UC MERCED

The Student Handbook

Policies Applying to Campus Activities, Organizations, and Students

2007-2010

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University of California, Merced

2007-2010

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UC MERCED PRINCIPLES OF COMMUNITY

The University of California, Merced is committed to serving the people of the San Joaquin Valley, California, the nation and the world through excellence in education, research and public service. We strive to provide educational opportunities for all.

Our founding principles of community guide both the individual and collective behaviors of students, faculty and staff. The university expects that all of its members will emulate these fundamental principles as individuals and as a community.

We celebrate the spirit of academic excellence and strive to promote our University and its strengths through our daily interactions with students, staff, faculty and the community at large.

We maintain a working and learning environment based on integrity, fairness, cooperation, professionalism and respect.

We are a community comprised of individuals with multiple cultures, lifestyles and beliefs. We celebrate this diversity for the breadth of ideas and perspectives it brings.

We value the creativity of our students, staff and faculty, and acknowledge both their individual and collaborative achievements.

We encourage health and wellness and strive to develop a sense of environ- mental responsibility and stewardship among all the members of our community.

We are committed to achieving tolerance in our community. All persons – faculty, staff and students – regardless of background or lifestyle should participate and work together in a collegial atmosphere that we strive to make free of any and all acts of discrimination or harassment.

We respect, support and value the civil and respectful expression of individual beliefs and opinions.

Approved: January 2003

Note: These are the Founding Principles of Community of the University of California, Merced. In the years ahead, they will undoubtedly be reviewed and modified by future UC Merced faculty, students and staff.

For those who wish to review Academic and Staff Personnel Policies regarding nondiscrimination, please refer to www.atyourservice.ucop.edu. For further information, please contact the Director of Human Resources/Affirmative Action Officer at ucmercedjobs@ucmerced.edu.

CHAPTER I: INTRODUCTION

100.00 Preamble

In order to carry on its work of teaching, research, and public service, the University has an obligation to maintain conditions under which the work of the University can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression, with full recognition by all concerned of the rights and privileges, as well as the responsibilities, of those who compose the University community.

These campus regulations address the rights and responsibilities of members of the University community and provide campus-wide standards for implementing regulations as a means of sustaining this community. Each member of the UC Merced campus shares the responsibility of maintaining this unique community so that the University's mission of teaching, research, and public service can be achieved.

101.00 Purpose

The primary purposes of these regulations are:

A. To promote the effective use of the UC Merced campus facilities for educational and related purposes;

B. To clarify what is meant by "acceptable standards of conduct," and to enumerate the processes and sanctions that will be employed if a breach of these standards is alleged or determined to have occurred; and

C. To encourage opportunities for association among students, faculty and staff within the intellectual environment of the University.

102.00 Authority

The Regents of the University of California is a corporation that derives its authority from the California Constitution, Article IX, Section 9, which prescribes its powers of organization and governance. The *Campus Regulations Applying to Campus Activities, Organizations, and Students* are issued under this authority.

103.00 University-wide Policies

These campus regulations comply with the policies established by The Regents of the University of California. Copies of the University-wide policies titled *The Student*

Handbook: Policies Applying to Campus Activities, Organizations and Students are available for review in the following offices:

Office of Student Life: Library, Kolligian Library, Office # 184
Office of the Vice Chancellor, Student Affairs: Kolligian Library, Office #312

On the Web: http://students.ucmerced.edu/docs/campusregs.2007-2010.pdf

104.00 Distribution of Campus Regulations

Copies of these policies will be made available to students, faculty and staff without charge in the following offices: Office of Student Life; Housing & Residence Life; and Vice Chancellor, Student Affairs. These policies also are available via the web at www.ucmerced.edu

105.00 Revision of Campus Regulations

A. University of California, Merced campus regulations will be reviewed and amended every four years or as required by the UC policies applying to campus activities, organizations, and students. More frequent review can occur if needed. To the extent possible, the review committee will be composed of the following persons:

   1. Chair: Vice Chancellor, Student Affairs (or designee)

   2. Members: Office of Student Life Representative, Student Judicial Affairs Officer, Housing & Residence Life Representative, Two Representatives from Associated Students, Two Staff Representatives, Two Faculty Members, Two Undergraduate Students, Two Graduate Students

   3. Members shall be chosen by their respective nominating agencies.

B. Prior to their adoption, all proposed implementing regulations, including all substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of General Counsel, for consistency with University Policies and the law. Campus policies will then be submitted to the Chancellor for review and approval.

106.00 Responsibility for Administration of These Regulations

The Office of Student Life in conjunction with College One, the Schools and other appropriate departments shall administer all regulations.

107.00 General Definitions

A. Registered Campus Organization: Any group whose membership predominantly is composed of University of California, Merced students, faculty, and/or staff who register with the Office of Student Life in order to have access to University facilities and/or resources.

B. Schools or Colleges: Campus academic units that have as their purpose instruction, research, and service.

C. Recognized Units: University of California, Merced organized research units and affiliated units as specified in the University of California, Merced *General Catalog*.

D. Non-University Persons/Groups: Persons/groups who are not affiliated with the University. Such groups may be non-profit or commercial, private, or public.

E. Fund-Raising: The collection of monies on University properties by means of sales, contributions, donations, solicitation, membership fees, tithing, and/or admission charges to events or meetings on a regular or occasional basis.

F. Commercial Activity: The sale of goods or services or the sponsorship of any program conducted primarily to generate personal or corporate profit.

G. Personal Gain: The sale of goods or services or the sponsorship of any fund-raising activity on University property by any individual or group that is intended to improve the personal financial status of any person or group of persons involved in the sponsorship of the program. Fundamental to this definition is the premise that funds raised on University properties are to be used to expand the educational and recreational opportunities for registered campus organizations that raise funds on the campus, and not to financially subsidize individual persons' interests, needs, or living expenses. If approved in advance by the Office of Student Life, exceptions may be granted.

H. Academic Programs: All regularly scheduled classes, make-up or extra sessions for regularly scheduled classes, mid-terms, final exams, and UCM Extension courses offered for credit.

I. Academically-Related Programs: Study, tutoring or review sessions; special faculty lectures that are not part of the semester's regularly scheduled academic offerings; Orientation programs and non-credit Extension courses; School seminars and meetings; public events and ceremonies.

J. Co-Curricular Programs: All programs sponsored by registered campus organizations; all Graduate Students Association, Associated Students of the University of California Merced (ASUCM) and Student Hall Government sponsored educational and social programs; all programs sponsored by all other non-academic University departments; all programs sponsored by campus-affiliated organizations.

K. Externally Sponsored Programs: Programs sponsored by off-campus persons or organizations.

L. University Property: The term "property" means any University-owned, -operated or –leased property, including all University grounds and structures or such other property as shall be designated by a campus as property subject to University Policy.

M. Student: The term "student" means an individual for whom the University maintains student records and who: (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or (c) is on an approved educational leave or other approved leave status or is on filing-fee status.

CHAPTER II: CAMPUS ORGANIZATIONS

200.00 Formation, Privileges and Responsibilities of Registered Campus Organizations

Definition; Registration and Membership Requirements

A. A Registered Campus Organization is an organization whose membership predominantly comprises UC Merced students, faculty, and/or staff of UC Merced, and that attains recognition as a Registered Campus Organization by complying with the requirements and procedures set forth in these policies. Such regulations shall require that the organization furnish a written statement of its name and its purposes, signed by its officers or other authorized representatives, and that includes as well such other pertinent information as the campus may specify.

B. Membership in a Registered Campus Organization shall be open to any student, consistent with the Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters, with the exception that membership in an officially recognized sorority or fraternity may be limited by gender. Membership in a Registered Campus Organization may be extended to individuals other than students, faculty, and staff, under conditions specified in the UC Merced Club and Organization Manual.

C. An authorized student government of a campus shall not be eligible for registration also as a Registered Campus Organization of that campus.

201.00 Initial Registration Procedures

A. Any group of University of California, Merced students, faculty, and/or staff may obtain Registered Campus Organization status by filing the following information with the Office of Student Life:

A copy of an organizational constitution or an equivalent document which shall include;

1. Name of organization.

    a. **The geographical designation "at the University of California, Merced" may be used by any Registered Campus Organization as part of its name without obtaining special approval.**

b. Permission for any other use of the name "University of California, Merced or UCM" or any abbreviation thereof as part of a registered organization's name may be granted only by the Chancellor or his/her designee. Permission, when granted, does not expressly or by implication involve any endorsement or sponsorship by the University; permission may be made conditional upon appropriate disclaimer of University endorsement or sponsorship.

c. A campus organization cannot use the same name as another already registered campus organization, department, or academic affiliated group.

d. Permission to use the name of the “University of California, Merced” may be withdrawn by the Chancellor at any time.

2. A clearly defined statement of purpose.

3. All requirements for membership including dues or fees.

4. Qualifications for holding office, if applicable.

5. Methods of selecting and replacing officers, if applicable.

6. Documents explaining the nature of any formal affiliations the campus organization has with external organizations/agencies.

B. The names of at least four UC Merced student officers/representatives responsible, with their local addresses, e-mail addresses and phone numbers.

C. The name of an organizational advisor.

1. All registered organizations are required to have an advisor who is a member of the faculty, staff, or an individual registered as a graduate student.

2. Groups that are unable to locate an advisor may have a member of the Office of Student Life staff serve as their "temporary" advisor.

D. Payment of a registration fee to be determined by the Office of Student Life and approved by the University.

E. A signed statement verifying that the organization agrees to comply with the following:

1. Local, state and federal laws and University and campus policies and regulations applicable to such organizations.

2. A non-discrimination statement. (See Appendix A)

3. In the case of registered campus organizations funded by compulsory campus based student fees, limitation of voting and office-holding privileges to University of California, Merced students.

202.00 Continuing Registration Procedures

In order to maintain its registered status, every organization must re-register with the Office of Student Life each fall semester. Groups must fulfill the following obligations to be considered a registered campus organization:

A. Complete the Campus Organization Registration Form by delineating an advisor and at least four responsible officers/representatives who sign the statements of compliance with campus regulations/policies, including non-hazing and non-discrimination, and state and federal laws. All officers must be currently registered students.

B. Review, update, and approve the constitution on file with the Office of Student Life.

C. Pay the annual registration fee if one is required.

203.00 Privileges and Responsibilities

A. Privileges

Registered campus organizations have access to the following resources:

1. Consultation services: program planning, publicity, fund-raising, leadership training, campus regulations, advisement, and facilities scheduling.

2. An assigned mailbox for organizational use;

3. Option to reserve campus facilities, the use of which must conform to applicable time, place and manner regulations;

4. Use of designated posting areas;

5. Use of tables to promote organizational activities/purposes; and

6. Use of campus services/resources to support organizational activities on a direct-cost basis.

7. The option of applying for viewpoint neutral Associated Students of University of California Merced funding.

B. Responsibilities

Registered campus organizations, using University property or services, must avoid any unauthorized implication that they are sponsored, endorsed, or favored by the University.

1. A campus organization lending its name, membership, property or support to a function shall be held responsible for the conduct of its members or guests attending that function.

    a. The organization's officers/representatives are responsible for the planning and organization of all group events.

    b. At least one officer/representative and one other responsible member must be in attendance at all functions sponsored or co-sponsored by the organization.

2. Organizational officers/representatives are responsible for making certain that members comply with all applicable local, state and federal laws, and University of California and University of California, Merced policies and regulations while participating in University-sanctioned events. Failure to do so could lead to revocation of registration, loss of privileges or other sanctions for violations of such policies or regulations. If registration is denied or revoked or sanctions are applied, campus organizations shall have an opportunity for a hearing that is consistent with the basic standards of due process. (See Chapter VII.)

3. Organizational officers/representatives are responsible for ensuring that the name, insignia, seal or address of the University of California, Merced is not used without approval from the Chancellor or her/his designee, or in any manner that implies UC Merced support or agreement with any of the activities, positions, purposes, ideals or goals of any individual, group or organization acting within these regulations. Campus organizations are encouraged to design their own letterhead for use in correspondence.

4. Organizational officers/representatives are responsible for the financial obligations to the University incurred by their organization, and may be responsible for such obligations to others.

5. The Chancellor or designee may investigate through audits or other means and take action to ensure that fiscal activities of campus organizations occurring on University properties comply with legal requirements and University policies and procedures.

6. Organizational officers/representatives are financially responsible for any damage that occurs to University facilities as a result of use by their organizations.

7. Organizational officers/representatives may not commit the University to any contractual arrangements or make any representations that might be construed in any way as a commitment without prior written approval of the University. Organizational officers/representatives who sign contracts with off-campus vendors or University agencies in return for services or goods are financially responsible for fulfilling the terms of those contracts. The University is in no way responsible for "making good" on such agreements.

8. Organizational officers/representatives are responsible for updating and submitting organizational registration information to the Office of Student Life.

9. Organizational officers/representatives are financially responsible for providing reasonable disability accommodations upon request.

204.00 Definition; Registration and Membership Requirements

A Registered Campus Organization is an organization whose membership predominantly comprises UC Merced students, faculty, and/or staff of UC Merced, and that attains recognition as a Registered Campus Organization by complying with the requirements and procedures set forth in these policies. Such regulations shall require that the organization furnish a written statement of its name and its purposes, signed by its officers or other authorized representatives, and that includes as well such other pertinent information as the campus may specify. Membership in a Registered Campus Organization shall be open to any student, consistent with the Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters, with the exception that membership in an officially recognized sorority or fraternity may be limited by gender. Membership in a Registered Campus Organization may be extended to individuals other than students, faculty, and staff, under conditions specified in the UC Merced Club and Organization Manual. An authorized student

government of a campus shall not be eligible for registration also as a Registered Campus Organization of that campus.

205.00 Requirements for Funding from Compulsory Campus-Based Student Fees

A Registered Campus Organization that is preponderantly or exclusively funded by a student government or other campus entity from compulsory campus-based student fees shall primarily have University of California students as its members. All programs and activities of a Registered Campus Organization funded from compulsory campus-based student fees shall be open to participation by the entire campus community. In addition, all expenditures relating to particular programs and activities of a Registered Campus Organization (whether the program or activity takes place on- or off-campus) that are funded from such fees must be under the direct control of University of California students.

206.00 Support

A Registered Campus Organization or Registered Campus Organization-related program or activity may be supported from compulsory campus-based student fees and/or from voluntary contributions.

A registered student organization may fundraise to support their activities but must follow the policies on fundraising available in the Office of Student Life and as outlined in chapter three of this document.

The referendum process shall not be accessible to a Registered Campus Organization or any registered campus organization other than a student government. The foregoing is not intended to preclude access to the referendum process by any administrative unit of the University, subject to appropriate student consultation. Support for a Registered Campus Organization or any registered campus organization other than a student government from compulsory campus-based student fees must be in the form of a reallocation from student government or other appropriate campus entity to the Registered Campus Organization or other registered campus organization. All such reallocations must be made consistent with the requirements for viewpoint-neutral funding.

Any process adopted by a student government or other campus entity to provide support to a Registered Campus Organization or Registered Campus Organization-related program or activity from compulsory campus-based student fees must employ solely viewpoint-neutral criteria.

A student government in consultation with the campus, or a campus with the concurrence of the student government, may at its discretion establish and administer a mechanism providing for a pro rata refund to any student of that portion of his or her compulsory campus-based student fees that has been allocated by a student government or other campus entity to support a particular Registered Campus Organization or Registered Campus Organization-related program or activity. Establishment of such a refund mechanism is not required either as a matter of University policy or the law.

207.00 Transfer of Compulsory Campus-Based Student Fees to Non-University Entities

Compulsory campus-based student fees may be expended by a Registered Campus Organization to cover the expenses of direct participation by University students in a particular non-University-sponsored educational program or activity. Such fees may also be expended for the payment of applicable dues necessary to sustain membership by a Registered Campus Organization in national and other regional non-University associations at the basic level established by such associations, so long as the level of any such assessment is in line with what is assessed similar student organizations at other institutions comparable in size and nature to the University as a requirement of basic membership. Except as provided immediately below, memberships at a preferential level that require the payment of higher periodic dues than what is required to sustain basic membership, or the assessment by such non-University associations of supplemental contributions from their members as an expectation but not a requirement of continued membership, may not be supported from compulsory campus-based student fees.

Other than for considerations of basic membership as set forth above, additional transfers of funds from compulsory campus-based student fees by a Registered Campus Organization to such non-University associations may be made only when they can be justified, in advance of the transfer, to the Chancellor (or other campus official designated by the Chancellor with administrative oversight over Registered Campus Organizations) as providing a direct educational benefit to University of California students commensurate with the proposed expenditure.

Compulsory campus-based fees may not otherwise be expended by a Registered Campus Organization in support of, or be otherwise transferred to, a non-University organization, program, or activity, except in payment for goods and services directly necessary to the operation of the Registered Campus Organization, its programs or activities.

CHAPTER III: CAMPUS ACTIVITIES

Speech and Advocacy

300.00 General Provisions

A. University properties shall be used in accordance with federal, State, and local laws and shall not be used for the purpose of organizing or carrying out unlawful activity.

B. All persons on University property are required to abide by University policies and campus regulations and shall identify themselves upon request to University officials acting in the performance of their duties. Violation of University policies or campus regulations may subject a person to possible legal penalties; if the person is a student, faculty member, or staff member of the University, that person may also be subject to disciplinary action in accordance with University policies and campus implementing regulations.

C. On University grounds generally open to the public, all persons may exercise the constitutionally protected rights of free expression, speech, assembly, worship and distribution of literature incidental to the exercise of these freedoms; however, these activities must not interfere with the orderly operation of the campus and must be conducted in accordance with the campus time, place and manner regulations.

D. It is the responsibility of the Chancellor to provide opportunities for the expression of a variety of viewpoints.

   1. Persons on University property or attending an official University function assume an obligation to conduct themselves in a manner compatible with the University's function as an educational institution.

   2. Persons who have concerns with policies governing speech and advocacy may submit their written concerns to the Office of Student Life.

E. These policies and campus regulations in no way constitute prohibition on the right by any individual in the University community to hold or express political views. The University recognizes, supports and shall not abridge the constitutional rights of faculty, staff, or students to participate in the political process of supporting candidates for public office or any other political activity. If such support of candidates or issues is extended, the individual(s) must clearly indicate that the disclosure of any title or affiliation with a group is used for identification purposes only and not to represent the University or any of its offices or units.

301.00 Time, Place, and Manner Regulations

Time, place, and manner regulations exist to prevent interference with University functions, to provide reasonable protection to persons from practices that would make them involuntary audiences, and are subject to the following regulations:

A. Grounds Open to the Public Generally

For the purpose of these regulations, "grounds open to the public generally" are defined as the outdoor areas of the campus (lawns, patios, plazas) that are adjacent to campus buildings and parking lots.

B. In the event that the architecture of a building includes entrances with stairs or landings, no distribution may take place on the stairs or landings. This restriction applies to the Lantern and stairs to the Kolligian Library.

C. All activity must be conducted in such a way that traffic is not impeded and the normal activities in classrooms and offices are not disrupted.

D. Tables or moveable stands may not be placed in areas where passages to any entrance or walkways are blocked, where the free flow of pedestrian traffic is restricted, or where emergency fire lanes are blocked.

E. In order to facilitate ingress and egress, all activity must be conducted 25 feet or more from any entrance/exit, parking lot, staircase, landing or roadway.

F. Groups using moveable tables or stands at any location on the campus must have the prior approval of the Office of Student Life. Authority for approval rests with the Assistant Director of Student life or designee.

G. No flyers, announcements, or literature of any kind may be placed on automobiles (e.g., under the windshield wipers) on University property.

H. Organizations/persons are prohibited from leaving flyers, announcements, or literature of any kind unattended on campus grounds or in classrooms. That is, literature may be handed to interested persons or posted appropriately in designated areas for their information, but it may not be left for others to pick up.

1. Any person or organization wishing to distribute publications must notify the Office of Student Life regarding distribution and litter control plans.

2. All publications distributed within or in front of the on-campus residence halls and dining commons must have prior approval from the Office of Student Housing or its designee.

I. Flyers, announcements, or literature of Registered Campus Organizations may be distributed through campus mail boxes as long as the method of distribution is in keeping with departmental policy and applicable University policies. All inquiries regarding the appropriateness of distribution will be referred to the Office of Student Life for resolution.

302.00 Involuntary Audiences

Persons on University property have the right to be protected against becoming part of an audience for an event or activity against their will.

303.00 Amplified Sound Areas and Outdoor Gatherings

Sound amplification equipment may not be used at any outdoor location without the prior written approval of the Office of Student Life or Housing. These areas are generally open to the public, however, and as such may be used for speech and advocacy without amplification.

If complaints are received indicating that the amplification sound level is interfering with the operations of the campus, the responsible person(s) will be directed to lower the volume. If additional complaints occur, the person(s) in charge of the amplification equipment will be directed to turn off the sound completely. Persons refusing to comply with these time, place, and manner regulations relating to the exercise of speech and advocacy shall be subject to University discipline and to law enforcement measures as appropriate.

To schedule areas utilizing amplified sound, see Chapter IV.

The amplification of music shall be restricted to the hours between 12 noon and 1 p.m. and 7 p.m. – 10 p.m. (M-F), while voice amplification may be approved to occur between the hours of 11 a.m. - 10 p.m. (M-F).

Requests for extension of hours (as well as approval for weekend use) must be submitted in writing at least 4 business days in advance of the event to the Office of Student Life. The sound volume will be regulated by the sponsoring organization to avoid disturbing those in the surrounding area.

304.00 Posting Regulations

These regulations, pertaining to both campus affiliates and public entities, permit the posting and exhibition of materials on campus within the guidelines below. Posting that may damage any University property is prohibited.

These regulations apply to individual members of the campus community as well as groups and organizations. The University reserves the right to remove any posting violating these guidelines. Fines may be assessed for violating these guidelines.

All materials must be approved prior to posting and shall clearly indicate the name of the sponsoring organization(s) or individual(s) and their contact information. In the absence of contact information being present on the document, the sponsoring organization must register their contact information with the Office of Student Life at the time they receive posting approval.

A. Acceptable Materials/Subject Matter

1. **Notices by Campus Affiliates:** Campus Affiliates are defined as all recognized student organizations/groups, schools, offices, and departments.

    a. **Announcements:** Announcements related to activities, special events, university-related services, and fund-raising activities by Campus Affiliates is acceptable.

    b. **Occasional/Incidental Sale by a Campus Affiliate:** Public notices regarding the occasional/incidental sale of personal property belonging to students and employees of the University and those offering educationally related services or information of interest to UCM students, faculty and staff. These notices must be posted in the area(s) indicated for campus affiliated advertising only. Notices violating this policy will be removed.

    c. **Campus Elections:** All posting by the Associated Students and Graduate Students Association of campaign literature must comply with these regulations. Additional regulations governing election posting may be found in the Associated Students by-laws.

2. **Notices by Non University Persons/Groups**: Persons/groups who are not affiliated with the University. Such groups may be non-profit or

commercial, private, or public. All materials must be approved for posting and displayed in approved posting areas only.

a. **Events/Goods/Services:** Advertisements, posters, and literature related to events/goods/services for commercial and non-commercial purposes.

B. Unacceptable Advertising Methods

1. Classroom Chalkboard/Dry Erase Board Posting and Announcements - Written announcements of upcoming events on chalkboards or dry erase boards in any instructional facility that has limited chalkboard space, is prohibited. Academic use of chalkboards will always take precedence over other uses.

2. Chalking of sidewalks and walkways is not permitted on the main campus.

3. Use of materials to mount advertisements that will damage posting surfaces, which include but may not be limited to masking tape, scotch tape, glue, paste, nails, and duct tape are prohibited.

305.00 The Approval Process

A. The Office of Student Life will keep a record of all approved posting areas on campus.

B. The Office of Student Life must approve all materials prior to having materials posted or taken for secondary approval to post in restricted areas. The only exception permits the Student Housing Office to approve materials to be posted by Student Housing Staff and the Student Hall Government only within the designated posting areas of Student Housing.

C. Secondary approval is required to post in restricted posting areas by campus affiliates only. After securing approval to post materials by the Office of Student Life, campus affiliates must seek secondary approval by a particular owner (school/department/office) of the space. Please check in with the main reception area of the specific school/department/office for the location you wish to post.

D. Acceptable Quantities and Types of Postings

1. Only one posting for each event will be approved for each designated posting area.

2. Banners may not exceed five feet in length and four feet in width.

306.00 Approved Advertising/Posting Areas:

A. **Posters and Announcements**

Bulletin Boards and areas will be designated and marked with the type of acceptable posting. All materials must be approved prior to posting. WHEN POSTING DOCUMENTS WITH TAPE, PAINTER'S TAPE (E.G. BLUE TAPE) MUST BE USED TO PROTECT THE POSTING SURFACE.

1. **Campus** Boards- only campus affiliates may post in these designated areas.

2. **Restricted** Boards – only campus affiliates may request to post materials in restricted posting areas.

3. **Banner** Areas – Banners (no more than five feet in length and four feet in width) may be posted in approved areas by campus affiliates only.

4. **Public** – all materials from non-University persons or groups may be posted on public boards only.

B. **Non Traditional Displays and Decorations** (e.g. sandwich boards, table displays, aerial displays, balloon arches)

Postings requiring non-traditional display methods may be approved for display for a maximum of two weeks. A written proposal outlining the purpose, time period, location(s), and materials to be used, must be presented to the Office of Student Life for approval at least one week before the desired posting/display date. Additional approval from the office of Facilities Management/Physical Planning Design and Construction may be required.

C. **Electronic Announcements –** are available to campus affiliates only. To request an announcement, contact The Office of Student Life, first floor, blue wing or the Students First Center on the first floor of the gold wing of the Kolligian Library for details and instructions regarding digital signage.

D. **Posting Areas: Banners**

1. Banners must receive prior approval from the Office of Student Life at least three business days prior to the event. Banners must not cover over other advertised event advertisements.

2. Staked banners/signs that would be placed in ground cover (preferably) or lawn areas must receive posting location approval from Facilities Management and can be posted for a maximum of two weeks. The signs cannot be closer than five feet on either side of bike paths and may not be placed in areas which constitute a hazard for pedestrians.

307.00 Removal of Poster Material

A. All material referring to a specific event or deadline, including directional signs, must be removed within 48 hours after the event/deadline by the sponsoring organization.

B. All material not referring to a specific event or deadline is to be removed by the "post until date." In the absence of a "post until date," the material will be removed by the end of the semester by the sponsoring organization, or the Office of Student Life will remove it.

308.00 Posting Violations

A. Posting in or on campus buildings, sidewalks, trees, bridges, bike path railings, windows (except as approved by specific departments), traffic signs, fixed poles, blue light poles, lamp poles, doors, fountains, benches, trashcans, shrubbery, and all other areas not suitable for staples or tape and not specifically identified in these regulations is prohibited.

B. Writing, posting or taping directly on sidewalks, paths or on the exterior or interior surfaces of buildings or walls with any material, including chalk, is a violation of these regulations.

C. Posting on top of or removing announcements that are current is a violation of these regulations.

D. Placing flyers, announcements or literature of any kind on automobiles (e.g., under the windshield wipers) on University property is prohibited.

309.00 Disposition of Reported Posting Violations

A. Reporting Violations

Any member of the campus community may register a written complaint or concern with the Office of Student Life regarding alleged posting violations and potential clean-up costs.

B. All potential violations of policy will be referred to Judicial Affairs for adjudication.

C. Sanctions for Posting Violations

Individuals or groups responsible for posting violations may be charged a penalty fine, required to pay the actual cost of clean-up, and/or issued a written warning. Repeat offenses may result in more extensive fines and the loss of organizational privileges.

310.00 Fund-Raising, Benefits and Donations, and Food Sales

A. General Provisions

1. University facilities are not to be used for commercial activities unless specifically identified in these policies for that purpose.

2. Donations made and funds raised must be designated for a purpose consistent with the University's mission of teaching, research, and public service.

3. The following University services and programs are exempt from the commercial activity restriction: University Bookstore; Dining and Retail Services; Campus Recreation, University Extension programs and classes; and Student Housing.

B. Fundraising

Registered campus organizations and student governments may use University facilities to raise funds on campus when they are in compliance with the following definitions and regulations:

1. Registered Campus Organization's fund-raising events must have prior approval by the Office of Student Life (in the case of the Associated Students, Graduate Students Association and registered campus organizations). Student Housing Association events held in housing facilities require the Director of Housing and Residence Life or designee approval.

2. The funds raised using campus facilities may not be used for any illegal purposes and must be consistent with the stated purposes of the sponsoring organization.

3. When a University facility or grounds is used for an event, the sponsoring organization shall pay in advance or encumber funds sufficient to pay, prior to the event all pre-established program costs (e.g., facility use, production costs, equipment rental fees).

4. All sales activities must obtain prior written approval from the Office of Student Life at least five business days prior to the event.

5. Registered Campus Organizations using University facilities to raise funds must be financially accountable and operate within the following guidelines:

    a. All funds raised must be deposited in a Registered Campus Organization account, Office of Student Life account, Associated Students or Student Housing Association trustee account and may be withdrawn in accordance with the original fund-raising purpose only after all the bills incurred during the event have been paid.

    b. All contracts entered into with off-campus entertainment groups or agencies must be reviewed by an Office of Student Life advisor prior to the contract being signed to assure that the facility is adequate and that the University is in no way obligated under the contract. Once reviewed, the contracts will be signed by one or more official representatives of the organization. Contracts for the Associated Students need be signed by the Vice Chancellor of Student Affairs or designee, the Director of Student Life or a designee. Contracts for Residence Halls Association events held in Housing facilities must be approved by the Vice Chancellor of Student Affairs, the Director of Housing or a designee.

    c. All ticket sales must be approved by the Office of Student Life at least one week prior to sales commencement, and coordinated through the sponsoring group.

    d. The University reserves the right to investigate financial records of a campus organization that has been allowed to raise funds on campus to determine if the funds are being used for the purpose for which they were raised, or if there are allegations of impropriety.

    e. In the event that a fund-raiser loses money, the sponsoring organization remains liable for covering all costs incurred by the activity.

C. Benefits and Donations

Registered campus organizations may sponsor non-commercial activities, sales, and performances for the benefit of persons or off-campus organizations as long as the personal gain restriction is not violated and the campus organization agrees to comply with the following stipulations:

1. The registered campus organization must decide to sponsor the event at a publicized organizational meeting.

2. Any contract between the on- and off-campus person or organization must specify the financial terms agreed to by both parties and the contract must be reviewed by an Office of Student Life advisor. Contracts for Student Housing Associations events held in Housing facilities need to be approved by the Director of Housing or designee.

    a. All Internal Revenue Service and University Relations gift administration guidelines regarding benefits and donations must be followed.

3. The publicity for the event must include the following information:

    a. The name of the sponsoring campus organization(s).

    b. The name of the off-campus organization(s) or individual who will benefit from the event.

    c. The intended specific uses of funds collected at the event.

    d. A specific disclaimer of University sponsorship or endorsement.

    e. The amount of donation or percentage of net profit going to benefiting organizations.

4. All funds collected must be deposited in the Registered Campus Organization Office of Student Life trustee account. Checks must be made payable to "UC Regents," with the name of the Registered Campus Organization in the "memo" line. Benefit income may be disbursed only from the account after all bills for the event expenses have been paid. All disbursements must be consistent with the original stated purpose of the event and in compliance with contractual agreements, including the amount of donation or percentage of net profit.

5. Facility use fees related to events sponsored by registered campus organizations may be assessed as normally assessed for campus organization events (i.e., direct costs).

D. Food Sales:

Food sales permitted on University properties must comply with the following stipulations:

1. No food sales may be conducted in such a way as to impede free access into any University building.

2. No commercial food vendor sales are permitted without exceptional approval of the Office of Student Life and the Office of Environmental Health and Safety.

3. Sale of low-risk foods are permitted. Low-risk foods are defined as non-perishable, low-water-foods not requiring refrigeration. Items must be individually wrapped or pre-packaged; ice may be used to store drinks but no ice may be dispensed to customers. A selling permit is required from the Office of Student Life and must be displayed on the seller's table at all times. Groups operating without an approved selling permit will be closed down by a representative of the Office of Student Life or Environmental Health & Safety. See the Office of Student Life for further details on approved food items. Only low-risk foods may be given away as part of a promotional event.

4. Non-low-risk food sales are allowed to take place but campus organizations must submit a detailed description of foods, food preparation and service to the Office of Student Life for approval at least two weeks in advance of the event.

   Prior approval for food sales must be obtained from the campus Environmental Health and Safety office four weeks in advance with individual campus organizations' food plans submitted at least two weeks in advance. Training on food preparation and service is required and will be provided by Environmental Health & Safety or Dining and Retail Services.

5. Food which is served free of charge at potlucks, parties or meetings where the event is not open to the general public does not need a selling permit or prior approval. However, food must be served following the guidelines listed in the Sale or Distribution of Food, copies of which are available at the Office of Student Life.

E. University of California, Merced Student Organization Fundraising Policy

Timeline for Student Organization Fundraising

For each type of student organization fundraising effort discussed in this policy, the below timeline must be adhered to:

5 weeks prior to fundraising event:	Meet with advisor and Office of Student Life to complete UC Merced Student Organization Budget Request and obtain all required approvals.
4 weeks prior to fundraising event:	Meet with Events Master Calendar Coordinator and submit UC Merced Event Calendar Form.
3 weeks prior to fundraising event:	Prepare solicitation materials package for review and approval by Office of Student Life and University Relations.
2 weeks prior to fundraising for charity event:	If applicable, obtain written approval from charity authorizing use of its name.
3 business days after event:	Complete Income Report for UC Merced Registered Student Organizations and submit to Office of Student Life.

F. Sponsorships

Funds or other types of donations are classified as sponsorship when the following characteristic exists: the intention is to receive a "value" from the sponsorship; such as advertisement for the sponsor.

Either an individual and/or company can sponsor a UC Merced Student Organization. Unless it is a direct gift, the sponsor will not receive a gift acknowledgement from UC Merced. The Student Organization may, however, request their advisor's assistance in providing a letter of confirmation that the payment was received, which includes how the payment benefited the organization.

All Sponsorship checks are made payable to "UC Regents." The funds are then given to the Office of Student Life for processing. The payor should be advised to use the memo section of the check to notate the purpose or intended recipient (i.e. annual folk dance, business student association, etc.). The Office of Student Life will prepare the checks for deposit and forward copies to the University Relations, Gift Administration. All donations received in support of a UC Merced Student Organization or Club will be deposited into the Student Life revenue account.

The funds may be accessed by an authorized member of the organization for the intended program from the Office of Student Life. Reimbursements should be submitted within 5 days of the program. Items or services should NOT be

purchased before the sponsorship check is submitted to the Office of Student Life. In the event that reimbursement is not approved, pre-event expenses are strongly discouraged.

G. Gifts and Non-Profit Tax Identification Status

Occasionally, a business, corporation or private individual interested in making a financial contribution or gift to a registered student organization requests a tax identification number. Please refer these requests to University Relations, Gift Administration office.

For monetary donations, Student Organizations may use the University's tax identification number by special arrangement through the University Relations office. This process requires a check from the entity or person, made payable to "UC Regents." The payment must be given to the Office of Student Life who will send copies of all donations to University Relations, Gift Administration and deposit funds into a University gift account. All donations received in support of a UC Merced Student Organization or Club will be deposited into the Student Life revenue account.

A five percent gift fee* is deducted from each donation. Donors may elect to provide for the fee by making an additional gift equivalent to the fee. Therefore, written or oral disclosure of the fee to donors is encouraged at the time of solicitation. Full disclosure of the fee policy is made on donation receipts. Exact disclosure language for fund raising literature can be obtained from University Relations, Gift Administration Office (209)724-2923.

The Student Organization must use the funds for the specific program for which it was intended. To access the funds, an authorized member of the organization will request authorization for charges, (i.e. Bookstore, Imprints, Media), from the Office of Student Life. The Office of Student Life can also reimburse an authorized member for appropriate program expenses within two weeks of the program. Items or services should not be purchased or paid for before the gift check is submitted to the Office of Student Life.

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*UC Merced/UC Merced Foundation Gift Administration Policy approved June 17, 2005 states: "Upon the receipt of all gifts to UC Merced or the UC Merced Foundation, a fee of 5% of the initial value of the gift shall be assessed and deposited in the Chancellor's Discretionary Fund and shall support the necessary operations for the development function within the Chancellor's campus administration."

UC Merced University Relations, Gift Administration sends a receipt to the donor for tax purposes. Consult the University Relations office regarding any non-monetary donations.

H. Non-Monetary Gifts

Non monetary gifts include in kind gifts (food, gift certificates, merchandise, etc.) and gifts of services. Please consult with University Relations, Gift Administration Office regarding gifts of this nature.

I. Fundraising Planning

The first step in planning a fundraiser is to research your ideas. Be sure to keep your target group in focus when planning your event and publicity campaign. Remember to meet with your advisor early in the planning stages. Fundraising policies include:

1. All funds must be directed through normal University accounting procedures and deposited into the Student Life gift revenue account.

2. The fundraiser will be calendared with the Master Calendar when a UC Merced Event Calendar Form is completed.

3. The use of funds being raised must be defined and be consistent with the stated purposes of the sponsoring organization.

4. Funds raised on campus may not be used for purposes contrary to UC policies including for personal gain or benefit.

5. A Fundraising Income Report (available from the Office of Student Life) must be submitted to your advisor no later than three business days following a fundraising event. Keep a copy for yourself and a copy will be kept on file in the Office of Student Life for future reference.

J. Fundraising for Charities

Registered student organizations may conduct fund raisers for charitable organizations and are required to do so under the following guidelines:

1. Organizations that wish to donate funds raised on campus must receive approval from the appropriate student organization advisor and the Office of Student Life.

2. If the event is to be promoted as a fund raiser for a specific charity:

    a. Written approval from the charity authorizing use of its name must be received a minimum of two weeks prior to the event and before any publicity is released;

    b. A minimum of 15% of the gross income must go to the charity; 90% if income is from door prizes or giveaways.

    c. The charity must have 501c(3) (legal non-profit) status and be located within California.

    d. The Registered Campus Organization will provide to UC Merced accurate accounting and a copy of receipt of donation to charity.

    e. At the time of solicitation, donors should be made aware that a five percent gift processing fee will be deducted from their gift.

3. If the event is not to be promoted as a fund raiser for a specific charity, a group may include on publicity, "any proceeds after expenses will be donated to (the charity's name)."

K. Use of University Funds/Services

All Student Organization expenditures using University allocated funds (including gifts) are subject to standard University accounting policies and procedures.

The University operates on a recharge/purchase order system when utilizing University Services (i.e. facility rental, graphics, etc.) or when dealing with off campus businesses. All expenditures must be pre-approved by the Office of Student Life. Reimbursements are rare and, if not approved in advance, may result in a loss to the individual or organization. **ORIGINAL RECEIPTS** are required for all reimbursements. Reimbursements can take up to 2 weeks or longer and will be mailed to the requestor's address.

All collections should be recorded with the University Cashiering Department and expenditures through the procurement and the accounts payable department. Opening and maintaining bank accounts in the name of the registered campus organizations is not allowed.

L. Use of University Name

A registered campus/student organization **shall not** use the name of the University of California or abbreviations thereof as part of its name except in accordance with the campus regulations that require permission granted only by the Chancellor or his/her designee. Permission to use the name of the "University of California, Merced" may be withdrawn by the Chancellor at any time. The geographical designation "at UC Merced" (e.g. Chess Club at UC Merced) **may be used** by any campus/student organization as part of its name without obtaining special approval.

The name, insignia, seal or address of the University **may not be** used in any manner, political, or otherwise, which implies that the University supports or agrees with any of the activities, positions, purposes, ideals, or goals of any individuals, groups, or organizations acting within these regulations.

For additional information, please refer to Chapter II of this Student Handbook. See accompanying fundraising and event planning forms at the end of Chapter III.

311.00 Serving Alcohol at a Campus Event

The use of alcohol on University property and at University-sanctioned events must be in compliance with California law. Guidelines related to the use of alcohol may be found in chapter ten of this document. In addition:

A. Campus organizations shall not use funds raised through University-sanctioned events for the purchase or distribution of alcohol. Exceptions to this policy can be made by the Vice Chancellor of Student Affairs, or his/her designee.

B. The University cannot expend state funds on alcohol. This includes, but is not limited to registration or campus based fees.

312.00 On Campus Marketing of Credit Cards

A. All banks and other commercial entities (including their third- party representatives) shall be required to register with the campus administration before engaging in tabling activities for the purpose of the on-campus marketing of credit cards to students.

B. Such tabling activities shall be restricted to specific sites and times designated by the campus administration as appropriate to such activities.

C. At the discretion of the Vice Chancellor of Student Affairs, or his/her designee, all banks and other commercial entities (including their third-party representatives)

engaged in such tabling activities may be assessed a daily or other periodic fee by the campus, at a level consistent with that charged to other commercial vendors.

D. In order to help ensure that students are provided the opportunity to make reasonably informed decisions about both the general degree of credit indebtedness they are equipped to incur and the terms of a particular offer of credit, all banks and other commercial entities (including their third-party representatives) that have registered with the campus administration to engage in tabling activities as defined in this *Policy*:

   1. Are permitted to solicit students by providing them with information on credit card offers, including credit card application materials and accompanying information relating to the terms and conditions of a particular offer of credit as required by law;

   2. Are required, when requested by the campus, to display appropriate signage identifying the bank or other commercial entity they represent and verifying that they have registered with the campus, and also to display and make available a copy of this *Policy* as well as campus-supplied debt education materials promoting the responsible use of credit cards. Banks and other commercial entities (including their third-party representatives) that have available such debt education materials from a non-campus source that wish to provide those materials to students in lieu of campus-supplied materials may do so, as long as the materials are campus-approved;

   3. Are prohibited, while on campus, from collecting personal information from students specifically for credit card application purposes (including, but not limited to, completed credit card application forms and similar materials), either at the time of solicitation or subsequently. Rather, such completed application materials may be mailed or hand-delivered by students, once they have read and considered the materials and are in a position to make an informed decision, to an off-campus office of the bank or other soliciting entity at a later time.

E. Banks and other commercial entities (including their third-party representatives) engaged in tabling activities that are found to be in material violation of any provision of this Policy may be denied access to the campus for the purpose of engaging in such activities for a specified period, depending on the nature and extent of the violation(s).

F. Consistent with the above and other applicable provisions of University policy, campuses may develop such additional implementing regulations governing the

time, place, and manner of the tabling activities of banks and other commercial entities (including their third-party representatives) for the purpose of the on-campus marketing of credit cards to students as are reasonable and appropriate.

313.00 Exemptions

Any bank or other commercial entity that occupies on-campus facilities, or that makes available on-campus automated teller machines, for the purpose of providing banking and other financial services to the campus community is exempted from compliance with any provision of this *Policy* that is in conflict with the current lease or other contractual agreement between the campus and said entity. This exemption applies only to the primary contractor in any such contractual agreement with the campus and may be held by the campus not to apply to any of the primary contractor's affiliates.

TODAY'S DATE_____
DUE DATE_____

PLEASE PRINT LEGIBLY

UC MERCED
OFFICE OF STUDENT LIFE
EVENT CALENDAR FORM

EVENT DATE_____
SPONSOR_____

EVENT DATE: DAY OF WEEK _____ MONTH _____ DATE _____ YEAR _____

EVENT TIME: SET UP _____ ❑ am ❑ pm EVENT START_____ ❑ am ❑ pm END _____❑ am ❑ pm

EVENT CATEGORY:
- ❑ Movie/Film
- ❑ Concert/Band
- ❑ Dance/Party
- ❑ Recreation/Sports
- ❑ Community Service
- ❑ Lecture/Seminar: science ___
  - arts & humanities ____
  - social awareness _____
- ❑ Off-Campus Excursion
- ❑ Other (brief description) _____
- ❑ Performing Arts: comedy ___
  - dance _____
  - music _____
  - theater _____

EVENT TITLE: _____

Detailed Description: _____

_____

EVENT LOCATION: ❑ Campus Building: _____ Room: _____ ❑ Off Campus Location

Admission Charge (complete all amounts that apply): ❑ Free
UC Merced Student $_____
Series $ _____
General $_____ Faculty/Staff $_____
Other Student $ _____ Senior Citizen $ _____
Other (_____) $ _____

Sign up/ Purchase Tickets at: _____ by _____
(location) (date)

NAME OF SPONSORING DEPARTMENT/ORGANIZATION: _____

AUTHORIZED CONTACT NAME _____ CAMPUS EXT. _____
HOME PHONE_____ MAIL CODE_____

STUDENT GROUPS MUST ALSO COMPLETE THIS SECTION
(Optional for Departments, who may mail form to Office of Student Life, Kolligian Library or fax to 209-228-7618)

Event is open to members/college <u>only</u>?	❑ yes	❑ no	Advertising off campus?	❑ yes	❑ no
… open to campus <u>only</u>?	❑ yes	❑ no	Performer/speaker to be paid?	❑ yes	❑ no
… open to the public?	❑ yes	❑ no	Amplified sound to be used?	❑ yes	❑ no
*Will alcohol be served?	❑ yes	❑ no	Will food be served?	❑ yes	❑ no

Maximum attendance allowed for event _____

*See University policies.

NOTES/SPECIAL CONDITIONS: _____

IT IS UNDERSTOOD THAT APPROVAL IS GIVEN FOR THE EVENT ONLY AS SPECIFIED ABOVE. ANY CHANGE OR CANCELLATION MUST BE REPORTED IMMEDIATELY TO THE MASTER CALENDAR COORDINATOR. NO PUBLICITY SHALL BE RELEASED UNTIL FINAL APPROVAL HAS BEEN GIVEN. IT IS THE RESPONSIBILITY OF THE SPONSORING UNIT, GROUP, OR ORGANIZATION THAT CALENDARS THE EVENT TO COMPLY WITH UNIVERSITY POLICIES AND PROCEDURES INCLUDING THOSE SECTIONS REFERENCED BELOW:

ADA/ Accessibility	Facility Reservations	Outdoor Sound
Advertisement/Posting	Food and Beverage service	Security
Alcohol	Fund Raising	Cash Handling
Contracts	Parking	Vendors

SIGNATURE OF SPONSORING ORGANIZATION: _____ Print Name: _____
PRELIMINARY ADVISOR: _____ Print Name: _____
OFFICE OF STUDENT LIFE: _____ Print Name: _____

Advisor/Department signature indicates that required clearances/approvals have been obtained and does not indicate University endorsement or sponsorship of proposed event.

Event Date _____
A.S. Program Code _____

OFFICE OF STUDENT LIFE
EVENT CLEARANCE/APPROVALS

ITEM (If box is not checked, item does not apply for this event	**Description/Comments**	**Estimate**	**Signature**
❑ Facility			
Reservation/hold verified ☐			
❑ Security			
❑ Box Office/Sales			
❑ Technical Services			
❑ Audio Visual			
❑ Alcohol			
❑ EH&S			
❑ Catering/Food Services			
❑ Contracts			
❑ Parking			
❑ Publicity			
❑ Items to be sold			
❑ Other (1)			
❑ Other (2)			
❑ Other (3)			
	Total Estimate $		

SOURCE OF FUNDING

Source	**Amount Allocated**	**To be used for:**	**Verified by:**
1. A.S. Allocated			
2. Income Account			
3. Split Funding			
4.			
5.			
Total Funding	$		

Special Requirements/Conditions: _____

_____

_____

❑ **SPLIT FUNDING FORM ON FILE**

BUDGET APPROVAL

OSL STAFF SIGNATURE: _____ **PRINT NAME:** _____

This signature indicates that funding to cover above estimated expenses has been verified.

Today's Date: _____ Event Date:_____ Semester:_____

UC MERCED STUDENT ORGANIZATION BUDGET REQUEST

Please Print Legibly

Type of Action: ❑ Funding Request ❑ Reallocation

Event Time: Event Start:_____ (am / pm) Event End:_____ (am / pm)

Event Category: ❑ Film/Video ❑ Lecture/Seminar ❑ Performing Arts
❑ Dance/Party ❑ Recreation/Sports ❑ Community Service
❑ BBQ/Food ❑ Conference ❑ Off-Campus Excursion
❑ Other:_____

Event Title:_____

Event Location: ❑ On-Campus Bldg/Location:_____
Room:_____ ❑ Off-Campus City:_____
Bldg/Location:_____

Event Is Targeted Toward: ❑ Commuters ❑ Residents ❑ All-Campus
❑ School:_____ ❑ General Public ❑ Other:_____

Admission Charge (if applicable): Estimated Attendance:_____
General $_____ UC Merced Students $_____

Are You Requesting Funds From Other Sources? ❑ Yes ❑ No

If yes, please specify:_____

Itemized Expense Description (Include an itemized budget if available instead of filling out this portion)

ITEM	DESCRIPTION	REQUESTED FROM A.S	REQUESTED FROM OTHER ORGS
Facility			
Technical Services			
Audio/Visual			
Security			
Catering/Food			
Performer/Guest Speaker			
Equipment			
Ticket Costs			
Posters/Banners			
	Qty: Price Each:		
Flyers/Table Tents			
	Qty: Price Each:		
Ads			
	Qty: Price Each:		
Other:			
	Qty: Price Each:		
Other			
	Qty: Price Each:		

For use by Financial Controller

Total requested: _____ **Amount approved:** _____

Detailed Description of Event:

Be sure to include how the event will raise funds, the purpose of the fundraising, and what the raised funds will be used for.

_____

_____

_____

_____

_____

_____

Authorized Contact:

Name:_____ Phone:_____ E-Mail:_____

Signature:_____ Date:_____

Signature indicates full financial responsibility for any and all funds raised by this event. Failure to comply with UC Merced rules and regulations may result in an Academic Hold and/or legal action.

Advisor Approval:

Advisor Name: _____ Advisor Phone Number: _____

Signature:_____ Date:_____

Advisor signature indicates that required clearances/approvals have been obtained and does not indicate OSL endorsement or sponsorship of proposed event.

Note: OSL will not fund events:

1.) That are not open to all UC Merced Students
2.) That have already occurred
3.) That include alcoholic beverages
** Additional conditions may apply; refer questions to the OSL.*

**** The committee must disclose the amount raised by completing an *Income Report for UC Merced Student Organizations* within three business days after the event. Copies of the form may be obtained from the Office of Student Life.**

DUE DATE: _____

Note: Submit to Office of Student Life no later than three (3) business days after event.

INCOME REPORT FOR UC MERCED REGISTERED STUDENT ORGANIZATIONS

Please check: ❑ Fundraiser ❑ Door Prizes/Giveaways

Name of person completing this report: _____

Phone Number: _____ Email Address: _____

Name of Organization: _____

Fundraising/Activity: _____

Date(s) of Fundraiser: _____

Location of Fundraiser: _____

Brief Summary of Sales:

Cost of each item sold: _____ Number of items sold: _____

Total/Gross Income Received: _____ Expenses: _____

Net Income (Gross – Expenses = Net): _____

How will the net income be utilized? _____

Will the net income be donated? If yes, to what organization and how much will be donated? _____

Net income to be deposited to:

❑ On-Campus Account

Event Evaluation:

Would you recommend this fundraising/raffle activity? _____

_____

Do you have any suggestions for making this more successful? _____

_____

Please return this form to: _____

Advisor

Approved: _____

Office of Student Life

Approved: _____

University Relations

CHAPTER IV: USE OF UNIVERSITY FACILITIES

400.00 Use of University Facilities for Events and Activities Sponsored by Registered Campus Organizations, University Departments, Recognized Research Units, and Campus-Affiliated Organizations (i.e. Alumni Associations)

A. General Provisions

1. All use of University facilities must be in accordance with federal and state laws, and with University policies and regulations.

2. All persons on University property are required to abide by University policy and campus regulations and shall identify themselves upon request to University officials acting in the performance of their duties. Violation of University policies or campus regulations may subject a person to possible legal penalties; if the person is a student, faculty member, or staff member of the University, that person may also be subject to University discipline.

3. Those using University properties and services must avoid any implication that they are sponsored, endorsed or favored by the University.

4. The use of campus facilities for events held in classrooms, assembly rooms, meeting rooms, outdoor venues, and recreational facilities must be coordinated through the designated facility coordinator for that venue. Approval/non-approval of an event will be based on the following criteria:

   a. The relationship between the nature of the request (type of event) and the policies governing the use of campus facilities and the primary purpose/function of the facility.

   b. Whether or not there are any known scheduling conflicts.

   c. Whether or not the proposed activity poses a risk of danger or injury to persons, or damage to property and/or to the orderly operation of the University.

5. In the event that the designated facility coordinator for the desired venue denies a request for use of campus facilities based on any of the criteria listed in 400.00 (A) the sponsoring organization may request that the Vice Chancellor, Student Affairs review the decision.

6. The Campus Police, the Office of Student Life, and the Housing Office have the authority to cancel an event should the event pose a risk to people or property.

401.00 Scheduling Facilities

A. Facility Requests

1. All facility use requests for non-course-related purposes should be submitted to the designated facility coordinator for the selected venue. Facility use requests departments for classrooms should be submitted to the Office of the Registrar.

2. Request for space should not be considered confirmed until a written confirmation is sent to the originating group.

B. Reservation Cancellation

1. In the event that a scheduled space will not be used, it is imperative that the designated facility coordinator be notified immediately by the sponsoring organization. Cancellation notice must be given a minimum of two working days prior to the event. A loss of privileges may result for failure to follow these policies.

2. Individuals or campus organizations who fail to cancel their space reservations on more than one occasion may lose the use of privileges for the balance of the semester in which the cancellations occurred and for all following semesters.

402.00 Special/Major Events Approval

Any group wishing to sponsor events that are of a size and scope defined as a major event must gain approval a minimum of five weeks prior to the event from the Student Events Committee.

A major event is defined as any activity sponsored by a registered campus organization, University department, that does the following:

A. Anticipates a total attendance (both participants and spectators) of 100 or more.

B. Brings non-university venders to campus (food venders, for profit venders, etc.)

C. Occurs on or off campus and has the potential to be disruptive to the normal business of the University or the community (e.g. bands, dances, rallies, etc.)

403.00 Amplified Sound

A. For any additional information on Speech and Advocacy rights and responsibilities, see Chapter III.

1. All requests for amplified sound will be submitted to the Office of Student Life.

404.00 Exam Prep Days and Finals

During the final week of classes the scheduling of major events is discouraged, and during exam Prep Days and finals, it is intended that major activities and/or mandatory meetings (e.g., administrative, ad hoc, or search committees) not be scheduled in order to maintain a campus climate conducive to study. For administrative, ad hoc, or search committees, agreement from all committee members to meet during this time period must be obtained.

A request from a registered campus organization for an exception to this regulation for an activity must be submitted in writing to the Office of Student Life.

405.00 Commencement

Because of the scope, nature and timing of commencement activities, the non-academic scheduling of University facilities during commencement requires the additional approval of the chair of the Commencement Committee. Requests for activities during this period of time should be submitted to the designated facility coordinator, but reservations will not be confirmed until they are approved by the Commencement Committee chair based upon his/her determination that the proposed activity will not interfere with commencement activities.

406.00 Use of University Facilities for Events and Activities Sponsored by Non-University Persons/Groups

A. Scheduling

1. All use of campus facilities by non University persons/groups shall be coordinated and approved by the appropriate campus facility office.

2. Individual University faculty, staff and students will be considered to be "non-University persons/groups" when requesting facilities for events not related to or approved by a school, unit or campus organization, or when they wish to use facilities for commercial purposes.

3. The sponsoring organization is responsible for the facilities reservation and all accompanying requests, as well as following event cancellation policies. These requests shall have lower priority in securing facilities than those events which are solely associated with the sponsoring organization.

407.00 Speech and Advocacy

A. Non-University persons/groups may be invited to participate in events sponsored in university facilities upon invitation of the student governments, other University schools and units, or registered campus organizations. Non-University speakers or entities may not schedule facilities or collect funds therein unless sponsored by a University department, official unit, or registered campus organization. It is the expectation of the University that all speakers and entities will recognize that the essence of the University is to provide for the free exchange of ideas and the expression of a variety of intellectual perspectives. On-campus programs should be designed in the best interests of the educational process, allowing appropriate opportunities for audience interaction.

B. The only facilities exempt from this sponsorship provision are the outdoor areas of the campus open to the public generally. Use of these areas by non-University persons without a campus sponsor, however, may not involve the use of amplified sound, and scheduled events by Registered Campus Organizations and University departments will have priority.

CHAPTER V: STUDENT GOVERNMENT

500.00 Chancellor's Authorization

The Associated Students and Graduate Students Association are the authorized student governments of the University of California, Merced. The Chancellor may authorize or discontinue student governments as official units of the University of California, responsible for representing student constituencies comprising either the student body as a whole or a particular segment of it. The Chancellor may also assign to such student governments specified powers and other responsibilities concerning student issues.

501.00 Authority, Responsibility, and Purposes of Student Government

Student governments shall have authority and responsibility over matters that are consistent with their enabling documents such as constitutions and by-laws, and with the University's purposes for such governments as defined by these Policies and implementing campus regulations. It shall be the responsibility of student governments, in consultation with the Chancellor or the Chancellor's designee, to ensure that their enabling documents, as well as all their programs and activities, are consistent with the status of such governments as official units of the University, and with the University's purposes for such governments as well as with all other provisions of these Policies and with implementing campus regulations.

Consistent with the provisions of these Policies, the University's purposes for student governments are:

A. To provide students with the educational benefits of participation in student government;

B. To provide a forum for the discussion of issues and ideas of interest, importance, and/or of concern to students;

C. To provide financial and other tangible support for student activities and organizations on a viewpoint-neutral basis in order to foster a sense of community and to further discussion among students of the broadest range of ideas;

D. To communicate student views to audiences, including external governmental offices and agencies; and

E. To provide such additional services to students as may be determined by the Chancellor or Chancellor's designee to be consistent with the status of student

governments as official units of the University and with the other provisions of these Policies.

502.00 Right to Take Positions on Public Issues

Student governments shall have the right to address and take positions on public issues as consideration of such matters serves the University's purposes for such governments as set forth in Section 501.00 of these Policies. Positions on issues taken by student governments shall not be represented as or deemed to be positions of any entity of the University other than the student government.

503.00 Right to Use University Name and Unofficial Seal

The Associated Students and Graduate Students Association are official units of the University, and may use the unofficial seal of the University of California, as well as their designations (A.S.U.C.M. and G.S.A.U.C.M.), and their on-campus addresses in connection with official correspondence and programs.

504.00 Fiscal Soundness and Fiscal Accountability

Chancellors are responsible for the fiscal soundness of student governments, and are responsible in addition for maintaining fiscal accountability over compulsory campus-based student fees and voluntary contributions collected from students to support student governments under the University's authority. The allocation and expenditure of all such funds by student governments shall be in accordance with all applicable University policies.

In the discharge of these responsibilities, Chancellors may conduct audits of the finances of student governments, exercise control over expenditures of their funds when and to the extent necessary to maintain the financial solvency of student governments, and where required may take action to ensure that any financial or business activity under the control of student governments is operated in accordance with sound business practices and is consistent with legal requirements and University policies and procedures.

505.00 Funding for Student Governments

Student governments may be supported by compulsory campus-based student fees and/or by voluntary student contributions. Any fees or voluntary contributions established to support a student government must be approved by the Chancellor,

except that no mandatory fee shall be effective until approved by The President or Regents of the University.

506.00 Lobbying and Other Public Policy-Oriented Activities

Consistent with the University's purposes for student governments, student governments may undertake lobbying and other public policy-oriented activities on student-related matters supported by compulsory campus-based student fees and/or by voluntary student contributions.

The lobbying and other public policy-oriented activities of student governments serve the University's purposes for such governments when such activities provide students with educational experiences in developing, discussing, and resolving positions on student-related matters, and articulating these positions through public and private discussions, meetings, and other forms of communication.

In furtherance of the University's purposes for student governments, the educational benefit provided to students by such activities must outweigh any purpose of furthering a particular ideological or political viewpoint. Consistent with this requirement, all such activities must be established by and under the direct and exclusive control of student governments and their democratic processes, and offer opportunities for participation by University of California students in meaningful learning experiences.

506.01 Definition of Lobbying Activities

The term "lobbying activities" as used in these Policies means the funding or sponsorship by student governments of any program or activity of such governments that involves direct contact (whether face-to-face, by telephone, or in writing) with non-University legislative or other governmental officials in order to communicate a student government position (including the supporting rationale for that position) on a student-related matter.

506.02 Definition of Public Policy-Oriented Activities Other Than Lobbying

The term "other public policy-oriented activities" as used in these Policies means the funding or sponsorship by student governments of any program or activity of such governments (other than "lobbying activities" as defined in Section 506.01 of these Policies) that involves the communication to a University audience of a student government position (including the supporting rationale for that position) on a student-related matter.

506.03 Systemwide Pro Rata Refund Requirement for Lobbying Activities

Any student objecting to a particular lobbying activity of student government (as defined in Section 506.01 of these policies - based on UCOP systemwide policies) supported by compulsory campus-based student fees is entitled to a pro rata refund of that portion of his or her fees that went to support the activity. Criteria and procedures for particular campus-based refund mechanisms shall be developed by campuses in consultation with their student governments, and with the Office of the President and the Office of the General Counsel as required, to ensure the compliance of such mechanisms with both these Policies and the law. Such criteria and procedures must provide that the availability of pro rata refunds be widely and frequently publicized among students, and that all requests for such refunds by objecting students be processed equitably and expeditiously. Students should contact the Office of Student Life for information about pro rata refunds.

506.04 Pro Rata Refunds for Public Policy-Oriented Activities of Student Governments Other than Lobbying

In consultation with its student government or governments, a campus may at its discretion establish and administer a mechanism providing for a pro rata refund to any student of that portion of his or her compulsory campus-based student fees that has been allocated to support a particular public policy-oriented activity of student government other than lobbying. Campuses are encouraged but not required to consult with the Office of the President and with the Office of General Counsel in the development of criteria and procedures for any such refund mechanism. Such criteria and procedures should provide that the availability of pro rata refunds be widely and frequently publicized among students, and that all requests for such refunds by objecting students be processed equitably and expeditiously. Establishment of such a refund mechanism for the public policy-oriented activities of student governments other than lobbying is not required either as a matter of University policy or the law.

507.00 Sponsorship of Speakers

Compulsory campus-based student fees allocated to student governments and/or voluntary contributions made to student governments may be expended to support speakers sponsored by those governments. The purpose of such support must be to stimulate on-campus discussion and debate on a wide range of issues. Student governments may bring in speakers as part of their public policy-oriented activities. In the event that an allocation is made by a student government to sponsor a forum with speakers advocating for or against a candidate for a non-student-government office, or for or against an off-campus ballot proposition, the student government must make a

good faith effort to invite a representative of the opposing campaign or campaigns to appear at the same time or, if this opportunity is declined, to appear at another time.

508.00 Participation in Non-University Political Campaigns

Consistent with the systemwide policy on Student Government, these campus implementing regulations and policies with the University's Legal Guidelines for UC Participating in Ballot Campaigns (http://www.ucop.edu/state/advocacy/ballotguidelines.html), student governments may not use University resources to support or oppose a particular candidate or ballot proposition in a non-University political campaign. This is not intended to preclude the use of such resources by student governments for legitimate educational purposes related to such non-University campaigns, in which information about competing candidates for government office and/or information about competing viewpoints with respect to particular ballot propositions is provided in a fair and balanced way.

509.00 Transfer of Compulsory Campus-Based Student Fees to Non-University Entities

Compulsory campus-based student fees may be expended by a student government to cover the expenses of direct participation by University students in a particular non-University-sponsored educational program or activity. Such fees may also be expended in payment of applicable dues necessary to sustain student government membership in national and other regional non-University associations at the basic level established by such associations, so long as the level of any such assessment is in line with what is assessed similar student organizations at other institutions comparable in size and nature to the University as a requirement of basic membership. Except as provided immediately below, memberships at a preferential level that require the payment of higher periodic dues than what is required to sustain basic membership, or the assessment by such non-University associations of supplemental contributions from their members as an expectation but not a requirement of continued membership, may not be supported from compulsory campus-based student fees.

Other than for considerations of basic membership as set forth above, additional transfers of funds from compulsory campus-based fees by a student government to such non-University associations may be made only when they can be justified, in advance of the transfer, to the Chancellor (or other campus official designated by the Chancellor with administrative oversight over student government) as providing a direct educational benefit to University of California students commensurate with the proposed expenditure.

Compulsory campus-based fees may not otherwise be expended by a student government in support of, or be otherwise transferred to, a non-University organization, program, or activity, except in payment for goods and services directly necessary to the operation of that student government, its programs or activities.

The referendum process set forth in the systemwide policies on compulsory campus based student fees, and these implementing regulations, shall not be available either to establish a new compulsory campus-based student fee, or to lock in an increase to an existing such fee, that is earmarked for the purpose of providing direct support to any non-University organization, program, or activity.

CHAPTER VI: STUDENT ELECTIONS AND CAMPUS BASED COMPUSORY STUDENT FEES

600.00

Student elections may be conducted by the Office of Student Life, Associated Students, Graduate Students Association, or Campus Elections Commission. For voluntary and mandatory fee elections in which the voting pool is all registered students, Chancellor will review and approve the ballot wording and election parameters.

The Chancellor shall certify all student government and fee elections results before they can be considered official. All campus-based student fees must be approved by the Chancellor and mandatory student fees must also receive Presidential approval.

Election procedures for making changes in the student government constitutions of the Associated Students and the Graduate Students Association or election of officers are specified within their respective constitutions.

A. Mandatory Fees

1. Mandatory fees may be established, adjusted, or eliminated upon approval by an election in which:

    a. Procedures are delineated for student consultation before the election, and in the case of student fee-funded facilities, procedures are delineated for continuing student consultation once the facility is constructed.

    b. A minimum of 20% of the voting pool, as specified prior to the election, cast ballots, and

    c. The criteria for level of fee approval, as specified prior to the election, in the election parameters is met.

2. Any reduction or elimination of a mandatory fee must consider any contractual agreements. The sponsoring organization may negotiate with the University to use the registration process (or other University means) to collect the mandatory fee.

B. Voluntary Contributions

1. Students may initiate, adjust, or eliminate the collection of a voluntary contribution by an election in which:

a. 20% of the students composing the designated voting pool cast ballots, and

b. 50% plus one of those voting vote in favor of the fee being collected.

2. A voluntary contribution can be collected only using procedures that ensure the students are not assessed the fee unless they indicate via a positive check-off method to pay the fee.

3. The sponsoring organization may negotiate with the University to use the registration process (or other University means) to collect the voluntary contribution. To ensure that the University will be able to collect and process voluntary contributions within the campus registration and collection systems, the Chancellor retains the right to approve the ballot wording and implementation plans for voluntary contributions prior to their being put before the voters.

4. The costs of collection of the voluntary contribution shall be borne by the sponsoring organization. The Chancellor has the discretion to waive collection costs.

5. Any election publicity or collection procedure shall not imply University sponsorship or endorsement of the organization sponsoring a voluntary contribution.

For further information on UC policies on Campus Assessment of Voluntary Student Contributions to Student Governments and Registered Campus Organizations, please see Section 90.00 of Systemwide policies at

http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc90.html
and
http://www.ucop.edu/ucophome/coordrev/policy/12-28-92.html
http://www.ucop.edu/ucophome/coordrev/policy/12-28-92guidelines.html

601.00 Policy on Compulsory Campus-Based Student Fees

The Regents have authority to impose fees for any University purpose. All campus-based student fees at a campus must be approved by the Chancellor of that campus, except that no compulsory campus-based fees shall be effective until also approved either by The Regents or by the President under the President's delegated authority, as appropriate.

602.00 Compulsory Campus-Based Student Fees: Definition and Exclusions; Provision for Return-to-Aid

602.01 Definition and Exclusions

Compulsory campus-based student fees are fees levied at individual campuses that must be paid by all registered students to whom the fee applies. Such fees may be used to fund: (1) student-related services and programs, including, but not limited to, referenda-based student health insurance programs; (2) construction and renovation of student buildings and other facilities such as student centers and recreation facilities; and (3) authorized student governments (as defined in *Section 61.00* of the Systemwide *Policy on Student Governments*), *[hyperlink]* Registered Campus Organizations, and student government- and Registered Campus Organization-related programs, events, and other activities.

This Policy does not apply to University-wide fees, to non-referendum-based campus health insurance fees that may be assessed to meet a non-academic condition of enrollment established by either The Regents or the President, to fees related to instruction, or to campus-based miscellaneous fees that require either the Chancellor's or the President's approval.

602.02 Provision for Return-to-Aid

Effective from the date of final issuance of the systemwide policy on compulsory campus based student fees as revised (April 14, 2006), any compulsory campus-based student fee approved as either a new fee or an increase to an existing fee shall provide for fee revenue for local need-based financial aid ("return-to-aid") to be set aside in an amount equal to at least 25% of the total new fee or fee increase as appropriate. The return-to-aid generated by undergraduate students shall be reserved for undergraduate student financial support and the return-to-aid generated by graduate and professional students shall be reserved for graduate and professional student financial support.

Campuses also are strongly encouraged to seek future student approval, through the referendum process, of either separate new fees or increases to existing fees that would provide financial aid to cover the need associated with all existing compulsory campus-based student fees that do not already include return-to-aid as of the date of final issuance of the systemwide policy on compulsory campus based student fees as revised (April 14, 2006), and that are thus exempt from the new return-to-aid requirement.

Any campus-based fee (whether referendum-based or non-referendum-based) that is charged to a student as a premium to purchase health insurance for that student shall be

exempt from any return-to-aid requirement. This exemption shall not extend to campus-based fees that have been approved by students through the referendum process for the purpose of providing direct support to campus student health centers.

603.00 Referendum Requirement for Establishing, Increasing, or Renewing Compulsory Campus-Based Student Fees

Compulsory campus-based student fees may only be established, increased, or renewed following a referendum in which students vote in favor of the compulsory fees, except as provided in Section 603.00 of these *Policies*.

603.01 Exceptions to the Referendum Requirement

A new compulsory campus-based student fee, or an increase to or renewal of an existing such fee, may be approved by The Regents subject to the President's and the Chancellor's recommendation, and does not require a student referendum, under any of the following circumstances:

603.02

When a student referendum was not specifically required for increases in a compulsory campus-based student fee, as established in the original ballot measure language approved by students in a student election;

603.03

When the Chancellor determines that a new fee, or an increase to or renewal of an existing fee, is necessary for the health and safety of students, and when that fee or fee increase or renewal is specifically related to the maintenance of the safety of a building or other facility that is funded, wholly or in significant part (as determined by the Chancellor with the concurrence of the Office of the President) by student fees. Safety issues are those that are potentially dangerous consistent with the standards set forth in the University Policy on Seismic Safety [hyperlink] and the University Policy on Environmental Health and Safety [hyperlink], as determined by the Chancellor with the concurrence of the Office of the President, such as those that relate to the risk of fire, the presence of asbestos, or the existence of seismic or other structural deficits.

Any new fee, or any increase to or renewal of an existing fee, established under the provisions of this Section shall be retired once the fee's stated purpose is fulfilled. Upon the recommendation of the President, the Chancellor may petition The Regents

for continuation of any such new fee, fee increase, or fee renewal in advance of its retirement.

For buildings or other facilities with multiple uses, whenever possible the costs to students for funding safety-related or health-related maintenance should be based on the proportion of current non-academic student use of the building or other facility; or

603.04

When a new fee, or an increase to or renewal of an existing fee, is necessary to meet legal requirements (such as new code requirements) or contractual obligations (such as income projections) specified in the funding covenants of a building or other facility that is funded wholly or in significant part by student fees. For buildings or other facilities with multiple uses, whenever possible the costs to students for such increases should be based on the proportion of current non-academic student use of the building or other facility.

604.00 Procedures and Required Approvals for Establishing, Increasing, or Renewing a Compulsory Campus-Based Student Fee

604.01

Except as provided in Section 603.00 of these Policies, to establish, increase, or renew a compulsory campus-based student fee Chancellors shall establish in campus implementing regulations, prior to any student referendum, procedures that meet at least the following minimum systemwide standards for such referenda:

604.02

Procedures for student consultation including consultation with student governments and campus student fee committees and, in the case of compulsory campus-based-student-fee funded buildings or other facilities, procedures for continuing student consultation once the building or other facility is constructed;

604.03

A requirement for a minimum voting pool of at least 20% of all students eligible to vote in a particular student election, subject to the understanding that a Chancellor may, in exceptional circumstances and on a case-by-case basis, petition the President in advance of a particular student election for approval of a lower minimum voting pool requirement for that election;

604.04

A requirement for at least majority-vote approval by students voting on a particular ballot measure, for that ballot measure to be successful;

604.05

A requirement that each proposed new compulsory campus-based fee, or proposed increase to or renewal of any existing such fee, (except as specified in Section 603.00 of this *Policy* above) be voted on by students as a separate ballot measure in a student election, except that multiple proposed new such fees or fee increases or renewals may be aggregated into a single ballot measure where the proposed fees or fee increases or renewals strongly and clearly support a common student life, student services, or other programmatically related goal; and

604.06

A requirement that the actual language of any ballot measure in a student election that is intended to fund either construction of a new building or other facility, or major renovation of an existing building or other facility, explicitly state:

A. Whether the fee will be continued following retirement of the original debt on the new construction or major renovation, and

B. If the fee is to be continued, the purpose or purposes for which the fee will be used, as well as the mechanism that will be used to determine the level at which the fee will be set, following retirement of the original debt (please note that, as a general principle, campuses are encouraged to continue such fees at an appropriately adjusted level following retirement of the original debt, to provide for the actual costs associated with long-term building or other facility maintenance needs); and

604.07

A requirement that payment by students of compulsory campus-based student fees to support student-referendum-funded construction of new buildings or other facilities, or major renovation of existing buildings or other facilities, be initiated only from the time that students can actually benefit from and use the new or renovated building or other facility, except as specified immediately below.

Notwithstanding this requirement, a campus may assess students a pro rata percentage of any such fee in advance of completion of the new or renovated building or other facility for the purpose of supporting the design and planning costs, project mitigations, and financing costs associated with construction or renovation of the building or other facility, provided that both the purpose and level of this assessment are approved by students as part of the original ballot measure for the new or renovated building or other facility.

604.08

All student referendum results are advisory to the Chancellor and, conditional on the Chancellor's recommendation, are subject to final approval by the President under the authority delegated to the President by The Regents.

605.00 Requirements For Reducing or Eliminating a Compulsory Campus-Based Student Fee

Chancellors shall establish in campus regulations procedures for reducing or eliminating a compulsory campus-based student fee.

606.00 Support for Registered Campus Organizations and Related Programs and Activities from Compulsory Campus-Based Student Fees

606.01 Conditions for Support

Compulsory campus-based student fees allocated to student government may be reallocated to support Registered Campus Organizations and Registered Campus Organization-related programs and activities consistent with the University's educational purposes in providing such support, as set forth in Section 86.20 (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc80.html#uc8620#uc8620) of the Systemwide *Policies*. The process for making such reallocations must be based solely on viewpoint-neutral criteria, as set forth in Section 86.30 (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc80.html#uc8630#uc8630) of the Systemwide *Policies*.

606.02

A Registered Campus Organization that is preponderantly or exclusively funded by a student government or other campus entity from compulsory campus-based student fees shall primarily have University of California students as its members. Particular programs and activities of a Registered Campus Organization funded from compulsory

campus-based student fees shall be open to participation by the entire campus community. In addition, all expenditures relating to particular programs and activities of a Registered Campus Organization (whether the program or activity takes place on- or off-campus) that are funded from such fees must be under the direct control of University of California students. (See also Section 70.20 (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc70.html#uc7020) of the Systemwide *Policies*.)

606.03

The referendum process set forth in Section 82.00 (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc80.html#uc8200) of the Systemwide *Policies* shall not be accessible to a Registered Campus Organization or any student group other than a student government. The foregoing is not intended to preclude access to the referendum process by any administrative unit of the University, subject to appropriate student consultation. Support for a Registered Campus Organization or any student group other than a student government from compulsory campus-based student fees must be in the form of a reallocation from student government or other appropriate campus entity to the Registered Campus Organization or other student group. All such reallocations must be made consistent with the requirements for viewpoint-neutral funding set forth in Sections 86.20 and 86.30 of the Systemwide Policies (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc80.html#uc8630). (See also Section 70.81 of the Systemwide Policies (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc70.html#uc7081).)

606.04

A student government in consultation with the campus, or a campus with the concurrence of the student government, may at its discretion establish and administer a mechanism providing for a pro rata refund to any student of that portion of his or her student government fees that are allocated by a student government or other campus entity to support a particular Registered Campus Organization or Registered Campus Organization-related program or activity. Establishment of such a refund mechanism is not required either as a matter of University policy or the law. (See also Section 70.83 (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc70.html#uc7083) of the Systemwide Policies.)

607.00 The University's Educational Purposes

The University's educational purposes are served when reallocations by a student government or other campus entity of compulsory campus-based student fees to support Registered Campus Organizations and Registered Campus Organization-related programs and activities are made: (1) to provide opportunities for the educational benefits and personal and social enrichment that derive from participation in extracurricular programs and activities; and (2) to stimulate on-campus discussion and debate on a wide range of issues from a variety of viewpoints.

Consistent with the above purposes, such reallocations shall only be made to support either the general organizational expenses of Registered Campus Organizations and Registered Campus Organization-related programs and activities or their associated communicative purposes.

In addition, allocation decisions to provide such support must be made without regard to the viewpoint of a particular Registered Campus Organization or Registered Campus Organization-related program or activity, and must be balanced in relation to the support provided to other Registered Campus Organizations or Registered Campus Organization-related programs and activities in similar circumstances.

608.00 Campus Procedures and Criteria to Assure Viewpoint Neutrality

In fulfilling these purposes consistent with applicable law and Section 86.20 of the Systemwide *Policies*, campuses shall have responsibility for ensuring that student governments and, as applicable, other campus reallocation entities, maintain procedures and criteria for making specific reallocation decisions for the support of Registered Campus Organizations and Registered Campus Organization-related programs and activities from compulsory campus-based student fees. Such procedures and criteria must be viewpoint-neutral in their nature; that is, they must be based upon considerations which do not include approval or disapproval of the viewpoint of the Registered Campus Organization or any of its related programs or activities.

608.01

Criteria appropriate to be given balanced consideration in the making of viewpoint-neutral reallocation decisions might include, but are not limited to: the objectively documented organizational needs of the Registered Campus Organization based on membership size; its office or equipment requirements; the extent of financial support the Registered Campus Organization receives from other sources; or the production costs associated with a particular event or series of events the Registered Campus Organization typically sponsors. Such sponsored events supported in whole or in part by compulsory campus-based student fees need not avoid controversial political,

religious, or ideological content, subject to the understanding that under current University policy (see Section 30.20 (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc30.html#uc3020) of the Systemwide *Policy on Speech and Advocacy*) campuses have a responsibility to assure an ongoing opportunity for the expression of a variety of viewpoints.

608.02

Campus procedures and criteria shall provide: (a) that student governments or other campus entities responsible for reallocating compulsory campus-based student fees must publicize widely and regularly to Registered Campus Organizations the availability of such funds to support Registered Campus Organizations on a viewpoint-neutral basis, as well as the viewpoint-neutral criteria on the basis of which such funds will be reallocated; and (b) that communications to Registered Campus Organizations on the availability of such funds must be made in a timely fashion, and be reiterated periodically during the year as long as such funds remain available, to ensure sufficient time for the preparation of funding proposals in advance of funding decisions.

608.03

Campus criteria and procedures shall also provide for: (a) documentation of all funding processes available to Registered Campus Organizations, including notice of the opportunity to apply for funding and the criteria upon which funding requests will be judged, consistent with Section 86.32 of the Systemwide *Policies*; (b) documentation of all funding requests by Registered Campus Organizations and actions taken by the student government or other campus entity with reference to the published funding criteria in response to such requests; and (c) a formal process that allows Registered Campus Organizations or individual students to appeal, in a reasonable and timely manner, funding decisions regarding particular Registered Campus Organizations or Registered Campus Organization-related programs and activities made by the student government or other campus reallocating entity.

608.04

Compulsory campus-based student fees may be reallocated to pay for speakers sponsored by Registered Campus Organizations. Over time, such events should stimulate on-campus discussion and debate from a wide range of viewpoints on a variety of issues.

609.00 Legal Review of Campus Procedures and Criteria

Campus procedures and criteria for reallocation of compulsory campus-based student fees to support Registered Campus Organizations and Registered Campus Organization-related programs and activities on a viewpoint-neutral basis must be reviewed by the Office of the General Counsel to ensure that the procedures and criteria are consistent with the law and these Policies. In addition, campuses are advised to consult with the Office of the General Counsel should a question arise about whether a particular reallocation is viewpoint-neutral in nature and meets the University's educational purposes as specified in Section 86.20 (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc80.html#uc8620) of the Systemwide *Policies*.

610.00 Transfer of Compulsory Campus-Based Student Fees to Non- University Entities

Compulsory campus-based student fees may be expended by a student government, Registered Campus Organization, or other campus entity to cover the expenses of direct participation by University students in a particular non-University-sponsored educational program or activity. Such fees may also be expended in payment of applicable dues necessary to sustain membership by a student government or Registered Campus Organization in national and other regional non-University associations at the basic level established by such associations, so long as the level of any such assessment is in line with what is assessed similar student organizations at other institutions comparable in size and nature to the University as a requirement of basic membership. Except as provided immediately below, memberships at a preferential level that require the payment of higher periodic dues than what is required to sustain basic membership, or the assessment by such non-University associations of supplemental contributions from their members as an expectation but not a requirement of continued membership, may not be supported from compulsory campus-based student fees.

Other than for considerations of basic membership as set forth above, additional transfers of funds from compulsory campus-based fees by a student government, Registered Campus Organization, or other campus entity to such non-University associations may be made only when they can be justified, in advance of the transfer, to the Chancellor (or other campus official designated by the Chancellor with administrative oversight over the student government, Registered Campus Organization, or other campus entity) as providing a direct educational benefit to University of California students commensurate with the proposed expenditure.

Compulsory campus-based student fees may not otherwise be expended by a student government, Registered Campus Organization, or other campus entity in support of, or be otherwise transferred to, a non-University organization, program, or activity, except

in payment for goods and services directly necessary to the operation of that student government, Registered Campus Organization, or other campus entity, its programs or activities.

The referendum process set forth in Section 82.00 (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc80.html#uc8200) of the Systemwide *Policies* shall not be available either to establish a new compulsory campus-based student fee, or to lock in an increase to an existing such fee, for the purpose of supporting any non-University organization, program, or activity. (See also Sections 67.10 (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc60.html#uc6710) and 70.90 (http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc70.html#uc7090) of the Systemwide *Policies*.)

CHAPTER VII: ADMINISTRATION OF STUDENT DISCIPLINE

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

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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[1] 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,

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.

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.

703.40 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.

703.50 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).

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[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 103.11provides "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).

3. Graduate and Professional School Hearing Panels.

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, 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

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

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

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[10]

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.[11]

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.[12] 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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[11] UC Policies Section 104.40

[12] "Development and Review of University-wide Policies and Campus Implementing Regulations" and Preface to UC Merced Policy and Procedure Manual

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 Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. The University responds to reports of any such conduct (see *University Policy on Sexual Harassment and Complaint Resolution Procedures:* *http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/toc160.html*).

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.

102.11 Other Harassment

Harassment by a student of any person by a) using, displaying, or making other demonstrations of words, gestures, imagery, or physical materials, or engaging in any form of bodily conduct, on the basis of race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, or physical or mental disability, that has the effect of creating a hostile and intimidating environment sufficiently severe or pervasive to substantially impair a reasonable person's participation in University programs or activities, or use of University facilities. The conduct must target a specific person(s) and must be addressed directly to that person(s). Before applying this policy, the

campus must consult with the Office of General Counsel regarding its interpretation and application in light of the specific circumstances.

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.html*).

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/ucophome/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,[13] 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.[14]

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 Reason*s 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 heath 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.

CHAPTER VIII: ACADEMIC HONESTY POLICY

Preliminary Statement

Academic integrity is the foundation of an academic community. Academic integrity applies to research as well as undergraduate and graduate coursework. [15]

800.00 Definitions

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

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

Plagiarism refers to the use of another's ideas or words without proper attribution or credit. This includes, but is not limited to: copying from the writings or works of others into one's academic assignment without attribution, or submitting such work as if it were one's own; using the views, opinions, or insights of another without acknowledgment; or paraphrasing the ideas of another without proper attribution.

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

Credit must be given: for every direct quotation; when a work is paraphrased or summarized, in whole or in part (even if only brief passages), in your own words; and for information which is not common knowledge. The requirement to give credit applies to published sources, information obtained from electronic searches, and unpublished sources.

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

801.00 Notice to Students

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

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

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

802.00 Approaches to Violations

Discipline for academically dishonest behavior is exercised on two levels:

A. Stage 1 (Instructor-Led Process)

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

1. assigning a failing grade for the course

2. assigning a failing grade for the course, with additional notation placed on the student's transcript that the failing grade was the result of a violation of the Academic Honesty Policy

3. assigning a failing or zero grade for the piece of work

4. lowering the grade on the piece of work

5. assignment of additional work or reexamination

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

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

B. Stage 2 (Formal Disciplinary Procedures)

If the instructor of record believes that the academic misconduct was especially serious, he/she can recommend in writing that action be taken by the dean of the School/College/Graduate Division offering the course. If dean agrees that the conduct is especially serious, he/she will refer the case to the Office of Judicial Affairs for investigation.

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

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

All hearings for alleged academic or behavioral conduct violations will respect students' due process rights. Detailed instructions about how hearings will be conducted are included in Chapter VII of the Student Handbook.

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

The Student:

1. Shall be served with a written notice of the specific charges, the time and the place of the hearing, and a copy of the procedures which will govern the hearing at least five calendar days prior to the hearing.

2. May be accompanied by an advisor, however, students will be expected to speak for themselves.

3. Is entitled to be present during the hearing while evidence is being presented and may remain until the Board begins confidential deliberations.

4. Shall have the right to produce witnesses and confront and cross-examine all witnesses.

The Academic Conduct Board:

1. Shall base its findings upon the preponderance of evidence.

2. Shall keep summary minutes of the hearing which will be available to the student within seven working days following the hearing.

The student shall receive written notice, by registered mail, within five working days following the hearing informing him/her of any decision, including recommended sanctions, if applicable.

803.00 Sanctions for Stage 2 (Formal Disciplinary Procedures)

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

803.01 Disciplinary Probation

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

803.02 Loss of Privileges and Exclusion from Activities

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

803.03 Suspension

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

803.04 Dismissal

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

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

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

B. Work, research projects, or community service projects may be assigned.

C. Violations of any of the conditions imposed under this section can be cause for further disciplinary action, usually in the form of loss of privileges and exclusion from activities, suspension, or dismissal.

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

804.00 Appeals

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

A. Whether there is substantial evidence to support the finding(s) of violation of university policies or campus regulations for which the discipline was imposed.

B. Whether there is evidence, which could not be adduced at the time of the original hearing and which is likely to change the result.

C. Whether there was procedural unfairness at the conduct of the hearing.

D. Whether the sanctions imposed were too harsh given the findings of fact and relevant circumstances.

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

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

805.00 Maintenance of Disciplinary Records

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

Faculty Report Form for Academically Related Misconduct

The Academic Honest Policy requires instructional faculty to complete this form to report all instances of academically-related misconduct. Please make a copy for your records, one copy for the Dean of your school, and forward the original to Judicial Affairs, Room 184, Kolligian Library.

Instructor _____

School _____ Campus Phone _____ E-mail _____

Student's name _____

Student ID # _____ Course name and # _____

Violation date: _____

❒ cheating ❒ plagiarism (circle one): a. from internet, b. from published sources, c. from another student ❒ other (explain) _____

If you choose to handle this incident of academic dishonesty directly, as the faculty member/instructor, you must provide written notice to the student and give him/her the opportunity to respond. Copies of this correspondence should be provided to the Dean of the School/College/Graduate Division offering the course and the Office of Judicial Affairs.
Date student notified: _____

Action taken by faculty/ instructor: ❒ assigning failing grade for the course ❒ assigning failing grade for the course, with additional notation placed on transcript that this was the result of violation of Academic Honesty Policy ❒ assigning failing or zero grade for the piece of work ❒ lowering the grade for the piece of work ❒ assignment of additional work or reexamination ❒ other (explain) _____

_____

If the academic dishonesty was particularly egregious **and** the above remedies are insufficient to address the dishonesty, you may recommend that this student be brought before the Faculty/Student Academic Conduct Board. Should this case be referred to the conduct board? ❒ yes ❒ no

If yes, please submit copies of the evidence (e.g. papers, exams, etc.) to the Office of Judicial Affairs along with this form. If the course grade could be affected, please report a 'NR' until the matter is resolved.

Additional Comments: (Use separate sheet if necessary) _____

_____

Instructor's Signature _____ Date _____

The student should be asked, although not required, to sign the following.

I admit to the above violation and accept the above sanctions.

Student's Signature _____ Date _____

CHAPTER IX: ADDITIONAL CAMPUS AND SYSTEMWIDE POLICIES

900.00

Students who feel their rights have been violated shall have access to complaint procedures which will provide opportunities to resolve their complaints. Students may also seek to resolve complaints through informal methods prior to initiating formal complaint procedures.

901.00 Complaint Procedure

The University of California, in accordance with applicable federal and state law and University policy, prohibits discrimination, including harassment, on the basis of race, color, national origin, religion, sex, disability, age, medical condition (cancer-related), ancestry, marital status, citizenship, sexual orientation, or status as a Vietnam-era veteran or special disabled veteran.

A. Purpose and Scope

1. The purpose of this procedure is to provide UC Merced students an opportunity to resolve complaints alleging discrimination based upon any of the above listed grounds. This procedure is also available for the resolution of complaints alleging inappropriate application to a student of any other rules or policies of the Merced campus resulting in injury to the student. It is the intent of this procedure that student complaints should be resolved, if at all possible, in the department or unit where they arise.

   UC Merced Policy for Accommodating the Academic Needs of Students with Disabilities. This procedure should be used for complaints about the provision of appropriate academic accommodations in classes or research in which the disabled student is currently participating.

   The UC Merced Student Handbook: This document houses procedures that are to be used for complaints against students or student organizations who have allegedly violated campus student conduct rules.

B. Definitions

1. Judicial Officer: The person designated to receive, investigate, mediate, and resolve complaints brought under this procedure.

2. Student: An individual who (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term and is eligible for reenrollment, including the recess periods between academic terms; or (c) is on approved educational leave or other approved leave status, or is on filing-fee status.

3. Respondent: The person designated to answer or respond to the complaint. Generally the respondent would be the head of the unit or department in which the violation allegedly occurred.

4. Notification: Notification takes place two days after the date of posting of any document in the United States mail, properly addressed, or upon the date of receipt of any document, when placed in the campus mail, properly addressed. Written communications to a complainant are properly addressed when sent to the address given in the complaint or the last address given since the filing of the complaint.

5. Time: All time periods referred to in this procedure refer to calendar days, excluding summer term and inter-semester recesses. If the designated time period ends on a Saturday, Sunday or campus holiday, the time period will be extended to the following working day. The time periods designated in this procedure may be extended by the Vice Chancellor for Student Affairs or the Dean of Graduate Studies where there is good cause and notice of the extension is provided to all parties.

C. Department or Unit Level Resolution Procedures

1. Informal Process.

   Before filing a complaint under this Policy, a student should attempt to resolve the matter informally with the person alleged to have committed the violation, or with the head of the department or unit in which the alleged violation occurred, or both of them. Attempts to resolve the matter informally should be completed within sixty (60) days from the time at which the student knew or could reasonably be expected to have known of the action being grieved. If a student wishes to file a formal complaint, he or she must do so within the sixty (60) day limit, regardless of the progress of the informal process.

   If the complaint contains allegations of sexual harassment, the student may elect to attempt resolution pursuant to the Campus Policy on Sexual Harassment. If the student is not satisfied with the outcome of the sexual

harassment resolution process, the student may file a formal student complaint within fifteen (15) days of notice of the outcome of the sexual harassment complaint process.

2. Formal Unit Procedures.

   Where the department or unit in which the violation allegedly occurred has written procedures for student complaints, students should first attempt to resolve the matter through those procedures. An attempt to resolve a complaint under unit or department level complaint procedures must be initiated within sixty (60) days from the time at which the student knew or could reasonably be expected to have known of the action being grieved. If the department or unit fails to provide notice of resolution to the student within sixty (60) days of receiving the complaint, the student may file a formal student complaint within ten (10) days thereafter.

D. Formal Campus Resolution Procedures

1. Filing

   If the student is not satisfied with the outcome of the departmental level resolution, the student may file a formal student complaint within ten (10) days of notice of the outcome of the departmental level process.

   Where there is no unit or departmental complaint procedure, a student may file a formal student complaint within sixty (60) days from the time at which the student knew or could reasonably be expected to have known of the action being grieved. **Undergraduate students should file with the Office of the Vice Chancellor for Student Affairs and graduate students should file with the office of the Dean of Graduate Studies**.

   Student complaints must be in writing and signed by the student or the student's designated representative, if any. Complaints must contain the student's address and phone number to the extent available, a detailed statement of the specific action being grieved, the approximate date when the action took place, the resulting injury or harm, the specific law, policy, or rule alleged to have been violated (if known), a description of the evidence supporting the complaint, whether informal procedures were available and completed, and the remedy or relief requested. It is the responsibility of the complainant to update the appropriate office as to address changes to use throughout the complaint process.

If the student is to be assisted by an advisor, the student must submit the name of the designated advisor, and indicate whether the advisor is a lawyer. The student also must submit a signed statement authorizing the advisor to receive copies of relevant student records and correspondence regarding the complaint and to accompany the student to any meetings.

2. Initial Review

Upon receipt of a formal student complaint, the Vice Chancellor for Student Affairs, the Dean of Graduate Studies, or their designee as appropriate, shall promptly designate a Judicial Officer (JO). The JO shall review the complaint and make an initial determination regarding whether the complaint is complete, timely, within the jurisdiction of the Student Complaint Procedure, and alleges facts which, if true, would constitute a violation of law or University policy. The JO shall complete this initial review of the complaint and notify the complainant of the determination in writing within twenty (20) days of the receipt of the complaint in the office of the Vice Chancellor for Student Affairs or the Dean of Graduate Studies.

If the JO determines that the complaint is incomplete, the student will have ten (10) days from the date of the written notice to make the complaint complete. If the student fails to make the complaint complete, the complaint will be dismissed. If the JO determines that the complaint is untimely, outside the jurisdiction, or factually insufficient, the complaint will be dismissed. If the complaint raises multiple issues, the JO will make a determination described above with regard to each issue. The JO may investigate some issues and dismiss others pursuant to this review process.

If a complaint is dismissed, the JO will provide the student with a written explanation of the basis for the dismissal. The student will have ten (10) days from the date of the written notice to request an appeal of the dismissal from the Vice Chancellor for Student Affairs or the Dean of Graduate Studies, as appropriate. The request for appeal must be a signed, written document articulating why the decision by the JO to dismiss the case was in error. The Vice Chancellor for Student Affairs or the Dean of Graduate Studies will respond in writing within twenty (20) days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision to dismiss is overturned on appeal, the case shall be sent back to the JO for investigation in accordance with the procedures outlined below.

3. Investigation

If the complaint is not dismissed, the JO will commence the investigation by sending a copy of the written complaint and any supporting documentation to the head of the department or unit (respondent) in which the violation allegedly occurred and asking for a written response. The respondent shall (1) confirm or deny each fact alleged in the complaint; (2) indicate the extent to which the complaint has merit; and (3) indicate acceptance or rejection of any remedy requested by the complainant or outline an alternative proposal for remedy. The JO will provide the complainant with a copy of the department or unit's response.

The JO may seek to mediate a resolution or negotiate an administrative settlement of the complaint at any time during the course of the investigation. If a resolution satisfactory to both the complainant and the respondent is reached, the JO will notify both parties of the voluntary resolution in writing and the complaint will be dismissed.

The JO shall complete the investigation and produce a report within seventy-five (75) days of the initial receipt of the complaint in the office of the Vice Chancellor for Student Affairs or the Dean of Graduate Studies, as appropriate. The report should contain a summary of the issues presented by the complaint, a statement of the applicable law or policy, a summary of the factual findings reached in the investigation and a conclusion regarding the recommended outcome of the complaint, including proposed corrective actions, if any.

If the complaint is brought by an undergraduate student, the report shall be made to the Vice Chancellor for Student Affairs and that individual or their designee shall be responsible for making a determination on the outcome of the complaint and taking corrective action. If the complaint is brought by a graduate or professional student, the report shall be made to the Dean of Graduate Studies and that individual or their designee shall be responsible for making a determination on the outcome of the complaint and taking corrective action. Written notice of the determination, including a description of the basis for the decision, by the Vice Chancellor for Student Affairs or Dean of Graduate Studies, as appropriate, will be sent to the complainant, the respondent, and the JO within fifteen (15) days of receipt of the report.

If the outcome of the complaint involves a recommendation for disciplinary action to be sought against any University employee or student, the matter shall be referred to the appropriate University disciplinary procedure.

4. Request for Reconsideration

   The student may seek reconsideration of an adverse determination by filing a written request for review with the office of the Vice Chancellor for Student Affairs or Dean of Graduate Studies, as appropriate, within ten (10) days of receiving their written notice of the determination. This request must be based on at least one or more of the following grounds:

   a. There is evidence that the Student Complaint Procedures were not followed, and the failure to follow procedures resulted in a decision adverse to the student.

   b. There is evidence that the Judicial Officer made an obvious error in interpreting the evidence or applying law and policy, and the error was material to the outcome of the complaint.

   The Vice Chancellor for Student Affairs or Dean of Graduate Studies, as appropriate, will review the request for reconsideration and provide a written response within 30 days. The determination of the Vice Chancellor for Student Affairs or Dean of Graduate Studies, as appropriate, is final.

E. Disciplinary Procedures

The purpose of the Student Complaint Procedure is to remedy the harm done to the complainant and not to impose punitive sanctions on University employees or other students. However, in some cases, the proposed corrective action may include a recommendation for disciplinary action to be sought against a University employee or student. In such cases, the issue of discipline shall be referred to the appropriate University disciplinary procedure for action pursuant to those procedures. Any disciplinary actions arising from the subject matter of such complaints shall be in accordance with established policies of the University including, but not limited to:

1. The UC Merced Student Handbook: This contains the UC Merced Campus guidelines on student conduct and student disciplinary procedures;

2. The Faculty Code of Conduct: This contains conduct guidelines for members of the Academic Senate.

3. Personnel Policies for Staff Members and Collective Bargaining Agreements: These documents contain conduct guidelines and disciplinary procedures for University employees in these programs;

902.00 Information and Assistance Regarding Complaint Procedures

OFFICE OF STUDENT LIFE

(209) 228-5433

E-MAIL: Studentlife@ucmerced.edu http://students.ucmerced.edu

A. For complaints involving professional misconduct on the part of Academic Senate faculty (tenured professors, associate professors and assistant professors), complaints may be filed under the University Policy on Faculty Conduct and the Administration of Discipline (APM-015). Copies of this policy are available from the Office of the Executive Vice Chancellor and Provost.

B. The following complaints for specific types of issues may be resolved through procedures outlined in the Student Complaint Procedure or through other stated policies and procedures. Copies of the Student Complaint Procedure are available from the Office of the Vice Chancellor, Student Affairs.

1. Privacy Rights. Violations of the privacy rights accorded by the Federal Family Educational Rights and Privacy Act of 1974, portions of the State of California Education Code, and the Policies Applying to the Disclosure of Information from Student Records, may be grieved under the Student Complaint Procedure. Contact the Office of the Registrar for more information.

2. Sex Discrimination. Discriminatory practices based upon sex are prohibited under Title IX of the Education Amendments of 1972 or applicable federal or state laws, or under the Policy on Sexual Harassment and Complaint Resolution Procedures and the Student-Related Policy Applying to Nondiscrimination on the Basis of Sex UCM policy specifically prohibits sexual harassment and provides a complaint procedure for this form of discrimination in Sexual Harassment Policy And Procedure. Contact the Human Resources Office.

3. Disability Discrimination. Discriminatory practices based upon disability are prohibited under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990 or under the Guidelines Applying to Nondiscrimination on the Basis of Disability. Contact the Office of Special Student Services for more information.

4. Racial or Ethnic Discrimination. Discriminatory practices based on race, color or national origin are prohibited under Title VI of the Civil Rights Act of 1964 may be grieved under the Student Complaint Procedure. Contact the Human Resources Office for more information.

5. Age, Religion, Marital Status, or Sexual Orientation Discrimination. Discriminatory practices based on age, religion, marital status, or sexual orientation as defined in the Nondiscrimination Statement (Appendix A) are prohibited and may be grieved under the Student Complaint Procedure. Contact the Office of the Vice Chancellor, Student Affairs for more information.

C. Students may also pursue civil law remedies.

903.00 Student Reciprocity Privileges

A student registered for a current term on any University campus shall be entitled to basic outpatient health care services on another University campus, under conditions that apply to students registered on that campus.

904.00 Policy on Campus Emergencies: Policy on Safeguards, Security and Emergency Management

A. Programs to create and maintain safeguards, security and emergency management are essential to ensure that the University mitigates risks and is able to continue to perform its mission in the event of natural or man-made disasters or other extraordinary events that might disrupt normal operations. These readiness programs are vital in protecting the lives and health of University faculty, staff, students and associates; in minimizing damage to and loss of University property and assets; and in restoring normal University operations as rapidly as possible.

This policy applies to all campus and Office of the President-managed operations.

Each campus and the Office of the President will maintain a comprehensive and effective program encompassing risk assessment, risk mitigation, emergency preparedness and response, and business recovery to strengthen crisis and consequence management capabilities across the University system. The scope and composition of such programs will be based on an assessment of the most probable risks, hazards, and losses that may occur at a particular location.

Each Chancellor will designate one or more responsible officials with full authority to implement campus-wide safeguards and security and emergency management

programs. Campuses will coordinate with local public safety agencies and will establish interagency mutual aid agreements.

B. Declaration of a State of Emergency

When feasible, a campus shall consult with the President of the University before declaring a state of emergency to exist on the campus. In any event, the President must be notified as soon as possible. A Chancellor may declare a campus state of emergency when:

1. Emergent conditions exist on or within the vicinity of the campus as a result of a natural or man-made disaster, a civil disorder which poses the threat of serious injury to persons or damage to property, or based on other seriously disruptive events; and

2. Extraordinary measures are required immediately to avert, alleviate, or repair damage to University property or to maintain the orderly operation of the campus.

C. Delegations and Reporting

The President has delegated authority to the Senior Vice President--Business and Finance to further define measures to implement University policy regarding safeguards, security and emergency responses. The Chancellors are responsible for implementation at their respective locations.

D. Emergency Regulations and Procedures

Chancellors shall adopt campus emergency regulations and procedures consistent with the provisions of these *Policies*.

E. Emergency Suspension

During a state of emergency, Chancellors or their designated representatives are empowered to impose Emergency Suspension on any student, faculty member, or employee where such suspension would be authorized under California Penal Code Sections 626.4 and 626.6 (http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=626-626.11), as interpreted by the Supreme Court of California in Braxton v. Municipal Court (1973) 10 Cal.3d 138.

If Emergency Suspension is imposed by a designated representative of the Chancellor, such representative shall immediately inform the Chancellor and shall submit a written report on the action to the Chancellor as soon as is reasonably possible. The report shall contain a description of the person suspended, including the person's name and, if available, address and phone number, and a statement of the facts giving rise to the suspension. If the Chancellor does not affirm the action of the designated representative within twenty-four hours after being informed that the suspension has been imposed, the suspension shall be deemed void and a reasonable effort shall be made to inform the person who was suspended that the suspension is void.

Any individual placed on Emergency Suspension shall be given written confirmation of the suspension, either by delivering it to the individual personally or by mailing it to the individual's last known address of record. The confirmation shall inform the individual of the procedures by which the validity of the Emergency Suspension can be appealed, including the opportunity to obtain a special hearing on the Emergency Suspension in accordance with applicable campus procedures. If an individual is found to have been unjustifiably placed on Emergency Suspension, the University is committed to making reasonable efforts to assist any individual who has been disadvantaged in employment or academic status by that action.

The outcome of the appeal shall have no bearing on any University disciplinary proceedings arising from the conduct that gave rise to the Emergency Suspension.

Any individual placed under Emergency Suspension shall not, during the period of suspension, enter upon specified areas of the campus or engage in specified activities, as set forth in the written Notice of Emergency Suspension. The exclusion or restriction shall be limited to the minimum extent necessary to protect the health and safety of persons or property, or to maintain the orderly operation of the campus.

Violation of any condition set forth in the Notice of Emergency Suspension shall subject the individual to disciplinary proceedings based upon such violation.

905.00 Policy on University Obligations and Student Rights

For information on the University of California's Policy on University Obligations and Student Rights, go to: www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc170.html

APPENDIX A

University of California Nondiscrimination Policy Statements

The University is committed to a policy against legally impermissible, arbitrary, or unreasonable discriminatory practices. All groups operating under the authority of The Regents, including administration, faculty, student governments, University-owned residence halls, and programs sponsored by the University or any campus, are governed by this policy of nondiscrimination. The intent of the University's policy on nondiscrimination is to reflect fully the spirit of the law. In carrying out this *Policy*, the University also shall be sensitive to the existence of past and continuing societal discrimination.

Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters

The University of California, in accordance with applicable Federal and State law and University policy, does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, pregnancy[1], disability, age, medical condition (cancer-related), ancestry, marital status, citizenship, sexual orientation, or status as a Vietnam-era veteran or special disabled veteran. The University also prohibits sexual harassment. This nondiscrimination policy covers admission, access, and treatment in University programs and activities.

Inquiries regarding the University's student-related nondiscrimination policies may be directed to the Vice Chancellor, Student Affairs.

APPENDIX B

Alcohol and Other Drug Policy: See Chapter 10 of this Student Handbook for a copy of this policy and the alcohol permit form.

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[1] *Pregnancy* includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

CHAPTER X: ALCOHOL & OTHER DRUG POLICY

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1000.00 Policy Statement

The University of California, Merced is an education, research, and social community wherein the campus community interacts on a wide variety of activities. The University of California, Merced has made a commitment to establish and maintain a safe, healthy learning and working environment for students, faculty, staff and guests. The illegal use, possession, or distribution of alcohol or illegal substances on university premises, at official university functions, or while conducting university business is prohibited.

The consequences of inappropriate alcohol and other drug use can negatively affect the mission of the University and campus life; students, staff, faculty and guests are expected to adhere to the following policies regarding alcohol and other drugs when they are on university property, at university sponsored events, or while conducting official university business. The following policies are set forth by the University of California, Merced in accordance with federal and state laws and in keeping with the mission of the University of California.

To promote an environment of academic excellence and to meet the requirements of the Drug-Free Schools and Communities Act and the Drug Free Workplace Act, faculty, staff and students:

A. Shall not use illegal substances and shall not abuse legal substances in a manner that impairs scholarly activities, job performance, and student life.

B. Shall not use illegal or legal substances in a manner that violates applicable criminal or civil laws in the workplace, on university premises, at university activities, or while conducting university business.

C. Are prohibited from the unlawful manufacture, distribution, dispensation, possession or use of alcohol and/or a controlled substance in the workplace, on university premises, at university activities, or while conducting university business.

D. Faculty and staff employees and students involved in work on or for a federal grant or contract are required, as a condition of employment on the grant or contract, to notify the university within five (5) calendar days if they are convicted of any criminal drug statute violation for activity occurring at the workplace, at the location of any grant/contract activity, or while on university business.

1001.00 University of California Policy

The University of California Policy on Substance Abuse (http://atyourservice.ucop.edu/employees/policies/staff_policies/pol02.html), was issued November 1, 1990 and applies to all employees and students. The Policy complies with federal and state laws. See Appendix E for details.

1002.00 Campus Policy

A. Age Requirement

1. Individuals of legal drinking age (21 years old or older) may determine for themselves whether or not to consume alcohol in accordance with University policy.

2. Individuals under the age of 21 years old are not to possess or consume alcoholic beverages.

B. Possession and Consumption

The possession and consumption of alcoholic beverages is permitted under the following circumstances:

1. In individual residences on University premises in accordance with Student Housing policy. Students 21 years old and older consuming alcoholic beverages in the privacy of their rooms/suites must close the door leading to a hallway, common area, landing, sidewalk and/or lawn. No one under the age of 21 may be present when alcohol is being consumed. Contact Housing & Residence Life for a copy of their policies.

2. At group-sponsored events for which a UC Merced Permit to Serve Alcoholic Beverages has been approved and only in the area specifically designated on the permit.

C. Serving and Selling Alcohol on campus

1. There shall be no sale of alcoholic beverages except pursuant to a valid license or one-day permit issued by the State Department of Alcoholic Beverage Control. Exchanging any consideration for alcoholic beverage service constitutes a sale. "Consideration" includes money, tickets, token or chits that have been issued in exchange for money or anything else of value.

2. Alcoholic beverages may be served and consumed on University premises at approved events only if the sponsor has obtained a UC Merced Permit to Serve Alcoholic Beverages on Campus.

3. Consumption of alcoholic beverages with a permit shall occur only in approved areas specified on the permit.

4. Alcohol permits normally limit service to the following:

    a. After 5:00 p.m. on weekdays.

    b. Noon hour on weekdays when accompanied by a luncheon.

    c. After 12:00 noon on Saturdays, Sundays, or administrative holidays.

    d. Four hours of serving. Exceptions may be considered if the event consists of several distinct components (e.g., reception, meal, and presentations).

5. Monitoring and serving of alcohol shall be under the direct supervision of the approved and insured caterers.

6. No obviously intoxicated person shall be furnished, served or given an alcoholic beverage.

7. It is unlawful to issue a license to student organizations to sell alcoholic beverages. (California Penal Code, Section 172e)

8. All food service providers that serve alcohol must undergo responsible beverage service training.

9. Kegs, beer balls, and other common source containers as well as devices designed for the rapid consumption of alcohol (e.g., beer bongs, funnels, etc.) are prohibited.

D. Off Campus events

1. All University sponsored events held off campus shall comply with this policy.

2. For purposes of this policy, off campus events which are primarily social in nature and hosted by University faculty, administration or staff and which are not paid for with University funds are not considered to be a University sponsored event.

E. Implementation

1. Individuals authorized by the Chancellor to approve permits to serve alcoholic beverages shall meet to assure that guidelines are consistently enforced and to review the implementation of this policy.

2. Information regarding the Alcohol and Other Drug policy shall be distributed to University departments, registered campus organizations, student government organizations, and officially recognized University support groups. The policy will be distributed electronically and through printed materials, staff and faculty training, workshops and the student handbook. (this is in compliance with drug free schools)

3. The Chief of Police serves as the campus liaison with the State of California Alcoholic Beverage Control Board.

F. Permit Approval

Sponsors of any event or gathering held on University premises where alcohol is consumed are responsible for obtaining a Permit to Serve Alcoholic Beverages on Campus. Presence of alcohol at the event must be supported by a written explanation for the purpose of alcohol. The following permit conditions shall apply:

1. A Permit to Serve Alcoholic Beverages on Campus shall be submitted to the appropriate permit approval authority at least fifteen (15) working days before the event, unless waived by the Chancellor, Executive Vice Chancellor & Provost or Vice Chancellor for Student Affairs.

2. Attendance shall be limited to members of the sponsoring group and their invited guests. A guest list shall be included with the Campus Alcohol Permit request.

3. Campus Alcohol Permits shall be approved after the issuance of a Use of Facilities Permit.

4. The event shall not be advertised as an event where alcoholic beverages are to be served.

5. Suitable food and non-alcoholic beverages must be available when alcoholic beverages are served. Non-alcoholic beverages shall be of comparable quality and shall be featured as prominently as the alcoholic beverages.

6. No person under 21 years of age shall be given any alcoholic beverages.

7. The permit approving authority may require a wristband identification system when people under 21 years of age will be present. Determination of mandated use of the wristband identification system is at the discretion of the permit approving authority.

8. The chair of the event, other officers or representatives of the sponsoring organizations or group, and the party holding the license and/or serving alcohol are responsible for compliance with applicable laws, University policies, and regulations.

9. No social event shall include any form of "drinking contest", "drinking games" or any activity that encourages the rapid consumption of alcohol in its activities or promotion.

10. The price of alcohol sold at university approved events shall not be at a level to encourage excessive alcohol consumption.

11. The organization obtaining the permit must have the people handling the alcohol undergo a responsible beverage service training.

G. Permit Approval Authority

Campus Alcohol Permits are to be approved by the Chancellor of the University California, Merced or one of the following designees:

1. Executive Vice Chancellor & Provost

2. Vice Chancellor for University Relations

3. Vice Chancellor for Student Affairs

Please see UC Merced Permit to Serve Alcoholic Beverages at the end of this chapter.

H. Sponsored Events at which Alcohol is served

The following rules govern any planned, group sponsored or University sponsored event during which the serving of alcohol is permitted.

1. Attendance shall be limited to members of the sponsoring group and their invited guests or conference participants. A guest list shall be submitted with the Campus Alcohol Permit request.

2. Serving alcohol should not be included in any advertisement for the event.

3. The person or persons sponsoring the event are responsible for compliance with applicable laws, regulations and University policies. No individual under 21 years of age shall be served an alcoholic beverage.

4. Consumption of alcoholic beverages should not be the main focus or purpose of the event.

5. Suitable non-alcoholic beverages must be available when alcoholic beverages are served. Non-alcoholic beverages should be of comparable quality and shall be featured as prominently as the alcoholic beverages.

6. Sponsors, approving agencies, and participants should be made aware of UC Merced policies on alcohol by the University administrator responsible approving the use of alcohol. In addition, anyone who may be supervising an event where the use of alcohol will occur should be made aware of the policies and take responsibility for sharing the policies with the participants.

7. No registered student organization may purchase alcoholic beverages, for consumption or sale, with the financial means of the organization.

I. Advertising Guidelines

1. The only form of advertising permitted is that connected with an event or sponsored program. Marketing of alcoholic beverages independent of sponsorship is not permitted on campus or at university sponsored functions. The name of a beverage alcohol manufacturer may not be connected to the name of the event or program itself but it may be listed as a sponsor of the event.

2. Event marketing and advertising sponsored by an Alcohol manufacturer should not encourage alcohol abuse. Nor should it portray alcohol use as a solution to personal or academic problems or necessary to social, sexual, athletic or academic success.

3. Events sponsored by alcohol advertisements may also not associate alcohol with the performance of tasks that require skilled reactions like driving an automobile.

4. All alcoholic beverage companies listed as sponsors of an event may not represent more than 25% of the advertising space with their logo, company name or trademark.

5. At events sponsored by Alcohol manufacturers there should be an educational or responsible drinking message and the advertisement should in no way imply that alcohol is the main focus of the event.

6. Alcoholic beverages should not be provided as free incentives to students or campus organizations. Where controlled sampling is allowed by law and the University Alcohol permit policies, it should be limited in time and quantity.

J. Liability

Individuals and sponsoring organizations should be aware of the liability and consequences to the individuals and organization should a person who is consuming alcoholic beverages provided at an event, be involved in and accident resulting in property damage, personal injury/and or death.

Organizations should be aware of their exposure to legal risk when there is a violation of University permitting process, University policy or federal, state or local laws.

1003.00 Disciplinary Action and University Sanctions

Individuals and Organizations in violation of the Alcohol and Other Drug policy will be subject to University sanctions and/or appropriate legal action.

Students

A student found in violation of the Alcohol and Other Drug policy will be referred to the Office of Student Life/Judicial Affairs or the Office of Residence Life and Housing. Sanctions may include but are not limited to warning, community service, participation in an alcohol and other drug education or treatment program, suspension and dismissal.

Staff Employees

Employees, including student employees, found in violation of the Alcohol and Other Drug Policy may be subject to corrective action up to and including dismissal, under the applicable personnel policies and or collective bargaining agreements. For student employees the loss of University employment shall not be a form of corrective action, unless the conduct giving rise to the discipline is related to the employment.

Faculty and Academic Employees

Disciplinary hearings for Faculty and Academic Employees that violate the Alcohol and Other Drug Policy will be held in accordance with the procedures established by the Academic Senate. The administration of discipline shall be in accordance with procedures established by the University California, Merced in consultation with the Academic Senate.

Visitors and Visiting Organizations

Visitors and visiting organizations will be subject to the sanctions appropriate under University policies and applicable law which may include exclusion from campus functions and/or resources.

1004.00 Background and Health Risks

Please see Appendix A [Link]

1005.00 Education about Alcohol and Other Drugs

Please see Appendix B [Link]

Implementing Guidelines for the University of California Policy on Substance Abuse [Link]

1006.00 Resources for Alcohol and Other Drug Help

Please see Appendix C [Link]

1007.00 Summary of Applicable Laws and Codes

Please see Appendix D [Link]

For further information about this policy please consult the following offices:

A.	Vice Chancellor for Student Affairs Office	(209) 228-4482
B.	Housing Office	(209) 228-7882
C.	Human Resources Office	(209) 228-4307

APPENDIX A

A. Background and Health Risks

According to the Center for Disease Control and the Surgeon General of the United States, excessive drinking can cause bodily harm and have the following short-term and long-term physiological and social health effects.

B. Alcohol Use – Short Term Effects

1. Coordination and reasoning can be impaired by one drink. Drinking more than two average servings of alcohol in several hours impairs coordination and reasoning.

2. Impaired reasoning and judgment which can lead to poor decision making that may result in sexual assault and violence.

3. Impaired coordination and motor reflexes which can lead to accidental injuries such as slips, falls and motor vehicle accidents.

4. Blackouts, unconsciousness and coma.

5. Legal consequences which may include MIP's, PI's, BUI's and DUI's that impose fines and may result in restriction and/or revocation of licenses and other privileges.

   a. MIP: Minor in Possession

   b. PI: Public Intoxication

   c. BUI: Bicycling under the Influence

   d. DUI: Driving under the Influence

C. Alcohol Use – Long Term Effects

1. High blood pressure

2. Alcohol use while pregnant can cause disabilities in unborn child, low birth weight and Fetal Alcohol Syndrome.

3. Cirrhosis (damage of liver cells)

4. Various Cancers which include: cancer of the liver, mouth, throat , larynx (voice box) and esophagus

5. Psychological Disorders

6. Death

7. The use of illegal drugs and the misuse of prescription drugs have varied consequences depending on the nature of the drug.

D. Controlled Substances – Health Risks

1. Impaired short term memory and comprehension

2. Anxiety, paranoia, delusions, and hallucinations

3. Loss of appetite

4. AIDS and other blood borne diseases if shared or contaminated IV needles are used

5. Stroke

6. Heart attack

7. Death

E. Controlled Substances – Long-lasting Effects

1. Disruption of normal heart rhythm

2. High blood pressure

3. Destruction of brain cells

4. Permanent memory loss

5. Infertility and impotency

6. Immune system impairment

7. Kidney failure

8. Cirrhosis of the liver

9. Pulmonary damage

APPENDIX B

The University of California recognizes dependency on alcohol and other drugs as a treatable condition and offers programs and services for University employees and students with substance dependency problems. Employees (including student employees) and students are encouraged to seek assistance, as appropriate, from Employee Support Programs, student assistance programs, student health center, and counseling or psychological services available at university locations or through referral. Information obtained regarding an employee or student during participating in such programs or services will be treated as confidential, in accordance with federal and state laws.

Staff and Academic Faculty

Human Resources is responsible for informing and continually educating the Staff and Faculty regarding University policy. Human Resources will provide education and referral services for faculty and staff.

Students

Student Health Services, Residential and Student Life are responsible for educating the students regarding the policies of the University and providing referrals for further assistance. Student Health Services and Counseling Services also will provide education and referral services for students.

Definitions

Alcohol Beverages – are defined to be any consumed beverage which has alcohol content. This would include, but not be limited to, all forms of beer, wine, wine coolers, and distilled beverages.

Employee – a person who holds a University staff or academic appointment. This includes student employees and work-study students who work at the University.

Student – an individual for whom the University maintains student records and who: (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or (c) is on an approved educational leave or other approved leave status or is on filing-fee status.

Substances, Controlled – those substances defined in the Controlled Substances Act and associated regulations.

Substances, Illegal – Controlled substances that are obtained illegally.

Substances, Legal – (a) controlled substances that are prescribed or administered by a licensed health care professional; (b) over-the-counter drugs; and (c) alcoholic beverages.

APPENDIX C

Resources for Alcohol and Other Drug Help

UC Merced provides the following programs to help with alcohol and other drug dependency.

Counseling Services Phone: (209) 228-4267

Student Health Service Phone: (209) 228-2273

Merced County

A. Recovery Assistance for Teens (RAFT)
   3345 "M" Street
   Merced, CA 95340
   (209) 381-6860

B. Alcoholics Anonymous
   24 hour answering service
   (209) 385-6004

C. Merced County Mental Health Emergency Services
   (209) 381-6800

D. Narcotics Anonymous
   Help Line
   (209) 526-1817

E. The Center (Outpatient Adult AOD Treatment Program)
   (209) 381-6880

Other Resources

A. Alcohol Treatment Referral Hotline
   1-800-ALCOHOL

B. Al-Anon/Alateen Family Group Headquarters, Inc.
   1-800-344-2666 (U.S.)

C. Alcoholics Anonymous World Services Inc.
   212-870-3400

D. Center for Substance Abuse Treatment National Drug and Alcohol Treatment Referral Service
1-800-662-HELP

E. NCADD Hopeline
1-800-622-2255

F. Families Anonymous
1-800-736-9805

G. Marijuana Anonymous World Services
1-800-766-6779

H. Nar-Anon Family Groups
310-547-5800

I. Narcotics Anonymous
818-773-9999

J. NAPARE Alcohol, Drug, and Pregnancy Hotline
1-800-638-BABY

APPENDIX D

This is **not** intended to be a comprehensive list of all applicable laws. Moreover, laws may change over time. Individuals are expected to be aware of current federal, state and local laws.

A. California Laws Governing Alcohol

Important parts of State law are summarized below:

1. No person may sell, furnish, give or cause to be sold, furnished, or given away, any alcoholic beverage to a person under the age or 21, and no person under the age of 21 may purchase alcoholic beverages. (California Business and Professions Code, Sec. 25658(a))

2. It is unlawful for a person under the age of 21 to possess alcoholic beverages on any street or highway or in any public place or in any place open to public view. (California Business and Professions Code, Sec. 25662)

3. It is a misdemeanor to sell alcoholic beverages any place in the state of California without a proper license issued by the California State Department of Alcoholic Beverage Control. (California Business and Professions Code, Sec. 23300)

4. It is a misdemeanor to sell, furnish, or give away an alcoholic beverage to any obviously intoxicated person. (California Business and Professions Code, Sec. 25602)

5. It is unlawful to issue a license to fraternities, sororities, or other undergraduate organizations to sell alcoholic beverages. (California Penal Code, Sec. 172e)

6. Any person found in a public place to be under the influence of an intoxicating liquor, drug, or controlled substance and unable to care for his/her own safety or who interferes with the use of a public way is guilty of Campus Policies and Procedures disorderly conduct, which is a misdemeanor. (California Penal Code, Sec. 647f)

B. Laws and Ordinances Governing Marijuana

1. Cultivation, possession for sale, or sale of marijuana is a felony and may result in a prison sentence and fine (Health and Safety Code sections11358, 11359, 11360).

2. Possession of less than one ounce of marijuana is a misdemeanor punishable with up to one year in county jail and/or up to $1000 in fines (Health and Safety Code section 11357(b)).

3. If found in possession of marijuana in a vehicle, a driver's license may be suspended for one year (Vehicle Code section 23222(b)).

C. Laws and Ordinances Governing Controlled Substances

1. Manufacture, possession, possession for sale, sale, or distribution: (Health and Safety Code sections 11350, 11351, 11352, 11377, 11378, 11379, 11379.6) and possession of drug paraphernalia is illegal (Health and Safety Code section 11364). All are felony-classified crimes with a possible $10,000 fine per violation and/or a state prison sentence.

2. The convicted party can be excluded from all federal and/or state monetary benefits.

3. The convicted party, if not a U.S. citizen can be deported and prevented from re-entry into the United States.

4. The convicted party may have to give up, as part of a penalty, all personal property traceable to (or gained as a result of) the crime.

D. Merced Municipal Code

1. It is unlawful for any person in an intoxicated or drunken condition or under the influence of any intoxicating liquors or drugs to be in any public place or upon any street or alley, or to be in any vehicle in any public place or upon any street or alley within the corporate limits of the city. (9.12.010 Intoxicated persons)

2. It is unlawful for any person to serve, drink, consume, or have in his possession an open container containing any spirituous, vinous, malt or any other intoxicating liquor in or upon any of the streets, sidewalks, alleys, parks, or parking lots in the city. The restriction contained in the preceding paragraph shall not apply on the Saturday preceding the second Tuesday in July of each year in the area bounded by 16th Street on the south, 18th

Street on the north, K Street on the east, and M Street on the west. (9.12.020 Serving or drinking liquors on street.)

3. Prohibited Conduct. No person in possession of any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or has a seal broken, or the contents of which have been partially removed, shall enter or remain on the posted premises of, including the posted parking lot or on any public sidewalk immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code. Any person violating this provision shall be guilty of an infraction.

PERMIT NO. _____ University of California, Merced

PERMIT TO SERVE ALCOHOLIC BEVERAGES

Name of Sponsoring Organization _____

Name of Event _____

Location _____ Day/Date of Event _____

Purpose of Event _____

Description of Audience: ☐ Faculty ☐ Staff ☐ Undergraduates ☐ Graduates ☐ Other: Specify _____

Event Hours _____ to _____ Serving Hours _____ to _____

Est Attendance _____ Attendees under 21 _____ Campus Police consulted? ☐ Yes ☐ No Police Initial _____

Beverages served: Alcoholic – quantity _____ Non-alcoholic – quantity _____

Who is providing alcohol? _____ Who is Serving? _____

Food Served _____

Alcoholic beverages may be consumed on University premises at approved group sponsored events if the sponsor has obtained prior approval by the appropriate permit authority. Please **initial** next to each condition acknowledging you have read and understand them.

	1. Alcoholic beverages shall only be consumed in the approved enclosed or inside area designated on this permit. Exterior service area must be clearly defined.
	2. Unless otherwise approved, the monitoring and serving of alcohol shall be under the direct supervision of UCM Dining Services or an approved licensed and insured caterer.
	3. Servers are prohibited from consuming any alcoholic beverages at the event.
	4. Attendance shall be limited to members of the sponsoring group and their invited guests. **A guest list must be provided with the permit request**.
	5. The event shall not be open to the public or University community generally and shall not be advertised or held out to the public or University community as an event where alcoholic beverages are to be served.
	6. Sponsors are encouraged to close the consumption of alcohol at least thirty (30) minutes prior to the scheduled ending time of the event. Unless approved otherwise, actual serving period shall not exceed four (4) hours.
	7. Suitable food and non-alcoholic beverages shall be made available at all functions when alcoholic beverages are served.
	8. The chair of the event and other officers/representatives of the sponsoring organization or group and the party holding the license and/or serving alcoholic beverages are responsible for compliance with applicable laws, regulations and University policies. The sponsor's representative must 21 years of age or older. No person under 21 years of age and no obviously intoxicated person shall be furnished, served or given an alcoholic beverage.
	9. The sale of alcoholic beverages is prohibited except pursuant to a valid license or permit issued by the Department of Alcoholic Beverage and Control. Exchanging any consideration for alcoholic beverage service constitutes a sale. Consideration includes money, tickets, tokens or chits which have been issued in exchange for money or anything else of value.
	10. Sponsoring organization shall take adequate measures to ensure compliance with all of the conditions for issuance of this permit.

The sponsoring organization should be aware of vicarious liability and the consequences should a vicarious liability civil suit be filed against the organization when a person attending their event and consuming alcoholic beverages is involved in an accident resulting in personal injury and/or death.

Sponsoring Representative _____

Print Name *Signature*

Address _____ City _____ Zip Code _____

Phone (_____) _____ E-mail _____ Date of Request _____

For certain events, additional measures may be deemed appropriate. These include Campus Police and other security personnel, event site map (including serving location(s), entrance, exit(s), restrooms, perimeter fencing, etc.) and identification of event assistants as noted below. EVENT ASSISTANTS: Names of others in organization (21 years of age and older) who will be present throughout the event, who will refrain from consuming alcoholic beverages, and who will assist the sponsor's representative with policy compliance (list two names for 50 attendees).

_____ Phone _____ _____ Phone _____

_____ Phone _____ _____ Phone _____

_____ Phone _____ _____ Phone _____

Special Conditions:

Permit Approved By:	
	Authorized Authority Title Date

Wristbands required? ☐ Yes ☐ No

Original – File Copy – Campus Police Copy - Requestor