

102.28 Temporary Provisions, Misconduct Related to COVID-19

These provisions are adopted as required in order to implement mandatory public health requirements for the operation of higher education instruction and residential activities published by the State of California. These provisions are intended to apply only during the COVID-19 pandemic. These provisions shall remain in effect until rescinded by the Vice Chancellor for Student Affairs of the Berkeley campus.

For the purposes of these temporary provisions only, a “Student Organization” means any of the following as defined in the Berkeley Campus Regulations: A Registered Campus Organization; or a Sponsored Campus Organization; or an Affiliated Campus Organization. The term “Student Organization” also means any student group that has a formal affiliation agreement with or is formally recognized by the campus.

Student Organizations may not organize any meetings of (or sponsored by) the Student Organization, or any other gathering, either on campus or off campus unless University approval for a participatory activity has been granted by the Events Recovery Committee. A meeting (or gathering) is an in-person assembly (not remotely through an electronic medium) of two or more people, who do not reside in the same household. The use of social distancing and/or face coverings during a gathering or meeting, or holding the gathering or meeting in an outdoor location, does not make the meeting or gathering permissible. Student activities organized by Student Organizations may not be held in-person unless University approval for a participatory activity has been granted by the Events Recovery Committee. The potential sanctions for a violation of this provision by a Student Organization are set forth in Section 105.11(h).

Individual students residing in campus-operated housing must adhere to all COVID-19 related rules and instructions set forth in the Residential Code of Conduct and Bear Necessities Guide to Residential Living, and as otherwise communicated to students in writing, and as orally directed by residential life staff.

While on campus property, students must adhere to all COVID-19 related rules and instructions communicated to students in any form, including but not limited to: in writing (which will generally be sent to the email address that the student designated to the campus as the student’s email address), as posted outdoors, as posted at the entrances to and/or within buildings, or as orally directed by a University official.

As described below, students who cooperate with public health measures and serious misconduct investigations will not be disciplined pursuant to this provision. The University will not use information obtained through contact tracing to impose discipline pursuant to this provision. The University may decide not to pursue disciplinary sanctions for alleged violations of this provision based upon students’ cooperation with contact tracing. The decision to issue a notice of violation will depend on a number of factors including, but not limited to the seriousness of the incident. An individual who participates as a complainant or witness in an investigation of sexual violence or sexual harassment or other serious misconduct will not be subject to disciplinary sanctions for a violation of this provision at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk.