

## INTERIM ADMINISTRATION OF STUDENT CONDUCT

*(Reference: UC Systemwide PACAOS 100.00)*

### **600.00 Introduction**

Honesty, fairness and respect are essential to learning, teaching and research, and to maintaining a productive and safe campus environment. As members of our academic community and of society at large, UC Merced students are held to the high standards of conduct set by the University of California and the campus, as well as to general requirements of law. UC Merced students are expected to uphold these standards in all their academic and extracurricular activities.

UC Merced conduct procedures are intended to promote reasoned, fair, and impartial consideration of suspected student misconduct, with respect for the rights and interests of all concerned: the accused student, the reporting party, and the University.

### **601.00 Student Conduct and the Administration of the Student Conduct System**

#### **601.10 The Office of Student Rights and Responsibilities**

UC Merced has designated the Office of Student Rights and Responsibilities (OSRR) to administer the student conduct system for academic and non-academic misconduct, recognizing that centralized authority, responsibility and record-keeping are essential to a balanced and impartial student conduct process. OSRR reviews and resolves reports of suspected violations of standards of student conduct and cases of academic integrity. OSRR determines jurisdiction, maintains confidential conduct records, and administers the administrative resolution, alternative resolution, and formal fact-finding hearing processes.

#### **601.20 Delegation of Authority**

Authority for student conduct at UC Merced is delegated from the Chancellor to the Vice Chancellor for Student Affairs and Engagement to the Associate Vice Chancellor for Student Affairs and Engagement and the Director of Student Involvement and the Office of Student Rights and Responsibilities (OSRR). The Director, and the OSRR staff under the Director's supervision, have authority to impose conduct sanctions. All conduct action taken by the Director, other OSRR staff, or any hearing body or hearing officer, operates by delegation of the Chancellor's authority.

#### **601.30 Overview of Process**

The overview of the process for academic or non-academic alleged policy violations will be resolved through the process outlined later in this section of the handbook. The process

outlined is based on [PACAOS Appendix H: Student Conduct Investigation and Resolution Framework](#). Whenever possible, students will go through an Alternative or Administrative Resolution approach to policy violations. When either of those options are not possible, a formal hearing will ensue.

## **602.00 Reporting Suspected Student Misconduct**

### **602.10 Reporting Suspected Misconduct to the Office of Student Rights and Responsibilities**

Suspected student misconduct falling within OSRR's jurisdiction should be reported in writing to OSRR. Reports should include the following, if known: the accused student's name and identifying information, the nature of the suspected violation, a description of the circumstances, including the date of the incident, names of witnesses, copies of supporting documents, and how to reach the reporting party (report forms are available online or in the Office of Student Rights and Responsibilities).

### **602.20 Response to Alleged Misconduct**

#### Initial Assessment

As soon as practicable after receiving a report alleging student misconduct, and typically within thirty (30) business days from receipt of all necessary information, OSRR shall conduct a preliminary assessment to determine whether the report falls within the scope of these procedures and whether the allegations, if true, may constitute a policy violation.

#### Notice of Allegations

If a policy violation may have occurred, the student will receive a written Notice of Allegations, which will include information related to the procedures for resolution. The student shall be informed of the alleged misconduct, the specific policy or policies allegedly violated, and of the opportunity to review the information submitted that is directly related to whether a policy violation has occurred. A copy of the campus implementing regulations implementing these procedures shall be provided to the student.

A student charged with a violation of the Policy on Student Conduct and Discipline shall be informed of their right to an advisor (see section 602.20 for more information on advisors) when they receive the Notice of Allegations.

#### Advisory Notice

As an alternative to resolving the alleged policy violations of the Policy on Student Conduct and Discipline, OSRR may issue a written notification to a student that the student's alleged

behavior, if it occurred, would have violated University policy, and could have been subject to the conduct process. The Advisory is not a determination that the allegations are true, does not result in a conduct record, and therefore is not appealable. However, the alleged behavior as detailed in the Advisory may be introduced in a subsequent conduct process for the purpose of establishing that the student was advised that such behavior violated University policy. OSRR may issue an Advisory Notice in cases where alleged misconduct suggests a violation, but information is limited or may be inconclusive or incomplete. Normally, the issuing of an Advisory Notice will close the matter, however, should additional relevant information be discovered in the future the matter may be reopened.

### Interim Actions

Consistent with *PACAOS 707.00*, the University may take Interim Actions before a final determination of an alleged violation.

### Advisors

At all stages of this process, the student has the right to an advisor. A student may select an advisor of their choosing or request the University to provide them one. The advisor may be any person (including an advocate, attorney, friend, or parent), except a person with information relevant to the alleged policy violation.

1. The advisor's primary role is to provide guidance to the student throughout the process. The advisor may not speak on behalf of the student at any time in the conduct process.
2. Advisors may not disrupt any meetings or the process in any manner. At all stages of the process, advisors must comply with the expectations within these procedures for participants in this process. The University reserves the right to exclude an advisor who does not abide by these procedures.
3. All communication with OSRR must come from the student; an advisor cannot communicate with OSRR on the student's behalf.
4. In the interest of expediency, the student conduct process may not be delayed due to the unavailability of an advisor.
5. The advisor selected by the student or provided by the University will have access to training provided by the University regarding its procedures for student conduct investigation and resolution.
6. A student may give written permission for the advisor to be copied on OSRR's communications to the student during the investigation and resolution process.

### Investigation Process

Allegations of misconduct will be investigated by OSRR or their designee. OSRR will offer a meeting for the purpose of explaining the alleged violation(s), discussing information that was received in relation to the allegation(s), and providing the student with an opportunity to respond

to the allegation(s) and to present any information that may assist in the investigation and resolution of the case.

OSRR will review the facts and information available and shall determine, based on the preponderance of the evidence, whether it is more likely than not the student violated University policy.

All investigations shall be conducted promptly, generally within sixty (60) to ninety (90) business days of issuing a Notice of Allegations, unless there is good cause for an extension. The investigation timeframe is concluded when an Administrative Resolution has been issued by OSRR. The investigation timeframe may also be concluded if an Alternative Resolution process is initiated.

### Participation

If the student fails to respond or chooses not to participate by the deadlines provided by OSRR in the investigation and resolution process (including a formal hearing when required), OSRR may proceed in the student's absence. Appropriate outcomes may be applied unilaterally. OSRR may proceed with the investigation and resolution process even if the student is subject to concurrent University processes, criminal, or civil proceedings.

The student is not required to participate in the conduct process outlined in these procedures. The University will not draw any adverse inferences from a student's decision not to participate or to remain silent during the process. The OSRR Hearing Officer or Hearing Body, in the investigation or the hearing respectively, will reach findings and conclusions based on the information available.

When a student selectively participates in the process – such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other information gathered in the investigation – the OSRR Hearing Officer or Hearing Body may consider the selective participation in evaluating the student's credibility. In doing so, they should try to discern reasonable non-adverse explanations for the selective participation, including from the student's own explanations, and determine whether the information available supports those explanations.

### Standard of Proof

The standard of proof for factfinding and determining whether a policy violation(s) occurred is preponderance of evidence. A preponderance of evidence is defined as “more likely to be true than not”.

### Disability-Related Accommodations

OSRR will consider requests from the student and witnesses for disability-related accommodations.

### Language Interpretation

OSRR will consider requests from the student and witnesses for language interpretation.

### Extension of Timelines

OSRR's Hearing Officer or designee may extend any timelines contained in these procedures for good cause shown and documented. Good cause is defined for purposes of these procedures as significant or unforeseen circumstances that impede completion of the process within the projected timeframe.

## **603.00 Resolution Pathways**

The following resolution pathways are available generally as an outcome of the OSRR Investigation Process. A determination on which resolution pathway will be followed will typically be made within the sixty (60) to ninety (90) business day investigation timeframe.

### **Closure – No Responsibility or Insufficient Information**

If the OSRR's Hearing Officer's determination is that the student is not responsible for violating University policy, or if there is insufficient information to make a determination, OSRR will notify the student accordingly and may issue an Advisory Notice or take no further action.

### **Alternative Resolution**

At any point during the process, OSRR may offer an Alternative Resolution option (e.g. mediated dialogue, restorative justice, educational agreement), subject to the following conditions:

1. The student does not dispute the facts relevant to whether the policy violation occurred, and/or acknowledges responsibility.
2. All involved parties who are willing to participate in any process, including any impacted individuals, consent in writing to participate. The OSRR Hearing Officer will determine who is an "involved party".

Not all allegations are eligible for Alternative Resolution. The OSRR Hearing Officer or designee is responsible for making the final decision regarding whether or not Alternative Resolution is appropriate and may change their determination if additional information is received.

Upon acceptance of the Alternative Resolution Agreement, the student waives the right to a hearing and appeal. The Agreement will be in writing and likely include educational or restorative components. Records of Alternative Resolution will be maintained as a non-disciplinary record (unless otherwise agreed to within the resolution plan), but failure to accept the Agreement or to comply with the terms of the Agreement may lead to a cancellation of the Alternative Resolution Agreement and a return to the investigation and/or resolution process.

OSRR will complete the Alternative Resolution process typically within thirty (30) to sixty (60) business days of notifying the student in writing of the beginning of the process. However, OSRR may extend past sixty (60) business days for good cause.

### **Administrative Resolution**

If the OSRR Hearing Officer has determined that the student is responsible for violating University policy, OSRR will determine what sanction and/or University action should be taken and will issue an Administrative Resolution.

1. If the student accepts the Administrative Resolution, the outcome is final, and no hearing or appeal will follow.
2. If the student does not accept the Administrative Resolution and:
  - a. The Administrative Resolution does not include suspension or dismissal, the student may elect to appeal the Administrative Resolution finding(s) and/or sanction(s) within ten (10) business days of the issuance of the Administrative Resolution, via written communication to the Director of the Office of Student Rights and Responsibilities. The student may appeal on the grounds described in this section. The appeal should identify the reason(s) why the student is challenging the Administrative Resolution under one or more of the following:
    - i. new information not available at the time of the investigation, the absence of which can be shown to have materially affected the outcome;
    - ii. there was a procedural error in the process that materially affected the outcome;
    - iii. the proposed sanction is disproportionate given the findings of the fact.
  - b. The Administrative Resolution includes suspension or dismissal, the student may elect to contest OSRR's determination of responsibility by proceeding to a Formal Hearing (see 603.00 Section D for more information). Within five (5) business days of the issuance of the Administrative Resolution, the student must indicate via written communication to OSRR or their designee if they wish to contest OSRR's determination of responsibility.

- c. If the Administrative Resolution includes suspension or dismissal, and the student accepts responsibility for the policy violation, but wishes to appeal the sanction (suspension or dismissal), they may submit a written appeal on only one ground, that the proposed sanction is disproportionate given the findings of fact. Within five (5) business days of the issuance of the Administrative Resolution, the student must indicate via written communication to OSRR if they wish to accept responsibility for the policy violation, but appeal the sanction. The student will have an additional five (5) business days to submit their written appeal to OSRR identifying the reason(s) why the student is challenging the proposed sanction.

When an appeal is permitted under the procedures outlined above, the implementation of sanctions will be deferred pending the outcome of the appeal. OSRR may submit a written response to the designated appeal body within seven (7) business days of receiving a copy of the appeal. Absent good cause for an extension, the appeal body will issue a written decision to the student within twenty (20) business days of receiving the appeal and all related documents. The decision of the appeal body is final.

Following the issuance of the Administrative Resolution, if the student does not respond within the timelines listed above, the outcome is final, and no hearing or appeal will follow.

### **Formal Hearing**

When the outcome of the Administrative Resolution includes suspension or dismissal, and the student has contested OSRR's determination of responsibility, the case will proceed to a formal hearing.

#### Purpose and Nature of the Hearing

A formal conduct hearing, consistent with the University's educational mission, is a process whereby members of our academic community – students, faculty, and staff – meet to make determinations of fact. It is not a court proceeding. The goal is to find the truth through a fair, prompt, and effective process, respecting and preserving the rights of the accused student, the University community, the reporting party and any witnesses.

#### Procedures

Written Notice: A designated representative from OSRR will convene the Hearing Board and notify the student in writing of the date, time and place of the hearing. The notice will include a brief statement of the factual basis of the charges and the University policies or campus regulations allegedly violated. This notice will be sent to the student no later than ten (10) business days prior to the date of the hearing.

Fair Hearing: The hearing will occur within a reasonable time frame and the University shall bear the burden of proof. During the hearing the student will have the opportunity to present documents and witnesses and to question witnesses presented by the University. Hearings should take no longer than sixty (60) to ninety (90) business days unless there is good cause for extension.

Hearing Protocol: The designated representative from the Office of Student Rights and Responsibilities will advise both the Board and the student concerning the protocol and procedures to be followed in the hearing. The designated representative will forward all necessary documents relevant to the hearing, and will only be involved in the hearing process in an administrative role, other than serving as a witness, if called.

Record of Hearing: A record of the hearing, a written decision based upon the preponderance of the evidence that includes a summary of the relevant facts and a conclusion for each alleged policy violation, sanctions, if applicable, and information about the right to appeal within twenty (20) business days of the hearing.

### The Hearing Board

The Hearing Board is a panel, normally comprised of students, staff and faculty who may hear academic and non-academic misconduct cases as assigned and appropriate.

### Composition of the Standing Pool for Hearing Boards

The Vice Chancellor for Student Affairs and Engagement or designee may appoint up to 15 each of staff, faculty (Academic Senate members) and students to the standing pool for campus hearing boards. Undergraduate student members of this pool must be UC Merced students and maintain through the period of service on the board/standing pool a cumulative GPA to reflect good standing in their academic department. Graduate student members must be making normal academic progress.

A hearing panel may be chaired by a student, staff or faculty member as appropriate. A quorum is three panel members, including at least one student and one staff or faculty member, and the maximum membership of a panel is five individuals.

### Graduate Student Hearing Panels

If the accused student is a graduate or professional student, and a formal hearing becomes necessary, an ad hoc hearing panel may be appointed including at least one graduate-level student and one faculty member with graduate-level teaching and research experience, preferably from the division or school in question.

## Preparation and Hearing Procedures

### Parties represent themselves

In keeping with the educational nature of the process, accused students and reporting parties speak on their own behalf and present their own case to the hearing panel.

### Advisors

At all stages of this process, the student has the right to an Advisor. A student may select an Advisor of their choosing or request the University to provide them one. The Advisor may be any person (including an advocate, attorney, friend, or parent), except a person with information relevant to the alleged policy violation.

Please see section 602.20 for more information on Advisors.

### Applicability

These procedures apply to all conduct hearings unless specifically waived by the accused student or reporting party.

With the guidance of the designated representative from OSRR hearing panels and officers have responsibility for the procedural working of the hearing, and may direct appropriate procedures in their discretion, so long as those procedures are consistent with this policy.

A designated OSRR representative attends all hearings to ensure compliance with these procedures and facilitate the hearing process.

Upon establishment of cause by either party to the hearing, OSRR may grant reasonable extension of the time limits specified in these procedures.

### Scheduling the Hearing

The date for the hearing will be confirmed within thirty (30) business days from the time the student contested OSRR's determination of responsibility, although the hearing itself may occur beyond the thirty (30)-business day period.

Hearings may be held during summer sessions or academic break periods.

### Notice of the Hearing

Once it is determined that a formal hearing will occur, OSRR will send the student written notice within ten (10) business days before the date of the hearing.

### Delivery of Notice

The notice of hearing is emailed, sent by U.S. mail, delivered to an on-campus housing mail address, and/or picked up by the accused student in person from OSRR. Normally, the notice must be picked up by the student, or emailed, and/or postmarked at least ten (10) business days before the scheduled hearing date, unless the student agrees to a shorter period.

### Presumption of Delivery

It is presumed that the accused student has received notice if the student has picked up the notice from OSRR, or if the notice has been sent to the student by:

Email at the student's primary UC Merced email address; and/or regular U.S. mail at the local address provided by the student to OSRR, or the local address and/or email addresses most recently filed with the Registrar's Office; or, if undeliverable at a local address, at the permanent address of record.

### Contents of Notice

The notice should include the following information:

The time, date and place of hearing, or notice that the hearing will be held at a time and place to be specified in a later notice; A brief description of the factual basis of the suspected violation, a list of the University policies or campus regulations reportedly violated, and a summary of the information (documents or other evidence and names of witnesses) to be provided at the hearing; A statement that the student is entitled to be accompanied/assisted by an advisor or request an advisor/support person through the University; and an outline of or link to the hearing process. Either in the notice of hearing, or as soon as possible afterwards, the student is provided with the name(s) of the hearing panel members so that they may, if there is good cause, submit a request to disqualify a member.

### Access to Information to be Provided at the Hearing

The accused student may request and receive information in the possession of the University that will be provided at the hearing and other non-confidential information, which the chair finds to be relevant and necessary to a fair hearing.

### Submitted in advance

Any information to be provided at the hearing must be submitted in advance to OSRR, including: copies of documents and other evidence and lists of the names of witnesses who will be called with a brief description of the subject of each witness's testimony.

### Deadline for submission

The accused student and reporting party will each submit copies of their documents and witness lists at least two (2) business days before the hearing so that the Office of Student Rights and Responsibilities may make copies for the panel. Anything submitted after this deadline will be considered as evidence only with the approval of the chair and the agreement of both parties.

### Disqualification of a Panel Member

Members of a panel should have no prior involvement in the case, and should disqualify themselves if they believe they cannot render a fair decision.

### Pre-Hearing Conference

If several witnesses will be presented, the issues are complex, or if otherwise deemed useful, a pre-hearing conference may be scheduled at the discretion of the hearing panel chair or OSRR designated representative. At the pre-hearing conference, the parties will submit documents and lists of witnesses and the general facts to which they will testify. The chair may decide any procedural issues and may exclude proposed testimony that is irrelevant, unduly repetitive, or unreasonably time consuming, or may reserve such determinations until the hearing. The chair may also ask for and decide any challenges regarding disqualification of a panel member.

### Closed Hearings

OSRR hearings are "closed" hearings. Witnesses, if any, may be excluded from the hearing except for the time they are testifying or responding to cross-examination. The accused student(s) and referring party(ies) may be present throughout the hearing while evidence is being presented.

### Evidence and Testimony

Formal rules of evidence or court procedures are not used in the student conduct process.

Student conduct hearings are not court proceedings; the procedures used in civil or criminal trials, motions, or other proceedings before a court or administrative agency do not apply. The hearing panel may receive and consider spoken, written, or other evidence of the kind on which reasonable persons are accustomed to rely.

#### Testimony and questioning of witnesses

No student witness may be compelled to incriminate themselves. The accused student may remain silent and their silence should not be taken as inference of culpability. All parties will direct questions and inquiries through the chair of the hearing panel or designated hearing officer. Both the accused student and the reporting party may request that specified witnesses attend the hearing and testify. If a witness is unavailable to testify at a hearing, OSRR may arrange for testimony to be taken at an alternate time under conditions providing an opportunity for oral or written questioning by both parties and the panel members, with the consent of the parties.

#### Introductory and Summary Statements

At the beginning of the hearing, the accused student and reporting party may each make a brief introductory statement. After all evidence has been heard, the accused and the reporting party, or, if either so chooses, their advisor (as permitted by the Chair), may make a brief summary. OSRR representatives may, as appropriate, present additional relevant information to the board.

#### Burden of Proof

At any formal hearing, no violation can be found unless it has been shown by a preponderance of the evidence that the accused committed the reported offense.

#### Hearing Records

An audio recording of the hearing (but not the deliberations or any other component of the conduct process) will be made. After the hearing, the accused student and the reporting party may each have access to review the hearing recording. The audio recording will be retained as part of the record for as long as the conduct record is retained. Other than for the purpose of the official record as provided above, mechanical or electronic devices for recording or broadcasting are excluded from the hearing.

### Report by Hearing Panel

The hearing panel will prepare a brief written report summarizing its findings of fact and recommendations for sanctions, if any.

The committee must complete deliberations and submit their final report to the Director within fourteen (14) calendar days of the close of the hearing.

If the recommended sanction is suspension or delay of graduation for more than one calendar year, or for dismissal, the report and recommendation is also submitted to the Associate Vice Chancellor for Student Affairs and Engagement for concurrence before the sanction is delivered.

If the hearing concerns a graduate student, the Director or Associate Vice Chancellor for Student Affairs and Engagement will consult with the appropriate Dean, Assistant or Associate Dean and receive their concurrence before delivering the sanction.

The report will include findings of fact as to each specified alleged policy violation, and whether the conduct as found does or does not violate the policies or regulations as reported. If the decision is not unanimous, both a majority and a minority report may be submitted. If applicable, the report shall make recommendations as to the sanction(s) to be imposed.

### Notice of the Decision

A written notice of the decision and sanction(s) to be imposed, if any, is provided to the accused student and to reporting parties who are campus officials (in accord with legitimate educational interest criteria), together with a copy of the panel's findings and recommendations within twenty (20) business days of the hearing. The notice of decision may be sent to the UC Merced email address of record for that individual, and should specify the due date of any appeal and the name and address of the official to whom the appeal must be submitted. In addition, notice of the decision may be provided to the alleged victim of a crime of violence. If the report involved an alleged forcible or non-forcible sex offense, the alleged victim will be informed of the results of the conduct action and process for appeal.

To alleged victims of sexual harassment or assault: regulations and procedures related to sexual harassment and sexual violence are guided by the [UC systemwide Policy on Sexual](#)

Harassment and Sexual Violence, the UC Systemwide Policy on Anti-Discrimination, and Appendix G on the Student Investigation and Adjudication Framework for Prohibited Conduct.

To members of the press/public: The decision is made public only if the hearing was open or if the student(s) named in the decision give(s) written consent.

Appeals

A student may challenge the decision of the formal hearing body by submitting a written appeal to the Vice Chancellor for Student Affairs and Engagement or Dean (per notice instructions) within ten (10) business days of the hearing outcome notice. The student may appeal on the grounds described in this section. The appeal should identify the reason(s) why the student is challenging the hearing body decision under one or more of the following:

- A. new information not available at the time of the hearing, the absence of which can be shown to have materially affected the outcome;
- B. there was a procedural error in the process that materially affected the outcome;
- C. the proposed sanction is disproportionate given the findings of the fact.

When an appeal is permitted under the procedures outlined above, the implementation of sanctions will be deferred pending the outcome of the appeal. OSRR may submit a written response to the designated appeal body within seven (7) business days of receiving a copy of the appeal.

Absent good cause for an extension, the appeal body will issue a written decision to the student within twenty (20) business days of receiving the appeal and all related documents. Once issued, the decision of the appeal body is final.

**604.00 Effect of Withdrawal or Failure to Register on Conduct Process**

If the student has withdrawn or failed to re-register, the sanctions will take effect immediately upon re-admission, or sooner if appropriate, as determined by OSRR.

**605.00 Timeliness of Complaints**

**605.10 Academic Misconduct Reports**

Reports to OSRR for suspected *academic* misconduct must be sent to OSRR within sixty (60) business days after the end of the semester in which the suspected misconduct occurred

or was discovered, or reasonably should have been discovered, or within thirty (30) business days after the end of an official investigation.

### **605.20 Non-academic Misconduct Reports**

Reports of suspected *non-academic* misconduct must be sent to OSRR within fourteen (14) business days of when the suspected conduct occurred or was discovered, or reasonably should have been discovered, or within fourteen (14) business days after the end of an official investigation, unless OSRR determines that law or policy provides for a longer reporting period.

### **605.30 Late Reports**

The director has the discretion as to whether or not to accept late reports. If a late report is accepted, the case will proceed either through alternative resolution, administrative resolution, or a formal hearing with consideration given to the impact of the delay in reporting upon the accused student including the unavailability of witnesses or evidence.

### **606.00 Jurisdiction of Student Conduct**

The Vice Chancellor for Student Affairs and Engagement has jurisdiction over various types of conduct violations, over students and student organizations, and over on- and off-campus incidents, as described below. This jurisdiction has been delegated to the Associate Vice Chancellor and will generally be referred as described below.

Cases involving reported misconduct under the following categories of rules governing student conduct shall be referred to OSRR:

- University-wide policies, including the University of California *Policies Applying to Campus Activities, Organizations and Students (PACAOS)*, Section 702.00 “Grounds for Discipline;”
- Campuswide rules, including the UC Merced implementation of the systemwide PACAOS (*Student and Organization Policies and Regulations*), the UC Merced *Academic Honesty Policy*, and the Alcohol and Other Drug Policy.
- Rules established by campus entities (such as departments, residence units, education abroad programs and professional schools) applying to students within such schools, departments, programs, or residence units.

### **606.10 Students Residing in On-campus Residence Halls Subject to Student Conduct Action**

Misconduct by students in the residence halls may be resolved through the student conduct system, by using housing contract remedies, or both. The Housing and Residence Education staff includes conduct officers who have authority designated by the Vice Chancellor for Student Affairs and Engagement to resolve cases within campus housing.

### **606.20 Individuals and Organizations Subject to Student Conduct Action**

Definition of “Student.” The UC *Standards of Conduct* apply to all current UC Merced students, including individuals who are enrolled in or registered with any academic program of UC Merced; who have completed the preceding term and are eligible for reenrollment, including the recess periods between academic terms; or who are on an approved educational leave or other approved leave status, or on filing-fee status.

- A. Applicants, Former Students, and Registered Campus Organizations. The UC *Standards of Conduct* also apply to:
- a. Applicants who become students, for offenses committed as part of the application process; on a University of California campus and/or while participating in University-related events or activities; or following submittal of the application through his or her official enrollment, if off-campus jurisdiction would otherwise apply;
  - b. Former students (including graduates) for offenses committed while a student; and
  - c. Registered Campus Organizations. Under University policies and campus procedures, RCOs shall be provided with a hearing and basic standards of procedural due process.

### **606.30 Geographic (On and Off-Campus) Jurisdiction**

The Office of Student Rights and Responsibilities has jurisdiction over academic or non-academic misconduct by students that occurs on UC Merced property or in connection with campus functions, activities, equipment or facilities; the Office of Student Rights and Responsibilities also has jurisdiction over off-campus conduct and alleged crimes, as described below.

#### **A. Off-Campus Jurisdiction**

Student conduct that occurs off University property is subject to UC Standards of Conduct where it:

- a. adversely affects the health, safety, or security of any member of the University community, or the mission of the University, or

- b. involves academic work or any records, or documents of the University.

#### B. Determining Jurisdiction

In determining whether or not to exercise jurisdiction over such conduct, the University shall consider the seriousness of the alleged offense, the risk of harm involved, whether the victim(s) are members of the campus community, whether the off-campus conduct occurred at, or in connection with activities of a student group (e.g., RCO, club, athletic team), or whether the conduct is part of a series of actions which occurred both on and off University property.

#### C. Good Neighbor Relations

The University may also exercise jurisdiction over student conduct that occurs off campus where the conduct compromises University neighbor relations. It is expected that students will:

- a. Foster and maintain good community relations and cooperation with neighbors and authorities.
- b. Be responsible for their conduct and encourage guests to adhere to the same standard.
- c. Respect the rights of neighbors and follow existing laws and ordinances.
- d. Take active steps to prevent damage to neighbors' property by admitted guests and household members and assume responsibility for damage to neighbors' properties caused by household members or guests.

#### D. Conduct on Other UC Campuses

A student 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 conduct procedures of either the former or the latter campus as agreed by designees of both campuses.

### **607.00 Confidentiality of Student Conduct Records**

#### **607.10 Student Conduct Records Are Confidential Student Records**

The Office of Student Rights and Responsibilities' records containing personally identifiable information about students relating to any conduct action or proceeding are confidential student records. Conduct actions or proceedings include investigation, alternative resolution, administrative resolution and/or formal hearings, and/or imposition of sanctions for

violation(s) of the University of California *Policies Applying to Campus Activities, Organizations and Students*, the UC Merced *Academic Honesty Policy*, or these *Student and Organization Policies and Regulations*.

**607.20 Protected from Disclosure**

Confidential OSRR student records are protected from disclosure under the Federal Educational and Privacy Rights Act (FERPA), as well as the privacy provisions of the California Information Practices Act and the California State Constitution.

## INTERIM GROUNDS FOR DISCIPLINE AND SANCTIONS

*(Reference: UC Systemwide PACAOS 101.00 and 102.00)*

Regular Font = UC Systemwide Policy; *Italicized Font* = UC Merced Implementing Regulation

### **700.00 Policies Applying to Campus Activities, Organizations, and Students**

The following standards and sanctions are excerpted directly from: *Policies Applying to Campus Activities, Organizations and Students* ([PACAOS](#)) [Section 100.00 - Policy On Student Conduct And Discipline](#).

*Any italicized language in this section represents UC Merced campus-specific implementing regulations.*

#### **701.00 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 50.1 of these *Policies*. They also apply to:

- Applicants who become students, for policy violations committed as part of the application process.
- Applicants who become students, for policy violations 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 their official enrollment; and
- 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.

#### **702.00 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.

*Violation of local, state, or federal laws otherwise not covered under these standards of conduct.*

#### **702.01 Academic Misconduct**

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

*See UC Merced “Academic Honesty Policy.”*

#### **702.02 Other Dishonest Acts**

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

#### **702.03 Forgery, Alteration, or Misuse**

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

#### **702.04 Theft, Misappropriation, Possession of Stolen Property, or Vandalism**

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.

#### **702.05 Computer and/or Electronic Resource Theft, Misuse, or Abuse**

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.

*Contact the UC Merced Information Technology department for further information regarding acceptable use of electronic communications.*

Please refer to the [UC Electronic Communications Policy](#) and [Digital Copyright Protection at UC](#) for the University's position on digital copyright.

### **702.06 Unauthorized Entry, Use, or Possession**

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.

### **702.07 Housing Facilities**

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

### **702.08 Assault, Threats of Violence, or Conduct Threatening Health or Safety**

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 702.26.

*Students who file a complaint or grievance, who request an administrative remedy, who participate in an investigation, or who appear as witnesses during a hearing, have the right to be free from threats of violence or other conduct that threatens their health or safety.*

### **702.09 Harassment**

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 based on a protected category is defined by the University of California Anti Discrimination Policy. Pursuant to section 704.90, sanctions may be enhanced for conduct

motivated on the basis of the protected categories defined in the [University of California Anti-Discrimination Policy](#). Please refer to 702.27.

Sexual Harassment is defined by the [University of California Policy on Sexual Violence and Sexual Harassment](#). Please refer to 702.26.

### **702.10 Stalking**

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 their safety, or the safety of their 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.

**702.11** (Deleted on October 9, 2009)

### **702.12 Hazing**

Participation in hazing or any intentional, knowing, or reckless act, activity, or method committed by a person (whether individually or in concert with other persons) against another person or persons, including current, former, or prospective students, regardless of the willingness of such other person or persons to participate, that is committed in the course of a preinitiation, an initiation into, an affiliation with, or the maintenance of membership in, an official or unofficial student organization or other student group that

- A. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury, including personal degradation or disgrace, and/or
- B. the person knew or should have known was likely to cause serious bodily injury.

### **702.13 Obstruction or Disruption**

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

### **702.14 Disorderly or Lewd Conduct**

Disorderly or lewd conduct.

**702.15 Disrupting the Peace**

Participation in a disturbance of the peace or unlawful assembly.

**702.16 Failure to Comply with Directions of Official, or Resisting or Obstructing Official**

Failure to identify oneself to, or comply with the directions of, a University official or other public official acting in the performance of their 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.

**702.17 Unlawful Possession, Use, or Distribution of Controlled Substances**

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.

**702.18 Possession, Use, or Distribution of Alcohol in Violation of Policy**

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.

*See UC Merced Alcohol Policy and Use Guidelines (under review/revision).*

**702.19 Possession, Use, or Manufacture of Explosives or Destructive Devices**

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

**702.20 Possession, Use, or Manufacture of Prohibited Weapons**

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

*Examples of weapons UC Merced prohibits include, but are not limited to, stun guns, tasers, retractable bladed knives, knives with a fixed blade over 2.5 inches, nunchucks, sling shots, bows and arrows (except as permitted for departmental demonstrations or classes), air guns (paint, BB, etc.), or any device which closely resembles a firearm. Any item or implement used aggressively or for violent purposes may be deemed a weapon. Mace and pepper spray*

*may not be misused.*

### **702.21 Violation of Conduct Action**

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

### **702.22 Violation of Emergency Order or Suspension**

Violation of the conditions contained in a written Notice of Emergency Suspension issued pursuant to Section 70.00 of these *Policies* or violation of orders issued pursuant to Section 70.00 of these *Policies*, during a declared state of emergency.

### **702.23 Unauthorized Preparation, Sale, or Distribution of Notes or Recordings of University Courses, or Copying of Course Materials**

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).

### **702.24 Intent to Terrorize**

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 their 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.

### **702.25 Expectation of Privacy**

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.

A. Definitions:

- a. "Express consent" is clear, unmistakable and voluntary consent that may be in written, oral or nonverbal form.
- b. "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.
- c. "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 702.26.

**702.26 Violation of Sexual Violence and Sexual Harassment Policy**

Violation of the [University of California Policy on Sexual Violence and Sexual Harassment Policy](#) on Student Conduct and Discipline

### **702.27 Violation of Anti-Discrimination Policy**

Violation of the [University of California Anti-Discrimination Policy](#).

## **703.00 STUDENT CONDUCT INVESTIGATION AND RESOLUTION PROCEDURES**

### **703.10 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 and the procedures specifies below. 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.

### **703.11 Minimum Procedural Standards**

The specific procedures for student conduct investigation and resolution are provided in Appendix H: Student Conduct Investigation and Resolution Framework, except as provided below.

*UC Merced's student conduct process and procedures can be found in the 600.00 section of UC Merced student and organization polices.*

### **703.12 Implementing Procedures for Sexual Violence and Sexual Harassment Policy**

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.

### **703.13 Implementing Procedures for Anti-Discrimination Policy**

For cases involving harassment or other prohibited conduct by the University of California Anti-Discrimination Policy, campuses shall implement the procedures set forth in the University of California Anti-Discrimination Policy.

## **704.00 ADMINISTRATION OF STUDENT DISCIPLINE**

**704.10**

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.

**704.20**

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.

*The UC Merced Chancellor has delegated the administration of student discipline to the Office of Student Rights and Responsibilities within the Division of Student Affairs.*

**704.30**

A student, as defined in Section 50.1 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.

**704.31**

If an alleged violation of University policies occurs in connection with an official University wide 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.

**704.40**

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.

**704.50**

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.

**704.60**

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.

**704.70**

Rescinded – January 1, 2015

**704.71**

Rescinded on October 13, 2005

**704.80**

Whether or not a hearing is conducted, campuses may provide written notice to a student that their 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.

**704.81**

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.

#### **704.90**

Sanctions [for any violations of Section 702.00, *Grounds for Discipline*] may be enhanced where an individual was selected because of the individual's membership or perceived membership in any of the protected categories defined by the [University of California Anti Discrimination Policy](#).

### **705.00 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.

#### **705.01 Warning**

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.

**705.02** Rescinded on May 17, 2002

#### **705.03 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.

#### **705.04 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.

### **705.05 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.

*A sanction of suspension is subject to the review and approval of the Associate Vice Chancellor for Student Affairs and Engagement.*

### **705.06 Dismissal**

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

*A sanction of dismissal is subject to the review and approval of the Associate Vice Chancellor for Student Affairs and Engagement.*

### **705.07 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.

**705.08** Rescinded January 1, 2026

### **705.09 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.

### **705.10 Revocation 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.

### **705.11 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.

*705.11a UC Merced campus-specific sanctions (in italics) follow:*

#### ***705.11(a)(1) Delay of Graduation***

*Defined as the delaying the granting of a degree, after the student has completed all academic requirements, until the end of the specified period. Once the period of delay has elapsed, the degree will be awarded as of that date, provided that the student has complied with all conditions imposed as part of the delay of graduation and that they are otherwise qualified to graduate under degree requirements applicable at the time the delay was imposed. During the delay, the student may not enroll in any classes at UC Merced. Violation of University policies or campus regulations during the delay may be cause for further conduct action, normally in the form of dismissal.*

#### ***705.11(a)(2) Name on File***

*Defined as a written record of a student violation reported to the Office of Student Rights and Responsibilities by other campus officials. The student's name is reported to OSRR after another campus official (e.g., faculty, Resident Advisor, or Bookstore staff) has met with the student regarding the misconduct. A "Name on File" is equivalent to a written Warning or Censure. The student is notified of the report and given an opportunity to respond. If the*

*student does not respond, or if, after a response, OSRR determines the report is supported by the evidence, the violation may be considered in assessing a sanction for any later similar offense.*

**705.11(a)(3) Special Assignment**

*Defined as assignment of costs, labor, duties, educational projects, or other responsibilities that are appropriate in light of the violation, or relevant to the student's role on campus or living area. Sanctions may include educational projects, research papers or personal essays, workshops or training, community service, or outreach projects.*

**705.11(a)(4) Educational Projects**

*A student may be assigned to complete a specific educational task or project.*

**705.11(a)(5) De-registration**

*Applies to Registered Campus Organizations. Defined as "forfeit ...[of] registered status with the accompanying loss of rights and privileges." Such forfeiture shall remain in effect for the period of time specified in the Notice of De-registration.*

**705.11(a)(6) Deferred Separation, Deferred Suspension, and/or Deferred Dismissal**

*Defined as a delay in imposing a Suspension or Dismissal, which means that a Suspended or Dismissed student may be permitted to remain in school on condition that they agree to waive the right to a formal fact-finding hearing for any new violation of specified conduct standards. The right to an investigative conference and administrative resolution is not waived. If the student whose Suspension/Dismissal has been deferred is later reported again, and admits or is found in violation by an OSRR officer of having committed a subsequent violation of specified conduct standards, the deferred Suspension or Dismissal may be implemented at that time without a formal hearing. "Deferred Separation" means that an OSRR officer may impose any appropriate sanction, including Dismissal, after determining that violation has occurred.*

**705.12 Other University Actions**

Other information University actions include, but are not limited to, alternative resolution, advisory notices, supplemental education or educational conversations.

*705.12 (a) –705.12(d) UC Merced campus-specific sanctions (in italics) follow. These are*

*considered Administrative Actions and do not result in a disciplinary record.*

#### **705.12 (a) Administrative Holds**

*Administrative holds may be placed on students' registration, transcript, diploma, or graduation to ensure that they respond to OSRR, and to enforce certain sanctions. Holds prevent students from registering or graduating, or from receiving copies of diplomas or transcripts, while a conduct matter is pending or while a sanction of suspension, dismissal, revocation of degree, or delay of graduation is in force.*

#### **705.12 (b) Administrative Notice**

*An administrative notice provides official notice of University standards and policies, but does not imply a finding that the student has committed a violation, and does not constitute conduct action. If the student is referred subsequently for similar misconduct, the notice may be relevant to the student's knowledge of University and campus standards, policies, and regulations.*

#### **705.12 (c) No Contact Directive**

*A student may be directed to abstain from any contact with a specific individual or group. Contact includes direct, indirect, or intentional contact. Direct, indirect, and intentional contact includes all forms of communication including but not limited to phone calls, text messages, verbal communication, social networks, emails, letters, contact via friends or family or contact with the restricted individual's friends or family.*

#### **705.13 Housing Probation**

A status imposed for a specified period during which a student's continued residency in university housing is contingent upon compliance with university policies and housing regulations. During housing probation, any further violation of university or housing policies may result in more serious disciplinary action, including removal from university housing. (See also Section 704.50.)

#### **706.00 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.

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.

*At UC Merced, suspension and dismissal must be posted on the student's academic transcript for the duration of the sanction. Suspensions are annotated on student transcripts with the statement "READMISSION PRIOR TO [Semester in which student may re-enroll in UC Merced] SUBJECT TO APPROVAL OF DIRECTOR OF STUDENT CONDUCT." The transcripts of Dismissed students bear the statement "READMISSION TO THE UNIVERSITY OF CALIFORNIA SUBJECT TO APPROVAL OF THE CHANCELLOR." Notations of Suspension are removed at the end of the suspension, and notation of dismissal is removed if the student is readmitted to UC Merced.*

#### **707.00 INTERIM ACTION**

Exclusion from classes, or from other specified activities or areas of the campus, as set forth in the Notice of Interim Actions, 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 Action shall be given prompt notice of the charges, the duration of the Interim Action, and the opportunity for a prompt hearing on the Interim Action. Interim Action shall be reviewed by the Chancellor within twenty-four hours. If a student is found to have been unjustifiably placed on Interim Action, 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.

#### **708.00 SANCTIONING FRAMEWORK**

To promote accountability, safety, and educational development within the UC Merced community, this framework provides a consistent yet flexible structure for assigning sanctions and other University actions in response to violations of *PACAOS 700.00 Policy of Student Conduct and Discipline*.

##### **A. Principles:**

**Educational Purpose:** When appropriate, sanction(s) and/or other university action(s) serve an educational purpose—supporting accountability, student growth and learning. They are intended to reduce the likelihood of recurrence of behavior that violates University policy. The conduct process also seeks opportunities to foster reflection and development whenever possible, while reinforcing the importance of community standards and the shared responsibility of maintaining a respectful and safe campus environment.

**Consistency with Individualization:** Sanctions and other university actions are guided by consistent standards and institutional values, while also considering the unique circumstances of each case. The decision-maker will consider a range of factors to ensure that outcomes are both fair and appropriate to each situation. Depending on the circumstances, multiple sanctions, varying in type and degree, may be applied.

**Proportional and Contextual Response:** The student conduct process is designed to assess each case individually, with outcomes based on the nature, severity, and context of the behavior. A single severe incident may, in some circumstances, result in a more significant sanction; in others, misconduct may be addressed through educational and/or restorative – but still appropriate – responses.

#### B. Types of Student Conduct Sanctions and Actions:

Consistent with the principles above, campuses have a range of options (as defined in *PACAOS 700.00, Section 705.00 Types of Student Conduct Sanctions and Actions*) available to respond to possible violation(s) of policy. The sanctions and actions fall under three categories, grouped into tiers of increasing severity.

In most circumstances, sanctions are accompanied by Other University Actions (e.g., alternative resolution, advisory notices, supplemental education, or educational conversations). As such, education is included in each tier.

- Tier 1: Other University Actions, including but not limited to:
  - Alternative Resolution
  - Advisory Notice
  - Educational conversation
- Tier 2: Sanctions for more complex or severe violations that may not warrant separation

from the institution, including but not limited to:

- Warning
  - Disciplinary Probation, with or without conditions
  - Loss of Privileges/Exclusion from Activities
  - Restitution
  - Other University Actions (supplemental with sanctions)
- Tier 3: Sanctions for severe or repeated violations that may warrant separation from the institution, including but not limited to:
    - Suspension
    - Dismissal
    - Exclusion from areas of campus or University Functions
    - Other University Actions (supplemental with sanctions)

Factors Considered in Determining Student Conduct Sanctions and Actions:

Each violation includes a recommended range of sanctions and/or actions and assumes a student is being charged with a single policy violation and has no prior history of violating University policy. Sanctions may fall outside these ranges in cases involving multiple policy violations and/or a prior history of policy violations. Campus officials should determine the appropriate sanction or action based on a variety of factors, including but not limited to, the following:

- Whether the act was deliberate/intentional
- Severity of the policy violation, including any result in personal injury or property damage
- Student's previous conduct record
- Nature and context of the policy violation
- Impact on or harm to other members of the University community or the community as a whole
- Degree to which the student's behavior disrupted or obstructed University activities
- Abuse of authority
- Response following violation: voluntarily acknowledged wrongdoing at early stage of the process; engaging in actions that seek to disrupt the Student Conduct process (e.g.,

harassing witnesses, expressing hostility towards conduct staff and/or reporting persons), or failing to engage in a forthright and transparent manner

- Number and type of violations associated with the incident.

Range of Sanctions and Actions for Each Type of Violation:

The range of sanctions and/or actions for each type of violation are summarized in Table A. Consistent with the factors and tiers described above, the table is intended to serve as a guiding framework for OSRR when considering sanctions and/or actions in response to specific types of policy violations. It provides a range of possible outcomes, listed in increasing severity, that may be appropriate depending on the circumstances of each case. Table A is not prescriptive and does not represent a mandatory and/or exhaustive list of sanctions and/or actions. Rather, it is a starting point to support consistency and informed decision-making in the student conduct process.

Sanctioning decisions should always reflect the totality of the circumstances. Where appropriate, multiple sanctions and/or actions may be assigned, and more significant sanctions and/or actions may be warranted in cases involving repeat violations, aggravating factors, or broader community impact.

This tool is meant to assist OSRR in exercising their professional judgment, in alignment with institutional values and the goals of education, accountability, and harm reduction.

**Table A: Guiding Framework for Sanctions and Actions by Tier and Type of Violation**

<i>PACAOS 700.00 Violation</i>	<b>Tier 1:</b>	<b>Tier 2:</b>	<b>Tier 3:</b>
<b>702.02 Other Forms of Dishonesty</b> (e.g. furnishing false information, lying during investigations)	Advisory Notice and/or Other University Actions	Warning or Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.03 Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification</b>	Advisory Notice and/or Other University Actions	Warning or Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.04 Theft or Property Damage</b>	Advisory Notice and/or Other University	Warning, Probation, or Restitution with option to	Suspension or Dismissal with option to add

	Actions	add Other University Actions	Other University Actions
<b>702.05 Theft or abuse of University computers and other University electronic resources</b> such as computer and electronic communications facilities, systems, and services.	Advisory Notice and/or Other University Actions	Warning or Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.06 Unauthorized Use of University Services, Equipment, or Property</b> (e.g., misusing logos, resources, ID systems)	Advisory Notice and/or Other University Actions	Warning, Probation, Exclusion From Privileges, or Restitution with option to add Other University Actions	Suspension with option to add Other University Actions
<b>702.07 Violation of University Housing Policies</b>	Advisory Notice and/or Other University Actions	Warning, Housing Probation, or Probation with option to add Other University Actions	Housing Exclusion with option to add Other University Actions
<b>702.08 Physical Assault or Threat of Violence</b>	–	Probation or Suspension with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.09 Harassment</b>	–	Probation or Suspension with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.10 Stalking Behavior</b>	–	–	Suspension or Dismissal with option to add

			Other University Actions
<b>702.12 Participation in Hazing</b>	–	Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.13 Obstruction or disruption of University Operations</b> (teaching, research, admin)	Advisory Notice and/or Other University Actions	Warning or Probation with option to add Other University Actions	Suspension with option to add Other University Actions
<b>702.14 Disorderly or Lewd Conduct</b>	Advisory Notice and/or Other University Actions	Warning or Probation with option to add Other University Actions	Suspension with option to add Other University Actions
<b>702.15 Disruption/Obstruction of University Activities</b>	Advisory Notice and/or Other University Actions	Warning or Probation with option to add Other University Actions	Suspension with option to add Other University Actions
<b>702.16 Failure to Comply with a University Official</b> (including lying, resisting, obstructing)	Advisory Notice and/or Other University Actions	Warning or Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.17 Controlled Substance Violations</b>	Alternative Resolution or Advisory Notice and/or Other University Actions	Warning, Probation, Alcohol and Other Drug Education or Intervention with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.18 Alcohol</b>	Alternative	Warning,	Suspension

<b>Violations</b>	<b>Resolution and/or Other University Actions</b>	<b>Probation or Suspension with option to add Other University Actions</b>	<b>with option to add Other University Actions</b>
<b>702.19 Possession or Use of Explosives/Firebombs</b>	–	Warning or Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.20 Possession/Use/Manufacture of Firearms or Weapons (prohibited)</b>	–	Warning or Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.21 Violation of Disciplinary Conditions</b> (e.g., breaking terms of probation/sanctions)	–	Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.22 Violation of Emergency Suspension or Orders</b> (during declared emergencies)	–	Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.23 Selling, preparing, or commercially distributing lecture notes/class recordings</b>	Alternative Resolution or Advisory Notice and/or Other University Actions	Warning, Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.24 Intent to terrorize</b> , or acts in reckless disregard of the risk of terrorizing, one or more University students, faculty, or staff	–	Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University

			Actions
<b>702.25 Recording, photographing, or viewing people without their knowledge and consent</b> in private settings or during private conversations	Alternative Resolution or Advisory Notice and/or Other University Actions	Warning, Probation with option to add Other University Actions	Suspension or Dismissal with option to add Other University Actions
<b>702.26 Violation of Sexual Violence and Sexual Harassment Policy</b>	See University of California Policy on Sexual Violence and Sexual Harassment and PACAOS Appendix E and F	See University of California Policy on Sexual Violence and Sexual Harassment and PACAOS Appendix E and F	See University of California Policy on Sexual Violence and Sexual Harassment and PACAOS Appendix E and F
<b>702.27 Violation of Anti-Discrimination Policy</b>	See University of California Anti Discrimination Policy	See University of California Anti Discrimination Policy	See University of California Anti Discrimination Policy

## ACADEMIC HONESTY POLICY<sup>1</sup>

### Preliminary Statement

Academic integrity is the foundation of an academic community. Academic integrity applies to research as well as undergraduate and graduate coursework.<sup>3</sup>

### 800.00 Definitions

Academic misconduct includes, but is not limited to cheating, fabrication, plagiarism, altering graded examinations for additional credit, having another person take an examination for you, or facilitating academic dishonesty or as further specified in this policy or other campus regulations.

Cheating is the unauthorized use of information in any academic exercise, or other attempt to obtain credit for work or a more positive academic evaluation of work through deception or dishonesty. Cheating includes, but is not limited to: copying from others during an examination; sharing answers for a take-home examination without permission; using notes without permission during an examination; using notes stored on an electronic device without permission during an examination; using an electronic device to obtain information during an exam without permission; taking an examination for another student; asking or allowing another person to take an examination for you; tampering with an examination after it has been corrected, then returning it for more credit than deserved; submitting substantial portions of the same academic work for credit in more than one course without consulting the second instructor; preparing answers or writing notes in a blue book before an examination; falsifying laboratory, or other research, data or using another person's data without proper attribution; allowing others to do the research and writing of an assigned paper (for example, using a commercial term paper service or downloading a paper from the internet); and working with another person on a project that is specified as an individual project.

Plagiarism refers to the use of another's ideas or words without proper attribution, or credit. This includes, but is not limited to: copying from the writings or works of others into one's academic assignment without attribution, or submitting such work as if it were one's own; using the views, opinions, or insights of another without acknowledgment; or paraphrasing the ideas of another without proper attribution. Credit must be given for every direct quotation; when a work is paraphrased or summarized, in whole or in part (even if only brief

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<sup>3</sup> Some of the procedures and definitions contained in this policy statement are taken from UCSB's Academic Honesty Policy, <http://hep.ucsb.edu/people/hnn/conduct/disq.html>

passages), in your own words; and for information which is not common knowledge. The requirement to give credit applies to published sources, information obtained from electronic searches and unpublished sources.

Collusion is when any student knowingly or intentionally helps another student to perform any of the above acts of cheating or plagiarism. Students who collude are subject to discipline for academic dishonesty. No distinction is made between those who cheat or plagiarize and those who willingly facilitate cheating or plagiarism.

### **801.00 Notice to Students**

Instructors (faculty, lecturers, TAs and so forth) should explain to students at the outset of a course and on the syllabus the behavior expected of them when taking examinations or preparing and submitting other course work.

In some courses, instructors will announce that it is allowed for students to work together. In such cases, all students should write up their work independently of one another, unless explicit approval has been given to a common write-up. Students should write on their paper the names of other students with whom they have collaborated.

Any member of the university community who suspects that a violation of the academic honesty policy may have occurred may report it to the instructor of record. If the instructor of record is unavailable, or the case is outside the scope of the course, it should be reported to the dean of the school/college/graduate division offering the course.

### **802.01 Approaches to Violations**

Discipline for academically dishonest behavior is exercised on two levels:

#### **A. Stage 1 (Instructor-Led Process)**

The instructor of record for the course has the authority to handle an incident of student academic misconduct directly, by any of the following means:

- Assigning a failing grade for the course.
- Assigning a failing grade for the course, with additional notation placed on the student's transcript that the failing grade was the result of a violation of the Academic Honesty Policy.
- Assigning a failing or zero grade for the piece of work.

- Lowering the grade on the piece of work.
- Assignment of additional work or reexamination.

If any violation of the UCM Academic Honesty Policy is suspected in a course, the instructor of record must fill out the Faculty Report for Academic Misconduct and then meet formally with the student(s) involved to explain the suspected misconduct and the academic sanctions the instructor is recommending. If the student(s) admits to the violation and accepts the sanctions, the instructor and student sign the Faculty Report Form and the instructor submits the form to OSRR. If the student refuses to admit that a violation has taken place or refuses to meet with the instructor, the instructor must provide written notification to the student and the dean of the School/College/Graduate Division offering the course outlining what remedies the instructor elects to impose. In addition, the instructor must submit a copy of the written notification and the Faculty Report Form to OSRR. The form will be kept on file in OSRR for the duration of the student's enrollment at UC Merced.

A student may ask for a review of the action taken by the instructor by submitting a written request to the Dean of the school/college/graduate division offering the course. The Dean may either respond to the request or refer the matter to the Office of Student Rights and Responsibilities for an advisory opinion. If the Dean is the instructor of the course, the request for review should be forwarded to the Executive Vice Chancellor and Provost. Students have ten working days to submit a written request for review; the dean/EVC has 10 days to review the request and respond to the student in writing. The Dean/EVC may take action to revise or revoke the action of the instructor on the basis that the instructor failed to follow the procedures set forth herein, or that the instructor's action was based on impermissible criteria (for example, discrimination on the basis of race, ethnicity, national origin, or sex).

#### B. Stage 2 (Formal Disciplinary Procedures)

If the instructor of record believes that the academic misconduct was especially serious, he/she can recommend in writing that action be taken by the dean of the school/college/graduate division offering the course. If dean agrees that the conduct is especially serious, they will refer the case to OSRR for investigation.

OSRR may conduct interviews that may include the reporting party, all witnesses, and any person(s) alleged to have violated the University regulation. All persons accused will be informed in writing of the nature of the charge, his/her rights, and the procedures to be followed.

If the preliminary investigation does not result in the withdrawal of charges by OSRR, in consultation with the dean, the case will be heard by the Faculty/Student Academic Conduct Board. The dean or their designee will serve as the chair of the Academic Conduct Board. The Faculty/Student Academic Conduct Board will be comprised of: three faculty members nominated by the Committee on Committees, one undergraduate, one graduate student, and a staff member from OSRR or designee. At least five members of the Board must be present for a hearing to take place. The University's case will be presented by a staff member of OSRR or designee.

All hearings for alleged academic or behavioral conduct violations will respect students' due process rights. Detailed instructions about how hearings will be conducted are outlined in section 600.00-610.20 of UC Merced's *Student and Organization Policies and Procedures*.

In sum, persons involved in the Conduct Hearing process have the following rights and responsibilities:

The Student:

- Shall be served with a written notice of the specific charges, the time and the place of the hearing, and a copy of the procedures which will govern the hearing at least five calendar days prior to the hearing.
- May be accompanied by an advisor; however, students will be expected to speak for themselves.
- Is entitled to be present during the hearing while evidence is being presented and may remain until the board begins confidential deliberations.
- Shall have the right to produce witnesses and confront and cross-examine all witnesses.

The Academic Conduct Board:

- Shall base its findings upon the preponderance of evidence.
- Shall keep summary minutes of the hearing that will be available to the student within seven working days following the hearing.

The student shall receive written notice, by email, U.S. mail or campus mail, within five

working days following the hearing informing him/her of any decision, including recommended sanctions, if applicable.

### **803.01 Sanctions for Stage 2 (Formal Disciplinary Procedures)**

Individuals found responsible by the Faculty/Student Academic Conduct Board for violating University policies or regulations regarding academic honesty may receive the following sanctions:

### **803.02 Disciplinary Probation**

A status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards. 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. The sanction of probation is normally limited to a student's first violation.

### **803.03 Loss of Privileges and Exclusion from Activities**

Specific exclusions or loss of privileges for a specified academic term or terms.

### **803.04 Suspension**

Termination of student status for a specified term or terms. This sanction will be noted on the student's academic transcript during the term(s) of suspension.

### **803.05 Dismissal**

Termination of student status from the University for an indefinite period. Students who are dismissed may not return to UC Merced without the express permission of the Chancellor. This sanction will be noted on the student's academic transcript.

### **803.06 Additional Sanctions**

Disciplinary sanctions may be imposed instead of or in addition to the sanctions listed above and may include, but are not limited to, the following.

- In cases where a determination of academic misconduct has been made and where close supervision of a student's academic conduct seems appropriate, course instructors may be requested to specifically monitor or separately test that student for a specified period of time.

- Work, research projects, or community service projects may be assigned.
- Violations of any of the conditions imposed under this section can be cause for further disciplinary action, usually in the form of loss of privileges and exclusion from activities, suspension, or dismissal.

Sanctions are assigned with the intent of correlating the sanction with the extent and severity of the violation(s) as well as any past violations.

### **804.01 Appeals**

Appeals by a student, following Stage 2 sanctions, must be directed to the Executive Vice Chancellor and provost. The EVC will only review written materials regarding the case including hearing documents provided by the chair, the appeal letter provided by the student outlining the rationale for the appeal, and any new evidence provided by the student which was previously unavailable at the time of the hearing. Appeals shall be limited to the following:

- Whether there is substantial evidence to support the finding(s) of violation of University policies or campus regulations for which the discipline was imposed.
- Whether there is evidence, which could not be adduced at the time of the original hearing and which is likely to change the result.
- Whether there was procedural unfairness at the conduct of the hearing.
- Whether the sanctions imposed were too harsh given the findings of fact and relevant circumstances.

Any appeal to the Executive Vice Chancellor and Provost must be made in writing and received by the EVC within 10 working days after the student receives the decision of the Academic Conduct Board. The decision of the Executive Vice Chancellor and Provost or their designee is final and shall be conveyed to the student and the student's dean in writing within 15 working days of receipt of the appeal letter. The EVC or their designee will then formally notify all other parties involved in the case of the outcome of the appeal.

If an academic honesty case whose outcome would affect the student's grade remains under investigation or appeal at the time final grades are due, the instructor of record shall assign a grade of "NR" until the case is resolved.

**805.00 Maintenance of Disciplinary Records**

Disciplinary records regarding academic misconduct will be maintained in the Office of Student Rights and Responsibilities as long as the student is enrolled and for a minimum of five years thereafter. Records will then be destroyed unless OSRR determines there is good reason to retain the records beyond that date.

## STUDENT GRIEVANCE PROCEDURES

(Reference: UC Systemwide PACAOS 110.00)

### 900.00 Policy on Student Grievance Procedures

Chancellors shall develop and submit for approval by Student Academic Services in the Office of the President, and in consultation with the Office of the General Counsel, procedures to resolve grievances claiming to have been the subject of any of the following types of University action:

- Violation of privacy rights
- Discriminatory practices based on gender
- Discriminatory practices based on disability
- Discriminatory practices based on race, color, or national origin
- Other types of actions that may be grieved, such as discrimination on the basis of sexual orientation, age, or marital status, medical condition (cancer-related), ancestry, citizenship, or status as a Vietnam-era veteran or special disabled.

### 901.10 UC Merced Student Grievance Procedure

#### Purpose and Scope

A. The purpose of this procedure is to provide UC Merced students an opportunity to resolve complaints against the University alleging discrimination based upon gender, disability, race, color, national origin, sexual orientation, age, marital status, medical condition (cancer-related), ancestry, citizenship, status as a Vietnam-era veteran, or any other action that may be grieved. Please consult with UC Merced's Title IX officer for procedures related to the resolution of alleged [sexual harassment](#) and the Office of the Registrar for procedures for addressing alleged violations of [educational rights and privacy](#).

This procedure is not applicable to decisions rendered via the Student Conduct process. An appeals process is in place for that purpose and can be found in the 603.00 of the *Student and Organization Policies and Regulations*.

#### B. Definitions:

Administrative Officer: The person designated to represent the University and serve as fact finder in formal administrative reviews.

Title IX Officer: University officer responsible for monitoring campus efforts to meet requirements of the 1972 federal legislation that prohibits all forms of sex discrimination

in educational institutions that receive federal funding. At UC Merced, the Title IX officer receives and facilitates the review of all sexual harassment complaints.

**Discrimination:** An illegal or prohibited adverse educational action or harassment based on race, color, national origin, religion, sex, gender identity, pregnancy (includes pregnancy, childbirth, and medical conditions related to pregnancy and childbirth), physical or mental disability, medical condition (cancer related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services).

**Harassment:** Conduct that is so severe or pervasive and objectively offensive, and that so substantially impairs a student's access to University programs or activities, that the student is effectively denied equal access to the University's resources and opportunities on the basis of the categories listed in "Discrimination" above.

**Adverse educational action:** An action that unreasonably and significantly interferes with a student's admission to, access to, or treatment in educational programs or activities.

### C. Filing a Complaint of Discrimination, Harassment or Arbitrary Treatment

A written complaint must be filed within sixty (60) calendar days of the time the student could reasonably be expected to have knowledge of any injury caused by the alleged discriminatory, harassing or arbitrary action.

Student reports of discrimination, harassment or arbitrary treatment should be submitted in writing to the Office of Student Rights and Responsibilities. If the student feels there is a conflict of interest with the Office of Student Rights and Responsibilities, the Vice Chancellor for Student Affairs and Engagement will receive and facilitate the review of the complaint. If the grievance contains allegations of sexual harassment or sexual violence, the report will be referred to the Title IX Officer for review and investigation, pursuant to the UC systemwide policy on Sexual Harassment and Sexual Violence.

The complaint must contain the following:

- The complainant's name and contact information.
- The identity of the respondent(s).
- A description of the alleged discrimination, harassment, or arbitrary treatment.

- The alleged discrimination or harassment (e.g., discrimination based on race, gender, disability or other illegal grounds) or arbitrary treatment.
- An explanation of the evidence supporting the complainant's assertion that the respondent engaged in the alleged conduct for discriminatory or arbitrary reasons.
- The complainant must state the fact on which the complaint of discriminatory, harassing, or arbitrary treatment is based.
- If the complaint is timely but does not include all the necessary facts, it will be returned to the complainant within 15 calendar days.
- The complainant will have seven calendar days to correct the deficiencies.
- If the complainant fails to submit a corrected complaint that includes all the necessary facts, the complaint may be dismissed.
- Students are not required to file multiple or serial complaints regarding the same incident or action.
- The University shall ensure that complaints reported through this procedure are handled appropriately so that the student obtains a full remedy for any discrimination, harassment, or arbitrary treatment found to have occurred.
- When a complaint is submitted through this procedure but is more appropriately handled through another procedure, OSRR will coordinate a joint process or transfer the complaint to the appropriate procedure and inform the complainant in writing of the procedures that will be used.
- Within 15 days of receiving a complaint of discrimination, harassment, or arbitrary treatment, OSRR will inform the complainant in writing of the available processes, including informal resolution, the range of possible outcomes, the right to appeal a decision, and the confidentiality policies.

#### D. Informal Resolution Procedures

Informal resolution may be used when parties want to resolve the situation cooperatively and/or when a formal administrative review is unlikely to lead to a satisfactory outcome. The complainant and respondent are encouraged to participate in informal resolution.

The informal resolution process shall be coordinated by OSRR. After receipt of a complaint that meets the requirements set forth in above, OSRR shall provide the parties with the written information about informal resolution. Steps taken to encourage informal resolution and agreements reached will be documented by OSRR.

Informal resolution may include but is not limited to the following:

- Mediating agreement between parties.
- Separating the parties.

- Preliminary inquiry including fact-finding.
- No-fault conversation with written confirmation, or negotiating an agreement for disciplinary actions.
- Conducting targeted educational and training programs.
- Referring parties to a counseling program.
- Providing remedies and/or referral to support services for the individual harmed by the discrimination.

The informal resolution process may last up to 45 calendar days, unless extended by mutual agreement of the parties or by OSRR with written notice to the parties.

OSRR will notify both parties in writing when the informal resolution process is completed and provide a summary of the outcome.

#### E. Formal Campus Resolution Procedures

If a complaint of discrimination, harassment, or arbitrary treatment is not resolved by informal resolution, within ten calendar days the Director of the Office of Student Rights and Responsibilities shall review the complaint to determine if the complaint is eligible for formal administrative review.

##### Insufficient Evidence

If the Director of the Office of Student Rights and Responsibilities determines, based on information developed through the informal resolution process, that there is insufficient evidence to warrant an administrative review, the director shall issue a written decision to the complainant explaining the determination.

- For a period of 7 calendar days after receipt of the director's decision, the complainant may submit a request for reconsideration.
- If the director denies the request, the decision is final.

##### Formal Administrative Review

If the Director of the Office of Student Rights and Responsibilities determines that the complainant alleges facts that may establish a violation of University policy, the director shall refer the complaint for formal administrative review.

- Upon referral for formal administrative review, the Director of the Office of Student Rights and Responsibilities, or their designee as appropriate, shall promptly designate an Administrative Officer to serve as fact finder. The Title IX Officer will serve as

the Administrative Officer for any sexual harassment related complaints.

- Within 15 days of initiating the formal administrative review, OSRR shall notify the parties, in writing, of the name(s) of the Administrative Officer, a statement of allegations under review, and a date for completion of the review.
- Parties and witnesses shall be instructed that confidentiality is important to protect the integrity of the review. The reviewer's disclosure of facts or allegations to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair review.
- The Administrative Officer shall complete the investigation and produce a report within sixty (60) days of the initial receipt of the complaint in the Office of Student Rights and Responsibilities. The report should contain a summary of the allegations and issues presented by the complaint, the positions of the parties, a statement of the applicable law or policy, a summary of the evidence and factual findings reached in the investigation and the AO's determination as to whether University policy has been violated. If directed to do so, the report should also include a recommendation of remedies to resolve the complaint.
- The time limit for conclusion of the administrative review may be extended when deemed necessary by OSRR. Written notice of the extension will be provided to the complainant and the respondent.
- With 15 days of submission of the report, OSRR will notify the parties, in writing, of the following:
  - Whether or not there was a finding that University policy was violated and the reasons for the finding.
  - The investigative steps that led to the decision, including a summary of the facts gathered.
  - Any actions that will be taken that are directly related to the party receiving the notice (e.g., an order that the respondent not contact the complainant) including any remedies that OSRR determines are appropriate and within the scope of its authority.
  - The outcome of the administrative review can be appealed as set forth below.
    - Actions following a finding of discrimination, harassment, or arbitrary treatment
      - Within 15 calendar days of notifying parties of the review outcome, OSRR shall authorize appropriate remedies within the scope of its authority.
      - If the discrimination, harassment, or arbitrary treatment related

to matters where another campus official holds authority to make remedial, non-disciplinary action or implement a reviewer recommendation, OSRR shall forward the report to that official within seven calendar days of notifying parties of the review outcome. The official shall not reexamine the determination that discrimination, harassment, or arbitrary treatment occurred.

- If the complaint relates to grades, the Dean of the school shall determine whether the complainant receive an unfair grade because of the discrimination, harassment, or arbitrary treatment, and if so, the appropriate grade to award or action to be taken (e.g., granting a retroactive withdrawal). The Dean shall not reexamine the determination that discrimination, harassment, or arbitrary treatment occurred. Nothing in this policy otherwise changes the guidelines and procedures under which the faculty operate.
- If any member of the UC Merced community is found to have engaged in discrimination, harassment, or arbitrary treatment in violation of this policy, the investigative report shall be referred to the appropriate campus official for further handling under the applicable disciplinary policies and procedures. Administrative review reports prepared under this policy may be used as evidence in disciplinary actions if permitted by applicable rules.

## Appeals

The student may seek reconsideration of an adverse determination by filing a written request for review with the office of the Vice Chancellor for Student Affairs and Engagement within ten business days of receiving a written notice of the determination. This request must be based on at least one or more of the following grounds:

- There is no substantial evidence to support the decision made by the reviewer.
- There is newly discovered evidence that is material to the findings of fact and that was not available to the complainant prior to the conclusion of the review.
- The remedies or actions are inadequate to redress the harm.
- There was a procedural error that materially affected the fairness of the proceedings and prejudiced the appellant.
- If the appeal is based on a claim that there is no substantial evidence to support the decision, that there was a procedural error, or that the remedy is inadequate, the reviewer shall consider the record as a whole to determine if the appeal is supported by the record, and if so, shall take appropriate action (e.g., initiate a new review, correct an error, or

provide a different remedy).

If the appeal is based on newly discovered evidence, the reviewer may forward the evidence to the original reviewer to evaluate. If the original reviewer advises that the evidence provided by the appellant is not newly discovered, or was already considered, the appeal shall be denied.

The Vice Chancellor shall provide a written response within 30 business days following the notice of appeal. The determination of the Vice Chancellor for Student Affairs and Engagement is final.