

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 and PACAOS Appendix G: Student Investigation and Adjudication Framework for Prohibited Conduct: Discrimination, Harassment, and Retaliation.

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: see <http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>)

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 in 703.12 and 703.13.

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

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 and PACAOS Appendix G: Student Investigation and Adjudication Framework for Prohibited Conduct: Discrimination, Harassment, and Retaliation.

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 campus' 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](#).

704.100

Consistent with the University's commitment to student health and safety, students are encouraged to seek medical assistance for themselves or others experiencing an alcohol- or drug-related medical emergency without fear of disciplinary action for certain related policy violations.

A student who receives emergency medical assistance due to the consumption or use of alcohol or drugs shall not be subject to disciplinary action under these Policies or campus regulations for personal use violations of Section 702.17 or 702.18, or related campus alcohol or drug policies.

As a condition of amnesty under this section, the student shall be required to participate in and complete an appropriate rehabilitation or intervention program, as

determined by the campus and within a reasonable timeframe established by the campus.

Amnesty under this section shall apply no more than once per academic term (quarter or semester), as defined by the campus. If a student fails to complete the required intervention, the student may be subject to disciplinary action for the underlying alcohol- or drug-related policy violation in accordance with these Policies and applicable campus regulations.

This amnesty applies only to disciplinary action for personal use violations of alcohol- or drug-related policies and does not preclude the University from addressing other alleged misconduct. Such misconduct may include, but is not limited to, manufacturing, distribution, dispensing, or sale of alcohol or controlled substances; physical violence;

sexual violence; hazing; or violations of other University policies.

705.00 TYPES OF UNIVERSITY ACTIONS AND SANCTIONS

When a student is found in violation of University policies or campus regulations, any of the following types of University actions or sanctions may be imposed. Any University action or 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 University Actions

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 or designee 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 GUIDING FRAMEWORK FOR UNIVERSITY ACTIONS AND SANCTIONS

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

A. Principles:

Educational Purpose: When appropriate, University actions and/or sanction(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: Both University actions and sanctions 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 University actions and/or 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.

In matters involving alcohol- or drug-related emergencies, University actions and/or sanctions should be applied in a manner that does not deter students from seeking medical assistance and that supports compliance with *PACAOs 700.00*, section *704.100*.

B. Types of University Actions and Sanctions:

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 violation(s) of policy. The University actions and sanctions are grouped into tiers of increasing severity.

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

- Tier 1: University Actions and lower-level sanctions, including but not limited to:
 - Alternative Resolution
 - Supplemental Education
 - Educational Conversation
 - Warning
- Tier 2: Sanctions for more complex or severe violations that may not warrant separation from the institution, including but not limited to:

- Disciplinary Probation, with or without conditions
- Loss of Privileges/Exclusion from Activities
- Restitution
- 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
 - University Actions (supplemental with sanctions)

Factors Considered in Determining University Actions and Sanctions:

Each violation includes a recommended range of University actions and/or sanctions 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 University action or sanction 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 University Actions and/or Sanctions for Each Type of Violation:

The range of University actions and/or sanctions 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 University actions and/or sanctions 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 University actions and/or sanctions. 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 University actions and/or sanctions may be assigned, and more significant University actions and/or sanctions 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 University Actions and Sanctions by Tier and Type of Violation

<i>PACAOS 700.00 Violation</i>	Tier 1:	Tier 2:	Tier 3:
702.01 All forms of academic misconduct including but not limited to cheating, fabrication, plagiarism, or facilitating academic dishonesty.	Subject to local policy.	Subject to local policy.	Subject to local policy.
702.02 Other Forms of Dishonesty (e.g. furnishing false information, lying during investigations)	University Actions, Warning	Probation with option to add University Actions	Suspension or Dismissal with option to add University Actions
702.03 Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification	University Actions, Warning	Probation with option to add University Actions	Suspension or Dismissal with option to add University Actions
702.04 Theft or Property Damage	University Actions, Warning	Probation, or Restitution with option to	Suspension or Dismissal with

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

		add University Actions	with option to add University Actions
702.13 Obstruction or disruption of University Operations (teaching, research, admin)	University Actions, Warning	Probation with option to add University Actions	Suspension with option to add University Actions
702.14 Disorderly or Lewd Conduct	University Actions, Warning	Probation with option to add University Actions	Suspension with option to add University Actions
702.15 Disruption/Obstruction of University Activities	University Actions, Warning	Probation with option to add University Actions	Suspension with option to add University Actions
702.16 Failure to Comply with a University Official (including lying, resisting, obstructing)	University Actions, Warning	Probation with option to add University Actions	Suspension or Dismissal with option to add University Actions
702.17 Controlled Substance Violations*	University Actions, Warning	Probation, Alcohol and Other Drug Education or Intervention with option to add University Actions	Suspension or Dismissal with option to add University Actions
702.18 Alcohol Violations*	University Actions, Warning	Probation or Suspension with option to add University Actions	Suspension with option to add University Actions
702.19 Possession or Use of Explosives/Firebombs	Warning	Probation with option to add University Actions	Suspension or Dismissal with option to add University Actions

702.20 Possession/Use/Manufacture of Firearms or Weapons (prohibited)	Warning	Probation with option to add University Actions	Suspension or Dismissal with option to add University Actions
702.21 Violation of Disciplinary Conditions (e.g., breaking terms of probation/sanctions)	—	Probation with option to add University Actions	Suspension or Dismissal with option to add University Actions
702.22 Violation of Emergency Suspension or Orders (during declared emergencies)	—	Probation with option to add University Actions	Suspension or Dismissal with option to add University Actions
702.23 Selling, preparing, or commercially distributing lecture notes/class recordings	University Actions, Warning	Probation with option to add University Actions	Suspension or Dismissal with option to add University Actions
702.24 Intent to terrorize , or acts in reckless disregard of the risk of terrorizing, one or more University students, faculty, or staff	—	Probation with option to add University Actions	Suspension or Dismissal with option to add University Actions
702.25 Recording, photographing, or viewing people without their knowledge and consent in private settings or during private conversations	University Actions, Warning	Probation with option to add University Actions	Suspension or Dismissal with option to add University Actions
702.26 Violation of Sexual Violence and Sexual Harassment Policy	See University of California Policy on Sexual Violence and Sexual Harassment and PACAOS Appendix E	See University of California Policy on Sexual Violence and Sexual Harassment and PACAOS Appendix E	See University of California Policy on Sexual Violence and Sexual Harassment and PACAOS Appendix E

	and F	and F	and F
702.27 Violation of Anti-Discrimination Policy	See University of California Anti Discrimination Policy and PACAOS Appendix G	See University of California Anti Discrimination Policy and PACAOS Appendix G	See University of California Anti Discrimination Policy and PACAOS Appendix G

*In circumstances where an alleged alcohol- or drug-related policy violation is discovered as a result of a student receiving emergency medical, the amnesty provisions of *PACAOS 700.00*, Section *704.100* may apply. In such cases, disciplinary sanctions for the alcohol- or drug-related violation may be limited or precluded, and OSRR should follow the procedures and requirements set forth in Section *704.100*.

ACADEMIC HONESTY POLICY¹

Preliminary Statement

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

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

³ 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.