

# UC Santa Barbara Student Conduct Code



Effective Fall 2017

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## INTRODUCTION

This Student Conduct Code is taken from Chapter VII of the *University of California, Santa Barbara Campus Regulations Applying to Campus Activities, Organizations, and Students*. The complete *Campus Regulations* can be reviewed online at: <http://www.sa.ucsb.edu/regulations>.

### **Preamble to the *UC Santa Barbara Campus Regulations***

“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 this campus shares the responsibility of maintaining this unique community so that the University mission of teaching, research, and public service can be achieved. UCSB students assume these responsibilities upon admission.

### **University-Wide Policies**

The *Campus Regulations* and UC Santa Barbara Student Conduct Code comply with the policies established by the Regents of the University of California. The University-wide policies titled *University of California Policies Applying to Campus Activities, Organizations, and Students* (UC PACAOS) are available for review at: <http://policy.ucop.edu>.

Policies listed in this document as SW refer to Systemwide or University-wide regulations applying to all UC campuses. The numbers cited refer to corresponding sections of UC PACAOS.

## Definitions

1. *Student*: A person for whom the University maintains student records and who: (a) is enrolled in or registered with an academic program of the University (including summer session and concurrent enrollment through Extension); (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. The UCSB Student Conduct Code also applies to:
  - a. *Applicants who become students, for offenses committed as part of the application process*
  - b. *Applicants who become students, for offenses committed on campus and/or while participating in university-related events or activities that take place following a student's submittal of the application through his or her official enrollment; and*
  - c. *Former students for offenses committed while a student.*
2. *Registered Campus Organization*: Any organization composed of University of California, Santa Barbara students, faculty, and/or staff who registers with the Office of Student Life in order to have access to University facilities and/or resources.
3. *Campus Affiliated Organizations*: Organizations that occupy space on University property at the invitation of the Chancellor and by agreement with The Regents.
4. *University-Sanctioned Event*: Any activity of a campus organization, University department, recognized research unit, or campus-affiliated organization that involves the use of University facilities, resources, services or equipment. University-sanctioned events are subject to the provisions of these regulations, wherever applicable.
5. *University Property*: Any University-owned, -operated, -leased, or -maintained building and grounds.

## A. General Standards of Conduct (SW, 101.00)

### 1. Non-Academic Conduct

Persons on University property or attending any official University function assume an obligation to conduct themselves in a manner compatible with the University's function as an educational institution. Students and Registered Campus Organizations are subject to University discipline for conduct that interferes with University teaching, research, or administrative activities and for conduct that adversely affects either themselves or other members of the academic community. Students are expected to comply with all local, state, and federal laws. Most cases of misconduct for which students are subject to disciplinary sanctions fall into the types of misconduct enumerated in Section 102.00 of *PACAOS 100.00 Policy on Student Conduct and Discipline* (<http://policy.ucop.edu/doc/2710530/PACAOS-100>). The Regents of the University of California have delegated authority to the Chancellors to implement processes for the administration of discipline on the campuses. The procedures to be followed at UCSB are outlined below.

Except for Sections 101.00 (Student Conduct), 104.00 (Administration of Student Discipline), 105.00 (Types of Student Disciplinary Action), and 106.00 (Posting Suspension or Dismissal on Academic Transcripts), the Policy on Student Conduct and Discipline (PACAOS 100.00) does not apply to student

conduct violations involving sexual assault, domestic violence, dating violence, and stalking of a sexual nature, etc. All such violations and the applicable student discipline procedures for responding to such conduct are instead addressed by the University of California Policy on Sexual Violence and Sexual Harassment and PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework, both available at: <http://policy.ucop.edu/doc/4000385/SVSH>. Please see also, UC Santa Barbara Local Procedures for Responding to Student Reports of Sexual Harassment and Sexual Violence, available at: <http://sexualviolence.ucsb.edu/policies/UCSB.Local.Procedures.pdf>.

When an incident of sexual violence or sexual harassment is also accompanied by an additional violation of the UCSB Student Conduct Code, the accused student will receive notice of the violation(s) in the joint charge letter sent from the Title IX & Sexual Harassment Policy Compliance Office (TIX/SHPC) and the Office of Judicial Affairs. TIX/SHPC will investigate the Conduct Code charges in conjunction with their investigation of the sexual violence or sexual harassment charges. However, upon completion of the TIX/SHPC investigation, the Office of Judicial Affairs will separately adjudicate the Conduct Code violations in keeping with the processes described in this Conduct Code.

## **2. Academic Conduct**

It is expected that students attending the University of California understand and subscribe to the ideal of academic integrity, and are willing to bear individual responsibility for their work. Any work (written or otherwise) submitted to fulfill an academic requirement must represent a student's original work. Any act of academic dishonesty, such as cheating or plagiarism, will subject a person to University disciplinary action. Cheating includes, but is not limited to, looking at another student's examination, referring to unauthorized notes during an exam, providing answers, having another person take an exam for you, etc. Representing the words, ideas, or concepts of another person without appropriate attribution is plagiarism. Whenever another person's written work is utilized, whether it be a single phrase or longer, quotation marks must be used and sources cited. Paraphrasing another's work, i.e., borrowing the ideas or concepts and putting them into one's "own" words, must also be acknowledged. Although a person's state of mind and intention will be considered in determining the University response to an act of academic dishonesty, this in no way lessens the responsibility of the student.

## **3. Extension of University Jurisdiction**

### **a) Privately-owned Residence Halls**

The University reserves the right to exercise jurisdiction over student conduct that violates campus regulations and occurs in privately-owned off-campus residence halls. Jurisdiction will extend only to privately-owned residence halls that request to have University jurisdiction apply to UCSB students living in their building/s. Students must be advised at the time they enter into their housing contracts of any such University jurisdiction. To qualify for jurisdiction, residence halls must have in place policies and an internal judicial structure that parallel closely the current policies and judicial structure of University-owned, on-campus housing.

The Vice Chancellor for Student Affairs, in consultation with the UCSB Executive Director of Housing, will determine which off-campus entities seeking to be included in campus jurisdiction qualify based on the above criteria. The status of these residence halls will be reviewed by the Vice Chancellor and Executive Director of Housing every four years, or more frequently if needed, to assess their adherence

to the criteria for inclusion in jurisdiction; jurisdiction may be revoked at any time.

b) Other Areas of University Jurisdiction

In addition to privately-owned residence halls, the University may exercise jurisdiction over student conduct that occurs off University property that would violate student conduct and discipline policies or regulations if the conduct occurred on campus. In considering whether to exercise off-campus jurisdiction in an individual case, the following may be considered: the seriousness of the alleged misconduct, whether a crime has been reported to the criminal authorities, the risk of future harm involved, whether the off-campus conduct is part of a series of actions that occurred both on and off campus, and the ability of the University to gather evidence including the testimony of witnesses. Any extension of jurisdiction will be reviewed by the Director of the Office of Judicial Affairs, the Associate Dean for Student Life, and the Vice Chancellor for Student Affairs. The Director of the Office of Judicial Affairs will provide on a quarterly basis a report to the Student-Faculty Conduct Committee on the number and types of cases in which extension of jurisdiction was imposed.

Campus regulations applying to off-campus behavior include: Section 102.08 (physical abuse, threats of violence, arson-related offenses, or any conduct that threatens the health or safety of any persons), Section 102.09 (sexual harassment), Section 102.10 (stalking), and Section 102.12 (hazing). For a full description, refer to G (Violations and Sanctions). Additionally, the UC Policy on Sexual Violence and Sexual Harassment applies to off-campus behavior as well.

c) Non-matriculated, Pre-college Students

Any person enrolled in at least one course at UCSB who is not an admitted student and who is participating in a summer pre-college or other outreach program at UCSB may be held to the UCSB Student Conduct Code. However, rules and regulations governing participation in a pre-college program, provided to participating non-matriculated, pre-college students upon acceptance into these programs will prevail unless the case is referred to the Office of Judicial Affairs by the governing office.

#### **4. Responsible Action Protocol for Individual Students**

Similar to California Good Samaritan laws, in situations in which student bystanders call for help in a medical-, alcohol-, or drug-related emergency, the University's disciplinary response for alcohol and drug violations either for the bystanders or the student(s) needing assistance, shall, barring exceptional circumstances (e.g. sexual or interpersonal violence, threats to the life of another student, or risk for severe bodily injury, etc.), only consist of educational meetings and/or programs (e.g. referral to the Alcohol & Drug Program for an educational group, fire safety seminar, etc.). Other disciplinary sanctions will not normally be considered or assigned. Housing, Dining & Auxiliary Enterprises reserves the right to consider, on a case-by-case basis, any and all incidents of medical response in making an overall assessment of a student's situation.

### **B. Student Rights: Procedural Due Process**

Students who are subject to University discipline shall be afforded procedural due process. The primary purpose of any University disciplinary proceeding is to determine whether or not an accused student is responsible for a violation of the UCSB Student Conduct Code. Deviations from established procedures shall not invalidate a finding of a hearing body unless the deviation significantly affected the result. It is

recognized that University faculty, staff, and students are principally engaged in the business and the pursuit of education, and are not legally trained personnel. As such they should be guided more by principles of fairness and common sense than by formal rules of evidence or procedure. The Chancellor, or designee, is responsible for determining whether a student accused of violating campus policies or regulations has been treated in a fair and equitable manner and whether the fundamental precepts of due process were followed. Through the publication of these *Regulations* and Conduct Code, the Chancellor has established procedures that are appropriate for adjudicating charges against students while providing a full range of sanctions to ensure appropriate options in response to each case.

## **C. Where to Report Violations**

1. Theft, vandalism, assault and any other offenses believed to constitute a crime may be reported directly to the campus police department and/or to the Office of Judicial Affairs. Any situation of this type that occurs in University-owned residence halls or apartments may also be reported to the Executive Director, Housing, Dining, and Auxiliary Services, or designee. Such violations may lead to criminal prosecution, student disciplinary processes, or both. Such violations may be heard by the Student-Faculty Committee on Student Conduct or the Residential Review Boards as outlined in Section D.2. of this chapter. (Note: In cases where criminal prosecution is involved, the campus investigatory process may be deferred until it would no longer interfere with the criminal justice process. However, student conduct cases will not be delayed indefinitely for the results of a criminal justice process. In instances when the health and safety of the individual or members of the University community are involved, the campus disciplinary process will be implemented immediately upon notification of the charges.)
2. Violations of sexual/interpersonal violence on or off campus may be reported for criminal prosecution or confidential reporting to the appropriate law enforcement agency depending on where the incident occurred, and/or, if a University investigation and response is desired, to the Office of Title IX/Sexual Harassment Policy Compliance. “Responsible employees” of the University must promptly report any knowledge of sexual/interpersonal violence involving a UCSB student or community member, or happening on campus or at official university functions, to the Office of Title IX/Sexual Harassment Policy Compliance. Confidential resources are available to anyone impacted by sexual violence or sexual harassment. For more information, please see: <http://sexualviolence.ucsb.edu>.
3. Violations of regulations concerning the time, place and manner of the use of University grounds, buildings, or other facilities by individuals and campus groups may be reported to the Office of Judicial Affairs, which may refer the case to the Student-Faculty Committee on Student Conduct or to the Office of Student Life.
4. Violations of campus regulations within the residential community as well as violations of conditions contained in the housing contract shall be reported to the Associate Director, Residential and Community Living, or designee.
5. All other alleged violations of University regulations including cheating, plagiarism or other clearly inappropriate behavior by a student should be reported to the Office of Judicial Affairs for investigation and determination of further action.

## **D. Disciplinary Hearing Bodies**

1. **Student-Faculty Committee on Student Conduct (SFCC)**

a) Jurisdiction

The Student-Faculty Committee on Student Conduct shall be responsible for hearing cases arising out of acts of individual student misconduct as outlined in Section 102.00 of the *University of California Policies Applying to Campus Activities, Organizations and Students* and of the general conduct provisions applying to students outlined in all pertinent chapters of the Campus Regulations., Acts of sexual/interpersonal violence and sexual harassment are covered in the *UC Policy on Sexual Violence and Sexual Harassment* and handled using the UCSB Implementing and Response Procedures for Student Violations of the UC Policy on Sexual Violence and Sexual Harassment, and not by the SFCC.

b) Membership

(1) Four faculty members appointed annually by the Chancellor or designee. These members shall normally serve consecutively for no less than two, and no more than four years.

(2) Five students, three undergraduates and two graduate students, appointed by the Chancellor or designee. These students shall normally serve consecutively for a minimum of two and a maximum of four years.

(a) If appointed as an undergraduate member, a student will not automatically continue as a graduate student.

(3) The Chancellor or designee shall annually appoint one faculty member of the committee to act as the committee chair. This person will preside at all committee meetings and will rule on all questions of order and procedure, although his/her rulings are subject to appeal. If appealed, a majority vote of the committee members present may override the chair's decision. In the absence of the chair, the longest-standing faculty member of the committee shall serve as acting chair.

(4) Staff to the Committee: the Director or other staff of the Office of Judicial Affairs will serve as staff to the committee. In this capacity s/he will schedule hearings, provide appropriate evidentiary materials, ensure that all involved have been notified of the hearing, ensure that necessary recording equipment is in place and operating, read the charges, and summarize the relevant information for the record as the first step in the hearing process.

c) Quorum

A quorum shall consist of two faculty members and two students, unless the accused agrees to proceed without a quorum.

d) Procedures

(1) Review of Charges

The investigation of all alleged violations of University policies will be coordinated by the Director or other staff from the Office of Judicial Affairs who will determine the disposition of these matters. The review of the charges will consist of the following:

(a) Interviews with the reporting party, witnesses, and the person alleged to have violated a regulation or standard of conduct. When the person alleged to have violated a regulation or standard of conduct is interviewed, s/he will be informed of the nature of the allegation, the campus regulation or University policy allegedly violated, his/her rights and the procedures to

be followed.

(b) In cases where a student accepts responsibility for the violation(s), the facts of the case are undisputed, and the usual sanction would be four quarters suspension or fewer, the student may request waiving the right to a formal hearing and submit for disposition his/her case to the appropriate official in the Office of Judicial Affairs (e.g., the director, associate/assistant director, or conduct officer). The Director in charge of judicial matters may refuse the request if s/he feels a formal hearing is in the best interests of all parties concerned. If the hearing is waived, resolution of the case shall include sanctions that are consistent with similar cases resolved by a formal hearing before a committee or hearing officer. A waiver of the formal hearing shall not be construed as a waiver of any other rights granted by this document. The accused student, however, may request waiving any of the rights enumerated below regardless of the method of resolution. A student who waives a formal hearing may change his/her mind and request a hearing at any time up to the imposition of a sanction. Once a sanction has been imposed there is no further right to a hearing. Additionally, once a sanction is imposed, the sanction cannot be amended unless an appeal is granted by the appropriate appeal authority within the timeframe specified for the right to appeal.

(d) In those cases reviewed by either a hearing body or officer, the student must be informed in writing of the following at least five days prior to the hearing:

- i) The specific charges and a brief statement about the factual basis for the charges, including a listing of campus resources (e.g., Ombuds, Office of the Student Advocate, A.S. Legal Counsel, Respondent Services (for sexual violence or sexual harassment violations), etc.);
- ii) Time and place of the hearing;
- iii) The student's rights at the hearing regarding presenting documents, inviting witnesses, and confronting and questioning any other witnesses present. Questions for witnesses and other parties at the hearing must be posed to the chair who will pose the question to the appropriate party. No direct cross examination is allowed. Furthermore, the chair reserves the right to reject repetitive or irrelevant questions and to minimally rephrase questions as required for the orderly operation of the hearing process.

## (2) Hearing Process

Formal hearings may be conducted by a committee or by a hearing officer. The Office of Judicial Affairs will make the determination, considering the student's preference, regarding the method to be utilized in each specific case. In cases where the student disputes the charges or specifically requests a committee, the committee will be considered the preferred body for the hearing, unless circumstances (such as when the Student-Faculty Committee on Student Conduct is not in session) preclude a timely hearing. The procedures for both types of hearing shall be conducted as described below, and all references to a committee or hearing body shall be construed to also apply to a hearing officer.

Student conduct hearings are closed to the public.

Whether or not a hearing is conducted or charges are brought, the campus may provide written notice to a student that his or her alleged behavior may have violated University policy or campus regulations and that, if repeated, such behavior will be subject to the disciplinary process. Evidence of the prior alleged behavior as detailed in the written notice may be introduced in a subsequent disciplinary action in order to enhance the sanction. (SW 104.80)

The rights and responsibilities of the student, the witnesses, the Office of Judicial Affairs or an appropriate designated University official, and the hearing body are delineated below and must be followed in all cases.

(a) The Student:

- i) Shall be served with a written notice of the specific charges, the time and place of the hearing, and a reference to the website containing the procedures that will govern the hearing at least five calendar days prior to the hearing. By written request a student may elect to waive the five-day notification period and to request that the hearing be held at an earlier date. Service of the notice may be made by U.S. mail, email, or in person.
- ii) May be accompanied by an advisor or an attorney, if the student so chooses. The Office of Judicial Affairs must be notified that an advisor or attorney will be present at least three business days prior to the hearing. The University reserves the right to postpone the hearing for a reasonable period of time to allow consultation with University General Counsel. Students are to represent themselves. The role of the attorney or advisor is therefore limited to assistance and support of the student in making his/her own case. Students may not select an advisor who is also in some way involved in the incident as either a witness, accused party, committee member, or other involved party, etc.
- iii) Shall be entitled to be present throughout the hearing while evidence is being presented and may remain until the committee or hearing officer begins deliberations. If the student does not attend the hearing or voluntarily leaves during the hearing, the case may be heard in his/her absence.
- iv) Shall have the right to produce witnesses and evidence pertaining to the alleged violations.
- v) Shall have the right to confront and question all witnesses via the process outlined above in section 1. d) (d) iii).
- vi) Shall not be required to give self-incriminating evidence. The student's failure to respond on these grounds shall not be used to draw an inference of responsibility.
- vii) Shall not make arguments concerning or produce witnesses or evidence having to do with the legality or constitutionality of the University-wide policies and regulations at any time during the hearing process. These arguments must be directed to the UC General Counsel or to the civil courts.
- viii) Shall not be present during deliberations.

(b) Witnesses:

- i) May exercise the privilege against self-incrimination.

- ii)* Shall restrict testimony to that relevant to the charges specified in the written notice and shall not make arguments about the constitutionality or legality of the University-wide policies or campus regulations.
  - iii)* May be asked to remain for the entire hearing to be available to answer questions as they arise.
  - iv)* Shall not be present during deliberations.
  - v)* Faculty members or other members of the University community who initiate charges of misconduct and who also serve as witnesses shall be entitled to be present while evidence is being presented and remain until the committee or hearing officer begins deliberations.
- (c) The Office of Judicial Affairs, or other appropriate designated University officials, and/or University General Counsel (in cases in which the student is advised by a legal advisor) shall:
- i)* Coordinate the appearance of witnesses and all evidence relevant to the charges.
  - ii)* Be entitled to be present during the entire hearing and during deliberations.
  - iii)* Monitor the process to ensure the maintenance of procedural due process.
  - iv)* Shall keep summary minutes of the hearing and shall audio-record the proceedings. At his/her own expense, the student may obtain the services of a stenographic reporter. No person other than an appropriate University official or member of the hearing body may audio-record the hearing.
  - v)* Upon request, minutes of the hearing will be available to the student within seven business days following the hearing. The student may then have the opportunity to submit written comments which, when submitted prior to the final decision [within fifteen business days following the hearing], will be considered and incorporated as part of the record. This is not the appeal; see (f) Appeals below.
- (d) The Hearing Body:
- i)* Shall not consist of any members having prior knowledge of or involvement in the case which might bias their judgment. In cases in which more than one student is involved, the Office of Judicial Affairs, in consultation with the Student-Faculty Committee on Student Conduct, may determine that the student cases will be heard together in one hearing in which case the Committee shall reach its conclusions using the totality of the evidence. If the cases are heard separately, the Committee shall only consider what is presented in each individual student's hearing.
  - ii)* Shall ensure, through the Chair that discussion is restricted to the issue defined in the written notice of the charges of alleged misconduct. Members may entertain the discussion of second-hand information if it corroborates other testimony or establishes a pattern of behavior. Second-hand information may not be used as the sole basis for a finding of responsibility.
  - iii)* May question any witness produced by the student or by the Office of Judicial Affairs.

- iv) Shall receive verbal and documentary evidence of the kind on which reasonable persons are accustomed to rely in serious matters and may exclude irrelevant or unduly repetitious evidence.
- v) Shall deliberate in closed session with only appropriate University staff present and shall base its findings upon the preponderance of the evidence.
- vi) Shall make all decisions by majority vote.
- vii) Shall submit its findings and recommendations within five business days following the conclusion of the hearing to the Director of the Office of Judicial Affairs or Vice Chancellor for Student Affairs, as appropriate, with a copy to the student. This report shall set forth its findings with regard to each of the charges separately as well as include its recommendation for disposition of the case. Findings of violations of University policies or campus regulations shall reflect a preponderance of the evidence produced at the hearing.

(e) Decisions

The student shall be mailed (via email) a written notice within five business days following the hearing informing him/her of any recommendations made as a result of hearing body deliberations, including recommended sanctions, if applicable. Letters of sanction, if applicable, will be mailed (via email) to the student within fifteen business days following the hearing. The decision and implementation of such sanctions shall be the responsibility of the following University officials:

- i) The decision regarding all University sanctions other than suspension, dismissal, or sanctions that affect the contract status of the student in the residential community will be made by the Director of the Office of Judicial Affairs, or designee.
- ii) The decision regarding sanctions that affect the contract status or presence of a student in the residential community will be made by the Director, Housing, Dining & Auxiliary Enterprises, or designee.
- iii) The decision regarding a recommendation to suspend or dismiss rests with the Vice Chancellor for Student Affairs.

The decision maker may, at their discretion, accept, reject, or modify the recommended outcome and sanctions made by the hearing body, or refer the case back to the hearing body for further deliberation prior to making a final decision.

(f) Appeals

- i) Appeals must be made in writing and must be submitted within ten business days of the date appearing on the email notification to the student of the decision and if applicable, imposition of sanction(s).
- ii) The student may request an opportunity to study the minutes of the hearing body before submitting an appeal.
- iii) The student's appeal may request that the sanctions be reduced or eliminated or that the case be referred back to a committee for further hearing. Any such appeal must specify in

detail one or more of the following alleged conditions:

- [a] Lack of substantial bases of fact to support the sanction (invoked or proposed)
- [b] Incongruity of the sanction with the offense
- [c] Unfairness in the proceedings
- [d] Newly discovered important evidence not known at the time of the hearing.

iv) In all disciplinary cases there shall be only one appropriate level of appeal.

- [a] Disciplinary action taken by the Director of the Office of Judicial Affairs or the Executive Director, Housing, Dining, and Auxiliary Services (or designee), may be appealed only to the Vice Chancellor for Student Affairs.
- [b] Disciplinary action taken by the Vice Chancellor for Student Affairs may be appealed only to the Chancellor.

v) Appeal Review

The Vice Chancellor for Student Affairs, or Chancellor, depending on who is the appropriate appeal point, will make the final determination as to the outcome of the appeal. Only written materials pertaining to the case, including any additional written material supplied by the accused student, will be reviewed. Using the four criteria established for the consideration of appeals, the Vice Chancellor or Chancellor will determine whether:

- [a] The finding and recommended sanction of the original hearing body should be upheld;
- [b] The finding of the original hearing body should be upheld but the sanction reduced or eliminated;
- [c] The case should be referred back to the original body or to a different body for further hearing;
- [d] The case should be dropped and the charges dismissed.

It is expected that appeals will be considered and final decisions made within fifteen business days following receipt of the student's written request. The Office of Judicial Affairs will determine whether the sanction should be implemented immediately or deferred pending the outcome of an appeal.

## **2. Residential Review Boards**

Housing Judicial Affairs includes the Assistant Dean of Students and Conduct Officers from Housing, Dining and Auxiliary Services. Violations of Housing policies may be adjudicated in the following manner.

- a) The Residential Review Boards/Hearing Officers shall hear all cases (have original jurisdiction) arising from violations of Section 102.07 (all policies, rules and regulations contained in the Residential Handbooks, Housing contracts, etc.)
- b) Cases that involve violations of Section 102.07 and another section in the 102.00 series and are serious

enough to invoke a penalty of suspension or dismissal from the University shall be referred to the Office of Judicial Affairs for possible adjudication.

c) Procedures:

(1) The rights and responsibilities of the student, his/her advisor, the provision for and restrictions on witnesses, and the decision and appeal processes for the Residential Review Boards/Hearing Officers are identical to those enumerated in D.1.d(2) with the following exception: The Executive Director, Housing, Dining, and Auxiliary Enterprises (or designee), may take interim administrative action in cases where a student is determined to present an immediate and serious disruption to the residential community before a formal hearing can be scheduled. Unlike the provision for interim suspension (Section 105.08), this process is limited to interim action on housing contracts, relocation to other living arrangements, and limiting access to residential facilities. The Vice Chancellor for Student Affairs shall review all interim actions within 24 hours. There is no appeal of an interim action; a hearing will be conducted in a timely fashion. If a student is found to have been unjustifiably subjected to an interim action, the University is committed to a policy whereby that student shall not be disadvantaged in employment or housing status.

(2) Any proposed changes to policies contained in the Residential Handbooks must be approved by the Vice Chancellor, Administrative Services and the Vice Chancellor for Student Affairs.

### **3. Admissions Review Committees**

The committees will review cases where currently enrolled students (undergraduates or graduates) are found to have omitted or falsified information on their application for admission, and/or failed to meet conditions of admission. (Prospective students who have committed any of these acts prior to matriculation are subject to cancellation by the Admissions Office or Graduate Division.)

The committee for undergraduate violations will be chaired by the Associate Director of Admissions and include at least one other Admissions staff member and the Director of the Office of Judicial Affairs, or his/her designee. The committee for graduate violations will be chaired by the Assistant Dean of the Graduate Division and include the Chair or designee of the academic department of the respondent student and the Director of the Office of Judicial Affairs. The student will have the opportunity to present his/her case to the appropriate committee, which shall decide the course of action. The committee may decide on remedial action, refer the case to the Student-Faculty Committee on Student Conduct for adjudication, or recommend to the Director of Admissions or Graduate Division that the student's admission be revoked. The student shall be notified of the committee's recommendation within three business days of the hearing. If the Director of Admissions or Assistant Dean of the Graduate Division revokes admission, s/he shall inform the student within five business days. Undergraduate students may appeal the action of the Director of Admissions to the Vice Chancellor for Student Affairs within five business days. The Vice Chancellor has ten business days to respond to the undergraduate appeal.

Graduate students may appeal the action of the Graduate Dean within five business days by submitting a written request that the Academic Senate's Graduate Council consider an appeal. The appeal can be based only on the existing record. All relevant information will be forwarded to the Graduate Council, and the Graduate Dean will inform the student that the appeal has been referred to Graduate Council for further review. Within sixty business days of the referral from the Dean, Graduate Council will issue

a written recommendation that either the Graduate Dean's decision be overturned or that the Dean's decision should stand. Taking Graduate Council's recommendation into consideration, the Graduate Dean will respond to the student in writing within seven business days, upholding or overturning the revocation of admission.

### **3. Interpersonal Violence Appeal Review Committee (IPV ARC)**

The IPV ARC will review cases in which an appeal has been submitted by either the complainant or respondent after a finding and possible sanctioning by the Office of Judicial Affairs for violation of the *UC Policy on Sexual Violence and Sexual Harassment*. For more information, please See the UCSB Implementing and Response Procedures for Reported Student Violations of the *UC Policy on Sexual Violence and Sexual Harassment*, available online at: <http://judicialaffairs.sa.ucsb.edu/Regulations.aspx>. For the full text of the *UC Policy on Sexual Violence and Sexual Harassment*, please see <http://policy.ucop.edu/doc/4000385/SHSV>.

### **4. Registered Campus Organization Conduct Board (RCOCB)**

The RCOCB will review cases in which a Registered Campus Organization has violated a University policy. See Registered Campus Organization Conduct and Discipline for more information.

## **E. Disciplinary Authority of the Faculty**

In suspected instances of student conduct violations (behavioral or academic) an instructor may request assistance or an investigation of the matter by the Office of Judicial Affairs. In academic violations, faculty have discretion in whether to request a letter of admonishment or a formal review by the Student-Faculty Committee on Student Conduct. The response to classroom-related misconduct will be resolved as noted below.

Please refer to <http://judicialaffairs.sa.ucsb.edu/> for further information and assistance.

### **1. Classroom Behavior**

After notifying the student of the questionable/offending conduct and giving him/her the opportunity to respond and/or the opportunity to correct the behavior, an instructor may exclude from class, either temporarily or permanently, any student whose conduct is disruptive toward the instructor or other members of the class. The instructor of record for the class will take the following action.

An instructor deciding to take disciplinary action shall:

- a) Provide oral or written notice to the student indicating the reason the student is being disciplined and the possible consequences.
- b) Notify his/her department Chair for review of the matter and, in cases where the student is being permanently excluded from the class, inform the appropriate Dean (Dean of Undergraduate Studies in the College of Letters and Science, Dean of Undergraduate Studies in the College of Engineering, Dean of the College of Creative Studies, Dean of the Graduate Division).

- c) Report online the misconduct and disciplinary steps taken to the Office of Judicial Affairs (<http://judicialaffairs.sa.ucsb.edu/>).
- d) If the Office of Judicial Affairs determines that formal University disciplinary action should be taken (in lieu of, or in addition to, exclusion from the class), the instructor will need to provide a description of the incident in sufficient detail to permit the Office to investigate, interview witnesses, and, if necessary, prepare the case for a hearing.

## 2. Academically-Related Misconduct

Faculty are guided by the Academic Senate policy on reporting academic misconduct (90. Student Academic Integrity, available at

[https://senate.ucsb.edu/bylaws.and.regulations/division/Part\\_II/Chapter\\_I/Section\\_10/](https://senate.ucsb.edu/bylaws.and.regulations/division/Part_II/Chapter_I/Section_10/)). In summary, faculty:

- a) Must inform the student(s) of their concern either in writing or in person and provide the student(s) an opportunity to respond.
- b) Shall notify the Office of Judicial Affairs and recommend any further action or disposition of the case (e.g., letter of reprimand, conduct hearing).
- c) Shall withhold the student's grade until the committee has rendered a decision and the instructor has been notified of the outcome (if a conduct hearing is requested). The instructor shall report the student's grade in the course, after considering the committee's findings.

## 3. Appeal of Faculty-Implemented Discipline

This refers to faculty-implemented discipline that does not result in a formal hearing before the Student-Faculty Committee on Student Conduct (e.g., exclusion from class or letter of admonition for academic misconduct).

The following does not apply to grade appeals. (See "Regulation 25" in the *UCSB General Catalog* to appeal grades

<http://my.sa.ucsb.edu/Catalog/Current/AcademicPoliciesProcedures/ContestedGrades.aspx>)

- a) A student may appeal the action taken by the faculty by submitting a written appeal to the department Chair with a copy to the appropriate Dean (Dean of Undergraduate Studies in the College of Letters and Science, Dean of Undergraduate Studies in the College of Engineering, Dean of the College of Creative Studies, Dean of the Graduate Division). The Chair may either make a decision on the appeal or refer the matter to the Student-Faculty Committee on Student Conduct for an advisory opinion. (If the department Chair is the instructor involved in the case, the letter of appeal should be forwarded to the appropriate Dean (see list above). If the Dean or other administrator is the instructor, the appeal is made to the Executive Vice Chancellor.) If the case is referred to the Student-Faculty Committee on Student Conduct, it will review the evidence and either concur with the sanction imposed by the instructor or recommend a change to the department Chair and the instructor, listing the reasons for its recommendation.
- b) If referred to the Student-Faculty Committee on Student Conduct for an advisory opinion, the Committee shall report its findings to the Chair, within five business days of its review of the matter, with a copy to

the appropriate Dean (see 1b, above). The final decision rests with the department Chair.

## **F. Confidentiality and Maintenance of Disciplinary Records and Files**

1. The official record of all UCSB students is the University official transcript. Disciplinary actions resulting in suspension or dismissal are noted on the student's official University transcript for the duration of the suspension or dismissal (SW, 106.00). Once the suspension has been completed, the designation will be removed from the official University transcript. The suspension or dismissal will remain on the unofficial transcript. Official disciplinary files are maintained in the Office of Judicial Affairs according to University retention policy.
2. Records and files related to any student conduct matter are confidential and protected by applicable federal and state laws. Information from these files/records may not be released without the student's written permission, court order, or as provided by Section 5 below. Other exceptions include University officials on a "need to know" basis and victims of violent acts (SW,102.08) who are entitled to know the results of a disciplinary action by the University (SW, 104.70). The Office of Judicial Affairs may release data and information relating to conduct hearings as long as the subject of the hearing cannot be personally identified by the information disclosed (SW, 130.00).
3. Whenever information is included in any student record/file concerning any disciplinary action taken by campus personnel in connection with the student, the student shall be allowed to include in the record/file a written statement or response concerning the disciplinary action (SW, 131.40).
4. Disciplinary files will be maintained in the Office of Judicial Affairs for the duration determined by University retention policy (at point of publication: five years (seven years if the incident was also a Clery crime) for any violation resulting in any disciplinary action other than dismissal; and fifty years for any disciplinary action resulting in dismissal) and then destroyed unless the office determines there is good reason to retain the file beyond that date. If a student who is dismissed has his/her file destroyed after fifty years, the Registrar will be notified to remove the dismissal notation from the transcript.
5. When potential employers, governmental agencies, or other institutions of higher education solicit information about a student's conduct while attending UCSB, and if the student has signed a release form accompanying the solicitation, the Office of Judicial Affairs will review the disciplinary files to determine if the student has been found responsible of misconduct. In those cases where the student has such a file, and the sanction was probation, exclusion, suspension, or dismissal, the information will be provided to the requesting party. Sanctions of university warning, letter of admonishment, restitution, loss of privileges, or other disciplinary sanction not listed above will not be disclosed to the requesting party as these sanctions are not deemed reportable sanctions.
6. In order to ensure that minor and non-recurring infractions do not negatively impact the student's academic career beyond UCSB, disciplinary files will be reviewed by the committee of jurisdiction in order to determine whether the student's file should be expunged. A student may petition for such review at approximately two years from the date of the imposition of the sanction or upon graduation from the University, whichever comes first. To submit a petition, the student must write a letter of request for their disciplinary record to be expunged to the committee of jurisdiction, indicating their request and any explanation as to why the committee should consider approving their request. If a student's conduct record is expunged by the committee, the violation and sanctions will no longer be reported when the student has

authorized a release of their conduct record, however the file will remain in the Office of Judicial Affairs until it reaches its retention period (see 4 above). If a student is not successful in their request for expungement, they may submit additional requests up to once per quarter to the committee of jurisdiction until they either are successful or until their record meets its retention expiration.

## **G. Violations and Sanctions**

Violation numbers correspond to the UC System-wide Policies Applying to Campus Activities, Organizations and Students (UC PACAOS).

Violations:

- 102.00 The Chancellor may impose discipline for the commission or attempted commission (including aiding and abetting in the commission or attempted commission) of the following types of violations by students of University policies or campus regulations.
- 102.01 All forms of academic dishonesty including but not limited to cheating, fabrication, plagiarism, altering graded examinations for additional credit, having another person take an examination for you, or facilitating academic dishonesty.
- 102.02 Other forms of dishonesty including but not limited to fabricating information, furnishing false information to the University either on official University forms or to University officials acting in the performance of their duties, or reporting a false emergency to the University.
- 102.03 Forgery, alteration, or misuse of any University document, record, key, electronic device, or identification.
- 102.04 Theft of, conversion of, destruction of, or damage to any property (University or property of others) while on University premises, or possession of any property when the student had knowledge or reasonably should have had knowledge that it was stolen.
- 102.05 Theft or abuse of University computers and other University electronic resources such as computer and electronic communications facilities, systems, and services. Abuses include (but are not limited to) unauthorized entry, use, transfer, or tampering with the communications of others; interference with the work of others and with the operation of computer and electronic communications facilities, systems, and services; or copyright infringement (for example, the illegal file-sharing of copyrighted materials).

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

Please refer to the UC Electronic Communications Policy

(<http://www.ucop.edu/ucophome/policies/ec/>) and Digital Copyright Protection at UC (<http://www.ucop.edu/irc/policy/copyright.html>) for the University's position on digital copyright.

- 102.06 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.

- 102.07 Violations of policies, regulations, contracts, or rules governing residence in University-owned or -operated housing facilities or -leased housing facilities located on University property. (See Residential Handbooks.)
- 102.08 Physical abuse including but not limited to physical assault; threats of violence; or other conduct that threatens the health or safety of any person. Such abuse, threats, or conduct may include arson (and other penal or health code violations such as setting public fires).
- 102.09 Harassment, defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities.

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

For cases of harassment on the basis of sex, see the *UC Policy on Sexual Violence and Sexual Harassment* and the UCSB Implementing and Response Procedures for Reported Student Violations of the *UC Policy on Sexual Violence and Sexual Harassment*, available online at: <http://judicialaffairs.sa.ucsb.edu/Regulations.aspx>. For full text of the *UC Policy on Sexual Violence and Sexual Harassment*, please see <http://policy.ucop.edu/doc/4000385/SHSV>.

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

For stalking cases of a sexual nature, see also <http://policy.ucop.edu/doc/4000385/SVSH> and <http://sexualviolence.ucsb.edu>.

- 102.11 Deleted October 9, 2009, by Systemwide.
- 102.12 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. The University of California, Santa Barbara interprets hazing as any act whether physical, mental, emotional or psychological, which subjects another person, voluntarily or involuntarily, to anything that may abuse, mistreat, degrade, humiliate, harass or intimidate the person, or which may in any fashion compromise the inherent dignity of the person. In addition, any requirements by a member which compels another member to participate in any activity which is against university policy or state/federal law will be defined as hazing.

- 102.13a Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University

activities.

- 102.13b Intimidation or harassment directed toward any person on University property or in connection with official functions or University-sponsored programs (UCSB only).
- 102.14 Disorderly and/or lewd conduct.
- 102.15 Participation in a disturbance of the peace or unlawful assembly.
- 102.16 Failure to identify oneself to, or comply with directions of, a University official or other public officials acting in the performance of their duties while on University property or at official University functions; or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.
- 102.17 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 (e.g., narcotic or illegal drugs on University property or at official University functions, except as expressly permitted by law).
- 102.18 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, storage, or manufacture of explosives, firebombs, or other destructive devices.
- 102.20 Possession, use, sale, or manufacture of a firearm or other weapon on University properties or at official University functions, except as expressly permitted by law.
- 102.21 Violation of a 'no contact order' or the conditions contained in the terms of a disciplinary action imposed under these campus regulations or University policies.
- 102.22 Violations of orders issued pursuant to Section 52.00 (SW), during a declared state of emergency. Violation of the conditions contained in a written Notice of Emergency Suspension issued pursuant to Section 53.00 (SW) et seq., of these policies.
- 102.23 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).

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

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

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

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

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

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

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

#### Definitions

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

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

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

#### Sanctions:

105.00 Individuals found in violation of University policies and/or campus regulations may receive any of the following types of student disciplinary action:

105.01 University Warning/Censure: Written notice or reprimand to the student for violations of specified University policies or campus regulations, including notice to the student that continued or repeated violations of specified University policies or campus regulations may be cause for further disciplinary action, normally in the form of Loss of Privileges and Exclusion from Activities, Disciplinary Probation, Suspension, or Dismissal.

- 105.02 Rescinded May 17, 2002, by Systemwide.
- 105.03 Disciplinary Probation: A status imposed for a specified period of time during which a student must demonstrate conduct that conforms to University standards of conduct. Conditions restricting the student's privileges or eligibility for activities may be imposed. Misconduct during the probationary period or violation of any conditions of the probation may result in further disciplinary action, normally in the form of Suspension or Dismissal.
- 105.04 Loss of Privileges and Exclusion from Activities: Exclusion from participation in designated privileges and activities for a specified period of time. Violation of any conditions in the written Notice of Loss and Exclusion from Activities, or violations of University policies or campus regulations during the period of the sanction may be cause for further disciplinary action, normally in the form of Probation, Suspension or Dismissal.
- 105.05 Suspension: Termination of student status from UCSB for a specified academic term or terms with reinstatement thereafter certain, provided that the student has complied with all conditions imposed as part of the suspension and provided that the student is otherwise qualified for reinstatement. Violations 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.
- 105.06 Dismissal: Termination of student status from the University of California for an indefinite period. Readmission to any UC campus shall require the specific approval of the Chancellor of the campus to which a dismissed student has applied. Readmission after dismissal may be granted only under exceptional circumstances.
- 105.07 Exclusion from Areas of the Campus or from Official University Functions: Exclusion of a student as part of a disciplinary sanction from specified areas of the campus or other University-owned, -operated, or -leased facilities, or other facilities located on University property, or from official University functions when there is reasonable cause for the University to believe that the student's presence there may 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.
- 105.08 Interim Suspension: Exclusion from classes, or from other specified activities or areas of the campus, as set forth in the Notice of Interim Suspension, before final determination of an alleged violation. A student shall be restricted only to the minimum extent necessary when there is reasonable cause to believe that the student's participation in University activities or presence at specified areas of the campus will lead to physical abuse, threats of violence, or conduct that threatens the health or safety of any person on University property or at official University functions, or other disruptive activity incompatible with the orderly operation of the campus. A student placed on Interim Suspension shall be given prompt notice of the charges, the duration of the Interim Suspension, and the opportunity for a prompt meeting on the Interim Suspension. Interim Suspension shall be reviewed by the Chancellor within twenty-four hours. If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to a policy whereby reasonable efforts are taken to assist an individual who has been disadvantaged with respect to employment or academic status.
- 105.09 Restitution: A requirement for restitution in the form of reimbursement may be imposed for expenses

incurred by the university or other parties resulting from a violation of these policies. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages. Restitution may be imposed on any student acting alone or through group or concerted activities, or on any campus organization that participates in causing the damages or costs.

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

105.11 Other disciplinary sanctions:

The following additional disciplinary sanctions may be imposed instead of or in addition to the sanctions enumerated above:

- a) Work, research projects, counseling, mediation, educational or awareness programs, treatment programs, or community service projects may be assigned.
- b) In cases involving drug or alcohol abuse the student may be referred to the UCSB Alcohol and Drug Program (or other appropriate program).
- c) Holds may be placed on requests for transcripts, diplomas, or other student records to be sent to third parties.

105.12 An administrative fee may be imposed on students and campus organizations in conjunction with sanctions for any violations. Funds collected shall be used to cover costs related to education about and prevention and adjudication of conduct issues. The amount of the fee will be \$50 and may be waived for hardship cases.

## **REGISTERED CAMPUS ORGANIZATION CONDUCT AND DISCIPLINE**

Registered Campus Organizations (RCOs) are required to comply with University policies and campus regulations (including the behavioral codes listed in Chapter VIII Section “Violations and Sanctions”) as well as applicable laws or they will be subject to revocation of registration, loss of privileges, or other sanctions. In denying or revoking registration or applying sanctions, campus regulations shall provide an opportunity for a hearing with basic standards of procedural due process. Such hearings may be conducted by the Office of Student Life - Registered Campus Organizations Conduct Board, Student Faculty Committee on Student Conduct (in the case of an individual student charged with a violation based on behavior that happened through their affiliation with an RCO), or an individual hearing officer.

### **I. Responsible Action Protocol for Registered Campus Organizations**

Similar to California Good Samaritan laws, in situations in which student bystanders call for help in a medical-, alcohol-, or drug-related emergency, the University's disciplinary response for alcohol and drug violations either for the bystanders, the organization, or the student(s) needing assistance, shall, barring exceptional circumstances (e.g. sexual or interpersonal violence, threats to the life of another student, or risk for severe

bodily injury, etc.), only consist of educational meetings and/or programs. Other disciplinary sanctions will not normally be considered or assigned.

The Responsible Action Protocol applies to the *UCSB Student Conduct Code*, *UCSB Campus Regulations*, and *Statement of Relationship between UCSB and Fraternities and Sororities* as they relate to Registered Campus Organizations.

## **II. Registered Campus Organization Due Process**

Registered Campus Organizations subject to University discipline shall be afforded procedural due process. The primary purpose of any University discipline proceeding is to determine whether or not the accused Registered Campus Organization is responsible for a violation of University policy or campus regulations. Deviations from established procedures shall not invalidate a hearing body's finding unless the deviation significantly affected the result. It is recognized that University faculty, staff, and students are principally engaged in the business and the pursuit of education, and are not trained in the legal system. As such they should be guided more by principles of fairness and common sense than by formal rules of evidence or procedure. The Vice Chancellor for Student Affairs (VCSA), or designee, is responsible for determining whether a Registered Campus Organization accused of violating campus policies or regulations has been treated in a fair and equitable manner and whether the fundamental precepts of due process were followed. Through publication of these regulations the VCSA has established procedures appropriate for adjudicating charges against Registered Campus Organizations, providing a range of sanctions to ensure appropriate penalties.

### **A. Filing a Complaint**

Allegations of misconduct by Registered Campus Organizations must be made in writing to the Office of Student Life. Reports may be made online, via email to a director in the Office of Student Life, or in person in the Office of Student Life, and followed up in writing. Reporters may remain anonymous. However, anonymous reports are often difficult for the University to take action on because of the need for investigation, questioning, submission of evidence, and follow-up with the reporting party.

### **B. Process for Notification of Charges**

The president of the Registered Campus Organization shall be served written notice of the specific charges, the time and place of the hearing, and a copy of the procedures that will govern the hearing, at least five calendar days prior to the hearing. Email notice will be sent to the president's email address on record with the UCSB Office of the Registrar.

### **C. Investigation**

The University may initiate an investigation of a reported incident. Investigations will be conducted by the University staff members who serve as the non-voting Co-Chairs of the Registered Campus Organization Conduct Board. If an investigation is determined to be needed, individual members of the Registered Campus Organization may be asked to participate or provide evidence. UCSB students are expected to participate, however, may exercise the right not to provide self-incriminating evidence. If the organization is a Greek (sorority or fraternity) organization that maintains national membership in a

wider organization, the national organization may be contacted and may run a parallel investigation. Should no further information be provided to the university either by members or other witnesses, the Office of Student Life shall proceed with the information contained in the original report. At the conclusion of an investigation, the investigating conduct officer shall produce a written report of the findings. This report shall be shared with the Registered Campus Organization during the pre-hearing conference.

#### D. Pre-hearing Conference

The purpose of the pre-hearing conference is to determine how the formal charges against the organization are to be considered. The pre-hearing conference provides an opportunity for the organization to discuss the charges with the one or both of the non-voting staff Co-Chair(s) of the Registered Campus Organization Conduct Board. The organization must be represented by one or more of its officers. An advisor may attend the pre-hearing conference in an advisory capacity. One of the student officers must be designated as the official spokesperson for the organization however.

The procedures available for formal consideration of the charges are:

- 1) Administrative resolution
- 2) Referral to a hearing panel
- 3) No action taken

If the official spokesperson of the RCO waives the organization's right to a formal hearing, and admits to the veracity of charges, the Co-Chair of the Registered Campus Organization Conduct Board may act on the charge administratively. In this event, a form requesting that the charge against the organization be considered administratively must be signed by the official spokesperson of the organization. The Office of Student Life then has the authority to impose a sanction.

#### E. Hearing Procedure

If an organization decides against resolving a case through administrative action, the Co-Chair will refer the matter to a hearing for resolution.

Hearings for Registered Campus Organizations are heard by the RCOCB. The hearing board shall include: at least two but no more than three student members of the RCOCB. The Board shall be made up of students selected and trained by the Office of Student Life. At least two members must be present to constitute a quorum. One of the Co-Chairs will be present to facilitate the hearing. Hearings are recorded. Hearings are closed to the public.

A representative from the Office of Student Life will present the University's reasons for bringing charges against the organization. Witnesses may be called by the University to testify in support of the charges.

An officer must be chosen by the organization to serve as its spokesperson for the hearing. Up to three members of the organization may attend the hearing. With the exception of the spokesperson, organization members who are to be witnesses shall not be present during other witnesses' testimony.

The spokesperson may have up to three advisors, including the organizational advisor, the organization's president, and one other advisor to assist him or her during the hearing. The spokesperson shall have the right to: be present at all phases of the hearing, except during the panel's deliberation on procedural and evidentiary matters, findings of fact and potential sanctions; to present evidence and witnesses on behalf of the organization; and to have reasonable questioning of witnesses. All questioning of witnesses and other parties in the hearing must be done through the Co-Chair who reserves the right to refuse unduly repetitive or irrelevant questions or to rephrase questions which may not be appropriately formed.

Hearing panel decisions shall be based solely upon evidence introduced during the hearing. Legal rules of evidence do not apply to hearings under this policy; the hearing panel may hear and weigh evidence of probative value. The hearing panel will exclude irrelevant, immaterial, and unduly repetitious evidence.

A hearing panel shall decide that a violation was committed using the preponderance of the evidence standard. Decisions shall be made by majority vote.

If the organization is found in violation, the hearing panel shall, by majority vote, arrive at a sanction commensurate with the seriousness of the violation. In arriving at sanctions, the panel may consider evidence of past violations by the organization as well as recommendations from the Office of Student Life.

Hearing panel members of the RCOCB shall make a recommendation on the findings and, if appropriate, the sanctions, to the Dean of Student Life. Within 15 business days of their recommendation to the Dean of Student Life, the Dean shall issue a decision on the case. The president of the organization will be notified in writing, via email, of the Dean's decision.

## F. Sanctions

Sanctions imposed on Registered Campus Organizations by the University will be administered through the Office of Student Life. The sanctions below may be assessed singly or in combination (e.g. a group may have its registration rescinded and be placed thereafter on probation). Sanctions will list the length of the probation and/or rescission (unless indefinite), the specific privileges forfeited, and any other conditions.

- 1) **Letter of Warning** – does not include forfeiture of privileges.
- 2) **University Probation** – may stipulate the forfeiture of specified social and/or other privileges for a period of three to thirty-six months and may also include additional requirements (e.g., community service).
- 3) **Suspension** – shall be for a period of three to twelve months and prohibits the organization from: sponsoring, co-sponsoring, or participating in any and all social, intramural, athletic, or other similar activities on or off campus; the solicitation of any new members or pledges; and the initiation of any

new members. A suspension may also include the forfeiture of other specifically listed privileges. It may also include additional requirements (e.g. community service).

- 4) **Rescission of University Registration** – involves revoking the University’s registration of the organization for an indefinite period of time. If the organization holds a charter from a national organization or association, the University may also request that the national organization or association revoke the organization’s charter. Organizations that maintain a meeting facility on University property may not use that facility until the organization returns as a RCO in good standing.

The Office of Student Life will determine whether the sanction should be implemented immediately or deferred pending the outcome of an appeal.

## G. Appeals

Disciplinary action imposed by the Dean of Student Life, based on the recommendation of a hearing panel, may be appealed only to the Vice Chancellor for Student Affairs. There are no other further appeals. Appeals must be made in writing and must be submitted within ten business days of the date appearing on the notification of the imposition of sanction(s) mailed to the organization.

### 1. Grounds for Appeal

The organization’s appeal may request that the sanctions be reduced or eliminated, or that the case be reheard. Any such appeal must specify in detail one or more of the following alleged conditions:

- a) Lack of a basis in fact in support of the sanction
- b) Disproportion of sanction with the offense
- c) Unfairness of the proceedings
- d) Significant relevant evidence discovered subsequent to the hearing.

### 2. Appeal Review

The Vice Chancellor for Student Affairs will make the final determination as to the outcome of the appeal. Only written materials pertaining to the case, including any additional written material supplied by the accused, will be reviewed. Using the four criteria established for the consideration of appeals, the Vice Chancellor will determine whether:

- a) The finding and recommended sanction of the original hearing body is upheld;
- b) The finding of the original hearing body is upheld but the sanction reduced or eliminated;
- c) The case should be referred back to the original body or to a different body for further hearing;
- d) The case should be dropped and the charges dismissed.

It is expected that appeals will be considered and final decisions made within fifteen business days following receipt of the organization’s written request.

## H. Registered Campus Organization Conduct Board Membership

The RCOCB shall be made up of no fewer than four and no more than six currently registered UCSB students, undergraduate or graduate students, selected by the Office of Student Life at the start of each academic year, or as needed. Students serving on the RCOCB must be in good academic standing and have no individual student conduct record. The RCOCB shall be chaired jointly by two non-voting members (assistant dean or equivalent from the Student Life area).

I. Organizations with National or Regional Parent Organizations

Alleged violations of University policy may also be referred to the parent organization of an affiliated RCO. Investigation of the allegations may be performed jointly and/or in association with the parent organization. Should the parent organization choose to close the UCSB chapter, the University will respect this decision and disaffiliate the organization. In such cases the RCO will not have a right to a hearing on the charges.