

## 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.