

Non-Senate Academic Appointee Respondent Corrective Action/Disciplinary Sanction Guidelines After a Formal Investigation of Allegations of Misconduct Related to Expressive Activities and a Finding that a Policy Violation Has Occurred; the Following Guidelines Assist in Calibrating the Sanction(s) Recommended and/or Imposed

Types of Corrective Action/Disciplinary Sanctions under APM - 150



Factors to Consider in Recommending/Imposing Corrective Action/Disciplinary Sanctions for Non-Senate Academic Appointee Respondents Following a Finding of a Policy Violation(s)

If There is a Finding of a Violation of a Policy Related to Expressive Activities, the Policy Violation(s) Should Be Evaluated Under the Following Tiers

Tier 1

- Failing to comply with valid instructions of a UC or public official upon initial instruction
- Disturbing the peace
- Camping or unauthorized lodging on UC property
- Climbing or rappelling activities on UC-managed property
- Using amplified sound without a permit

Tier 2

- Failing to comply with repeated valid instructions of a UC or public official
- Escalating misconduct activity contrary to de-escalating instructions of a UC or public official
- Engaging in disorderly conduct as defined by Time, Place, and Manner (TPM) policy
- Blocking entrances or interfering with the normal free flow of traffic on campus and the immediate environs
- Obstructing or disrupting teaching or other UC operations
- Threatening others with forcible detention or harm

Tier 3

- Inciting others to engage in misconduct
- Intimidating or coercing others to engage in misconduct
- Detaining unwilling parties by any means
- Possessing or using a firearm, explosive, or any device that can cause mass casualties

Mitigating vs. Aggravating Factors

Mitigating Factors

- No prior history of counseling or remedial intervention
- Engaging in activity pursuant to a good faith misinterpretation of academic freedom
- Activity does not discriminate on UC policy-protected grounds
- One or rare occurrence(s)
- Accepting responsibility for misconduct without recurrent offense

Aggravating Factors

- Escalating misconduct in view of recent counseling or remedial intervention
- Discriminating on UC policy-protected grounds
- Violating policy in a repeated fashion
- Not accepting responsibility for misconduct
- Major damage to UC property
- Major impact on UC community members and their families
- Major harm to others by physical or other means

Less severe sanctions are typically recommended for cases where the findings of a policy violation(s) are relatively few and mostly in lower tiers

More severe sanctions are typically recommended when there is a finding of multiple policy violations in higher tiers

Mitigating and aggravating factors should also be considered in the final sanction recommendation and/or determination