **102.00 GROUNDS FOR DISCIPLINE**

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:

### **102.01**

All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty.

### **102.02**

Other forms of dishonesty including but not limited to fabricating information, furnishing false information, or reporting a false emergency to the University.

### **102.03**

Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification.

### **102.04**

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.

### **102.05**

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/) (<http://www.ucop.edu/ucophome/policies/ec/>) and [Digital Copyright Protection](http://www.ucop.edu/irc/policy/copyright.html) at UC (<http://www.ucop.edu/irc/policy/copyright.html>) for the University's position on digital copyright.

### **102.06**

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.

**102.07**

Violation of policies, regulations, or rules governing University-owned, -operated, or - leased housing facilities or other housing facilities located on University property.

**102.08**

Physical abuse including but not limited to physical assault; threats of violence; or other conduct that threatens the health or safety of any person.

Sexual Violence (including Sexual Assault – Penetration, Sexual Assault – Contact and Relationship Violence) is defined by the University of California [Policy on Sexual Violence and Sexual Harassment](#). Please refer to 102.26.

**102.09**

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.

Sexual Harassment is defined by the University of California [Policy on Sexual Violence and Sexual Harassment](#). Please refer to 102.26.

**102.10**

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.

Stalking of a sex-based nature is defined by the University of California [Policy on Sexual Violence and Sexual Harassment](#). Please refer to 102.26.

**102.11**

(deleted on October 9, 2009: see

<http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>);

**102.12**

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 or disruption of teaching, research, administration, disciplinary procedures, or other University activities.

**102.14**

Disorderly or lewd conduct.

**102.15**

Participation in a disturbance of the peace or unlawful assembly.

**102.16**

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**

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.

**102.18**

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.

**102.19**

Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.

**102.20**

Possession, use, or manufacture of a firearm or other weapon as prohibited by campus regulations.

**102.21**

Violation of the conditions contained in the terms of a disciplinary action imposed under these *Policies* or campus regulations.

**102.22**

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**

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**

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.

**102.25**

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, non- public 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.

Invasions of Sexual Privacy are defined by the University of California [Policy on Sexual Violence and Sexual Harassment](#). Please refer to 102.26.

#### **102.26**

Violation of the University of California Policy on Sexual Violence and Sexual Harassment.

### **103.00 STUDENT DISCIPLINE PROCEDURES**

#### **103.10 Procedural Due Process**

Procedural due process is basic to the proper enforcement of University policies and campus regulations. Chancellors shall establish and publish campus regulations providing for the handling of student conduct cases in accordance with basic standards of procedural due process. Consistent with this requirement, procedures specified in such regulations shall be appropriate to the nature of the case and the severity of the potential discipline.

#### **103.11**

When a formal hearing is deemed to be appropriate for fact finding, campus implementing regulations shall provide the following minimum procedural standards to assure the accused student a fair hearing:

- a. Written notice, including a brief statement of the factual basis of the charges, the University policies or campus regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing;
- b. The opportunity for a prompt and fair hearing where the University shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses presented by the University; no inference shall be drawn from the silence of the accused;
- c. A record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and
- d. An appeals process.

### **103.12**

When a formal investigation is deemed appropriate for cases involving reports of Sexual Violence, Sexual Harassment or other prohibited conduct by the UC Policy on Sexual Violence and Sexual Harassment, campuses shall implement the procedures set forth in PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework for Non-DOE-Covered Conduct or PACAOS Appendix F: Sexual Violence and Sexual Harassment Student Adjudication for DOE-Covered Conduct.

## **104.00 ADMINISTRATION OF STUDENT DISCIPLINE**

### **104.10**

Chancellors may impose discipline for violations of University policies or campus regulations whether or not such violations are also violations of law, and whether or not proceedings are or have been pending in the courts involving the same acts.

### **104.20**

Each Chancellor may appoint faculty, student, or other advisory committees, or hearing officers, as specified in campus regulations, but the final authority for administration of student discipline rests with the Chancellor.

### **104.30**

A student, as defined in Section 14.40 of these *Policies*, at one campus of the University, who is accused of violation of University policies or campus regulations on another campus of the University or at an official function of that campus, shall be subject to the disciplinary procedures of either the former or the latter campus as an outcome of conferral between designees of both campuses. The imposition of any recommendations for disciplinary sanctions arising from these procedures must be reviewed and approved by both campuses before the sanctions are imposed.



**104.31**

If an alleged violation of University policies occurs in connection with an official Universitywide function not on a campus, the student accused of the violation shall be subject to the disciplinary procedures of the campus at which the individual is a student, except in those cases in which the President directs otherwise.

**104.40**

The loss of University employment shall not be a form of discipline under these *Policies*. However, when student status is a condition of employment, the loss of student status will result in termination of the student's employment. This section is not intended to preclude the disclosure to other appropriate University officials of information relating to any student's judicial records if that information may be reasonably construed to have bearing on the student's suitability for a specific employment situation. This section is also not intended to preclude an employer from terminating a student's employment outside the disciplinary process.

**104.50**

In imposing discipline other than Suspension or Dismissal, access to housing and health services shall not be restricted unless the act that occasioned the discipline is appropriately related to the restriction.

**104.60**

If as a result of an official campus appeal it is determined that the student was improperly disciplined, the Chancellor shall, if requested by the student, have the record of the hearing sealed, and have any reference to the disciplinary process removed from the student's record. In such case, the record of the hearing may be used only in connection with legal proceedings. The Chancellor also may take other reasonable actions to ensure that the status of the student's relationship to the University shall not be adversely affected.

**104.70 [Rescinded – January 1, 2015]**

**104.71 [Rescinded October 13, 2005]**

**104.80**

Whether or not a hearing is conducted, campuses may provide written notice to a student that his or her alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior will be subject to the disciplinary process. Evidence of the prior alleged behavior as detailed in the written notice may be introduced in a subsequent disciplinary action in order to enhance the penalty.

### **104.81**

Campuses may set forth in campus implementing regulations, policies for placing holds on requests for transcripts, diplomas, or other student records. Such holds may be placed when a student fails to respond to a campuses' written notice of charges or to prevent a student from transferring or having their degree conferred until all allegations against a student or any assigned sanctions and student disciplinary conditions have been fully resolved. Such campus implementing regulations will include processes for notifying the student of the hold, the conditions in which a hold will be removed, and the process for allowing the student to request the removal of the hold.

### **104.90**

Sanctions [for any violations of Section 102.00, Grounds for Discipline] may be enhanced where an individual was selected because of the individual's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.

## **105.00 TYPES OF STUDENT DISCIPLINARY ACTION**

When a student is found in violation of University policies or campus regulations, any of the following types of student disciplinary action may be imposed. Any sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation.

### **105.01 Warning/Censure:**

Written notice or reprimand to the student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of University policies or campus regulations may be cause for further disciplinary action, normally in the form of Disciplinary Probation, and/or Loss of Privileges and Exclusion from Activities, Suspension, or Dismissal.

### **105.02 [Rescinded May 17, 2002]**

### **105.03 Disciplinary Probation:**

A status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the student's privileges or eligibility for activities may be imposed. Misconduct during the probationary period or violation of any conditions of the probation may result in further disciplinary action, normally in the form of Suspension or Dismissal.

**105.04 Loss of Privileges and Exclusion from Activities:**

Exclusion from participation in designated privileges and activities for a specified period of time. Violation of any conditions in the written Notice of Loss of Privileges and Exclusion from Activities, or violation of University policies or campus regulations during the period of the sanction may be cause for further disciplinary action, normally in the form of Probation, Suspension or Dismissal.

**105.05 Suspension:**

Termination of student status for a specified period of time with reinstatement thereafter certain, provided that the student has complied with all conditions imposed as part of the suspension and provided that the student is otherwise qualified for reinstatement. Violation of the conditions of Suspension or of University policies or campus regulations during the period of Suspension may be cause for further disciplinary action, normally in the form of Dismissal.

A student may not transfer or register for courses at another campus or location of the University of California during the period of Suspension.

**105.06 Dismissal:**

Termination of student status for an indefinite period. Readmission to the University shall require the specific approval of the Chancellor of the campus to which a dismissed student has applied. Readmission after dismissal may be granted only under exceptional circumstances.

**105.07 Exclusion from Areas of the Campus or from Official University Functions:**

Exclusion of a student as part of a disciplinary sanction from specified areas of the campus or other University-owned, -operated, or -leased facilities, or other facilities located on University property, or from official University functions, when there is reasonable cause for the University to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

**105.08 Interim Suspension:**

Exclusion from classes, or from other specified activities or areas of the campus, as set forth in the Notice of Interim Suspension, before final determination of an alleged violation. A student shall be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus. A student placed on Interim Suspension shall be given prompt

notice of the charges, the duration of the Interim Suspension, and the opportunity for a prompt hearing on the Interim Suspension. Interim Suspension shall be reviewed by the Chancellor within twenty-four hours. If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist an individual who has been disadvantaged with respect to employment or academic status.

**105.09 Restitution:**

A requirement for restitution in the form of reimbursement may be imposed for expenses incurred by the University or other parties resulting from a violation of these policies. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student who alone, or through group or concerted activities, participates in causing the damages or costs.

**105.10 Revocation of Awarding of Degree:**

Subject to the concurrence of the Academic Senate, revocation of a degree obtained by fraud. Such revocation is subject to review on appeal by the Chancellor.

**105.11 Other:**

Other disciplinary actions, such as monetary fines, community service, or holds on requests for transcripts, diplomas, or other student records to be sent to third parties, as set forth in campus regulations.

**106.00 POSTING SUSPENSION OR DISMISSAL ON ACADEMIC TRANSCRIPTS**

When, as a result of violations of the Policy on Student Conduct and Discipline, a student is suspended or dismissed, a notation that the discipline was imposed must be posted on the academic transcript for the duration of the suspension or dismissal. Thereafter, notations of Suspension or Dismissal reflected on a student's transcript may be removed as set forth in campus regulations.

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**IV. COMPLIANCE/RESPONSIBILITIES**

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Chancellors shall adopt campus implementing regulations consistent with these *Policies*. The University shall publish these *Policies* and make them widely available, and Chancellors shall do the same with respect to the implementing regulations for their campuses. This requirement may be satisfied through the on-line publication of these *Policies* and their respective campus implementing regulations. (See also Section 13.20 of these *Policies*.)

## V. PROCEDURES

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The President shall consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and Universitywide advisory committees prior to amending these *Policies*. Chancellors shall consult with faculty, students, and staff prior to submitting to the President any campus recommendations related to proposed amendments to these *Policies*. Amendments that are specifically mandated by law, however, do not require consultation with campus representatives or Universitywide advisory committees to the extent that legal requirements do not permit such consultation. (See also Section 13.10 of these *Policies*.)

Chancellors shall consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these *Policies* that have been specifically mandated by law. Campuses shall specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised. (See also Section 13.30 of these *Policies*.)

Prior to their adoption, all proposed campus implementing regulations, including all substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these *Policies* and the law. (See also Section 13.40 of these *Policies*.)

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## VI. RELATED INFORMATION

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See also *Policies Applying to Campus Activities, Organizations and Students* sections:

- 10.00 Preamble and General Provisions
  - 11.00 Authority
  - 12.00 Applicability
  - 13.00 Development and Review of Universitywide Policies and Campus Implementing Regulations
  - 14.00 Definitions
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## VII. FREQUENTLY ASKED QUESTIONS

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Not applicable

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## VIII. REVISION HISTORY

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**August 14, 2020:** Updated to reflect the issuance of PACAOS Appendix F: Sexual Violence and Sexual Harassment Student Adjudication for DOE-Covered Conduct in response to the U.S. Department of Education Title IX regulations issued on May 6, 2020.

**March 1, 2019:** This Policy was also remediated to meet Web Content Accessibility Guidelines (WCAG) 2.0.

**University of California – Policy PACAOS-100**

**Policies Applying to Campus Activities, Organizations and Students (PACAOS)**

PACAOS 100.00 Revisions include:

- Clarification that campuses shall implement the procedures set forth in Appendix E, when a formal investigation is deemed appropriate for cases involving reports of Sexual Violence, Sexual Harassment or other conduct prohibited by the UC Policy on Sexual Violence and Sexual Harassment;
- Addition of direct references of defined prohibited conduct under UC Policy on Sexual Violence and Sexual Harassment;
- Addition of 102.26 (violations of the *SVSH Policy*) as prohibited conduct under the Policy on Student Conduct and Discipline;
- Addition of 104.81, allowing campuses to set forth campus regulations for placing holds on requests for transcripts, diplomas and other student records; and
- Modification to 105.05 Suspension, to prohibit a student from transferring or registering for courses at another UC campus or location during the period of Suspension.

**December 23, 2015:** Revised December 23, 2015 to come into line with revised UC Policy on Sexual Harassment and Sexual Violence

**June 1, 2012:** Reformatted into the standard University of California policy template

**May 10, 2012:** Revised (Replaced interim 102.09 and added 102.25)

**February 23, 2011:** Revised (Added Section 102.24 and Section 104.90)

**October 9, 2009:** Revised (102.09 and 102.11 replaced with a single interim 102.09)

**October 20, 2008:** Revised (102.05)

**October 13, 2005:** Revised (104.71 Rescinded)

**July 28, 2004:** Revised

**May 17, 2002:** Revised

**August 15, 1994:** Revised

**October 31, 1983:** Revised

**July 21, 1978:** Revised

**January 3, 1979:** Effective

**October 29, 1973:** Revised

**September 1, 1970:** Original issuance