# CHAPTER VII: ADMINISTRATION OF STUDENT DISCIPLINE

(Adapted with permission and thanks to the UC Davis Office of Student Judicial Affairs)

Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>700.00</td>
<td>Introduction</td>
</tr>
<tr>
<td>701.00</td>
<td>Student Judicial Affairs and the Administration of the Student Discipline System</td>
</tr>
<tr>
<td>701.10</td>
<td>The Office of Student Judicial Affairs (&quot;SJA&quot;)</td>
</tr>
<tr>
<td>701.20</td>
<td>Delegation of Authority</td>
</tr>
<tr>
<td>701.30</td>
<td>Overview of Process</td>
</tr>
<tr>
<td>702.00</td>
<td>Reporting Suspected Student Misconduct</td>
</tr>
<tr>
<td>702.10</td>
<td>Reporting Suspected Misconduct to SJA</td>
</tr>
<tr>
<td>702.20</td>
<td>Preliminary Review by SJA</td>
</tr>
<tr>
<td>702.30</td>
<td>Initiating a Discipline Case</td>
</tr>
<tr>
<td>703.00</td>
<td>Informal Process</td>
</tr>
<tr>
<td>703.10</td>
<td>Informal Disposition (Definition)</td>
</tr>
<tr>
<td>703.20</td>
<td>Procedures for Informal Disposition</td>
</tr>
<tr>
<td>703.30</td>
<td>Informal Disposition by Agreement</td>
</tr>
<tr>
<td>703.40</td>
<td>Informal Disposition by Unilateral Action</td>
</tr>
<tr>
<td>703.50</td>
<td>Types of Unilateral Action SJA May Take</td>
</tr>
<tr>
<td>703.60</td>
<td>Effect of Withdrawal or Failure to Register on Discipline Process</td>
</tr>
<tr>
<td>703.70</td>
<td>Appeal of Administrative Action or Unilateral Discipline</td>
</tr>
<tr>
<td>704.00</td>
<td>Formal Fact Finding Hearings</td>
</tr>
<tr>
<td>704.10</td>
<td>Setting a Formal Hearing</td>
</tr>
<tr>
<td>704.20</td>
<td>Hearing Authorities</td>
</tr>
<tr>
<td>704.30</td>
<td>The Campus Judicial Board (“CJB”)</td>
</tr>
<tr>
<td>704.40</td>
<td>Other Types of Hearings and Hearing Authorities</td>
</tr>
<tr>
<td>704.50</td>
<td>Preparation and Presentation of Cases</td>
</tr>
<tr>
<td>705.00</td>
<td>Hearing Procedures</td>
</tr>
<tr>
<td>705.10</td>
<td>Applicability</td>
</tr>
<tr>
<td>705.20</td>
<td>Scheduling the Hearing</td>
</tr>
<tr>
<td>705.25</td>
<td>Notice of the Hearing</td>
</tr>
<tr>
<td>705.30</td>
<td>Access to Information to be Provided at the Hearing</td>
</tr>
<tr>
<td>705.35</td>
<td>Disqualification of a Panel Member</td>
</tr>
<tr>
<td>705.40</td>
<td>Pre-Hearing Conference</td>
</tr>
<tr>
<td>705.45</td>
<td>Closed and Open Hearings</td>
</tr>
<tr>
<td>705.50</td>
<td>Who May Be Present at the Hearing</td>
</tr>
<tr>
<td>705.60</td>
<td>Evidence and Testimony</td>
</tr>
<tr>
<td>705.70</td>
<td>Introductory and Summary Statements</td>
</tr>
</tbody>
</table>
705.80 Burden of Proof ................................................................. 86
705.90 Hearing Records .................................................................. 86
706.00 Report by Hearing Panel or Officer ....................................... 86
706.10 Findings of Fact and Recommendations ............................... 86
706.20 Submission of Reports ...................................................... 87
706.30 Contents of Report ............................................................. 87
706.40 Action on the Report .......................................................... 87
706.50 Notice of the Decision ........................................................ 88
707.00 Appeals .............................................................................. 88
707.10 Time for Appeal ................................................................. 88
707.20 Who May Appeal ................................................................. 88
707.30 Grounds for Appeal ............................................................ 88
707.40 Where Appeal Must Be Filed ............................................. 89
707.50 Decision on Appeal ............................................................ 89
707.60 Notice of Decision on Appeal ............................................. 90
708.00 Timeliness of Complaints .................................................. 90
708.10 Academic Misconduct Reports .......................................... 90
708.20 Nonacademic Misconduct Reports ..................................... 90
709.00 Jurisdiction of SJA ............................................................. 90
709.10 Types of Cases ................................................................... 91
709.20 Individuals and Organizations Subject to Student Disciplinary Action ........... 91
709.30 Geographic (On and Off-Campus) Jurisdiction .................... 92
709.40 Effect of Health Condition On Student Disciplinary Process .......... 93
709.50 Disciplinary Reports Related To Alleged Crimes .................. 94
709.60 Disciplinary Reports Related To Student Employment .......... 95
710.00 Confidentiality of SJA Records .......................................... 95
710.10 SJA Records Are Confidential Student Records ................. 95
710.20 Protected from Disclosure ................................................ 95
711.00 Revision of Student Conduct Policies and Procedures .......... 95
711.10 Review and Revision of the Administration of Student Discipline .... 95
711.20 Review by Vice Chancellor, Chancellor, and Office of the President .... 96
711.30 Publication of Revised Policies and Procedures ................... 96
APPENDIX A ............................................................................... 97
APPENDIX B ............................................................................... 101
APPENDIX C ............................................................................... 107
APPENDIX D ............................................................................... 110
APPENDIX E ............................................................................... 112

700.00 Introduction
The student disciplinary system at the University of California, Merced, has been established to support the mission of the campus by upholding standards of academic excellence, promoting integrity and fairness, and confronting behaviors that impair the teaching and learning environment.

UC Merced Tradition

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

Merced has a strong tradition of student involvement in campus efforts to encourage academic integrity, promote responsible behavior, and enforce standards of student conduct. Students must "take group as well as individual responsibility for honorable behavior," and "make every effort to prevent and avoid academic misconduct."

Student Discipline

At UC Merced, the Office of Student Judicial Affairs oversees the student disciplinary system for reports of suspected student misconduct, both academic (e.g., cheating, plagiarism, and unauthorized collaboration) and nonacademic (e.g., computer misuse, alcohol and other residence hall violations, theft, and conduct that threatens health and safety).

Most reports of suspected misconduct are resolved by agreement, with the student accepting responsibility and sanctions for his/her actions. Sanctions imposed as part of this informal process range from warning or probation to Suspension or Dismissal from the University, depending upon the seriousness of the violation and whether the student has any prior disciplinary history. Emphasis is placed on holding students accountable for their actions, promoting their ethical development, upholding standards of academic excellence and responsible conduct, and protecting the welfare of members of the UC Merced community.

In the rare case that a fact-finding hearing becomes necessary, it is held before a neutral student-faculty panel. Parties speak on their own behalf, and the goal is finding the truth through a fair process in which both sides are given a full opportunity to be heard. Formal court procedures and evidentiary rules do not apply to student discipline matters.
Educational Purposes of the Disciplinary Process

UC Merced campus disciplinary procedures are intended to promote reasoned, fair, and impartial consideration of suspected student misconduct, with respect for the rights and interests of all concerned: the accused student, the reporting party, and the University. The discipline process itself is a meaningful educational experience: students learn from admitting their errors and accepting the consequences of their actions. Student discipline is thus a shared responsibility that is integral to the University's mission and helps to fulfill the aspirations of our academic community.

701.00  Student Judicial Affairs and the Administration of the Student Discipline System

701.10  The Office of Student Judicial Affairs ("SJA").

UC Merced has designated SJA to administer the student disciplinary system for academic and nonacademic misconduct, recognizing that centralized authority, responsibility and record-keeping are essential to a balanced and impartial student discipline process. SJA reviews and resolves reports of suspected violations of standards of student conduct (Appendix A) and cases of academic integrity (Appendix C). SJA determines jurisdiction, maintains confidential discipline records, and administers the informal disposition and formal fact-finding hearing processes.

701.20  Delegation of Authority

Authority for student discipline at UC Merced is delegated from the Chancellor to the Vice Chancellor for Student Affairs ("the VC"), to the Director of Student Life and Judicial Affairs. The Director, and under the Director's supervision, the SJA staff, have authority to impose disciplinary sanctions (Appendix B). All disciplinary action taken by the Director, other SJA staff, or any hearing body or hearing officer, operates by delegation of the Chancellor’s authority.2

701.30  Overview of Process

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1 The Office of Student Life (OSL) has primary responsibility for administrative oversight and action with respect to registered student organizations. OSL coordinates with SJA in conducting any formal review of proposed suspension or revocation of a student organization's registration.

2 Misconduct by students in the residence halls may be resolved through the student discipline system, by using housing contract remedies, or both. The Housing Office staff includes Judicial Officers who have authority designated by the Vice Chancellor of Student Affairs to resolve cases within housing.

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Most cases are resolved through an informal process in which professional SJA staff meet with the accused student, consult with the reporting party, and, if appropriate, enter a written disciplinary contract specifying agreed sanctions for any admitted violations of conduct standards. Students are advised of their rights provided by UC Merced disciplinary procedures, including the right to request a formal fact-finding hearing if they do not admit the conduct, and also to consult and be accompanied by an advisor during the informal and/or formal processes. Cases that cannot be resolved informally are heard by a student-faculty or student-staff panel, or by a hearing officer, in accordance with procedures described below and with requirements set forth in University policy.

702.00 Reporting Suspected Student Misconduct

702.10 Reporting Suspected Misconduct to SJA

Suspected student misconduct falling within SJA's jurisdiction (see Sections 799.00 to 709.60) should be reported in writing to SJA. Reports should include the following, if known: the accused student's name and identifying information, the nature of the suspected violation, a description of the circumstances, including the date of the incident, names of witnesses, copies of supporting documents, and how to reach the reporting party (report forms are available on-line or in the Office of Student Life).

A. Reporting parties

Reports of suspected misconduct may be made to SJA by faculty, students, staff, or others (including parties not affiliated with the University). The reporting party may be the person directly affected by the behavior, or someone acting on his/her behalf.3 Where the reporting party is different from the affected party, the affected party may have the same rights as the reporting party under these policies,4 if authorized by SJA.

702.20 Preliminary Review by SJA

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3 In cases such as alleged sexual or other physical assault, it is common for the reporting party to be a campus official such as a police officer, Resident Advisor, or University staff member. This assures University representation, and means the victim is not necessarily the reporting party.

4 For example, a party directly affected by the behavior may have the same rights to attend a formal hearing and to be accompanied by an advisor as the accused student or the reporting party.

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Upon receiving a written report or a request for review, SJA will evaluate the matter. If SJA determines that, in its judgment, no further action is warranted, the person reporting the case or requesting the review will be so informed. SJA may decline further action if the report is untimely; if there is no substantial evidence to support the report; if the suspected behavior does not constitute a violation of student conduct standards; or if the suspected incident should be addressed through other policies or procedures.

702.30 Initiating a Discipline Case

If SJA determines that further inquiry is appropriate, SJA will notify the accused student and reporting party that a disciplinary case has been opened.

A. Notice of Report

SJA sends written notice (by email / U.S. or campus mail) to the student of the report of suspected misconduct, and directs the student to attend the scheduled meeting or to schedule a meeting with SJA.

B. First Meeting

At the first meeting with the accused student, the SJA officer describes disciplinary procedures, and provides details regarding the information supporting the report of misconduct. The accused student is afforded an opportunity to respond, to ask questions, and to discuss possible options for resolving the case.

703.00 Informal Process

703.10 Informal Disposition (Definition)

"Informal disposition" means resolution without a formal fact-finding hearing, usually by agreement between the student and SJA. Informal disposition can also include unilateral disciplinary action if a student fails to participate in the disciplinary process, or when a sanction is imposed as specified in a prior deferred sanction agreement (see Section 703.40(D)). In cases that cannot be resolved informally, a fact-finding hearing is held (see Section 704.00). Informal disposition is not required and SJA maintains the discretion to move to a formal fact finding hearing.

703.20 Procedures for Informal Disposition
A. Meetings/communications with accused student

If the accused student participates in informal disposition, the process usually includes one or more meetings or other communications (e.g., phone calls, emails) between the student and SJA to discuss the facts of the case, possible outcomes (including sanctions), and terms of agreement.

B. Information Provided by Accused Student

While the accused student is required to respond to SJA, he/she may choose not to provide information in response to the charges (remain silent regarding the allegations) and request a formal hearing. Any information provided by the student in the informal disposition process (whether at a meeting, during a phone call, or in an email or other writing) must be truthful. This information may be shared with the reporting party, and may become evidence in a later formal process.

C. Advisors

An accused student may consult and/or be accompanied by an advisor of his/her choice at any point during the informal process.

D. Consultation with Reporting Party

SJA may consult with the reporting party before reaching an agreement with the student or otherwise resolving the case informally, and may advise the referring party if the accused student has a disciplinary history.

E. Resolution by Another

Rather than reach agreement regarding the facts and/or sanction, the student and SJA may agree to have the case resolved by another, such as a mediator.

703.30 Informal Disposition by Agreement

SJA may offer to resolve the case informally by agreement between the student and SJA. If an agreement is reached, it should be stated in writing and signed by the student, and should contain the following terms, as appropriate:

A. Violation Admitted

The agreement should state whether a violation is acknowledged, and, if so, describe the agreed facts of the incident and the nature of the admitted violation.
B. Terms of Agreed Sanction(s)

If the student and SJA agree on the appropriate sanction(s), the agreement should describe the terms of the sanction(s) to be imposed.

Informal Disposition by Unilateral Action

SJA may resolve a report of suspected misconduct unilaterally by taking administrative action or imposing sanctions under the conditions listed below, depending upon the circumstances of the case, including factors such as the seriousness of the violation, whether the student has a prior disciplinary history and/or has signed a deferred sanction agreement, and the length of time the student has delayed in responding:

A. Failure to Respond

If the student has failed or refused to respond within 30 days after SJA's first attempt to contact him or her, or has failed or refused to participate in or cooperate with the disciplinary process, despite reasonable efforts by SJA to contact him/her;

B. Break in Enrollment

If the student has withdrawn or failed to re-register while discipline is pending, and the student fails to respond and participate in the disciplinary process;

C. Failure to Comply with Previous Disciplinary Agreement

If the student fails to complete community service hours, submit a paper, or comply with other requirements of a disciplinary agreement, including, but not limited to, violating a prior agreement that the student will not contact certain individuals or enter certain areas of campus.

D. Previous Deferred Sanction Agreement

If the student previously agreed to a deferred sanction and subsequently violates the disciplinary contract.

Types of Unilateral Action SJA May Take

SJA has discretion to take any of the following unilateral actions:

A. Administrative actions:
1. Administrative Holds.

   SJA may place holds on a student's registration, graduation, diploma, and transcripts; or

2. Administrative Notice.

   SJA may issue administrative notices regarding University standards and policies (See Appendix B, and University of California Policies Section 104.80).

B. Sanctions:

1. SJA may impose sanctions unilaterally, including censure, probation, interim suspension, suspension or dismissal, as long as the student is provided notice and an opportunity to be heard on the charges through a formal hearing process.

2. If the student has previously agreed to a deferred sanction, impose the agreed deferred sanction or a lesser sanction.

C. Submit the case for formal fact-finding hearing in the student’s absence (see Sections 704.00 and 705.00, and specifically Section 705.50.A).

703.60 Effect of Withdrawal or Failure to Register on Discipline Process

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

703.70 Appeal of Administrative Action or Unilateral Discipline

The student who is subject to holds or to sanctions imposed under section 703.40 may appeal SJA’s decision as follows:

A. Release of holds

   Administrative holds placed on an accused student’s registration, graduation, diploma, or transcripts because the student failed to respond to SJA, or failed to complete community service or other requirements of a prior discipline contract, will normally remain in place until the student contacts SJA, meets with SJA staff, resolves the matter, and/or completes or complies with the prior agreed requirements.
B. Appeals from Unilateral Discipline Imposed for Failure or Refusal to Respond

Appeals from unilateral discipline must be submitted to the Director in writing and must state reasonable grounds for the student's non-cooperation or failure to respond during the original process. The Director may sustain the original unilateral discipline, or may reopen the discipline process for informal disposition or formal hearing. If the Director sustains the original action, the student may appeal under section 3.70 (C), below.

C. Appeals from Discipline Imposed under A Previous Deferred Sanction Contract

An appeal of sanctions imposed by SJA under a deferred sanction contract must be submitted to the Assistant Vice Chancellor of Student Affairs in writing within 10 business days after the student receives written notice of SJA’s decision, and must be based on one or more of the grounds stated in Section 707.30. The Assistant Vice Chancellor of Student Affairs or designee may take any of the following actions:

1. Modify Sanction

   Affirm, increase, reduce, or rescind the original sanction;

2. Return Case to SJA

   Return the case to SJA for the accused to present evidence under these procedures; or

3. Refer for Formal Hearing

   When appropriate, refer the matter for a new formal hearing. If a formal hearing has been held in the student's absence, University witnesses will not be required to appear again nor must the University repeat its presentation, but may re-present the same evidence or present new evidence at its discretion.

704.00 Formal Fact Finding Hearings

704.10 Setting a Formal Hearing

   If SJA is unable to resolve a matter informally after a reasonable time for review, and if attempts at informal disposition are unsuccessful because issues remain in dispute, SJA may refer the case to an appropriate body for a formal fact-finding hearing.
A. Nature of the Hearing

A formal disciplinary hearing, consistent with the University’s educational mission, is a process whereby members of our academic community – students, faculty, and staff – meet to make determinations of fact. It is not a court proceeding. The goal is to find the truth through a fair, prompt, and effective process, respecting and preserving the rights of the accused student, the University community, the reporting party, and any witnesses.⁶

1. Purpose of Hearing

These procedures are intended to implement the University's educational goals while providing the student notice and an opportunity to be heard, including questioning witnesses and presenting his/her own evidence and witnesses.

2. Self-Representation

In general, students and reporting parties speak on their own behalf, but may each be assisted in preparing and accompanied at any informal or formal hearing by an advisor of his/her choice (Section 704.50).

⁶ University of California Policy on Student Conduct and Discipline Section 103.10 provides: “Procedural due process is basic to the proper enforcement of University policies and campus regulations. …[C]ampus regulations [shall provide] for the handling of student conduct cases in accordance with basic standards of procedural due process. 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.” Section 103.11 provides “When a formal hearing is deemed to be appropriate, campus implementing regulations shall provide the following minimum procedural standards to assure the accused student a fair hearing:

a. Written notice, including a brief statement of the factual basis of the charges, the University policies or campus regulations allegedly violated, and the time and place of the hearing, within a reasonable time before the hearing.

b. The opportunity for a prompt and fair hearing where the University shall bear the burden of proof, and at which the student shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses presented by the University; no inference shall be drawn from the silence of the accused;

c. A record of the hearing; an expeditious written decision based upon the preponderance of evidence, that shall be accompanied by a written summary of the findings of fact; and

d. An appeals process.”
B. Subject of the Hearing

Issues in dispute may involve the nature and facts of the suspected misconduct, whether there has been a violation of University policy or campus regulations, and/or evaluating and recommending appropriate sanctions for the violation.

C. Recommended Sanction

SJA may consult with the reporting party in determining a recommended sanction and in deciding whether to refer a case for formal hearing.

704.20 Hearing Authorities

A matter may be referred for a fact-finding hearing to one of the hearing bodies or a hearing officer as described below.

A. The role of the hearing panel or hearing officer is to determine the facts and whether or not a preponderance of the evidence establishes a violation of conduct standards. If a violation is found, the hearing authority may receive information and recommend appropriate sanctions.

B. Types of Hearing Authorities:

1. The Campus Judicial Board (may conduct fact-finding hearings or sanction hearings only during the school year during the fall and spring term while classes are in session).

2. Hearing Officers and Ad Hoc Hearing Panels (available during the school year, summer, and during breaks).


704.30 The Campus Judicial Board (“CJB”)

The Campus Judicial Board is a panel, normally comprised of students, administrative staff, and faculty, that has primary responsibility for hearing disputed cases of suspected academic misconduct. CJB panels comprised of students and staff may hear nonacademic misconduct cases as assigned and appropriate.

A. Student Members of the CJB
The Vice Chancellor for Student Affairs ("VC") or designee may appoint up to 15 students to the Campus Judicial Board, and may appoint a student chair or co-chairs from among the student members of the CJB. If the appointed chair is unavailable to serve at a hearing, another student member may serve as ad hoc chair without special appointment. Student CJB members serve one-year terms and may be reappointed.

1. Student CJB Educational Outreach Programs. In addition to their responsibilities for serving on hearing panels, CJB student members develop, implement, and present outreach programs and educational materials to encourage academic integrity and responsible and ethical conduct in the campus community.

2. Other Student CJB responsibilities. Student CJB members hold office hours and provide information and advising to students with questions about the discipline process or grievances. Student CJB members who are not serving on the designated panel for a specific hearing may serve as advisors to students and reporting parties for that hearing. CJB student members may also meet with accused students as part of the informal disposition process or to follow up with a student who has completed an educational task or community service.

B. Faculty Members of the CJB

The VC or designee may appoint up to 15 faculty (Academic Senate members) to the Campus Judicial Board. Any faculty member may serve as chair or a hearing officer without special appointment. Faculty CJB members will normally serve two-year terms and may be reappointed. Faculty normally serve as hearing panel members or hearing officers only in academic misconduct cases.

C. Staff Members of the CJB

The VC or designee may appoint staff to serve as hearing officers or as CJB panel members. Staff will normally serve two year terms and may be reappointed. Staff serve on student-staff panels or as hearing officers only in nonacademic misconduct cases.

D. CJB Hearing Panels
Normally, a CJB hearing panel will consist of an odd number of students and faculty (or staff). A CJB hearing panel may be chaired by a student, staff or a faculty member, as appropriate. A quorum is three panel members, including at least one student and one staff or faculty member, and the maximum membership of a panel is five individuals.

704.40 Other Types of Hearings and Hearing Authorities.

A. Sanction Hearings

If a student has admitted the offense, but SJA and the student are unable to reach an agreement regarding the appropriate sanction, the matter may be submitted to a sanction panel or hearing officer (unless there is a pre-existing deferred sanction agreement). An agreed statement of facts should be put in writing and approved by the student and SJA to serve as the basis for the sanction hearing. A sanction panel is comprised of no more than three individuals (student, staff, or faculty) from the CJB or separately appointed by the VC. The panel will consider and make recommendations on the appropriate sanction as set forth in 706.00.

B. Hearing Officers or Ad Hoc Hearing Panels

Hearing Officers or members of Ad Hoc Hearing Panels are University faculty, students, or administrative staff members, generally with prior hearing experience and/or training, specially appointed by the VC to hear student disciplinary cases. They may also serve during academic break periods and summer sessions, in campus emergencies, or at times when the CJB cannot meet. An appointed student or faculty member of the CJB may serve on ad hoc hearing panels, or as a hearing officer or advisor in student disciplinary matters, without special appointment, as long as such service is documented in the VC’s original letter of appointment. The VC may make additional ad hoc appointments as necessary.

C. Graduate Studies, Graduate School of Management, or Professional Schools Hearing Panels

If the accused student is a graduate student or a student in the Graduate School of Management or any Professional Schools, and a formal hearing becomes necessary, an Ad Hoc Hearing Panel may be appointed including at least one graduate-level student and one faculty member with graduate-level teaching and research experience, preferably from the Division or School in question.

704.50 Preparation and Presentation of Cases
A. Parties represent themselves

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

B. Advisors

Both the accused student and the reporting party may each have an advisor of his/her choice to help with preparation for the hearing and who may accompany them at the hearing.

1. Student members of the CJB may serve as advisors.

2. The accused student and the reporting party are each responsible for preparing and presenting their own evidence and witnesses at a formal hearing. Advisors may provide assistance to the parties prior to and at a hearing, but advisors do not prepare or present the case for the parties.

3. Generally, advisors will not take a direct part in hearings without the consent of the panel or hearing officer. With consent, advisors may ask questions of those who testify, and if the party so chooses, present the summarizing statement for the party at the close of the hearing.

4. The role of the advisor may be expanded in exceptional cases at the discretion of the Director if a party will be unfairly disadvantaged in the absence of such additional assistance, such as where the party is a non-native English speaker or wishes to exercise the right to remain silent.

5. The panel or hearing officer may exclude an advisor from the hearing if the advisor fails to comply with the hearing procedures, becomes disruptive, or impedes or interferes with the hearing process.

705.00 Hearing Procedures

705.10 Applicability

These procedures apply to all disciplinary hearings unless specifically waived by the accused student or reporting party.
A. Hearing panels and officers have responsibility for the procedural working of the hearing, and may direct appropriate procedures in their discretion, so long as those procedures are consistent with this policy.

B. An SJA representative attends all hearings to ensure compliance with these procedures and facilitate the hearing process.

705.20 Scheduling the Hearing

Hearings are scheduled and concluded (a) with reasonable speed to avoid unnecessary hardship for the student, reporting party, or witnesses; and (b) to permit the parties reasonable time to prepare. Hearings may be held during summer sessions or academic break periods.

705.25 Notice of the Hearing

Once it is determined that a formal hearing is necessary to resolve the matter, SJA sends the student written notice within a reasonable time before the hearing.

A. Delivery of Notice

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

B. Presumption of Delivery

It is presumed that the accused student has received notice if the student has picked up the notice from SJA, or if the notice has been sent to the student by (1) email at the student's primary UC Merced email address; and/or (2) regular U.S. mail at the local address provided by the student to SJA, or the local address and/or e-mail addresses most recently filed with the Registrar's Office; or, if undeliverable at a local address, at the permanent address of record.

C. Contents of Notice

The notice should include the following information:

1. The time, date, and place of hearing, or notice that the hearing will be held at a time and place to be specified in a later notice;
2. A brief description of the factual basis of the suspected violation, a list of the University policies or campus regulations reportedly violated, and a summary of the information (documents or other evidence and names of witnesses) to be provided at the hearing;

3. A statement that the student is entitled to be accompanied/assisted by an advisor; and

4. An outline of the hearing process.

5. Either in the notice of hearing, or as soon as possible afterwards, the student is provided with the name(s) of the hearing panel members or hearing officer so that he or she may, if there is good cause, submit a challenge (Section 705.35)

705.30 Access to Information to be Provided at the Hearing

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

A. Submitted in advance

Any information to be provided at the hearing must be submitted in advance to SJA, including (1) copies of documents and other evidence and (2) lists of the names of witness who will be called with a brief description of the subject of each witness’s testimony.

B. Deadline for submission

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

705.35 Disqualification of a Panel Member

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

A. Challenge for cause
Either party may challenge a panel member for stated reasons. A challenge should be made to SJA within three days after receiving notice of the names of the panel members.

B. Disqualification

SJA or the chair may disqualify the challenged panel member upon a finding that he or she is unable to make an impartial decision, or may overrule the challenge.

C. Reasons

SJA or the chair should provide a brief statement of reasons if a challenge is denied.

D. Lack of quorum

If disqualification of a panel member prevents a quorum, an alternate panel member will be assigned to the hearing.

705.40 Pre-Hearing Conference

If several witnesses will be presented, the issues are complex, or if otherwise deemed useful, a pre-hearing conference may be scheduled at the discretion of the hearing panel chair, hearing officer, or SJA. At the pre-hearing conference, the parties will submit documents and lists of witnesses and the general facts to which they will testify. The chair or hearing officer may decide any procedural issues and may exclude proposed testimony that is irrelevant, unduly repetitive, or unreasonably time consuming, or may reserve such determinations until the hearing. The chair or hearing officer may also ask for and decide any challenges under Section 705.35.

705.45 Closed and Open Hearings

Hearings will normally be "closed," but the accused student may request that the hearing be "open" if the request is submitted no later than three days after receiving the notice of hearing. SJA will deny the request if an open hearing would invade the privacy rights of others; if it might reasonably be expected to result in threats to or intimidation of witnesses; or for other substantial reasons. If SJA determines that the hearing may be open, it should be scheduled in a room that provides reasonable space for spectators to be present. If there is interference with the orderly progress of an open hearing.
hearing, the hearing panel may adjourn and reconvene as a closed hearing. If the hearing is open to the press/public, notice of the decision may be made public.

705.50  Who May Be Present at the Hearing

A. *The accused student and the reporting party* are both entitled to be present throughout the hearing, with their advisors, if any, but may choose not to appear. The accused student's failure to appear shall not be construed as proof of culpability.

B. Multiple accused students

Where more than one student is reported in connection with a single incident or set of facts, SJA will usually schedule a joint hearing for all of the accused students in order to conduct a full and fair consideration of the case. All of the accused students may be present at the joint hearing. SJA may, at its discretion, schedule and conduct separate hearings.

C. Witnesses wait outside the hearing room until testifying

Witnesses are excused upon completion of their testimony, unless the chair determines that a witness should remain. Other individuals (e.g., family or friends of the accused or reporting party), may be permitted to attend only at the discretion of the chair and/or SJA.

D. *Deliberations* are always conducted in closed session, with only members of the panel present.

705.60  Evidence and Testimony

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

Student discipline hearings are not court proceedings; the procedures used in civil or criminal trials, motions, or other proceedings before a court or administrative agency do not apply.

B. Information and Evidence that May Be Considered at Hearings

The hearing panel may receive and consider spoken, written, or other evidence of the kind on which reasonable persons are accustomed to rely in serious matters, as described below.
1. The accused student and the reporting party shall each have the opportunity to testify themselves and present witnesses and other evidence regarding the facts of the suspected violation and whether or not a violation occurred. Parties may also present evidence on the issue of an appropriate sanction.

2. An SJA staff member may present evidence regarding an appropriate sanction, considering the nature of the violation admitted or found to have occurred, aggravating or mitigating circumstances, and SJA policies and practices regarding sanctions imposed in similar cases.

3. Eyewitness testimony and circumstantial evidence in any form (e.g., documents, pictures, electronic, and/or physical evidence) may be presented to the panel.

4. One person's report of another's statements (hearsay) may be received by the panel. The hearing panel may discount hearsay evidence in part or in whole as appropriate.

5. A criminal plea, trial, and/or conviction, including a court order, opinion, transcript of sworn testimony, or other official record may be received as evidence.

6. The panel may weigh credibility and make findings based on the testimony of one witness against another or against other evidence.

7. The panel may exclude irrelevant or unduly repetitious evidence.

C. Testimony and Questioning of Witnesses

1. Testimony must be truthful. All parties and witnesses must specifically agree before testifying that their testimony will be truthful. Individuals may be subject to disciplinary action if they provide false information in the hearing process.

2. No student witness may be compelled to incriminate him/herself. The accused student may remain silent and his/her silence should not be taken as inference of culpability.

3. The panel initiates questioning of parties and other witnesses. Parties may pose questions through the hearing officers or Chair and may rebut witness testimony.

4. Both the accused student and the reporting party may request that specified witnesses attend the hearing and testify. If a witness is unavailable to testify at a hearing, SJA may arrange for testimony to be taken at an alternate time under
conditions providing an opportunity for oral or written questioning by the panel members.

705.70 Introductory and Summary Statements

At the beginning of the hearing, the accused student and reporting party may each make a brief introductory statement. After all evidence has been heard, the accused and the reporting party, or, if either so chooses, his/her advisor (as permitted by the Chair), may make a brief summary.

705.80 Burden of Proof

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

A. Findings of fact must be based on a determination that it is more likely than not that the accused student committed the violation (preponderance of the evidence).

B. Findings and determinations whether or not a violation occurred may be based only upon evidence received at the hearings.

705.90 Hearing Records

An audio recording of the hearing (but not the deliberations) will be made.

A. A written log/index of the timing of each witness's testimony may be kept, but is not required.

B. After the hearing, the accused student and the reporting party may each have access to review the hearing recording and index and take notes.

C. The audio recording will be retained as part of the record for as long as the discipline record is retained.

D. Other than for the purpose of the official record as provided above, mechanical or electronic devices for recording or broadcasting are excluded from the hearing.

706.00 Report by Hearing Panel or Officer

706.10 Findings of Fact and Recommendations

86
The hearing panel or officer will prepare a brief written report summarizing its findings of fact and recommendations for sanctions, if any.

706.20 Submission of Reports

The report should normally be submitted within 21 days after the committee concludes all deliberations.

A. Reports from decisions of the CJB, ad hoc hearing panels, sanction panels, or hearing officers are normally submitted to the Director.

B. If the recommended sanction is Suspension or Delay of Graduation for more than one calendar year, or for Dismissal, the report is submitted to the Assistant Vice Chancellor of Student Affairs.

C. If the hearing concerns a graduate student, the Director or Assistant Vice Chancellor of Student Affairs will normally consult with the designated Dean, Assistant or Associate Dean before acting on the report.

706.30 Contents of Report

The report will include findings of fact as to each specified charge, and whether the conduct as found does or does not violate the policies or regulations as reported. If the decision is not unanimous, both a majority and a minority report may be submitted. Where appropriate, the report shall make recommendations as to the sanction to be imposed. (For list of sanctions, see Appendix B.)

706.40 Action on the Report

A. Finding of No Violation. If the panel finds that no violation occurred, the accused student is notified of the decision and informed that the reporting party has 10 business days to appeal the decision. If there is no appeal, the decision is final.

B. Finding of Violation. If the panel finds the accused in violation, the official reviewing the report may

1. approve the report and impose the recommended sanction;

2. approve the findings of fact and impose either a more serious or a mitigated sanction if warranted by the circumstances [taking into consideration aggravating and mitigating factors, sanctions imposed by SJA and hearing panels in comparable cases, etc.]; or
3. return the report for reconsideration or clarification. If a report is returned for reconsideration, the issues/evidence to be considered should be specified.

706.50 Notice of the Decision

A written notice of the decision is provided to the accused student and to reporting parties who are campus officials (in accord with legitimate educational interest criteria), together with a copy of the panel's findings and recommendations. The notice of decision may be sent to the UC Merced email address of record for that individual, and should specify the due date of any appeal, and the name and address of the official to whom the appeal must be submitted (see Section 707.40). In addition, notice of the decision may be provided to the following:

A. To the alleged victim of a crime of violence

If the report involved an alleged forcible or non-forcible sex offense, the alleged victim will be informed of the results of the disciplinary action and appeal.

B. To alleged victims of sexual harassment

If the report involved an alleged incident of sexual harassment, the alleged victim may be informed of the results of the disciplinary action and appeal when required by policy.

C. To Members of the Press/Public

The decision is made public only if the hearing was open or if the student(s) named in the decision give(s) written consent.

707.00 Appeals

707.10 Time for Appeal

Appeals must be filed within the time set in the Notice of Decision, generally ten business days after the Notice of Decision is emailed or postmarked.

707.20 Who May Appeal

Either the accused student or the reporting party may appeal a decision of the Director on one or more of the grounds specified below.

707.30 Grounds for Appeal

88
The appeal must be in writing, and may request that the decision be overruled or the sanction amended, on the following grounds:

A. The decision lacks substantial basis in fact to support the findings.

   1. On appeal, the appellant has the burden of proving that there is no substantial evidence to support the decision. It is not enough to assert that the hearing panel made an incorrect decision on the issue of whether a preponderance of evidence supports the finding of violation.

   2. If the appellant is the reporting party, he/she may not appeal a finding of no violation on this ground, as the panel has already determined that there is not a preponderance of the evidence to support a finding of violation.

B. There is incongruity between the proposed sanction and findings;

C. There has been unfairness in the hearing proceedings; or

D. There is newly discovered important evidence not known at the time of the hearing or decision.

E. Each party has the right to make one appeal. Unless the matter is referred for a re-hearing or a new hearing, or the panel is directed to receive additional evidence, there is no further appeal.

707.40 Where Appeal Must Be Filed

A. Appeals from a decision by the Director must be filed with the Vice Chancellor of Student Affairs.

B. Appeals from a decision by the Vice Chancellor of Student Affairs must be filed with the VC and with the Director of Student Judicial Affairs.

C. Appeals from a student disciplinary panel decision at the graduate level must be filed with the designated Dean (or Assistant/Associate Dean) of the school.

707.50 Decision on Appeal

The official to whom the appeal is submitted may deny the appeal; grant the appeal in whole or part; or direct such other relief as he/she deems appropriate.
A. For example, if the appeal is based on a claim of newly discovered evidence, the decision may be referred back to the hearing panel for presentation of new evidence and reconsideration in light of that evidence.

B. If the appeal is from the reporting party (for example, on the grounds that there is an incongruity between the proposed sanction and findings), the appeal may be denied, the sanction may be increased, or other appropriate relief may be granted.

707.60 Notice of Decision on Appeal

Notice regarding the appeal shall be provided consistent with Section 706.50. The student can prepare a statement in response to the decision to be kept on file in his/her disciplinary record.

708.00 Timeliness of Complaints

708.10 Academic Misconduct Reports

Reports to SJA for suspected academic misconduct must be sent to SJA within 60 days after the end of the semester in which the suspected misconduct occurred or was discovered, or reasonably should have been discovered, or within 30 days after the end of an official investigation.

708.20 Nonacademic Misconduct Reports

Reports of suspected nonacademic misconduct must be sent to SJA within 60 days of when the suspected conduct occurred or was discovered, or reasonably should have been discovered, or within 30 days after the end of an official investigation, unless SJA determines that law or policy provides for a longer reporting period.

708.30 Late Reports

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

709.00 Jurisdiction of SJA

SJA has jurisdiction over various types of disciplinary violations, over students and student organizations, and over on- and off-campus incidents, as described below.
709.10 Types of Cases

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

A. *University-wide policies*, including the University of California *Standards of Conduct for Students*, Sections 102.00 to 102.23;\(^{7}\)

B. *Campus-wide rules*, including the UC Merced Student Handbook, the UC Merced *Academic Honesty Policy*, the Administration of Student Discipline, and the Alcohol and Other Drug Policy.

C. *Rules established by campus entities* (such as departments, residence units, education abroad programs, and professional schools) applying to students within such schools, departments, programs, or residence units.

709.20 Individuals and Organizations Subject to Student Disciplinary Action

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

B. *Applicants, Former Students, and Registered Student Organizations.* The UC *Standards of Conduct* also apply to

1. Applicants who become students, for offenses committed as part of the application process; on a University of California campus and/or while participating in University-related events or activities; or following submittal of the application through his or her official enrollment, if off-campus jurisdiction would otherwise apply;

2. Former students (including graduates) for offenses committed while a student; and

\(^{7}\) [http://www.ucop.edu/ucophome/uwnews/aospol/uc100.html](http://www.ucop.edu/ucophome/uwnews/aospol/uc100.html)
3. Registered Student Organizations. In general, the Office of Student Life oversees administrative and/or disciplinary action against registered student organizations, including Greek-letter organizations. Under University Policies and campus procedures, registered student organizations are not subject to the same disciplinary process nor guaranteed the same procedural rights as individual students.

709.30 Geographic (On and Off-Campus) Jurisdiction

SJA has jurisdiction over academic or nonacademic misconduct by students that occurs on UC Merced property or in connection with campus functions, activities, equipment or facilities; SJA also has jurisdiction over off-campus conduct and alleged crimes, as described below.

A. Off Campus Jurisdiction

Student conduct that occurs off University property is subject to UC Merced Standards of Conduct where it 1) adversely affects the health, safety, or security of any member of the University community, or the mission of the University, or 2) involves academic work or any records, or documents of the University.

B. Determining Jurisdiction

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

C. Good Neighbor Relations

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

   a. Foster and maintain good community relations and cooperation with neighbors and authorities.
b. Be responsible for their conduct and encourage guests to adhere to the same standard.

c. Respect the rights of neighbors and follow existing laws and ordinances.

d. Take active steps to prevent damage to neighbors' property by admitted guests and household members and assume responsibility for damage to neighbors' properties caused by household members or guest.

D. Conduct on Other UC Campuses

A student at one campus of the University, who is accused of violation of University policies or campus regulations on another campus of the University, or at an official function of that campus, shall be subject to the disciplinary procedures of either the former or the latter campus as agreed by designees of both campuses.

E. Process of Determining to Extend Jurisdiction

Recommendations to extend jurisdiction will be made on a case-by-case basis and reviewed by the Assistant Vice Chancellor for Student Affairs and approved by the Vice Chancellor for Student Affairs.

709.40 Effect of Health Condition On Student Disciplinary Process

If a student’s behavior violates conduct standards, the student is subject to disciplinary action and sanctions under these procedures.

A. A health condition does not excuse a violation of student conduct standards, and the campus may use the student disciplinary process and impose sanctions, unless the behavior was committed involuntarily or under duress, or unless the student or the University demonstrates that the student lacks the capacity to respond, to participate in the disciplinary process, or to comprehend his or her actions. (See Appendix D.)

B. Interim Suspension, threat assessment, or other emergency actions. If there is reason to believe that a student has engaged, or threatens to engage, in behavior which poses a significant danger to the student or to the safety or property of others, or other disruptive activity incompatible with the orderly operation of the campus, SJA may place the student on Interim Suspension (see Appendix B) and may, in addition, refer the student for a mental health evaluation and/or threat assessment.
709.50 Disciplinary Reports Related To Alleged Crimes

A. The Same Act May Be Both Criminally Prosecuted and Subject to Student Discipline

Discipline may be imposed 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.

1. If a student has been convicted after trial, or has plead guilty or no contest to a crime, the conviction, plea, and any evidence introduced or transcripts of trial court proceedings may be used as evidence in the student disciplinary system.

2. Even if criminal charges are dismissed or reduced against a student, or the defendant is acquitted or permitted to enter a diversion program, the campus may proceed with a disciplinary hearing and impose student discipline.

B. SJA Discretion

If a reported incident of misconduct results in criminal investigation and/or prosecution as well as student disciplinary action, SJA has discretion to take the following actions:

1. Impose an interim Suspension if the student's presence on campus poses a threat to campus security;

2. Enter an interim agreement with stated conditions (e.g., permitting the student to remain enrolled while criminal charges are pending but limiting the student's entrance to campus or participation in campus activities);

3. Delay the disciplinary process pending resolution of the criminal charges; and/or

4. Proceed with the disciplinary process.

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10 UC Policies Section 104.10 provides: "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."
709.60 Disciplinary Reports Related To Student Employment

Student employees (including student academic appointees) may be disciplined for violating the *Standards of Conduct* and may also be subject to personnel action by their employer (e.g., reprimand or release from employment) in accordance with applicable contract or policy.\(^1\)

710.00 Confidentiality of SJA Records

710.10 SJA Records Are Confidential Student Records

SJA records containing personally identifiable information about students relating to any disciplinary action or proceeding are confidential student records. Disciplinary actions or proceedings include investigation, informal and/or formal hearings, and/or imposition of sanctions for violation(s) of the University of California *Standards of Conduct for Students*, the UC Merced *Academic Honesty Policy*, or Student Handbook.

710.20 Protected from Disclosure

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

711.00 Revision of Student Conduct Policies and Procedures

711.10 Review and Revision of the Administration of Student Discipline

This policy is subject to review and revision in accordance with University and campus policies.\(^2\) Revisions to UC Merced student conduct policies and procedures are coordinated and published by SJA.

A. Recommendations for revision or amendment to these procedures:

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\(^1\) UC Policies Section 104.40
\(^2\) “Development and Review of University-wide Policies and Campus Implementing Regulations” and Preface to UC Merced Policy and Procedure Manual

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1. SJA periodically reviews and proposes revisions to student conduct policies and procedures.

2. Any hearing authority, in addition to making recommendations on a particular discipline case, may recommend to SJA that identified University policies and/or campus regulations (including these procedures) be modified for stated reasons.

3. The Campus Judicial Board, the Academic Senate, the ASUCM, or other constituencies, related advisory committees, or affected units may recommend revisions or amendments to student conduct policies and procedures.

B. Prior Consultation Regarding Substantive Revisions

In general, SJA consults with constituencies, related advisory committees, and affected departments (e.g., the CJB, the ASUCM and GSA, the Academic Senate, and Student Housing) regarding proposed substantive revisions to student conduct policies and procedures.

C. Revision Resulting from Change in University Policy Required by Law

If a substantive revision results from a change of University-wide policy that has been specifically mandated by law, no consultation is required.

711.20 Review by Vice Chancellor, Chancellor, and Office of the President.

Before adoption, proposed substantive revisions to UC Merced student conduct policies and procedures are submitted to the Vice Chancellor of Student Affairs, the Chancellor, and the UC Office of the President for review.

711.30 Publication of Revised Policies and Procedures

After final review and revision, the revised policies and procedures are published and made available on the Internet.
APPENDIX A

University of California Standards of Conduct for Students

Students may be disciplined for violating or attempting to violate the following standards:

102.01 Academic Misconduct

All forms of academic misconduct such as cheating, fabrication, plagiarism, or facilitating academic dishonesty (see UC Merced Academic Honesty Policy).

102.02 Other Dishonest Acts

Other forms of dishonesty such as fabricating information, furnishing false information, or reporting a false emergency to the University.

102.03 Forgery, Alteration, or Misuse

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

102.04 Theft, Misappropriation, Possession of Stolen Property, or Vandalism

Theft of, conversion of, destruction of, or damage to any property of the University of others, or possession of any property when the student knew or reasonably should have known that it was stolen.

102.05 Computer and/or Electronic Resource Theft, Misuse, or Abuse

Theft or abuse of University electronic communications resources such as computer and electronic communications facilities, systems, and services. Examples of abuses include unauthorized entry, use, transfer, or tampering with the communications or accounts of others, or interference with the work of others or with operation of computer/electronic communications facilities, systems, and services. 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)

102.06 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.

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

102.08 Assault, Threats of Violence, or Conduct Threatening Health or Safety

Physical assault including but not limited to sexual assault; threats of violence; or other conduct that threatens the health or safety of any person.

102.09 Harassment (Interim)

Sexual, racial, and other forms of harassment, defined as follows:
Harassment is 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 on the basis of his or her race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, gender identity, marital status, veterans status, physical or mental disability, or perceived membership in any of these classifications.

Student Employees

When employed by the University of California, and acting within the course and scope of that employment, students are subject to the University of California Policy on Sexual Harassment. Otherwise, Section 102.09, above, is the applicable standard for harassment by students.

For both student and/or employee sexual harassment, please refer to the University of California Procedures for Responding to Reports of Sexual Harassment.

102.10 Stalking

Stalking behavior in which a student repeatedly engages in conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his/her safety, or that of his/her family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person and to serve no legitimate purpose.
102.12 **Hazing**

Participation in hazing or any method of initiation or pre-initiation into a campus organization or other activity engaged in by the organization or members of the organization at any time that causes, or is likely to cause, physical injury or personal degradation or disgrace resulting in psychological harm to any student or other person.

102.13 **Obstruction or Disruption**

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

102.14 **Disorderly or lewd conduct**

102.15 **Disturbing the Peace**

Participation in a disturbance of the peace or unlawful assembly.

102.16 **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 his/her duties while on University property or at official University functions; or resisting or obstructing such officials in the performance of or the attempt to perform their duties.

102.17 **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.

102.18 **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.

102.19 **Possession, Use or Manufacture of Explosives or Destructive Devices**
Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.

102.20 Possession, Use, Storage, or Manufacture of Prohibited Weapons

Possession, use, storage, or manufacture of firearms, weapons and destructive devices are prohibited. Examples of prohibited weapons 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.

102.21 Violation of Disciplinary Action

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

102.22 Violation of Emergency Order or Suspension

Violation of the conditions contained in a written Notice of Emergency Suspension or violation of orders issued during a declared state of emergency (See University of California Policy on Campus Emergencies: [http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc50.htm](http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc50.htm)).

102.23 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).
APPENDIX B

Disciplinary Sanctions and Administrative Actions

The following disciplinary sanctions and administrative actions may be applied at UC Merced. Sanctions may be imposed, and administrative actions may be taken, separately or in combination. (See UC Policies, Section 105.00

http://www.ucop.edu/ucphome/coordrev/ucpolicies/aos/uc100.html):

Dismissal

Defined as “termination of student status for an indefinite period.” A Dismissed student may not re-enroll in any academic program at UC Merced or any other UC campus unless and until his or her readmission is specifically approved by the Chancellor of that campus. Readmission after dismissal may be granted only under exceptional circumstances. (Section 105.06 UC Policies)

Revocation of Degree

Subject to the concurrence of the Academic Senate, a student's degree may be revoked if it was obtained by fraud. If a degree is revoked, the student is barred from enrolling in any academic program at UC Merced or any other UC campus unless and until his or her readmission is specifically approved by the Chancellor of that campus. Readmission after a degree is revoked may be granted only under exceptional circumstances. (Section 105.10 UC Policies)

Suspension

Defined as “termination of student status at the campus for a specified period of time ….” A student who is Suspended may not enroll as a student during the period of Suspension. Reinstatement after a Suspension is assured, provided that the student has complied with all conditions imposed as part of the suspension and 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. (Section 105.05 UC Policies.)

Interim Suspension

Defined as “[exclusion of a] student from classes, or from other specified activities or areas of the campus, before final determination of an alleged violation.” A student may be placed on Interim Suspension when there is reasonable cause to believe
that the student's participation in University activities, presence on campus, 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, or other disruptive activity incompatible with the orderly operation of the campus. A student on Interim Suspension shall be restricted only to the minimum extent necessary and shall be given notice of the charges and the duration of the Suspension. The Chancellor shall review the Interim Suspension from campus within 24 hours in cases involving course attendance or campus wide restriction. If a student is found to have been unjustifiably placed on Interim Suspension, the University's policy is to take reasonable efforts to assist an individual who has been disadvantaged with respect to employment or academic status. *(Section 105.08 UC Policies.) Interim suspension may be imposed at any point in the judicial process.*

**Delay of Graduation**

Defined as delaying the award of a degree, after the student has completed all academic requirements, until the end of the specified period of delay. 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 he/she is 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 disciplinary action, normally in the form of dismissal.

**Posting Suspension or Dismissal on Transcripts**

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 JUDICIAL AFFAIRS.” 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. *(Section 106.00 UC Policies) No other disciplinary actions appear on student transcripts.*

**Restrictions on University Employment and Surrender of University Identification and Property**
If Suspension or Dismissal arises from employment-related conduct, the student may be barred from University employment. While loss of University employment is not a form of student discipline, the student’s employer may release the student through applicable employment/job action processes. If student status is a condition of employment, a student’s Suspension, Dismissal, or other loss of student status (for any reason) will result in termination of the student's employment. A student who is no longer employed or eligible for employment may be required to return all University identification (e.g., registration card), keys, or other University property at the time of the Suspension or Dismissal.

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 he/she agrees to waive the right to a formal fact-finding hearing. If the student whose Suspension/Dismissal has been deferred is later reported again, and admits or is found in violation by an SJA officer of having committed a subsequent violation of specified conduct standards, the deferred Suspension or Dismissal may be implemented at that time. "Deferred Separation" means that SJA officer may impose any appropriate sanction, including Dismissal, after determining that violation has occurred.

Exclusion From Areas of the Campus or Official University Functions

As part of a disciplinary sanction, a student may be excluded from specified areas of the campus or other University facilities, or from official University functions, when there is reasonable cause 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.

Disciplinary Probation

Defined as “a status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards of conduct.” The Probation may include conditions and restrictions on the student's privileges or eligibility for activities. 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. (Section 105.03 UC Policies)

Loss of Privileges and Exclusion from Activities
Defined as “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 sanction, may be result in further discipline, normally Probation, Suspension or Dismissal. *(Section 105.04 UC Policies)*

Censure or Warning

Defined as a written notice or reprimand issued to a student after a meeting between that student and SJA. The Warning or Censure is notice that the student has violated specified University policies or campus regulations and that additional violations may result in further disciplinary action, normally Probation, Suspension, or Dismissal. *(UC Policies 105.01)*

Name on File

Defined as a written record of a student violation reported to SJA by other campus officials. The student’s name is reported to SJA 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, SJA determines the report is supported by the evidence, the violation may be considered in assessing a sanction for any later similar offense.

Restitution

Defined as "reimbursement ... for expenses incurred by the University or other parties resulting from a violation of these policies." Reimbursement may be by monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on students who alone or through group activities participate in causing damages or costs. *(Section 105.09 UC Policies)*

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.

Educational Projects - As part of a disciplinary contract or hearing panel decision, a student may be assigned to complete a specific educational task or project. The
purpose of such assignments is to help the student build skills and coping strategies so the misconduct is not repeated, to help restore the community and repair the harm arising from the misconduct, and to give students the opportunity to help prevent academic misconduct, by developing ways to reach and warn other students so they do not make similar mistakes. Educational assignments may include a requirement that the student write a paper, perform community service, or meet with the Counseling Center or Student Health Services for assessment, follow-up workshops and/or training.

Research Paper/Personal Essay - A student may be assigned to research a topic related to ethics, read assigned books, and write a paper. Another project may require the student to write a personal code of conduct. The purpose of these writing assignments is to help the student reflect on and learn from what has happened.

Workshop/Training - A student who violates drug/alcohol policies may be assigned to attend educational workshops such as those offered by Student Health Services; a student who plagiarizes from the Internet may be assigned to work with the Student Advising and Learning Center to improve writing skills.

Community Service - A student may be assigned to complete a specified number of hours of community service, usually arranged through the OSL or another University affiliate.

Sanction Payment - A student may agree to design/draft an educational outreach project about the importance of ethical behavior and pay for publication to the campus community.

De-registration

Applies to registered student 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.

Administrative Actions (these are not sanctions and do not result in a disciplinary record)

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

Academic Integrity at UC Merced: The Code of Academic Conduct

Integrity means being honest and living up to moral and ethical principles. It is an essential ingredient of a successful college career. The UC Merced Academic Honesty Policy reflects a tradition of integrity and honor. Under this policy, students and faculty share responsibility for upholding this tradition. UC Merced students are expected to behave honestly, fairly, and with respect for others. Campus and University rules help maintain our high standards, promote a safe campus, and ensure every student a fair opportunity to pursue academic excellence.

Examples of Academic Misconduct

A. Cheating - includes

1. receiving or providing unpermitted assistance on exams;

2. copying or sharing test answers in any manner;

3. using unauthorized notes, materials, or electronic or other equipment during an examination;

4. engaging in unauthorized communication during or about an examination, including disclosing test questions to another who has not yet taken the exam;

5. altering a graded exam and submitting it for regrading;

6. taking an exam for another student or having another take an exam for the student; or

7. failing to stop work on an exam when time is up.

B. Plagiarism - using another's work (for example, words, ideas, pictures, or data) from any source (Internet, books, articles, etc.) without giving credit. Students must put others' words in quotation marks and cite the source, and must give citations when using others' ideas, even if they paraphrase in their own words.

C. Fabricating or Falsifying Data, Results, or References - includes, but is not limited to, research data or results and reports submitted for class assignment or in a proposal, request for funding, thesis, or dissertation.
D. Providing False Information - providing false or misleading information in connection with academic work, for example, to an instructor, dean, or advisor, in order to postpone or avoid assignments, add or drop classes, or secure other academic advantage; or forging another's name on sign-in sheets.

E. Unauthorized Collaboration or Assistance - working with others on graded coursework without specific permission of faculty (includes in-class or take-home tests, papers, labs, or assignments.

F. Re-Using Work Without Authorization - includes submitting the same work in more than one course at the same time or re-using work previously submitted for credit in another course or for another purpose, without the permission of the current instructor(s).

G. Unfair or Disruptive Conduct - includes

1. "wandering eyes" (failure to keep one's eyes on one's own paper) or talking during exams;
2. leaving unauthorized notes, books, materials out or visible during exams;
3. having unauthorized equipment (e.g., cell phones, PDAs, or computers) on or out during exams; or
4. exiting the room during a test without permission.

Students who have questions about whether their conduct may violate the Academic Honesty Policy (e.g., what constitutes plagiarism and proper citation, or if they may collaborate on an assignment), must seek guidance from the instructor, the Student Advising and Learning Center, or SJA.

Your Responsibilities as a Student

A. Be honest at all times, and do your own work to help you develop your skills, knowledge, and abilities.

B. Act fairly and treat others with respect. If you have problems/conflicts, ask for help.

C. Know the rules. Ignorance is no defense. Students who violate the rules are subject to discipline.
D. Do your part. If you witness or learn of academic misconduct, report it to faculty, staff, or Student Judicial Affairs. Reports may be made confidentially.
APPENDIX D

Effect of Health Condition of Student Disciplinary Process
(Section 9.40 of the Administration of Student Discipline)

In accord with the Americans with Disabilities Act, UC Merced makes reasonable accommodations to enable otherwise qualified disabled individuals to participate successfully in the education program of the University. Accommodations are made for identified and documented disabilities, if recommended and approved through the Special Student Services.

Disabled students are held to the same behavioral standards as other students; a health condition does not excuse a violation of student conduct standards. The campus may use the student disciplinary process and impose sanctions unless the behavior in question was committed involuntarily or under duress, defined below, or unless the student or the University demonstrates that the student lacks the capacity to respond, to participate in the disciplinary process, or to comprehend his or her actions.

An action is "involuntary" if it is entirely without volition, will, or power of choice (e.g., disruption, injury or property damage resulting from a seizure). Violations committed under the influence of drugs, alcohol, or other controlled substances are not involuntary and are subject to discipline. An action is taken "under duress" if the individual is compelled to act by injury or explicit threat of physical harm.

If information presented to SJA or to a hearing panel is sufficient to establish that, as a result of a health condition, the student is incapable of responding to pending disciplinary charges; is incapable of participating in the disciplinary process; or could not comprehend the nature or wrongfulness of the conduct at the time of the offense, then such incapacity constitutes sufficient basis for involuntary administrative withdrawal from the University for psychological reasons, and for the imposition of conditions on his/her return to campus.

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13 Section 171.11 of the UC Policies provides that students have the right, “To the extent appropriate to the circumstances, to be free from University discipline for actions committed involuntarily or under duress. However, violations committed under the influence of drugs, alcohol, or illegal substances will be subject to student disciplinary procedures.”

14 See Guidelines for Administration of Withdrawals for Health Reasons, copy available from Student Judicial Affairs.
A student who is accused of violating conduct standards may provide documentation of a health condition that may have affected the student's behavior, but must execute releases authorizing the disclosure of medical records pertaining to the health condition. A student who wishes to provide such documentation must inform SJA in writing as soon as possible, but not less than seven days prior to the date of the formal hearing.

If the student lacks capacity as defined above, the disciplinary action may be stayed until the student is no longer incapacitated. A student found to lack capacity under the Guidelines for the Administration of Withdrawals for Health Reasons on the grounds that he/she could not comprehend the nature of the act constituting the offense/violation is subject to withdrawal with conditions placed on his/her return to the campus.

If there is reason to believe that a student has engaged, or threatens to engage, in behavior which poses a significant danger to the student or to the safety or property of others, or other disruptive activity incompatible with the orderly operation of the campus, SJA may refer the student for a psychological/psychiatric evaluation and/or threat assessment under the Withdrawal Guidelines, and/or place the student on Interim Suspension. If the behavior violates student conduct standards, the student may be subject to disciplinary sanctions in accord with these procedures.
APPENDIX E

Confidentiality of Student Disciplinary Records

SJA records containing personally identifiable information about students relating to any disciplinary action or proceeding are confidential student records within the meaning of the Federal Educational and Privacy Rights Act of 1974 (FERPA). Such records are subject to protection under FERPA, as well as the privacy provisions of the California Information Practices Act of 1977 (Civil Code Section 1798 et seq.) and the California State Constitution. Disciplinary actions or proceedings include investigation, informal and/or formal hearings, and/or imposition of sanctions for violation(s) of the University of California Standards of Conduct for Students, the UC Merced Academic Honesty Policy or campus regulations.

Disclosure of SJA Records Regarding Disciplinary Matters

A. SJA disciplinary records may be disclosed under the following specific circumstances (See P&PM 320-21, Section II. F, and University of California Policies Applying to ... Students Section 130.70:

1. *With the student's written consent*, discipline records may be disclosed to designated recipients.

2. *To campus officials in connection with the discipline of a student*, and to *campus officials having a legitimate educational interest* in the records.

   a. Disclosures of Records in Connection with Disciplinary Action.

   If the reporting party is a campus official, he/she may be informed of the progress and disposition of the case as such information is “relevant and necessary to perform … task[s] that [are] specifically related to the discipline of the student.” In general, campus officials who are reporting parties will be provided with a copy of the agreement resolving the disciplinary case, in accordance with legitimate educational interest criteria (see below).

   i. In addition, SJA may receive information from, and make disclosures to, referring parties or others in connection with performing tasks related to a student’s disciplinary referral.

   ii. Information regarding a student’s disciplinary record may be disclosed to other appropriate University officials if that information may be
reasonably construed to have bearing on the student’s suitability for a specific employment situation. *Section 104.40 UC Policies*

b. Disclosures to and Receipt of Information from Other UC Merced Campus Officials Having a Legitimate Educational Interest in the Record.

i. **Legitimate educational interest** means the information or record is relevant and necessary to accomplishing some task or determination, and the task or determination is an employment responsibility for the inquirer or is a properly assigned subject matter for the inquirer. UC Merced defines a campus official to have a "legitimate educational interest" in a particular record if the information requested is relevant and necessary for that official to (i) perform a task or make a determination that is an employment responsibility or is a properly assigned subject matter for the inquirer; (ii) perform a task that is specifically related to the official's participation in the student's education; (iii) perform a task that is specifically related to the discipline of the student; or (iv) provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

ii. A "campus official" is any individual designated by UC Merced to perform an assigned function on behalf of the campus, including (i) a person employed by the University in an administrative, supervisory, academic, research, support staff, or student assistant position; (ii) a person serving on a campus governing body; (iii) a person employed by, under contract with, or having entered into an agreement with the University to perform a special task, such as an attorney, an auditor, or a volunteer; or (iv) a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing his or her tasks. Students having access to student records by virtue of their employment with SJA or service on the Campus Judicial Board sign a confidentiality agreement.

3. **To appropriate parties in an emergency**, when the information is necessary to protect the health or safety of the student or other persons. Student records may be disclosed without prior consent to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health and safety of the student or others. Appropriate parties are those whose knowledge of the information is necessary to provide immediate protection of the health and safety of the student or other individuals. An emergency is a
situation that presents imminent danger to a student, or other students, or members of the school community, or that requires an immediate need for information from education records in order to avert or defuse serious threats to the safety or health of a student or other individuals.

4. *To the reporting party* [and affected party, see Section 2.10.A] *where there is an alleged sex offense*, SJA may disclose the following information from student discipline records: the final determination regarding the alleged sex offense, and any sanction that is imposed against the alleged offender. The reporting party shall be advised that the results of any disciplinary action or appeal are confidential. Certain disclosures may also be made in cases of alleged sexual harassment.

5. *To other educational institutions.* SJA may forward disciplinary records to other UC campuses in connection with a UC Merced student who commits a violation at another UC campus, or in connection with a student from another UC who commits a violation at UC Merced. SJA may also forward disciplinary records to other educational institutions (a) in which a student seeks or intends to enroll if the institution has requested the records or (b) if the student is enrolled in or receives services from that institution.

6. *To comply with a judicial order or subpoena.* Student disciplinary records will be disclosed pursuant to subpoena or other court or administrative order, after reasonable attempt to notify the student of the order unless the subpoena or order directs otherwise.

7. *To the court in connection with a lawsuit* by a student or parent against the University, or by the campus against the student or parent.

B. Public Disclosure of Student Information. Information regarding specific student disciplinary cases may not be disclosed to the press or public except in the case of an open hearing or where the affected students have signed written releases authorizing such disclosures, unless otherwise authorized by law.