

## Code of Student Conduct

### GROUNDS for DISCIPLINE and SANCTIONS (Reference: UC Systemwide PACAOS 101.00 and 102.00)

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

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

The following standards and sanctions are excerpted directly from:

*Policies Applying to Campus Activities, Organizations and Students* ([PACAOS](#))

Section 100.00 - Policy On Student Conduct And Discipline (Revised February 2011)

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

#### **701.00 Student Conduct**

Students are members of both society and the University community, with attendant rights and responsibilities. Students are expected to comply with all laws and with University policies and campus regulations.

The standards of conduct apply to students as the term 'student' is defined in Section 14.40 of these *Policies*. They also apply to:

- A. Applicants who become students, for offenses committed as part of the application process.
- B. Applicants who become students, for offenses committed on campus and/or while participating in University-related events or activities that take place following a student's submittal of the application through his or her official enrollment; and
- C. Former students for offenses committed while a student.

If specified in implementing campus regulations, these standards of conduct may apply to conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct occurred on campus.

#### **702.00 Grounds for Discipline**

Chancellors may impose discipline for the commission or attempted commission (including aiding or abetting in the commission or attempted commission) of the following types of violations by students, as well as such other violations as may be specified in campus regulations.

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

**702.01 Academic Misconduct**

All forms of academic misconduct such as cheating, fabrication, plagiarism, or facilitating academic dishonesty.

*See UC Merced "Academic Honesty Policy."*

**702.02 Other Dishonest Acts**

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

**702.03 Forgery, Alteration, or Misuse**

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

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

Theft of, conversion of, destruction of, or damage to any property of the University, or any property of others while on University premises, or possession of any property when the student had knowledge or reasonably should have had knowledge that it was stolen.

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

Theft or abuse of University computers and other University electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications or accounts of others; ~~or~~ interference with the work of others ~~or~~ and with operation of computer and electronic communications facilities, systems, and services; or copyright infringement (for example, the illegal file-sharing of copyrighted materials).

Use of University computer and electronic communications facilities, systems, or services that violates other University policies or campus regulations.

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

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

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

Unauthorized entry to, possession of, receipt of, or use of any University services, equipment, resources, or properties, including the University's name, insignia, or seal.

**702.07            Housing Facilities**

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

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

Physical abuse including but not limited to sexual assault, sex offenses, and other physical assault; threats of violence; or other conduct that threatens the health or safety of any person.

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

**702.09            Sexual Harassment**

Harassment, defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities.

Harassment includes, but is not limited to, conduct that is motivated on the basis of a person's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications. Pursuant to section 104.90, sanctions may be enhanced for conduct motivated on the basis of the above classifications.

For cases of harassment on the basis of sex, see also [\*Policy on Sexual Harassment and Sexual Violence\*](#).

**702.10            Stalking**

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

**702.11**

(Deleted on October 9, 2009)

**702.12 Hazing**

Participation in hazing or any 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.

**702.13 Obstruction or Disruption**

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

**702.14 Disorderly or lewd conduct.**

**702.15 Disturbing the Peace**

Participation in a disturbance of the peace or unlawful assembly.

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

Failure to identify oneself to, or comply with the directions of, a University official or other public official acting in the performance of his or her duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.

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

Unlawful manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of controlled substances, identified in federal and state law or regulations.

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

Manufacture, distribution, dispensing, possession, use, or sale of, or the attempted manufacture, distribution, dispensing, or sale of alcohol that is unlawful or otherwise prohibited by, or not in compliance with, University policy or campus regulations.

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

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

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

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

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

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

**702.21 Violation of Conduct Action**

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

**702.22 Violation of Emergency Order or Suspension**

Violation of the conditions contained in a written Notice of Emergency Suspension issued pursuant to Section 53.00 of these *Policies* or violation of orders issued pursuant to Section 52.00 of these *Policies*, during a declared state of emergency.

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

Selling, preparing, or distributing for any commercial purpose course lecture notes or video or audio recordings of any course unless authorized by the University in advance and explicitly permitted by the course instructor in writing. The unauthorized sale or commercial distribution of course notes or recordings by a student is a violation of these Policies whether or not it was the student or someone else who prepared the notes or recordings.

Copying for any commercial purpose handouts, readers or other course materials provided by an instructor as part of a University of California course unless authorized by the University in advance and explicitly permitted by the course instructor or the copyright holder in writing (if the instructor is not the copyright holder).

**702.24 Intent to Terrorize**

Conduct, where the actor means to communicate a serious expression of intent to terrorize, or acts in reckless disregard of the risk of terrorizing, one or more University students, faculty, or staff. 'Terrorize' means to cause a reasonable person to fear bodily harm or death, perpetrated by the actor or those acting under his/her control. 'Reckless disregard' means consciously disregarding a substantial risk. This section applies without regard to

whether the conduct is motivated by race, ethnicity, personal animosity, or other reasons. This section does not apply to conduct that constitutes the lawful defense of oneself, of another, or of property.

## **702.25 Expectation of Privacy**

Making a video recording, audio recording, taking photographs, or streaming audio/video of any person in a location where the person has a reasonable expectation of privacy, without that person's knowledge and express consent.

Looking through a hole or opening, into, or otherwise viewing, by means of any instrumentality, the interior of a private location without the subject's knowledge and express consent.

Photographs and recordings made in private locations of sexual activity or that contain nudity, may not be posted online or otherwise shared or distributed in any manner without the knowledge and express consent of all recorded parties, even if the photograph or recording was originally made with the knowledge and express consent of those parties.

Making a video recording, audio recording, or streaming audio/video of private, non-public conversations and/or meetings, without the knowledge and express consent of all recorded parties.

These provisions do not extend to public events or discussions, nor to lawful official law or policy enforcement activities. These provisions may not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

### **Definitions:**

"Express consent" is clear, unmistakable and voluntary consent that may be in written, oral or nonverbal form.

"Private locations" are settings where the person reasonably expected privacy. For example, in most cases the following are considered private locations: residential living quarters, bathrooms, locker rooms, and personal offices.

"Nudity" means the absence of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person or any portion of the breast at or below the areola thereof of any female person.

"Private, non-public conversations and/or meetings" include any communication carried on in circumstances that reasonably indicate that any party wants the communication to be confined to the parties, but excludes a communication made in a public gathering, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

**703.00 Student Discipline Procedures**

**703.10 Procedural Due Process**

Procedural due process is basic to the proper enforcement of University policies and campus regulations. Chancellors shall establish and publish campus regulations providing for the handling of student conduct cases in accordance with basic standards of procedural due process. Consistent with this requirement, procedures specified in such regulations shall be appropriate to the nature of the case and the severity of the potential discipline.

**703.11 Minimum Procedural Standards**

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:

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;

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;

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

An appeals process.

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

**704.00 Administration of Student Discipline**

**704.10**

Chancellors may impose discipline for violations of University policies or campus regulations whether or not such violations are also violations of law, and whether or not proceedings are or have been pending in the courts involving the same acts.

**704.20**

Each Chancellor may appoint faculty, student, or other advisory committees, or hearing officers, as specified in campus regulations, but the final authority for administration of student discipline rests with the Chancellor.

*The UC Merced chancellor has delegated the administration of student discipline to the Office of Student Conduct within the Division of Student Affairs.*

**704.30**

A student, as defined in Section 14.40 of these *Policies*, at one campus of the University, who is accused of violation of University policies or campus regulations on another campus of the University or at an official function of that campus, shall be subject to the disciplinary procedures of either the former or the latter campus as an outcome of conferral between designees of both campuses. The imposition of any recommendations for disciplinary sanctions arising from these procedures must be reviewed and approved by both campuses before the sanctions are imposed.

**704.31**

If an alleged violation of University policies occurs in connection with an official Universitywide function not on a campus, the student accused of the violation shall be subject to the disciplinary procedures of the campus at which the individual is a student, except in those cases in which the President directs otherwise.

**704.40**

The loss of University employment shall not be a form of discipline under these *Policies*. However, when student status is a condition of employment, the loss of student status will result in termination of the student's employment. This section is not intended to preclude the disclosure to other appropriate University officials of information relating to any student's conduct records if that information may be reasonably construed to have bearing on the student's suitability for a specific employment situation. This section is also not intended to preclude an employer from terminating a student's employment outside the disciplinary process.

**704.50**

In imposing discipline other than Suspension or Dismissal, access to housing and health services shall not be restricted unless the act that occasioned the discipline is appropriately related to the restriction.

**704.60**

If as a result of an official campus appeal it is determined that the student was improperly disciplined, the Chancellor shall, if requested by the student, have the record of the hearing sealed, and have any reference to the disciplinary process removed from the student's record. In such case, the record of the hearing may be used only in connection with legal proceedings. The Chancellor also may take other reasonable actions to ensure that the status of the student's relationship to the University shall not be adversely affected.

**704.70**

The results of any disciplinary action by the University that alleged a forcible or nonforcible sex offense, as defined in 34 CFR 668.46(c)(7), must be disclosed to both the alleged offender and the alleged victim. The scope of information to be provided under

this section shall be: (1) the University's final determination with respect to the alleged sex offense; and (2) any sanction that is imposed against the alleged offender.

**704.71** [Rescinded October 13, 2005]

**704.80**

Whether or not a hearing is conducted, campuses may provide written notice to a student that his or her alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior will be subject to the disciplinary process. Evidence of the prior alleged behavior as detailed in the written notice may be introduced in a subsequent disciplinary action in order to enhance the penalty.

**704.90**

Sanctions [for any violations of Section 102.00, Grounds for Discipline] may be enhanced where an individual was selected because of the individual's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.

**705.00**

### **Types of Student Disciplinary Action**

When a student is found in violation of University policies or campus regulations, any of the following types of student disciplinary action may be imposed. Any sanction imposed should be appropriate to the violation, taking into consideration the context and seriousness of the violation.

**705.01**

### **Warning/Censure**

Written notice or reprimand to the student that a violation of specified University policies or campus regulations has occurred and that continued or repeated violations of University policies or campus regulations may be cause for further conduct action, normally in the form of Conduct Probation, and/or Loss of Privileges and Exclusion from Activities, Suspension, or Dismissal.

**1.** [Rescinded May 17, 2002]

**705.03**

### **Disciplinary Probation**

A status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the student's privileges or eligibility for activities may be imposed. Misconduct during the probationary period or violation of any conditions of the probation may result in further conduct action, normally in the form of Suspension or Dismissal.

**705.04            Loss of Privileges and Exclusion from Activities**

Exclusion from participation in designated privileges and activities for a specified period of time. Violation of any conditions in the written Notice of Loss of Privileges and Exclusion from Activities, or violation of University policies or campus regulations during the period of the sanction, may be cause for further conduct action, normally in the form of Probation, Suspension or Dismissal.

**705.05            Suspension**

Termination of student status at the campus for a specified period of time with reinstatement thereafter certain, provided that the student has complied with all conditions imposed as part of the suspension and provided that the student is otherwise qualified for reinstatement. Violation of the conditions of Suspension or of University policies or campus regulations during the period of Suspension may be cause for further conduct action, normally in the form of Dismissal.

*A sanction of suspension is subject to the review and approval of the associate vice chancellor of Student Affairs.*

**705.06            Dismissal**

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

*A sanction of dismissal is subject to the review and approval of the associate vice chancellor of Student Affairs.*

**705.07            Exclusion From Areas of the Campus or Official University Functions**

Exclusion of a student as part of a conduct sanction from specified areas of the campus or other University-owned, -operated, or -leased facilities, or other facilities located on University property, or from official University functions, when there is reasonable cause to believe that the student's presence there will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus.

**705.08            Interim Suspension**

Exclusion from classes, or from other specified activities or areas of the campus, as set forth in the Notice of Interim Suspension, before final determination of an alleged violation. A student shall be restricted only to the minimum extent necessary when there

is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus. A student placed on Interim Suspension shall be given prompt notice of the charges, the duration of the Interim Suspension, and the opportunity for a prompt hearing on the Interim Suspension. Interim Suspension shall be reviewed by the Chancellor within twenty-four hours. If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist an individual who has been disadvantaged with respect to employment or academic status.

*Interim suspension may be invoked only by the vice chancellor or associate vice chancellor of Student Affairs.*

#### **705.09 Restitution**

A requirement for restitution in the form of reimbursement may be imposed for expenses incurred by the University or other parties resulting from a violation of these policies. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student who alone, or through group or concerted activities, participates in conduct causing the damages or expenses.

#### **705.10 Revocation of Degree**

Subject to the concurrence of the Academic Senate, revocation of a degree obtained by fraud. Such revocation is subject to review on appeal by the Chancellor.

#### **705.11 Other**

Other disciplinary actions, such as monetary fines, community service, or holds on requests for transcripts, diplomas, or other student records to be sent to third parties, as set forth in campus regulations.

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

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

*Defined as the delaying the granting of a degree, after the student has completed all academic requirements, until the end of the specified period. Once the period of delay has elapsed, the degree will be awarded as of that date, provided that the student has complied with all conditions imposed as part of the delay of graduation and that 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 conduct action, normally in the form of dismissal*

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

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

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

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

**705.11(a)(4) Educational Projects** – *A student may be assigned to complete a specific educational task or project.*

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

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

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

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

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

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

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

***No Contact Directive*** – A student may be directed to abstain from any contact with a specific individual or group. Contact includes direct, indirect, or intentional contact. Direct, indirect, and intentional contact includes all forms of communication including but not limited to phone calls, text messages, verbal communication, social networks, emails, letters, contact via friends or family or contact with the restricted individual's friends or family.

**706.00**

**Posting Suspension or Dismissal on Academic Transcripts**

When, as a result of violations of the Policy on Student Conduct and Discipline, a student is suspended or dismissed, a notation that the discipline was imposed must be posted on the academic transcript for the duration of the suspension or dismissal. Thereafter, notations of Suspension or Dismissal reflected on a student's transcript may be removed as set forth in campus regulations.

*At UC Merced, suspension and dismissal must be posted on the student's academic transcript for the duration of the sanction. Suspensions are annotated on student transcripts with the statement "READMISSION PRIOR TO [Semester in which student may re-enroll in UC Merced] SUBJECT TO APPROVAL OF DIRECTOR OF STUDENT CONDUCT." The transcripts of Dismissed students bear*

*the statement “READMISSION TO THE UNIVERSITY OF CALIFORNIA SUBJECT TO APPROVAL OF THE CHANCELLOR.” Notations of Suspension are removed at the end of the suspension, and notation of dismissal is removed if the student is readmitted to UC Merced.*