

## CHAPTER VIII: STUDENT CONDUCT AND DISCIPLINE (\*SW, 100.00)

### 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 the University of California Policies Applying to Campus Activities Organizations, and Students, Section 100.00 (<http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html>). 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.

#### 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. 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 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 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. In considering whether to exercise off-campus jurisdiction in an individual case, the following may be considered: the seriousness of the alleged misconduct, whether the alleged victim is a member of the campus community, 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 request to extend jurisdiction will be reviewed by the Associate Dean for Judicial Affairs, the Dean of Students, and the Vice Chancellor for Student Affairs, in consultation with a committee composed of faculty and students. All these parties must be in agreement before a case can be formally adjudicated.

Campus regulations applying to off-campus behavior are limited to: Section 102.08 (physical abuse, threats of violence, arson-related offenses, and sexual assault), Section 102.09 (sexual harassment), Section 102.10 (stalking), and Section 102.12 (hazing). For a full description, refer to G in this chapter.

\*SW = Systemwide, or University-wide regulations applying to all UC campuses. The numbers cited refer to corresponding sections of that document available for review on-line at <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/toc.html>.

## B. Student Rights: Procedural Due Process (SW, 103.10 <http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/uc100.html>)

Students who are subject to University discipline shall be afforded procedural due process, which is a basic principle underpinning the proper enforcement of University policies and campus regulations. The primary purpose of any University disciplinary proceeding is to determine the guilt or innocence of the accused student. 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, 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 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 Director, Residential Life, 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 disciplinary process may be deferred until the completion of the 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 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 Judicial Affairs Office, which may refer the case to the Student-Faculty Committee on Student Conduct.
3. 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, Housing, Apartment Living or Residential Life, or designee.
4. 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

#### a) Jurisdiction

The Student-Faculty Committee on Student Conduct shall be responsible for hearing cases arising out of acts of 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 and campus organizations outlined in all pertinent chapters of these regulations.

#### 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) Because of the extraordinary time commitment, it is suggested that student members of the committee hold no other elective or appointive office while serving as members of the committee.
  - (b) 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 Associate Dean of Students, or other staff from 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 Associate Dean of Students 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 not involving alleged academic misconduct, if the Office of Judicial Affairs believes that the incident can best be handled informally, the student may be asked to participate in counseling, advising, mediation, educational programs or community service projects related to the incident in question, or other educational support services as needed. If the student does not agree, then the matter may be referred to the Student-Faculty Committee on Student Conduct. A report of cases that are handled informally must be included in a yearly report to the Vice Chancellor for Student Affairs.
- (c) In cases where a student is pleading guilty, the facts of the case are undisputed, and the usual sanction would be two 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., an Associate Dean). The Associate Dean 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.

(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 Student Advocate, A.S. Legal Counsel, 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.

(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.

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. If notified by U.S. mail or in person students will be reminded by email of the notification.

- 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 working 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.
  - 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.
  - vi) Shall not be required to give self-incriminating evidence. The student's failure to testify on these grounds shall not be used to draw an inference of guilt.
  - 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 working 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 working 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.
  - 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 guilt.

- iii)* May produce witnesses and evidence at the hearing. 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 evidence.
- vi)* Shall make all decisions by majority vote.
- vii)* Shall submit its findings and recommendations within five working days following the conclusion of the hearing to the Dean of Students 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 a written notice within five working 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 to the student within fifteen working 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 Dean

of Students.

- 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 and Residential Services, or designee.
- iii)* The decision regarding a recommendation to suspend or dismiss rests with the Vice Chancellor for Student Affairs.

*(f)* Appeals

- i)* Appeals must be made in writing and must be submitted within ten working days of the date appearing on the notification of the imposition of sanction(s) mailed to the student.
- 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 Dean of Students or the Director, Housing and Residential 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, 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 working 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

The Office of Judicial Affairs includes the Assistant Dean of Students and Assistant Judicial Affairs Coordinators from Housing and Residential 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 and Residential Services

(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 Committee

The committee will review cases where currently enrolled students 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.)

The committee will be chaired by the Associate Director of Admissions and include at least one other Admissions staff member and the Associate Dean of Students, Office of Judicial Affairs, or his/her designee. The student will have the opportunity to present his/her case to the 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 that the student's admission be revoked. The student shall be notified of the committee's recommendation within three working days of the hearing. If the Director of Admissions revokes admission, s/he shall inform the student within five working days. The student may appeal the action of the Director of Admissions to the Vice Chancellor for Student Affairs within five working days. The Vice Chancellor has ten working days to respond to the appeal.

## 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 on-line 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 [http://senate.ucsb.edu/about/Bylaws\\_and\\_Regulations/Part\\_II/Chapter\\_I/Section\\_10/](http://senate.ucsb.edu/about/Bylaws_and_Regulations/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 reprimand for academic misconduct).

The following does not apply to grade appeals. (See "Regulation 25" in the *UCSB General Catalog* to appeal grades (<http://www.catalog.ucsb.edu/2008cat/general/apndx.htm#reg25/>))

- 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 working 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 transcript. Disciplinary actions resulting in suspension or dismissal are noted on the student's University transcript for the duration of the suspension or dismissal (SW, 106.00). Official disciplinary files are maintained in the Student Judicial Affairs Office.
2. Student conduct hearings are closed to the public, and 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 Student Judicial Affairs Office 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 Student Judicial Affairs Office for five years 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 five 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 Student Judicial Affairs Office will review the disciplinary files to determine if the student has been found guilty of misconduct. In those cases where the student has such a file, the information will be provided to the requesting party.
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 offense or upon graduation from the University, whichever comes first.

## G. Violations and Sanctions (Section numbers correspond to SW):

### Violations:

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| <p>102.00 The Chancellor may impose discipline for violation of University policies or campus regulations. Such violations, either by active involvement or by aiding and abetting, attempted or accomplished, include the following types of misconduct:</p> <p>102.01 Dishonesty, such as cheating, plagiarism, altering graded examinations for additional credit, or having another person take an examination for you.</p> <p>102.02 Knowingly furnishing false information to the University either on official University forms or to University officials acting in the performance of their duties.</p> <p>102.03 Forgery, alteration, or misuse of University documents, records, keys, identifications or other devices.</p> <p>102.04 Theft of, conversion of, damage to or destruction of any property (University or property of others) while on University premises or possession of any stolen</p> | <p>property on University premises.</p> <p>102.05 Theft or other abuse of computing facilities or computer time, including but not limited to: unauthorized entry into a file to use, read, or change the contents or for any other purpose; unauthorized transfer of a file; unauthorized use of another individual's identification or password; use of computing facilities to interfere with the work of another student, faculty member, or other University official; use of computing facilities to interfere with a University computing system.</p> <p>102.06 Unauthorized possession of, receipt of, duplication of, or use of the University's name, insignia, or seal. Unauthorized entry to, possession of, receipt of, or use of any University properties, equipment, resources, or services.</p> <p>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.)</p> <p>102.08 Physical abuse, sexual assault, threats of violence, or other conduct that threatens the health or safety of any persons. Such abuse, threats, or conduct may include arson (and other penal or health code violations such as setting public fires). Policies/procedures on sexual assault are described in a separate brochure (<a href="http://judicialaffairs.sa.ucsb.edu/pdf/sapp.doc">http://judicialaffairs.sa.ucsb.edu/pdf/sapp.doc</a>).</p> <p>102.09 Sexual harassment as defined in University policy (see SW Section 160.00), reads in part: "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 affect 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." In the interest of preventing sexual harassment, the University will respond to reports of any such conduct. Please refer to the Policy of Sexual Harassment and Complaint Resolution Procedures (see SW Section 160.00) for the entire definition. The Policy on Sexual Harassment and Complaint Resolution Procedures is incorporated into the Policy on Student Conduct and Discipline. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.</p> <p>102.10 Stalking behavior in which an individual willfully, maliciously, and repeatedly engages in a knowing course of conduct directed at a specified person which reasonably and seriously alarms, torments, or terrorizes the person, and which serves no legitimate purpose.</p> |
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- 102.11 Harassment by a student of any person. For the purposes of these policies, “harassment”: a) is the use, display, or other demonstration of words, gestures, imagery, or physical materials, or the engagement 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; b) must target a specific person or persons; and c) must be addressed directly to that person or persons. Prior to applying this provision of policy to any student conduct, the campus is required to consult with the Office of General Counsel regarding its proper interpretation and application in light of the specific circumstances.
- 102.12 Participation in hazing or any method of initiation or pre-initiation into a campus organization or any activity engaged in by the organization or members of the organization or any pastime or amusement engaged in with respect to such an organization at any time which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any student or other person.
- 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 on University property or at official University functions.
- 102.15 Participation in a disturbance of the peace or unlawful assembly on University property or at official University functions.
- 102.16 Failure to 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, including failure to provide identification when requested, or resisting or obstructing such University or other public officials in the performance of or the attempt to perform their duties.
- 102.17 Use, possession, sale, manufacture or attempted manufacture of controlled substances (e.g., narcotic or illegal drugs on University property or at official University functions, except as expressly permitted by law).
- 102.18 Unlawful or otherwise prohibited use, possession, sale, distribution, manufacture of, or the attempted sale, distribution, or manufacture of alcohol on University property or at official University functions.
- 102.19 Possession, use, storage, or manufacture of explosives, firebombs, or other destructive devices.
- 102.20 Use, possession, sale, or manufacture of dangerous weapons on University properties or at official University functions, except as expressly permitted by law.
- 102.21 Violation of 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).
- Sanctions:
- 105.00 Individuals found guilty of violating University policies and/or campus regulations may receive the following sanctions:
- 105.01 Warning: Written reprimand 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, Suspension, or Dismissal.
- 105.02 Rescinded May 17, 2002, by systemwide.
- 105.03 Disciplinary Probation: Suspension of a recommended sanction for a stated period of time during which any other violation of campus regulations resulting in a finding of guilt would be cause for immediate implementation of the previously suspended sanction in addition to sanctions arising from the new charges.

- 105.04 Loss of Privileges and Exclusion from Activities: Exclusion from participation in designated privileges and extracurricular activities for a specified academic term or terms. 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 Suspension or Dismissal.
- 105.05 Suspension: Termination of student status from UCSB for a specified academic term or terms with reinstatement thereafter usually certain. 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: Exclusion of a student from specified areas of the campus 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.
- 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 and the opportunity for a prompt hearing on the Interim Suspension. Interim Suspension shall be reviewed by the Chancellor within twenty-four hours. If a student is found to have been unjustifiably placed on Interim Suspension, the University is committed to a policy whereby that student shall not be disadvantaged in employment or academic status.
- 105.09 Restitution: Reimbursement for damage to or misappropriation of University property may be imposed either exclusively or in combination with other disciplinary action. 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) 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, counseling, mediation, educational or awareness programs, treatment programs, or community service projects may be assigned.
  - c) In cases involving drug or alcohol abuse the student may be referred to the UCSB Alcohol and Drug Program (or other appropriate program).
  - d) 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.