STUDENT COMPLIANCE & CONDUCT RELATED COVID-19
September 24, 2021

OVERVIEW
This document describes recommendations for revisions to student conduct-related policies and standards, and revisions to related sanction guidelines in response to the continued impact of the novel coronavirus and its variants. These recommendations are advanced by the Office of Student Conduct, in collaboration with the Vice Chancellor – Student Affairs, Council of Provosts, Council of Deans of Student Affairs, the Directors’ Council of Residence Life, Graduate and Family Housing, the Center for Student Involvement, Housing Dining Hospitality and various other colleagues and offices.

These recommendations were presented in memorandum form to the Chancellor, approved September 8, 2021 and went into effect upon their approval.

JURISDICTION
No additional changes to the jurisdiction prescribed by the Student Conduct Procedures is recommended. The policies and standards apply to students’ conduct while on campus property, at University activities, and may be extended at the Vice Chancellor-Student Affairs’ discretion when considering the totality of the circumstances (e.g., the seriousness, the impact to the University, its objectives, or community, pattern, etc.).

COMPLIANCE STAFFING & RESOURCES
In order to effectively manage continued COVID testing compliance and newly required vaccination compliance programs for students, we created a COVID compliance team within the Office of Student Conduct’s (OSC) purview. This team will primarily focus on processing, managing, and resolving testing compliance and vaccination compliance referrals. They will also help to support the resolution of other, novel coronavirus related conduct referrals.

OSC is also creating a dedicated student COVID compliance email account to filter and answer related questions, a standalone student COVID compliance website to highlight key information and resources, and a student policy update listserv via SMS text messaging.

STUDENT CONDUCT PROCEDURES
The following revisions are recommended for the Student Conduct Procedures (Procedures).

• (Revised) Policy Statement, Section G (3)
  o “A Respondent or the Office of Student Conduct may request to have the Student Conduct Review conducted by a Review Officer rather than the Community Standards Board. All requests must be made in writing to the Director of Student Conduct or their designee prior to scheduling the Student Conduct Review. If the Director of Student Conduct or their designee grants the request, they will select a Review Officer and notify the Respondent and Student Conduct Officer prior to the Student Conduct Review.”
NOTE – The current Procedures give the option of requesting a Review Officer to the Respondent or their Student Conduct Officer. This change substitutes OSC for the Student Conduct Officer to provide greater flexibility in scheduling Reviews in a timely manner.

(Revised) Policy Statement, Section G (5) & (5a)

“Based on availability, three members, including a Chair, will be selected and scheduled by the Office of Student Conduct for a Student Conduct Review conducted by the Community Standards Board. A Student Conduct Review facilitated by the Community Standards Board may not be held with fewer than three members.”

- “Student Conduct Reviews with the Community Standards Board will be composed of three members, including at least one Student and at least one faculty and/or staff member.”

NOTE – The current Procedures provide 5 members of the Community Standards Board will be scheduled for each Review. This change will reduce the number to 3 members to alleviate scheduling issues with 5 person panels.

(Revised) Policy Statement, Section G (8a) & (8b)

“The Respondent (and Complainant, if applicable) must meet with a staff member from the Office of Student Conduct individually prior to scheduling the Student Conduct Review.

- “The purpose of the meeting is for the staff member to explain the Student Conduct Review process, key deadlines, and answer any relevant questions. The staff member will also notify the Respondent whether the matter will be forwarded to an individual or group Student Conduct Review.”

- “If the Respondent, after notice is sent by the Office of Student Conduct, does not schedule and/or attend the meeting, the Office of Student Conduct will notify the Respondent that they have 2 business days to reschedule. Absent extenuating circumstances, if the Respondent does not reschedule within the 2 business day period, they will be presumed to accept responsibility for their alleged violations. The original Student Conduct Officer will determine the Respondent’s responsibility for their alleged violations and assign sanctions (if any) based on the information in their possession without the Respondent’s participation.”

NOTE – The current Procedures do not require Respondents to attend a pre-Review meeting. We’ve seen an increased number of students not attending their pre-Review meeting and subsequently not attending their Review. This
change will help to reduce the number of Reviews where students do not participate and maximize the time of our volunteers and professional staff.

- If approved, these recommendations will be implemented in the *Procedures* on an interim basis. OSC is considering submitting these revisions for full campus comment in Spring 2022 to make them a permanent part of the *Procedures*.

**HOUSING AND RESIDENTIAL LIFE COMMUNITY STANDARDS**

We recommend that the Guests and Non-Primary Residents & Health and Safety sections of the *Housing and Residential Life Community Standards* combine COVID-19-related requirements instituted in Fall 2020 with previously utilized standards to provide flexibility based on current and future conditions. We also recognize the level of restrictions implemented depend upon campus, local, and national conditions that may worsen or improve over the course of the academic year. As such, we recommend the following language for the UC San Diego *Housing and Residential Life Community Standards* (PACAOS 102.07)

- **Guests and Non-Primary Residents:**
  
  A resident is defined as the UC San Diego-affiliated person contracted to live in University housing, or primary resident. A non-primary resident exists only in Graduate and Family Housing and is defined as the person(s) contracted to live in University housing with the resident. A guest(s) is defined as anyone not contracted to live in the residential space being visited (e.g., individual room, suite, and/or apartment). During special events (e.g., the Sun God Festival) or unique circumstances (e.g., public health concerns), additional restrictions may be implemented for guest(s) and/or non-primary resident(s).

  a. Restrictions may be placed on guest visitation to mitigate the risks associated with COVID-19 or other public health concerns, except for necessary caregivers. These restrictions may be more conservative than the Orders issued by the County, State, or Federal Health Officer, and may consider the orders in addition to guidance concerning Institutions of Higher Education, local, state, and federal law, or University policy. **Until further notice, all living areas are designated as "residents-only" communities with no guests permitted and supersede the subsections below that normally allow guests and guest visitation. The restriction on guests does not apply to necessary caregivers.**

  For the most current requirements in place, please refer to the Office of Student Conduct website at studentconduct.ucsd.edu and the Return to Learn website (returntolearn.ucsd.edu).

  b. Residents are responsible for the behavior of their guests and non-primary residents, as well any guests of the non-primary resident. Should the guest(s) or non-primary resident(s) violate any University policy or these rules, the resident may be held accountable, and their guest or non-primary resident may be asked to leave;
c. Residents must always accompany guests while in the residential community;
d. Residents must properly and accurately identify guest(s) and non-primary resident(s) to University or Public Officials upon request;
e. Undergraduate housing Residents may not host overnight guests more than six nights per quarter or three nights consecutively. Overnight guests of Graduate and Family Housing residents are permitted to stay for up to two weeks; and,
f. Guests may not sleep in any of the common rooms or public spaces.

• Health and Safety:
Students present in University owned, operated or leased facilities must not engage in conduct threatening the health or safety of any person, and must abide by any enhanced guidance imposed to mitigate the risks associated with COVID-19 or other public health concerns (e.g., physical distancing, masking, sequestration, isolation housing, etc.). These restrictions may be more conservative than the Orders issued by the County, State, or Federal Health Officer and may consider the orders in addition to guidance concerning institutions of Higher Education, local, state, and federal law, or University policy. For the most current requirements in place, please refer to the websites for Student Covid Compliance (studentcovidcompliance.ucsd.edu) or Return to Learn (returntolearn.ucsd.edu).

SANCTIONING & COMPLIANCE METHODS
We recommend that the current progressive sanctioning and compliance guidelines for COVID-19 related violations be maintained as they are well equipped for addressing vaccination compliance violations. The guidelines have been updated to address vaccination compliance violations. The updated recommended sanctioning guidelines are as follows:

• First time low-level violations
  o Sanctions
    ▪ Probation (minimum one quarter)
    ▪ Reflection/Research Paper
    ▪ Other – submit proof of COVID-19 testing (proof of vaccination); submit proof of timely exemption request (exemption requests)

  o Violation examples
    ▪ Hosting a small sized gathering (e.g., 2 guests or fewer) in campus residential facilities
    ▪ Not following applicable physical distancing guidelines
    ▪ Not wearing a face covering inside University owned, operated and leased facilities, including housing, except as otherwise directed

  • Mid-level violations; Repeat low-level violations
Sanctions

- Probation (minimum one year) or Formal Warning if there are mitigating factors (testing non-compliance)
- Practical Decision Making Assessment and Reflection
- Other - submit proof of COVID-19 Testing (testing non-compliance);

Violation examples

- Hosting a medium-sized gathering (e.g., 3 – 9 guests) in a campus residential space
- Failing to complete required, regular COVID-19 testing
- Failing to complete testing after receiving notice of positive wastewater detection or as otherwise directed by Student Health Services
- Failing to respond to requests and directives from Student Health or Contact Tracing
- Failing to submit required proof of vaccination or submit an exemption request by the required deadlines/ non-compliance with the UC system wide COVID vaccine mandate

Egregious violations; repeated noncompliance; repeated mid-level violations

Sanctions

- Probation (tenure) (repeated mid-level violations) or suspension/expulsion (egregious violations or repeated noncompliance)
- Exclusion from campus areas or University Activities
- Practical Decision Making Assessment and Reflection or other educational sanction.
- Other - submit proof of COVID-19 Testing (testing non-compliance);

Violation examples

- Being present on campus or attending University Activities while knowingly in violation of the vaccine mandate
- Failing to respond to request or directives by Student Health or Contact Tracing
- Failing to comply with required, non-pharmaceutical interventions (e.g., wearing a facial covering, maintaining 6’ physical distance, etc.) while on campus when (1) pending an exemption request decision, (2) approved for exemption, (3) denied exemption and obtaining full vaccination status, or (4) as otherwise directed or required by University Officials or University policy.
- Forcibly removing another person’s face covering without that person’s consent
- Hosting a large-sized gathering (e.g., 10 or more guests) in a campus residential space or off-campus residence
- Intentionally coughing on another person(s) or property
- Intentionally disregarding physical distancing and sanitation guidelines related to preventing the spread of COVID-19
- Knowingly or intentionally disregarding a quarantine directive
- Submitting fraudulent/ forging fake vaccine status information or other proof of compliance (e.g., symptom screener)

In addition to the progressive sanctioning structure above, we believe the Winter Quarter registration holds that will be placed for vaccination non-compliance will be an effective mechanism for securing compliance. When students realize that they are unable to register for classes, it should create a powerful incentive to comply with the system wide mandate.

OTHER INTERVENTIONS
We explored other interventions to the sanctions and compliance methods listed above, including regulating the point of entry at specific buildings and services (e.g., Geisel Library), withholding posting of student grades, and restricting web access to resources (e.g., Triton Link). After consulting with subject matter experts in these areas, current infrastructure was determined not to be able to support these processes as currently constituted. Significant resources, time and preparation would be necessary to implement these interventions. Accordingly, implementation would not be possible for Fall Quarter 2021.

VACCINATION MANDATE ESCALATION STEPS

1. The list of students not in compliance with the mandate is finalized by September 24, 2021 at 12:00pm.

2. On September 24, 2021 (before 2pm) or September 27, 2021, Vice Chancellor – Student Affairs Dr. Alysson Satterlund and Interim Executive Director of Student Health and Well-Being Dr. Angela Scioscia send joint reminder letter to students not in-compliance with mandate. Students will have until September 29th, 2021 to respond and/or get into compliance. This letter will lay out the progressive steps being used, including referral to OSC, Winter Quarter registration holds, and Winter Quarter disenrollment.

3. On (or around) September 30, 2021, students not in compliance by close of business will be referred to OSC for resolution meetings. Goal of student conduct referrals and resolution meetings is to get students in compliance with mandate (similar to testing non-compliance last year).

4. If students are not compliant by November 1, 2021, a Winter Quarter registration hold will be placed by Student Health Services on student accounts. The goal of the registration hold is for students to get into compliance. They have until end of Fall quarter to come into compliance and clear the hold from their account. Hold will be lifted when students get into compliance and students will be able to attempt to enroll in classes/get on wait lists.

5. If students are not compliant by end of Fall quarter, they will be disenrolled from Winter Quarter. Holds will be lifted when students get into compliance and students may be able to enroll in classes/get on wait lists depending on timing in the quarter.