
Housing & Residential Services
Judicial Affairs

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STANDARD OF EVIDENCE

A Standard of Evidence is the “measuring stick” by which an administrator or judicial body makes a decision. There are four traditional Standards of Evidence:

- **Substantial Evidence** - This means that there is enough evidence to charge an individual with a violation.
- **Preponderance of Evidence** - The Board or Administrator needs to be 51% sure that the individual violated policy in order to find them in violation.
- **Clear and Convincing Evidence** - This means the evidence must be very persuasive, significantly more than Substantial Evidence, and more than a Preponderance of Evidence.
- **Beyond a Reasonable Doubt**- This is the standard used in criminal cases, and is rarely employed by a university. Using this standard, the Board or Administrator would have to have no doubt whatsoever as to the individual’s involvement in an incident to find them in violation.

UCSB uses **Preponderance of Evidence** in order to find a resident in violation of policy. In many hearings, there will be strong, clear evidence presented to persuade the Board or Administrator that the resident did violate a particular policy. Sometimes, however, there may be ambiguities and contradictions that require the Board or Administrator to decide what they think is more credible. As in a court of law, the resident is always “Not Responsible” (not guilty) unless proven otherwise; however, the standard of evidence which must be presented to the Board or Administrator in order to prove that a resident violated policy is less stringent – a Preponderance of Evidence.

In other words, if you imagine yourself weighing the evidence on some imaginary scale, you must be more than 50% sure that a resident violated policy. You do not need to be 100% or even 75% sure, just more than 50% sure. Another way of thinking about Preponderance of Evidence is with the phrase, “Given the information available from the hearing, is it more likely than not that the resident violated UCSB policy?”