



Withdrawal of Consent to Remain on University Property

Responsible Official:	Assistant/Associate Chancellor and Chief of Staff to the Chancellor (ACCOS)
Responsible Office:	Office of the Chancellor
Issuance Date:	August 14, 2025
Effective Date:	August 14, 2025
Summary:	Implementing procedures of Penal Code Sections 626.4(a) and 626.6 on University Property for the University of California, Merced campus.
Scope:	Campus Affiliates (students and employees) and Non-Affiliates

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I. POLICY SUMMARY

The Withdrawal of Consent to Remain on University Property 626 Policy works in concert with UC Merced's Policy on Expressive Activities to ensure that constitutionally protected speech, assembly, and protest can occur in a manner that respects both individual rights and the university's obligation to maintain a safe and functional learning environment. While the Expressive Activities Policy affirms the right to free speech and outlines time, place, and manner guidelines for demonstrations and assemblies, the 626 Policy provides standards for identifying and addressing conduct that rises to the level of substantial disruption. Together, these policies uphold the university's commitment to freedom of expression while clarifying expectations for behavior that protects the rights, safety, and access of all members of the campus community.

California Penal Code Section 626.4(a) authorizes the chief administrative officer (Chancellor) of a campus or a person designated by that officer to issue an order summarily barring any Campus Affiliate

from University Property upon "reasonable cause to believe that such person has willfully Disrupted the orderly operation of the campus." If the individual fails to leave or willfully and knowingly re-enters University Property during the period in which consent has been withdrawn (not to exceed 14 days), they are guilty of a misdemeanor.

California Penal Code Section 626.6 authorizes the chief administrative officer (Chancellor) or a person designated by that officer to direct a Non-Affiliate (person other than a student, officer, or employee) to leave University Property where there is reasonable cause to believe "such person is committing any act likely to interfere with the peaceful conduct of activities of such campus or facility, or has entered such campus or facility for the purpose of committing any such act." If the individual fails to leave or willfully and knowingly re-enters University Property during the period in which consent has been withdrawn (not to exceed 7 days), they are guilty of a misdemeanor.

The policy and procedures below represent implementing procedures of Penal Code Sections 626.4(a) and 626.6 on University Property for the University of California, Merced campus.

All exclusion decisions will be documented and reviewed in a manner that ensures transparency and accountability. Annual summary reports of exclusion orders will be provided to a relevant oversight committee.

UC Merced affirms its commitment to the principles of academic freedom, freedom of expression, and civic engagement. This policy shall not be used to suppress lawful protest or constitutionally protected speech. Enforcement will be guided by principles of fairness, due process, and respect for the university's mission as a public institution.

II. DEFINITIONS

Section 626.4: [California Penal Code Section 626.4](#) refers to Campus Affiliates, includes a 14-day withdraw of consent and allows for a hearing.

Section 626.6: [California Penal Code Section 626.6](#) refers to Non-Affiliates, includes a 7-day withdraw of consent and no hearing is afforded.

Campus Affiliate: A student, employee, or official of the University of California, Merced.

Campus Non-Affiliate: Any individual who is not a current student, employee, or official of the University of California, Merced.

Disrupt: Any physical or non-physical interference, obstruction, or interruption—including but not limited to forcible actions, sustained noise, or digital interference—that causes or incites a substantial and material disruption incompatible with the peaceful, safe, or orderly functioning of the university. Disruption may occur through conduct that impedes university operations, prevents participation in university activities, or undermines the rights of others to access university programs and services.

Excluded Individual: Any Campus Affiliate or Non-Affiliate from whom consent to remain on University Property has been withdrawn.

Notice Provider: An individual who is designated by the Chancellor via this policy the authority and responsibility to issue notices to withdraw consent to remain on University Property in accordance with this policy.

Notice Reviewer: An individual who is designated by the Chancellor via this policy the authority and responsibility to act on behalf of the Chancellor to review and act upon any written Report of Exclusion Order received from Notice Provider in accordance with this policy.

Report of Exclusion Order: A written report submitted by a Notice Provider to the Chancellor or a Notice Reviewer that describes the circumstances by which an exclusion order was issued.

University Property: Any university-owned, -operated or –leased property, including all university grounds and structures or such other property as shall be designated as property subject to University policy.

III. POLICY TEXT

1. A person may be excluded from the campus pursuant to Penal Code Section 626.4 or 626.6 only when the person's conduct and/or words are such as to constitute, or to incite to, a substantial and material physical Disruption incompatible with the peaceful functioning of the academic institution and of those upon its campus.

2. Summary exclusion from the campus without a pre-exclusion hearing is authorized only when there is reasonable cause to believe the Excluded Individual has committed acts illegal under other statutes. Such unlawful acts may include, but are not limited to, assault, battery, physical obstruction of ingress or egress, refusal to leave a public building upon request after its regular closing, destruction of property, incitement or participation in a riot, remaining at the scene of a riot after a lawful warning to disperse, resisting a police officer, possessing a firearm and/or ammunition on campus, concealment or malicious possession of explosives, arson, or attempted arson, possession of an incendiary or fire-bomb, and physical intimidation of students and professors seeking to attend classes. This provision shall only apply when an individual's continued presence contributes to a substantial and material disruption or safety hazard, beyond mere participation in a peaceful assembly.
3. Under Section 626.4, Disruptive Campus Affiliates whose presence on University Property does not pose a risk of significant injury to persons or property are entitled to a hearing before an exclusion order can take effect. In contrast, Disruptive Campus Affiliates whose presence on University Property does represent a risk of significant injury to persons or property may be excluded before a hearing takes place. If an exclusion order is issued without a hearing, a post-exclusion hearing must be held as soon as reasonably possible, not later than seven days following a request by the Excluded Individual. In all other cases, a pre-exclusion hearing is necessary.

IV. RESPONSIBILITIES

A. NOTICE PROVIDERS: INITIAL WITHDRAWAL OF CONSENT

The Executive Vice Chancellor & Provost (EVC/P), Vice Chancellor of Student Affairs and Engagement (VCSAE), the Chief of Police and the Assistant/Associate Chancellor and Chief of Staff (ACCOS) to the Chancellor are charged with maintaining order on the UC Merced campus in accordance with procedures outlined above, based on the California Supreme Court's interpretation of Section 626.4 and upon Section 626.6. The Chancellor has designated the individuals in these roles as Notice Providers with the authority and responsibility to issue notices of withdrawal of consent to remain on University Property in accordance with this policy. The Chancellor has further delegated to the Chief of Police the authority to designate sworn officers within the Police Department to provide the notice and

direction outlined in Section 626.4 and Section 626.6. These authorities may not be further designated.

B. NOTICE REVIEWERS: CONFIRMATION OF WITHDRAWAL OF CONSENT FOR EXCLUSION UNDER 626.4 (WITHIN 24 HOURS OF INITIAL NOTIFICATION)

The Executive Vice Chancellor & Provost (EVC/P), or in their absence the Assistant/Associate Chancellor and Chief of Staff (ACCOS) to the Chancellor, are designated by the Chancellor as Notice Reviewers with the authority and responsibility to review written Reports of Exclusion Orders received from Notice Providers other than themselves. These authorities may not be further designated.

V. PROCEDURES

A. PROCEDURES FOR AFFILIATES (SECTION 626.4)

1. Summary Exclusion Without a Hearing in Cases Which Involve Risk of Significant Injury to Persons or Property

- a. Any Campus Affiliate disrupting normal university activities may have consent to remain on campus summarily withdrawn under Penal Code Section 626.4 if
 - i. the Campus Affiliate's conduct willfully and substantially Disrupts the orderly operation of the campus and
 - ii. there is reasonable cause to believe the conduct is illegal under criminal statutes other than Section 626.4.

For example, Campus Affiliates may be excluded from the campus under Section 626.4 for the following types of behavior when the behavior has resulted in a substantial and material physical Disruption: assault, battery, remaining at the scene of an unlawful assembly after a lawful warning to disperse, criminal trespass, physical intimidation of students or employees, resisting a police officer, possession of weapons, intent to riot and destruction of property, disturbing the peace, etc.

- b. The Campus Affiliate being given notice of withdrawal of consent to remain on University Property shall be issued a Notice of Immediate Exclusion, including written notice of the period of exclusion and of their right to submit a written request to the Chancellor or Notice Reviewer for a prompt hearing concerning the exclusion.
- c. Within 24 hours after the Campus Affiliate is excluded from University Property, the Notice Provider shall submit a completed Notice of Immediate Exclusion and a written Report of Exclusion Order to the Notice Reviewer. The Report of Exclusion Order shall contain the following:
 - i. a statement of facts that gave rise to the exclusion order,
 - ii. a description of the Excluded Individual for whom consent was withdrawn, including, if available, the person's name, address, and telephone number,
 - iii. a statement by the Notice Provider that the situation was an exigent one and that the continued presence on the campus of the Excluded Individual constituted a substantial and material threat of significant injury to persons or property.
- d. The Notice Reviewer will review the Report of Exclusion Order and enter written confirmation of the withdrawal of consent. If the Notice Reviewer finds upon reviewing the Report of Exclusion Order that there was a physical or forcible interference, interruption or obstruction with the normal university activities, that is, that the conduct of the Excluded Individual was such as to constitute, or incite to, substantial and material physical Disruption incompatible with the peaceful functioning of the campus and of those upon the campus, the Notice Reviewer may enter written confirmation of the withdrawal of consent. Such confirmation must be made within 24 hours after the Campus Affiliate is excluded from University Property.
- e. The Excluded Individual may make a written request for a hearing within the two-week period of exclusion by contacting the Chief of Staff to the Chancellor, or by calling 209-228-4417.

- f. The Chief of Staff to the Chancellor shall grant the request for a hearing to be held not later than seven days following the request by the Excluded Individual and shall email a notice identifying the hearing officer, time, date, and place of the hearing.
- g. The Notice Reviewer shall reinstate consent to enter the campus when there is reason to believe that the presence of the Excluded Individual will not constitute a substantial and material threat to the orderly operation of the campus.
- h. In no case shall consent be withdrawn for longer than 14 days from the date on which the consent was initially withdrawn.

2. Exclusion With Prior Hearing in Cases Which Do Not Involve Risk of Significant Injury to Persons or Property

- a. If exclusion from University Property is not to take place until after a hearing, the Chief of Staff to the Chancellor shall appoint a hearing officer who shall conduct a hearing on exclusion as expeditiously as possible. A written notice should be sent by email to the individual recommended for exclusion informing them of the proposed exclusion, identity of the hearing officer, and date, time, and place of the hearing.
- b. In the event that the individual fails to exercise their right to participate in the hearing, the hearing may proceed in the individual's absence so long as it is held at least 48 hours after the delivery of the email notice. The hearing officer may reschedule the hearing for good cause.
- c. If the hearing officer sustains the exclusion, they should determine its duration, which may not exceed 14 calendar days from its implementation. If possible, the hearing officer should notify the individual proposed for exclusion of their decision at the conclusion of the hearing; if not, they should notify the individual proposed for exclusion about their decision as soon as possible by having the notification delivered or sent by email.

B. PROCEDURES FOR NON-AFFILIATES (SECTION 626.6)

1. Under Section 626.6, the Notice Provider may direct a Non-Affiliate to leave University Property for a period of up to seven days where there is reasonable cause to believe that the individual is committing an act likely to interfere with the peaceful conduct of campus activities or has entered University Property for the purpose of committing any such act.
2. Non-Affiliates excluded under Penal Code Section 626.6 shall be issued a Notice of Immediate Exclusion from UC Merced for Non-Affiliates. No confirmation of withdrawal of consent is required.
3. Non-Affiliates excluded from University Property under Section 626.6 have no right to a hearing concerning the exclusion.
4. Section 626.6 provides that a Non-Affiliate entering University Property after being excluded is guilty of a misdemeanor.

VI. REFERENCES AND RESOURCES

State Laws and Regulations

- [California Penal Code §§ 626-626.11](#)

UC Policies

- [Regulations Governing Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California](#)
- [UC Merced Student Handbook: Policies Applying to Campus Activities, Organization, and Students \(PACAOS\)](#)
- [UC Merced Policy on Expressive Activities and Assembly: Protests, Demonstrations, Non-University Speakers and Signage on Campus and in University Facilities](#)

VII. REVISION HISTORY

Date	Action/Summary of Changes
August 14, 2025	Interim policy revised and issued in final. Revisions include:

Date	Action/Summary of Changes
	• a narrowed definition of “Disrupt” to ensure it does not unintentionally encompass peaceful protest • clarified language around “unlawful assembly” to avoid chilling free expression • definitions for “Campus Affiliate” and “Campus Non-Affiliate” • revised ambiguous legal phrasing • affirmation of our institutional commitment to academic freedom and freedom of expression through a new Statement of Principles.
March 7, 2025	Memo superseded and Interim Policy issued
2013	Memo issued by Chancellor Leland

VIII. APPENDICES

APPENDIX 1 – [Notice of Immediate Exclusion from UC Merced \(Student or Employee\)](#)

APPENDIX 2 – [Notice of Immediate Exclusion from UC Merced \(Non-Affiliate\)](#)

APPENDIX 3 – [Report of Exclusion Order](#)

APPENDIX 1 – NOTICE OF IMMEDIATE EXCLUSION FROM UC MERCED (STUDENT OR EMPLOYEE)

Name of Excluded Individual: _____

Date of Birth: _____ Phone: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

You are hereby notified by the undersigned, an officer designated by the Chancellor to maintain order at UC Merced, that you have been excluded from University Property for 14 calendar days, effective immediately, pursuant to section 626.4 of the California Penal Code.

Beginning (date/time) _____ **Ending (date/time)** _____

You are further notified that if (a) you fail to leave University Property immediately or (b) you return to University Property within 14 calendar days of this notice without the express written permission of the Chancellor or their designee, you may be arrested and charged with a misdemeanor.

If you are found guilty, you may be subject to a fine or imprisonment, pursuant to section 626.4 of the California Penal Code. You may also be subject to University disciplinary action. For this purpose University Property includes all property owned or controlled by University of California, Merced, through the Regents of the University of California.

You are entitled to a hearing concerning this summary exclusion from University Property. You must request this hearing within the 14-day exclusion period. If you wish to have a hearing, contact the Chief of Staff to the Chancellor or call 209-228-4417. Arrangements will be made for you to have a hearing within seven days of receiving your request. You will be notified of the identity of the hearing officer and the date, time, and location of the hearing.

Reason for the withdrawal of consent (summary to include date, time, place, and circumstances):

(Use an additional page if needed to fully explain circumstances. Attach photo of Excluded Individual, if available.)

Excluded Individual's Signature

Date/Time

Case/Incident Report # if Issued by Police Dept

Notice Provider (If Police, Issuing Officer's Name & Badge Number)

Notice Provider Signature

Date/Time

If Notice Provider is Police, Approving Police Administrator Signature (or indicate "approval obtained by phone")

CC: Chief of Police
EVC/P
Chief of Staff to Chancellor
Chair, Behavioral Intervention Team

APPENDIX 2 – NOTICE OF IMMEDIATE EXCLUSION FROM UC MERCED (NON-AFFILIATE)

Name of Excluded Individual: _____

Date of Birth: _____ Phone: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

You are hereby notified by the undersigned, an officer designated by the Chancellor to maintain order at UC Merced, that you have been excluded from University Property for 7 calendar days, effective immediately, pursuant to section 626.6 of the California Penal Code.

Beginning (date/time) _____ **Ending (date/time)** _____

You are further notified that if (a) you fail to leave University Property immediately or (b) you return to University Property within 7 calendar days of this notice without the express written permission of the Chancellor or their designee, you may be arrested and charged with a misdemeanor.

If you are found guilty, you may be subject to a fine or imprisonment, pursuant to section 626.6 of the California Penal Code. For this purpose University Property includes all property owned or controlled by University of California, Merced, through the Regents of the University of California.

Reason for the withdrawal of consent (summary to include date, time, place, and circumstances):

(Use an additional page if needed to fully explain circumstances. Attach photo of Excluded Individual, if available.)

Excluded Individual's Signature

Date/Time

Case/Incident Report # if Issued by Police Dept

Notice Provider (If Police, Issuing Officer's Name & Badge Number)

Notice Provider Signature

Date/Time

If Notice Provider is Police, Approving Police Administrator Signature (or indicate "approval obtained by phone")

CC: Chief of Police
EVC/P
Chief of Staff to Chancellor
Chair, Behavioral Intervention Team

APPENDIX 3 –REPORT OF EXCLUSION ORDER

On _____, Notice Provider _____,
Date of Withdrawal of Consent Name/Title of Notice Provider (EVC/P, VCSAE, Chief of Police, Chief of Staff to Chancellor)
who had been designated authority from Chancellor Muñoz, withdrew consent
for _____ to remain on University Property.
Name of Excluded Individual

In accordance with Cal. Penal Code § 626.4(b), I am providing the following information about the withdrawal of consent.

Description of the Excluded Individual

Date of Birth: _____ Phone: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Statement of the facts giving rise to the withdrawal of consent. (to include date, time, place, and circumstances) (Use an additional page if needed to fully explain. Attach photo of Excluded Person, if available):

For Use by Notice Reviewer:

I have reviewed the above written report within 24 hours of the withdrawal of consent, including the underlying facts, and have determined that there ☐was ☐was not reasonable cause to withdraw consent.

Name/Title of Notice Reviewer (EVC/P, Chief of Staff to Chancellor, Chancellor)

Signature of Notice Reviewer

Date/Time

CC: Chief of Police

Chief of Staff to Chancellor

Chair, Behavioral Intervention Team