These Local Procedures are intended to supplement the UC Policy on Sexual Violence and Sexual Harassment (“SVSH Policy”), last issued July 31, 2019; the Policies Applying to Campus Activities, Organizations and Students—Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework (PACAOS-Appendix E), last issued July 31, 2019; the UCSB Campus Regulations, last issued in 2017; and the UCSB Student Conduct Code, last issued in 2012. To the extent these procedures may be inconsistent or in conflict with PACAOS-Appendix E, the UCSB Campus Regulations, or the UCSB Student Conduct Code, these procedures shall prevail.

Table of Contents

I. Introduction..................................................................................................................................................2
II. Definitions .....................................................................................................................................................3
III. Support Resources, Safety Measures, and Accommodations for Those Impacted by Sexual Violence, Sexual Harassment, or Other SVSH Prohibited Behavior ....................................................................................................................9
IV. Reporting Options for Those Impacted by Sexual Violence, Sexual Harassment, or Other SVSH Prohibited Behavior ........................................................................................................................................10
V. UCSB’s Response Process ..........................................................................................................................13
VI. Maintenance of Title IX and Discipline Files ...........................................................................................32
VII. Appendix ..................................................................................................................................................34

This document is drafted, maintained, and updated by UCSB's Title IX & Sexual Harassment Policy Compliance Office. Contact: Ariana Alvarez, ariana.alvarez@ucsb.edu.
I. Introduction

The University of California, Santa Barbara (UCSB) is committed to creating and maintaining a community dedicated to the advancement, application, and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation.

Sexual violence, sexual harassment, retaliation, and other behavior prohibited by the SVSH Policy (“Prohibited Conduct”) interfere with those goals. The University will respond promptly and effectively to reports of such conduct. This includes action to stop, prevent, correct, and when necessary, to discipline behavior that violates the SVSH Policy.

Applicable Procedures

The specific procedures for investigating and resolving complaints of Prohibited Conduct depend on the Respondent’s identity and relationship to the University.

- Where the Respondent is a student, the procedures are in PACAOS-Appendix E and these Local Procedures.
- Where the Respondent is a UCSB employee and not a UCSB student, the Title IX Office will follow the Investigation and Adjudication Framework and Local Procedures that correspond to the Respondent’s employment status.
- If there is a question about the predominant role of the Respondent, the Title IX Officer will determine which procedure applies based on the circumstances (such as which role predominates in the context of the Prohibited Conduct). Where a Respondent is both a student and an employee, the Respondent may be subject to discipline applicable to both students and employees.
- Where the Respondent is a third party, the Title IX Officer will determine the appropriate manner of resolution consistent with the University’s commitment to a prompt and equitable process and applicable law, federal guidance, and the SVSH Policy. The University’s ability to take appropriate responsive action depends on its relationship and level of control over the third party, if any.
- Where there is no identifiable, individual Respondent (such as where the Complainant alleges Prohibited Conduct by an organization or a Respondent whose identity is unknown, or conduct by multiple people that rises to the level of Prohibited Conduct only when considered in the aggregate), the Title IX Officer may respond if appropriate.
II. Definitions

The following are definitions from the *UC Policy on Sexual Violence and Sexual Harassment (07/31/19)*, as well as additional definitions for terms used in these Local Procedures.

**Aggravating Factors:** These factors apply only to cases of *Sexual Assault-Penetration* and *Sexual Assault-Contact*, which are aggravated when they include any of the following:

- Overcoming the will of the Complainant by:
  - *force* (the use of physical force or inducing reasonable fear of immediate or future bodily injury);
  - *violence* (the use of physical force to cause harm or injury);
  - *menace* (a threat, statement, or act showing intent to injure);
  - *duress* (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship (including a power imbalance), to do or submit to something that they would not otherwise do);
  - or
  - deliberately causing the Complainant to be incapacitated (for example, through drugs or alcohol);
- Deliberately taking advantage of the Complainant’s incapacitation (including incapacitation that results from voluntary use of drugs or alcohol);
- Recording, photographing, transmitting, or distributing intimate or sexual images of Complainant without Complainant’s prior knowledge and consent.

**CARE (Campus Advocacy Resources and Education):** The campus office that assists students who have experienced or who have questions about sexual assault, relationship violence, or stalking. CARE advocates provide confidential assistance to anyone who desires support, referrals, and accommodations. They can assist with connecting an impacted party to on-campus and/or local resources, including legal, medical, student conduct, emotional, or academic. Advocates can accompany victims to meetings or appointments, including forensic examinations; speak with friends or family, if requested; outline and explore reporting options and next steps; and respect an impacted party’s wishes about moving forward, including whether or not to report to the University or law enforcement.

**Case Management Team (CMT):** Comprised of the Title IX Officer and representatives from CARE, Respondent Services, the Office of Student Conduct, Residential & Community Living, and the UCSB Police Department, this team is responsible for maintaining consistent coordination of reported sexual violence cases, ensuring all cases are addressed promptly and equitably, and ensuring the response is trauma-informed.

**Complainant:** A person alleged, in a report to the Title IX Officer, to have experienced Prohibited Conduct.

**Confidential Resources:** The following employees who receive information about Prohibited Conduct in their confidential capacity:

- CARE Advocates,
- Ombuds,
- Licensed counselors in student counseling centers and in employee assistance programs,
- Any persons with a professional license requiring confidentiality (including Student Health employees, but excluding campus legal counsel), or someone who is supervised by such a person.
Note: Designation as a “Confidential Resource” under the UC Policy and these Local Procedures only exempts a person from reporting to the Title IX Officer. It does not affect other mandatory reporting obligations under UC CANRA (Child Abuse and Neglect Reporting Act) Policy, the Clery Act as a Campus Security Authority (CSA), and other policies or laws that require reporting to campus or local law enforcement, or Child Protective Services.

**Consent**: Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

The Respondent’s belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the factfinder will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent’s belief is not a valid defense where:

- The Respondent’s belief arose from the Respondent’s own intoxication or recklessness;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated (see *Incapacitation*), in that the Complainant was:
  - asleep or unconscious;
  - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
  - unable to communicate due to a mental or physical condition.

**Days**: This refers to business days, which do not include Saturdays, Sundays, or days on which the campus is closed.

**Exceptional Circumstance**: Additional information or evidence presented to the decision-maker (i.e., the Office of Student Conduct or Appeal Officer regarding the reported conduct that may be considered when determining a sanction. This may include, but is not limited to, the seriousness of the violation, the intent or motivation of the violation, the response following the violation, disciplinary history, and impact on others.

**Incapacitation**: Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

**Interim Measures**: Services, accommodations, or other measures put in place temporarily after the Title IX Officer receives a report of Prohibited Conduct to assist or protect the Complainant, the Respondent, or the University community. Interim measures may:

- remain in place until the final outcome of a Resolution Process or a subsequent disciplinary or appeal process;
- change or terminate depending on the parties’ evolving needs, as assessed by the Title IX Officer; or
- become permanent as part of the resolution of a report.

**Intimate Body Parts**: For the purpose of assessing Sexual Assault-Contact, genitals, anus, groin, breast, or buttocks.
Office of Student Conduct (OSC): The student conduct office at UCSB responsible for assigning sanctions, if appropriate, upon receiving a preliminary determination from the Title IX Office or a determination from a Hearing Officer.

Other Prohibited Behavior:
- Invasions of Sexual Privacy: (a) Without a person’s consent, watching or enabling others to watch that person’s nudity or sexual acts in a place where that person has a reasonable expectation of privacy; (b) Without a person’s consent, making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting, or distributing such recorded material depicting that person’s nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or (c) Using depictions of nudity or sexual activity to extort something of value from a person.
- Sexual intercourse (see Sexual Intercourse) with person under the age of 18
- Exposing one’s genitals in a public place for the purpose of sexual gratification.
- Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under UC Policy or these Local Procedures.
- Engaging in Retaliation. Retaliation is any adverse action against a person based on their report or other disclosure of alleged Prohibited Conduct to a University employee or their participation in the investigation, reporting, remedial, or disciplinary processes provided for in the SVSH Policy. An adverse action is conduct that would discourage a reasonable person from reporting Prohibited Conduct or participating in a process provided for in this Policy, such as threats, intimidation, harassment, and coercion. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

Preponderance of Evidence: A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.

Prohibited Conduct: Any conduct that falls within the SVSH Policy definitions of Sexual Harassment, Sexual Violence, or Other Prohibited Behavior (including retaliation). Such violations may occur between:
- any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, doctors, residents, interns, and third parties;
- people in hierarchical relationships and peers;
- people of any gender, gender identity, or sexual orientation; and
- strangers and non-strangers.
People may engage in Prohibited Conduct in person or through other means. This includes electronic media, such as the internet, social networks, cell phones, texts, and other devices or forms of contact

Reasonable Person: A person under similar circumstances and with membership in the same protected category as the Complainant.

Record: The record, or the investigative file, is comprised of the investigative report and any evidence used to support the Title IX findings.

Relationship Violence:
- Relationship violence is:
  - physical violence toward the Complainant or a person who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child, or other relative), or
o intentional or reckless physical or non-physical conduct toward the Complainant or someone who has a close relationship with the Complainant (such as a current or former spouse or intimate partner, a child, or other relative) that would make a reasonable person in the Complainant’s position fear physical violence toward themselves or toward the person with whom they have the close relationship, that is by a person who is or has been in a spousal, romantic, or intimate relationship with the Complainant, or who shares a child with the Complainant, and that is part of a pattern of abusive behavior by the person toward the Complainant.

- Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.
- Patterns of abusive behavior may consist of or include non-physical tactics (such as threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance).
- The nature of the relationship between the Complainant and Respondent is determined by the length and type of relationship, and the frequency of interaction between them. Relationship violence includes both “dating violence” and “domestic violence.”
- Conduct by a party in defense of self or another is not Relationship Violence under the SVSH Policy. If either party asserts that they acted in defense of self or another, the Title IX Officer will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.

**Remedial Measures:** Services, accommodations, or other measures put in place as a result of a completed Resolution Process.

**Respondent:** A person alleged, in a report to the Title IX Officer, to have engaged in Prohibited Conduct.

**Respondent Services:** A neutral, unbiased contact for any student responding to a Title IX investigation or related student conduct process to seek information about navigating the Title IX and OSC processes. Respondent Services Coordinators provide referrals to campus and community resources for emotional or mental health support, and assist Respondents with any logistical issues related to interim measures that may have been put in place.

**Responsible Employee:** Any University employee who is not a Confidential Resource (see **Confidential Resources**). If a Responsible Employee learns, in the course of employment, that a student may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer or designee. This includes resident assistants, graduate teaching assistants, and all other student employees, when disclosures are made to them in their capacities as employees.

In addition, if any of the following people learn, in the course of employment, that any other person affiliated with the University may have experienced Prohibited Conduct, they must promptly notify the Title IX Officer or designee:

- Campus Police
- Human Resource administrators, Academic Personnel administrators, and Title IX professionals
- Managers and Supervisors, including Deans, Department Chairs, and Directors of Organized Research Units
- Faculty members

Despite the above, Responsible Employees need not report possible Prohibited Conduct they learn of while attending a public awareness event, such as “Take Back the Night,” or disclosed by someone while participating in
human subjects research that has either been approved by an Institutional Review Board (IRB) or certified as exempt from IRB review.

**Retaliation:** See the definition of Retaliation in *Other Prohibited Behavior.*

**Sexual Assault - Contact:** Without the consent of the Complainant, intentionally (a) touching Complainant’s intimate body part (genitals, anus, groin, breast, or buttocks); (b) making the Complainant touch another or themselves on any intimate body part; or (c) touching the Complainant with one’s intimate body part, whether the intimate body part is clothed or unclothed.

Note: This definition encompasses a broad spectrum of conduct, not all of which is sexual violence. So, the Title IX Officer must sometimes determine whether an allegation should be charged as sexual violence or sexual harassment.

Conduct that meets the definition of both Sexual Assault-Contact and Sexual Assault-Penetration will be charged as Sexual Assault-Penetration.

**Sexual Assault - Penetration:** Without the consent of the Complainant, penetration, no matter how slight, of the Complainant’s mouth by a penis or other genitalia; or the Complainant’s vagina or anus by any body part or object.

**Sexual Harassment:** Unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal, or physical conduct of a sexual nature when:

- **Quid Pro Quo:** a person’s submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program, activity, or service.
- **Hostile Environment:** such conduct is sufficiently severe, persistent, or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s participation in or benefit from the education; employment; or other programs, activities, or services of the University, and creates an environment that a reasonable person would find to be intimidating or offensive.

Consideration is given to the totality of the circumstances in which the conduct occurred. The SVSH Policy shall be implemented in a manner that recognizes the importance of the rights to freedom of speech and expression and shall not be interpreted to prohibit expressive conduct that is protected by the free speech and academic freedom principles discussed in University policy.

**Sexual Intercourse:** sexual activity between two or more individuals that involves penetration, no matter how slight, of the Complainant’s mouth by a penis or other genitalia; or the Complainant’s vagina or anus by any body part or object.

**Sexual Violence:** Defined by the SVSH Policy to include Sexual Assault-Contact, Sexual Assault-Penetration, Relationship Violence, and Stalking. (See the definitions of each of these terms in this glossary.)

**Stalking:** Repeated conduct directed at a Complainant (e.g., following, monitoring, observing, surveilling, threatening, communicating, or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress (see *Substantial Emotional Distress*). Stalking of a non-sexual nature is addressed by other University policies including but not limited to Section 102.10 of the UCSB Student Conduct Code.
**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 Professional and Continuing Education); (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.

**Substantial Emotional Distress:** Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Supportive Measures:** Services, accommodations, or other measures put in place to support a Complainant who is not involved in a Resolution Process.

**Title IX and Sexual Harassment Policy Compliance Office (Title IX Office):** The Title IX Office is the office of record that reviews and coordinates an appropriate response to all official complaints of sexual violence, sexual harassment, other prohibited behavior identified in the SVSH Policy, or sex discrimination. In cases where a University investigation is considered appropriate, the Title IX Office is responsible for conducting neutral, administrative (i.e., non-criminal) investigations to determine if the SVSH Policy has been violated.

**Title IX Officer:** The person who supervises the Title IX Office, oversees the campus Title IX process, and has final decision-making authority over all Title IX matters. UCSB’s Title IX Officer is Ariana Alvarez (ariana.alvarez@ucsb.edu; 805-893-2546).

**Written Notification:** Absent a stated preference, all written notices required by the SVSH Policy and these Local Procedures will be sent to the Complainant’s and the Respondent’s UCSB email address. For non-affiliated persons, written notification will be sent to the email address identified at the time of the initial report.
III. Support Resources, Safety Measures, and Accommodations for Those Impacted by Prohibited Conduct

A. Support Resources
Confidential campus and community resources are available to anyone impacted by Prohibited Conduct. Confidential resources provide a private space for an impacted party to discuss the incident, reporting options, and/or campus and legal processes without instigating an investigation or action by the University or law enforcement.

Other campus and community resources are available to provide safety measures and accommodations to anyone impacted by Prohibited Conduct. See the Campus and Community Resources guide in Appendix B for a complete list of campus and local confidential and non-confidential resources.

B. Safety Measures and Accommodations
Interim measures and support are available regardless of whether the incident is formally reported. Some suggested courses of action are:

- Request an Emergency protective order from the UCSB Police Department, Isla Vista Foot Patrol, or a local law enforcement agency if there is an immediate threat to safety of the impacted party and a police report is being taken. Before the expiration of the Emergency Protective Order, or in all other situations in which a protective order is needed, a temporary restraining order should be requested through the Santa Barbara Superior Court. A CARE advocate can assist impacted parties in navigating this process.

- Seek to obtain a “no-contact” order if the accused is a UCSB student. This may be coordinated through a CARE advocate with the Office of Student Conduct. The Office of Student Conduct will meet with the involved parties separately when issuing a no-contact order. Because employees of the Office of Student Conduct are Responsible Employees and not a confidential resource, information shared by either party about Prohibited Conduct will be reported to the Title IX Office.

- Request academic assistance for missed classes or exams, or help with rearranging course schedules. This may be coordinated through a CARE advocate or the Title IX Office, regardless of whether or not a formal report is made to the University or law enforcement. CARE advocates will make every attempt to protect the Complainant’s privacy to avoid any required Responsible Employee reports from faculty or staff to the Title IX Office.

- Explore housing relocation options if either the Complainant or the Respondent live in University-owned housing. This can be coordinated through the Title IX Office or a CARE advocate with Residential & Community Living (R&CL), regardless of whether or not a formal report is made to the University or law enforcement. CARE advocates will make every attempt to protect the Complainant’s privacy to avoid any required Responsible Employee reports from R&CL staff to the Title IX Office. Reasonable requests, space permitting, will be accommodated to the best of R&CL’s abilities.
IV. Reporting Options for Those Impacted by Sexual Violence, Sexual Harassment, or Other SVSH Prohibited Behavior

A. Overview

Any person may report conduct by a UCSB student that may constitute Prohibited Conduct to any supervisor, manager, the Title IX Office, or UCSB’s Title IX Officer, Ariana Alvarez (805.893.2546; ariana.alvarez@ucsb.edu).

Supervisors, managers, and other designated Responsible Employees must promptly forward such reports to the Title IX Officer (Sexual Harassment Officer) or other staff member in the Title IX Office charged with reviewing and investigating Prohibited Conduct complaints.

B. Complainant Reporting

Reporting one’s personal experience with Prohibited Conduct to a Responsible Employee, the Title IX Office, the Title IX Officer, or law enforcement is the decision of the impacted party. Understanding that reporting is an intensely personal process, UCSB respects the right of the impacted party to decide whether to report. However, if an act of Prohibited Conduct is shared with a Responsible Employee, that employee must notify the Title IX Office, which will make a determination as to whether a formal University investigation may be necessary to address the concerns reported.

The University encourages early reporting of incidents to either law enforcement or the Title IX Office. While there is no time limit on the reporting of incidents to the University, the University encourages early reporting. Early reporting increases the likelihood that the University will be able to exercise jurisdiction over Respondents who might have otherwise graduated or since left campus due to the passage of time.

Even if a Complainant is not sure about reporting an incident, they are encouraged to preserve evidence for future reporting or obtaining a protection order. Efforts to do this include limiting use of the restroom and not bathing or showering, changing clothes, combing hair, cleaning up the crime scene, or moving anything the suspect might have touched (until the evidence has been collected). Evidence is most effectively collected via a sexual assault response team (SART) forensic exam. Additional efforts may also include writing down details about the incident(s), saving any communications (electronic, voice, text, or otherwise) from involved parties, and capturing a copy of any relevant online information (social media posts or messages).

C. Reporting Options

Impacted parties may pursue any of the following reporting options. A CARE advocate can provide information about reporting options and offer accompaniment during reporting processes.

1. Make no report. Understanding that reporting is a personal decision, UCSB respects the right of the impacted party to decide whether to report. Seeking support through CARE does not trigger a report to law enforcement or UCSB; a report will not be made unless the individual impacted by Prohibited Conduct chooses to do so.

2. Report to law enforcement and request prosecution. Impacted parties have the right to report incidents of Prohibited Conduct to law enforcement.
   a. If the incident happened on University property, a report may be made to the UCSB Police Department (UCPD). If the report is filed with UCPD, the officer will provide a business card with the case number...
on it, and will offer the services of a campus CARE advocate or a community resource card (if in the local area).

b. If the incident happened off campus, a report may be made to the Isla Vista Foot Patrol or Santa Barbara Sheriff's Office (for Isla Vista or Santa Barbara), or the corresponding local law enforcement agency (if out of the area).

c. Regardless of where the incident took place, it is important to note:
   i. Law enforcement can assist victims by arranging for a forensic (SART) exam in order to provide admissible evidence when the person reporting an act of Prohibited Conduct desires prosecution through the criminal justice system.
   ii. If the impacted party was under the influence of alcohol or drugs, this may be relevant to the case and should be disclosed to the police.
   iii. In order to protect privacy, California law allows Complainants to request that the police not release personal identifying information—name, address, phone numbers, and date of birth—in publicly available recordkeeping. This will ensure a degree of confidentiality but does not guarantee complete anonymity. Per the Violence Against Women Act of 1994, UCSB Police will not release identifying information in alerts that are issued to the campus community, nor in information released to the media.

3. **File a criminal report with law enforcement without requesting prosecution.** In some cases, reports to law enforcement may be made for documentation purposes only. Ultimately, the decision to prosecute will be made by the District Attorney, although the cooperation of the Complainant is considered necessary.

4. **File a complaint with the UCSB Title IX Office.** Any report of Prohibited Conduct made to a Responsible Employee and/or the Title IX Office places the University “on notice” to take action to remedy the situation and mitigate its effects. Reporting to the Title IX Office or any Responsible Employee will initiate a University review with possible investigation by the Title IX Office, and potential adjudication by the Office of Student Conduct once the investigation is complete. Upon reporting to the Title IX Office, the Complainant will be provided with a written explanation of their rights and options. If a complaint is investigated by the Title IX Office, the Respondent will also be provided with a written explanation of their rights and options.

5. **Report to both law enforcement and Title IX Office.** Because of privacy laws and jurisdictional issues, law enforcement is not always able to share reports of Prohibited Conduct with the University. Therefore, if the Complainant has reported to law enforcement and also desires University review of the case for investigation and possible adjudication, the Complainant must also report their complaint to Title IX Office. The two factfinding investigations will be coordinated to the best of the Title IX investigator’s abilities. At the request of law enforcement, the University investigation may be delayed as needed to meet any specific needs of the criminal investigation. Such a delay may be cause for extending the University timelines to complete the resolution process. Delays will be communicated to all parties and documented by the Title IX investigator.

6. **Make an anonymous report.** Reports can be made without names included. Without any identifying information, however, the University may be unable to respond fully to the reported incident. In most cases, it is unlikely that an anonymous report to the Title IX Office would lead to an investigation or disciplinary action against the alleged Respondent.
A note about student amnesty: To encourage reporting, the University will not discipline Complainants or witnesses for student conduct policy violations that occur around the time of alleged Prohibited Conduct unless the University determines the violation was egregious. Examples of egregious violations include conduct that risked someone’s health or safety, or involved plagiarism, cheating, or academic dishonesty. Complainants may be particularly afraid to report Prohibited Conduct when alcohol, drugs, or other intoxicants were involved (for example, when there was underage drinking). This amnesty provision applies to alcohol- and drug-related student violations.
V. UCSB’s Response Process

As soon as practicable after receiving a report, the Title IX Office will make an initial assessment, including a limited factual inquiry when appropriate, to determine whether the report on its face alleges an act of Prohibited Conduct, and if so, whether the Prohibited Conduct is covered by the SVSH Policy.

The Title IX Officer oversees the University’s response to reports of Prohibited Conduct to ensure the proceedings are prompt, fair, and impartial from the initial report to the final outcome. Investigations, adjudication, and appeals will be conducted by UCSB officials who receive annual training on issues related to Prohibited Conduct, and how to conduct an investigation and hearing that promotes fairness, protects the safety of Complainants, and promotes accountability.

The Title IX Office will consider requests from parties and witnesses for disability-related accommodations or language interpretation.

A. Jurisdiction

These Local Procedures cover acts of Prohibited Conduct committed by University students, when the conduct occurs:
- on University property;
- in connection with University employment or in the context of a University employment or education program, activity or service (including, for example, University-sponsored study abroad, research, on-line courses, health services, or internship programs); or
- off University property and outside the context of a University employment or education program, activity or service, but has continuing adverse effects on—or creates a hostile environment for students, employees or third parties while on—University property or in any University program, activity or service.

Consistent with Section 101.00 of the UCSB Student Conduct Code, these procedures also apply to (1) 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 their official enrollment; and (2) former students for offenses committed while a student.

These Local Procedures may also be applied to cover acts of Prohibited Conduct determined committed by, organized by, or originating from a registered campus organization (including any recognized social fraternity or sorority). In cases where the Respondent is a registered campus organization, the Dean of Students Office will serve in the roles assigned to the Office of Student Conduct in these procedures.

B. Initial Assessment

Upon receipt of a report, the Title IX Office conducts an initial assessment, which includes an initial review and inquiry, and consideration of interim actions and other protective measures.

1. Initial Review and Inquiry

Upon receipt of a report of Prohibited Conduct from a Responsible Employee, the Title IX Office will attempt to contact the Complainant, if known, to inform them of their rights, options, and resources. The Campus and Community Resources (Appendix B) and Rights & Options of the Parties (Appendix C) documents are included in this email outreach.
The Title IX Office will identify the policy (or policies) applicable to the report based on the date of the incident or reported behavior. The entire timeframe of the reported incident or behavior will be considered and the Title IX Office’s assessment may include multiple versions of the University’s SVSH Policy, as applicable. However, the response procedures for all reports will follow the terms of the current SVSH Policy and these Local Procedures.

The Title IX Officer will ensure that the Complainant, if their identity is known, is provided a written explanation of rights and available options as outlined in the SVSH Policy, including:

- How and to whom to report alleged violations.
- Information about the range of possible outcomes of the report, including interim, remedial, and supportive measures and disciplinary actions, and of the procedures leading to such outcomes.
- Options for notifying law enforcement and campus authorities; the right to be assisted by campus authorities in notifying law enforcement, if the Complainant so chooses; and the right to decline to notify such authorities.
- The rights of Complainants regarding orders of protection, no-contact orders, restraining orders, or similar orders issued by criminal or civil courts, as well as the University’s responsibilities to comply with such orders.
- The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order.
- Counseling, health assistance, mental health assistance, victim advocacy, legal assistance, visa and immigration assistance, financial aid assistance, and other services available within both the University and the community (including information regarding confidential resources).
- Options for, and available assistance to, a change to academic, living, transportation, and working situations if the Complainant requests and if such options are reasonably available—regardless of whether the Complainant chooses to report the alleged conduct to law enforcement.
- Applicable procedures for institutional disciplinary action.

2. Consideration of Interim Actions and other Protective Measures

The University will consider and implement interim measures throughout the process, as appropriate, to ensure the safety, well-being, and equal access to University programs and activities of its students. Interim measures include, but are not limited to: no-contact orders, housing assistance, academic support and accommodations, and counseling.

The Title IX Office, in coordination with the Case Management Team, and in consultation with the Complainant when possible, will make an immediate assessment of the health and safety of the Complainant and the campus community, and determine and oversee interim measures that are immediately necessary (including no-contact orders).

The University may place the Respondent on an Interim Suspension as appropriate and consistent with the Section 105.08 of the UCSB Student Conduct Code. Such action includes exclusion from classes or 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.
The Title IX Office will maintain as confidential any interim or protective measures provided to the parties, to the extent such confidentiality does not impair the Title IX Office’s ability to provide the interim or protective measures. In some cases, the Title IX Office may need to disclose some information about a Complainant to a third party to provide necessary accommodations or protective measures.

3. **Closure After Initial Assessment**
Not all reports the Title IX Officer receives are reports of Prohibited Conduct that can be resolved through a Resolution Processes described below. This includes reports for which the Title IX Officer determines that:

- even if true, the alleged conduct is not Prohibited Conduct;
- the conduct is not covered by this Policy;
- there is not enough information to carry out a Resolution Process (for example, the identities of the people involved);
- a Complainant’s request that no Formal Investigation occur can be honored;
- there is not enough nexus between the conduct and the University to carry out a Resolution Process (for example, the conduct did not occur in the context of a University program, activity, or service, and involved only third parties).

The Title IX Officer will close such matters per written guidelines issued by the Systemwide Title IX Office. The Title IX Officer will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. Such steps may include, for example, offering resources and supportive measures to the Complainant and providing targeted preventive education (including to the Respondent) and training programs.

When the reported conduct is not Prohibited Conduct (such as stalking or harassment of a non-sexual nature), the Title IX Officer will, if appropriate, refer the matter to the Office of Student Conduct for review and resolution.

C. **Resolution Processes**
Reports of Prohibited Conduct that are not closed after the Title IX Officer’s initial assessment may be addressed through Alternative Resolution, Formal Investigation, or Other Inquiry. Each of these is described below. All resolution processes related to Prohibited Conduct are conducted by the Title IX Office, unless otherwise designated by the Title IX Officer.

Throughout the resolution process, the University will offer support services for Complainants (through CARE advocates) and Respondents (through the Respondent Services Coordinator).

At all stages of the resolution process, the Complainant and Respondent have the right to an advisor and/or a support person of their choosing. The advisor and/or the support person may be any person (including an advocate, attorney, friend, or parent) who is not otherwise a party or a witness. The advisor's primary role is to provide guidance through the process. The support person’s primary role is to provide emotional support. The advisor and/or the support person may not speak on behalf of a student or otherwise disrupt any meetings or proceedings in any manner. The University reserves the right to exclude an advisor and/or support person who does not abide by these procedures.

During the resolution process, the Title IX Office will continue to consider and take interim measures, as appropriate, to ensure the safety, well-being, and equal access to University programs and activities of its students.
1. Alternative Resolution

After an initial assessment of the alleged facts, the Title IX Officer may—if the Complainant and Respondent agree—begin an Alternative Resolution process. The Title IX Officer will, if appropriate, begin the process in consultation with other offices, depending on whether the Complainant and Respondent are faculty, other academic appointees, staff, student employees, or students. Alternative Resolution may include, among other responses:

- separating the parties;
- providing for safety;
- referring the parties to counseling;
- mediation (except in cases of sexual violence);
- referral for disciplinary action;
- an agreement between the parties;
- conducting targeted preventive educational and training programs; and
- conducting a follow-up review to ensure that the resolution has been carried out effectively.

Alternative Resolution may be especially useful when: (a) a Formal Investigation is not likely to lead to a resolution; (b) both parties prefer an informal process; or (c) a case involves less serious allegations. The Title IX Officer has discretion to determine whether the complaint is appropriate for Alternative Resolution, to determine the type of resolution to pursue, and to stop the process at any time before its conclusion and move to a Formal Investigation.

Participation in Alternative Resolution is voluntary, meaning both the Complainant and the Respondent must agree to participate. If Alternative Resolution is selected, the Title IX Officer will provide timely written notice to both parties that:

- the Title IX Officer has begun the process;
- the process is voluntary and will end upon either party’s request;
- termination may result in Formal Investigation;
- they may be accompanied by an advisor throughout the process; and
- the Title IX Officer will notify both parties of the process’s outcome.

The Title IX Officer will oversee the Alternative Resolution process and, if other campus officials are involved in the process, maintain an appropriate level of involvement.

The Title IX Officer will complete the Alternative Resolution process promptly, typically within 30 to 60 business days of notifying the parties in writing of starting the process. However, the Title IX Officer may extend past 60 days for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required will depend on the specific circumstances, including the complexity of the allegations and the nature of the alleged conduct. The Title IX Officer will consider, approve, and communicate extensions per written guidelines from the Systemwide Title IX Office.

Once the parties have agreed to the terms of an Alternative Resolution, the University will not conduct a Formal Investigation unless the Title IX Officer determines that the Respondent failed to satisfy the terms of the Alternative Resolution, or that the Alternative Resolution was unsuccessful in stopping the Prohibited Conduct or preventing its recurrence.
The Title IX Officer will keep records of all reports and conduct addressed through Alternative Resolution.

2. Formal Investigation

Upon receipt of information about alleged Prohibited Conduct, the Title IX Officer will determine, consistent with the University’s SVSH Policy, whether to initiate a Formal Investigation.

If the Title IX Officer does not begin a Formal Investigation, they will inform the Complainant that this limits possible remedies. The Title IX Officer will nonetheless provide measures as appropriate and consistent with the Complainant’s privacy and the absence of a Formal Investigation.

   a. Notice of Charges

   If a Formal Investigation will be conducted, the Title IX Office, after consulting with the Office of Student Conduct regarding other possible charges, will send written notice of the charges to the Complainant and the Respondent. The written notice will include:

   - i. A summary of the reported conduct that potentially violated the SVSH Policy and, where applicable, other student conduct policy;
   - ii. the identities of the parties involved;
   - iii. the date, time, and location of the reported incident(s) (to the extent known);
   - iv. the specific provisions of the SVSH Policy and/or any other student conduct policy potentially violated;
   - v. if applicable, a statement that a hold has been placed on transcripts, diplomas, and other student records pending resolution;
   - vi. a statement that the investigative report, when issued, will make factual findings and a preliminary determination regarding whether there has been a violation of the SVSH Policy and/or other student conduct policy;
   - vii. a statement that the parties will each have an opportunity during the investigation to propose questions for the investigator to ask of the other party and witnesses;
   - viii. a statement that the factual findings and preliminary determination will be based on a Preponderance of Evidence standard;
   - ix. a summary of the resolution process, including the possible hearing, and the expected timeline;
   - x. an admonition against Retaliation; and
   - xi. a summary of rights and resources available to the Complainant and Respondent.

   At any point during the investigation, the Title IX Officer may amend the notice to add additional charges identified during the investigation. Any amended notice should include all the information described above.

Hold on Respondent’s Transcripts, Diplomas, and Other Student Records Pending Resolution of the Charges. In cases that would ordinarily result—if the Respondent were ultimately found responsible for the alleged misconduct—in a minimum sanction of suspension, the Office of Student Conduct may place a hold on requests for the Respondent’s transcripts, diplomas, or other student records. Consistent with UC PACAOS Section 104.81, these holds are intended to prevent a student from transferring or having their degree conferred until all allegations against the Respondent, or any assigned sanctions and student disciplinary conditions, have been fully resolved.
b. Participation

Neither the Complainant nor the Respondent is required to participate in the resolution process outlined in these Local Procedures. The University will not draw any adverse inferences from a Complainant or Respondent’s decision not to participate or to remain silent during the process. An investigator or Hearing Officer will reach findings and conclusions based on the information available. However, when a party selectively participates in the process—such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation—an investigator or Hearing Officer may consider the selective participation in evaluating the party’s credibility. In doing so, they should try to discern reasonable non-adverse explanations for the selective participation, including from the parties’ own explanations, and determine whether the information available supports those explanations.

The University will strive to honor the stated wishes of the Complainant concerning whether to move forward with an investigation. In accordance with the SVSH Policy, if the Complainant requests that no investigation occur, the Title IX Officer will determine whether the allegations, nonetheless, require an investigation to mitigate a potential risk to the campus community. If the Title IX Office begins a Formal Investigation despite the Complainant’s request, it will provide Complainant with all information required by this and the SVSH Policy unless Complainant states in writing that they do not want it.

In all cases, including where the Complainant chooses not to participate or where there is no Complainant, the University’s role is neutral, and it will conduct any factfinding and sanctioning without taking the position of either party.

c. Timeframe

The Title IX Officer will complete the investigation promptly, typically within 60 to 90 business days of notifying the parties in writing of the charges. However, the Title IX Officer may extend the timeframe past 90 days for good cause. The Title IX Office will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required depends on the specific circumstances, including the complexity of the matter and the severity and extent of the alleged conduct. The Title IX Officer will consider, approve, and communicate extensions per written guidelines from the Systemwide Title IX Office.

If the police are also investigating the alleged conduct, the Title IX Office will coordinate with the police but must nonetheless act promptly without delaying the investigation until the end of the criminal investigation.

d. Investigation Process

The Title IX Officer will oversee the investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation.

During the investigation, the Complainant and Respondent will be provided an equal opportunity to meet with the investigator, submit evidence, identify witnesses who may have relevant information, and propose questions for the investigator to ask the other party and witnesses. The investigator has discretion to determine which witnesses to interview and what questions to ask, and may decline to ask questions that are, for example, repetitive, harassing, or not relevant to whether the reported violation(s) occurred.

The investigator will meet separately with the Complainant, Respondent, and witnesses, and will gather other available and relevant evidence. The investigator may follow up with the Complainant, the
Respondent, and witnesses as needed to clarify any inconsistencies or evidence gathered during the course of the investigation.

The investigator will generally consider all evidence they determine to be relevant and reliable. The investigator may determine and weigh the relevance of any witness or other evidence to the findings and may exclude evidence that is irrelevant or immaterial.

i. The investigator will generally consider direct observations and reasonable inferences from the facts.

ii. The investigator will generally not consider statements of personal opinion as to anyone’s general reputation or any character trait.

iii. The investigator may consider prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct or other conduct prohibited by student conduct policies by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of an SVSH Policy or other policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct or related student conduct policy violation under investigation.

iv. The investigator will not, as a general rule, consider the sexual history of a Complainant or Respondent. However, in limited circumstances, sexual history may be directly relevant to the investigation.

- For example, while the investigator will never assume that a past sexual relationship between the parties means the Complainant consented to the specific conduct under investigation, evidence of how the parties communicated consent in past consensual encounters may help the investigator understand whether the Respondent reasonably believed consent was given during the encounter under investigation. Sexual history might also be relevant to explain an injury, show a pattern of behavior by Respondent, or resolve another issue of importance in the investigation.

- Sexual history evidence that is offered to show a party’s reputation or character will never be considered for that purpose.

- The investigator will consider proffered evidence of sexual history, and provide it to the parties for review, only if the investigator determines it is directly relevant. The investigator will inform the parties of this determination.

e. Coordination with Law Enforcement

When a law enforcement agency is conducting its own investigation, the investigator should coordinate their factfinding efforts with the law enforcement investigation in accordance with the SVSH Policy. A reasonable delay resulting from such coordination may be good cause for extending the timelines to complete the investigation. If so, the delay will be communicated and documented in accordance with the SVSH Policy.

f. Opportunity to Review and Respond

Before the investigator concludes the investigation and finalizes a written report, both the Complainant and the Respondent will have an equal opportunity to review and respond to the evidence that the investigator has deemed relevant, including relevant evidence that weighs against finding a policy violation(s). This is true regardless of whether a party has participated in the investigation. This review will also include a summary of relevant statements made by the parties and any witnesses. The Title IX Officer will ensure that this review occurs in a manner designed to protect the privacy of both parties. The Title IX Officer will
designate a reasonable time for this review and response by the parties that, absent good cause found by
the Title IX Officer, will not exceed 5 business days.

g. Standard of Proof
The standard of proof for factfinding and determining whether a policy violation(s) occurred is
Preponderance of Evidence, as defined by the SVSH Policy. A Respondent will not be found responsible
for a violation of the SVSH Policy and/or other student conduct policies unless the evidence establishes it is
more likely than not that they violated the SVSH Policy and/or other student conduct policies.

h. Investigative Report
The investigator will prepare a written report that includes the factual allegations and alleged policy
violations, statements of the parties and witnesses, a summary of the evidence the investigator considered,
findings of fact, credibility determinations when appropriate, an analysis of whether a policy violation has
occurred, and a preliminary determination regarding whether there are any policy violations. The
investigator may consult with the Office of Student Conduct on the preliminary determinations regarding
violations of student conduct policies other than the SVSH Policy. If credibility determinations were not
necessary to reach the findings and preliminary policy determinations, the report will so note and explain
why. If the Complainant or Respondent offered witnesses or other evidence that was not considered by the
investigator, the investigative report will include an explanation of why it was not considered. The
investigative report should also indicate when and how the parties were given an opportunity to review the
evidence.

i. Issuance of Notice and Report
Upon completion of the Title IX Investigation, the Title IX Officer will simultaneously provide to the
Complainant and the Respondent (a) written notice of the factual findings and preliminary determinations,
and (b) the investigative report. The investigative report may be redacted to protect privacy. The Title IX
Officer will provide the Office of Student Conduct with the written notice and an unredacted copy of the
investigative report.

The notice of the factual findings and preliminary determinations will include the following:
  i. A summary statement of the factual findings and preliminary determinations regarding whether the
     SVSH Policy or other student conduct policies have been violated;
  ii. In cases where the investigator preliminarily determines a policy violation(s) occurred, an
     explanation of how the proposed sanction will be determined, including that each party will have an
     opportunity to provide input on sanctions through a meeting with the Office of Student Conduct
     and/or written statement.
  iii. A statement that if either party contests the investigator’s preliminary determinations as to policy
     violation(s), or is presumed to contest, there will be a factfinding hearing to determine whether the
     SVSH Policy or other student conduct policies have been violated, after which the Office of Student
     Conduct will determine any sanctions;
  iv. An explanation of the procedures and timeline for contesting the preliminary determination;
  v. A statement that if neither party contests the preliminary determination, they still will have the right
to appeal the sanction, if any;
  vi. An admonition against Retaliation; and
  vii. An explanation of any interim measures that will remain in place.

j. Administrative Closure
The Title IX Officer may close a Formal Investigation before completing it if they determine that a significant change in circumstances has so substantially impaired the investigation that they cannot reach reasonably reliable conclusions about whether Prohibited Conduct occurred. The Title IX Officer will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address its effects. They will also offer resources and supportive measures to the parties.

3. Other Inquiry

When a report is not closed after initial assessment yet is not appropriate for Alternative Resolution or Formal Investigation because there is no individual identifiable Respondent over whom the Title IX Officer has jurisdiction, the Title IX Officer will

- conduct an inquiry to try to determine what occurred, and
- take prompt steps reasonably calculated to stop any substantiated conduct, prevent its recurrence, and, as appropriate, remedy its effects.

Such an inquiry may be appropriate when, for example, the Complainant alleges Prohibited Conduct by an organization, a person whose identity is unknown, or a third party with minimal relationship to the University, or alleges conduct by multiple people that rises to the level of Prohibited Conduct only when considered in the aggregate.

The extent of the inquiry and responsive steps will depend on the specific circumstances. This includes, for example:

- the nature and location of the alleged conduct,
- the University’s relationship to the Complainant, and
- the University’s relationship to and level of control over the organization or person alleged to have engaged in the conduct.

The Title IX Officer will complete the inquiry promptly (typically within 60 days, unless extended for good cause), and notify the Complainant of the outcome.

D. Proposed Sanction

For cases that have been addressed through a Formal Investigation, the Office of Student Conduct proposes an appropriate sanction when the Title IX Office preliminarily determines that a policy violation occurred. Any student who is found to have engaged in Prohibited Conduct may be subject to disciplinary action, up to and including dismissal per the applicable University disciplinary procedure or other policy.

Any requests for delay will be evaluated by the Title IX Officer, and granted for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline.

In cases where the Title IX Office preliminarily determines a policy violation occurred:

1. Party Input. Either party may schedule a meeting with or submit a written statement to the Office of Student Conduct to provide input on sanctions. A party intending to do so will, within 3 days of receiving the notice of preliminary determination, either contact the Office of Student Conduct to schedule the meeting or submit the written statement to that office.

2. Office of Student Conduct Proposal. The Office of Student Conduct will review the report, the evidence deemed relevant by the investigator as documented in the report, the preliminary determinations, the
Respondent’s prior conduct record, any comment on sanctions from the parties (received either in person or in writing), and any other information relevant to the factors described in Section H.3 below, and will determine a proposed sanction. The Office of Student Conduct will propose a sanction in all cases where there is a preliminary determination that the policy was violated, regardless of whether the preliminary determination is contested.

3. **Notification.** The Office of Student Conduct will notify the parties of the proposed sanction and supporting rationale within 15 business days of the notice of investigative findings and preliminary determination.

4. **Office of Student Conduct Meeting.** When possible, a party’s meeting with the Office of Student Conduct to provide input on sanctions will be combined with the meeting contemplated in Section E.1 below.

E. **Opportunity to Contest the Preliminary Determination**

If either party contests the Title IX Office’s preliminary determinations as to whether or not the policy was violated, there will be a factfinding hearing to determine whether the SVSH Policy or other student conduct policies have been violated, after which the Office of Student Conduct will determine any sanctions.

Any requests for delay will be evaluated by the Title IX Officer, and granted for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline.

1. **Opportunity to Discuss Options.** If either party wishes to discuss the possibility of contesting and the implications of contesting or not contesting the preliminary determination, including the hearing that will result if either party contests, they may discuss their options with the Office of Student Conduct (even if the investigator’s preliminary determination was that no policy violation occurred). If either party wishes to meet with the Office of Student Conduct, they will contact the Office of Student Conduct within 3 business days of receiving the notice of preliminary determination to schedule the meeting.

2. **Preliminary Determination That Policy Violation Occurred and Presumption that Respondent Contests in Certain Cases.** When the investigator preliminarily determines that a policy violation(s) occurred:
   a. Either party may contest the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination. If either party contests within this time period, then the Office of Student Conduct will determine if a policy violation occurred.
   b. In cases where the Office of Student Conduct proposes suspension or dismissal:
      i. The Respondent is presumed to contest the preliminary determination unless the Respondent provides the Office of Student Conduct with a written acknowledgment stating that the Respondent does not contest, accepts the preliminary determination, and waives their right to a hearing.
      ii. If the Respondent does not provide the Office of Student Conduct the written acknowledgment during the 20 business days, then the matter will proceed to a hearing to determine if a policy violation occurred.
      iii. If the Respondent does provide the written acknowledgment, and the Complainant contests during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and the Office of Student Conduct will impose the proposed sanction, and the parties will have the right to appeal the sanction.
      iv. If the Respondent does provide the written acknowledgment, and the Complainant contests during the 20 business days, then the matter will proceed to a hearing to determine if a policy violation occurred.
c. In cases where the Office of Student Conduct does not propose suspension or dismissal:
   i. If either party informs the Office of Student Conduct that they contest during the 20 business days, the matter will proceed to a hearing to determine if a policy violation occurred.
   ii. If neither party informs the Office of Student Conduct that they contest during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and the Office of Student Conduct will impose the proposed sanction, and the parties have the right to appeal the sanction.

d. A party wishing to affirmatively contest the preliminary determination must notify the Office of Student Conduct of their decision within the 20 business days, even if the other party has already contested or is presumed to contest.

3. **Preliminary Determination That No Policy Violation Occurred.** When the investigator does not preliminarily determine that there was a policy violation(s):
   a. Either party may contest the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination. If either party informs the Office of Student Conduct that they contest during this time period, then the matter will proceed to a hearing to determine if a policy violation(s) occurred.
   b. A party wishing to contest the preliminary determination must notify the Office of Student Conduct of their decision within the 20 business days, even if the other party has already contested.
   c. If neither party informs the Office of Student Conduct that they contest during the 20 business days period, then the preliminary determination that no policy violation occurred becomes final.

4. **Consideration of Consolidation of Related Cases.** Where a case arises out of substantially the same set of factual allegations as another case in the student resolution process (for example, where multiple Complainants or Respondents are involved in the same incident), or where it involves the same Complainant and Respondent, the Title IX officer has discretion to coordinate or combine the investigation and/or adjudication of those cases.

5. **Notice of Hearing or No Hearing.** If any party contests the preliminary determination, the Office of Student Conduct will notify both parties within 5 business days that there will be a hearing. The other party will still have the remainder of the allotted 20 business days to also contest the determination (or, in a case where the presumption of a hearing applies, to indicate that they do not want a hearing). After the allotted 20 business days for contesting has elapsed, or each party has indicated their position on contesting, whichever comes first, the Office of Student Conduct will notify the parties that there will be a hearing. The notice of hearing will indicate each party’s position on contesting and include a summary of the hearing procedures.

   Alternatively, if no party contests or is presumed to contest the preliminary determination, the Office of Student Conduct will notify the parties that there will be no hearing. This notice will indicate that the Title IX office’s preliminary determination as to policy violation(s) is final, and that the Office of Student Conduct is imposing the proposed sanction (if any); and that the parties have the right to appeal the sanction.

F. **Hearing to Determine Policy Violations**

1. **Factfinding Hearing.** If either party contests, or is presumed to contest, the investigator’s preliminary determinations, there will be a factfinding hearing before a single Hearing Officer. The hearing is to determine whether a violation of the SVSH Policy (and any non-SVSH Policy violations charged in conjunction with them) occurred. The University’s role in the hearing is neutral. The University will consider
the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

2. Hearing Officer
   a. The Hearing Officer may be a University employee or outside contractor. Regardless, they will be appropriately trained, with such training coordinated by the Title IX Officer.
   b. The Hearing Coordinator will inform the parties of the Hearing Officer’s identity. Within 5 business days after the notification, the parties may request the Hearing Officer’s disqualification on the basis of bias or conflict of interest.
      i. For example, involvement in the case or knowledge of the allegations at issue prior to being selected as the Hearing Officer, or a close personal relationship with a party or expected witness in the proceeding could, depending on the circumstances, warrant disqualification of the Hearing Officer.
      ii. Employment by the University, or prior work for the University as a contractor, on its own, does not warrant disqualification.
      iii. The Hearing Officer’s gender, gender identity, race, ethnicity, religion, sexual orientation, or similar identifying characteristic, or the fact that they differ from those of any party, do not, on their own, warrant disqualification.
   c. The Office of Student Conduct will decide any request for disqualification of the Hearing Officer and inform both parties of their decision and, if they determine to change Hearing Officers, the name of the new Hearing Officer.

3. Hearing Coordinator. Each hearing will have a Hearing Coordinator, distinct from the Hearing Officer, who will manage the administrative and procedural aspects of the hearing.

4. Delays for Good Cause. Any requests for delay will be evaluated by the Title IX Officer, and granted for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline.

5. Pre-Hearing Procedures
   a. When a hearing is required under these procedures, the Hearing Officer and Hearing Coordinator will hold a separate meeting (in person or by video conference) with each party, to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive, and fair hearing.
      i. No later than 5 business days before the pre-hearing meeting, each party will submit to the Hearing Officer a preliminary statement of what issues, if any, each considers to be disputed and relevant to the determination of whether a policy violation occurred, and the evidence they intend to present on each issue, including all documents to be presented, the names of all requested witnesses, and a brief summary of such witnesses’ expected testimony. The parties will later have an additional opportunity to submit proposed evidence.
      ii. A meeting should be scheduled no later than 10 business days from the submission date of the parties’ statements to the Hearing Coordinator.
      iii. At the pre-hearing meeting, the Hearing Officer and party will discuss the evidence the party has provided, to help identify and refine the issues to be decided at the hearing, which will inform the Hearing Officer’s determination of the scope of the hearing.
      iv. Each party should also come to the pre-hearing meeting prepared to schedule dates for the hearing.
v. The Hearing Officer and/or coordinator will explain what to expect at the hearing.

vi. The Hearing Officer and/or coordinator will also discuss measures available to protect the well-being of parties and witnesses at the hearing, as appropriate.

vii. Any party contesting (or presumed to contest) the investigator’s preliminary determination regarding policy violation(s) is required to participate in the pre-hearing meeting.

viii. If a contesting (or presumed to be contesting) party does not participate in the pre-hearing meeting (or does not let the Hearing Coordinator know they need to reschedule in advance), the Hearing Coordinator will notify the party that they have 2 business days to contact the Hearing Coordinator to reschedule. Absent extenuating circumstances, if the party does not contact the Hearing Coordinator within the 2 business days, they will be presumed to no longer contest the investigator’s preliminary determination. If the other party has not contested, there will be no hearing, and the Office of Student Conduct will notify the parties that the investigator’s preliminary determination is final, and impose the proposed sanction. If the other party has contested, the hearing will proceed but the non-appearing party will be presumed to agree with the definition of the scope of the hearing.

ix. The rescheduled meeting should take place within 5 days of the Hearing Coordinator’s communication to reschedule.

x. The party who is not contesting is encouraged, but not required, to participate in the pre-hearing meeting.

xi. No party may audio- or video-record any pre-hearing conference, meeting, or other dialogue.

b. Within 5 business days after concluding meetings with both parties (or determining that a non-contesting party has decided not to participate in the pre-hearing process), the Hearing Officer will determine what issues are disputed and relevant to the determination of whether a policy violation(s) occurred, and will notify the parties of the scope of the issues to be addressed at the hearing and the expected witnesses. The Hearing Officer has discretion to grant or deny, in whole or part, the parties’ requests for witnesses. The Hearing Officer’s determination of scope may include issues, evidence, and witnesses that the parties themselves have not provided. Throughout the pre-hearing process, including in the notice of scope of hearing, the Hearing Officer will:

i. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive;

ii. Decide any procedural issues for the hearing; and/or

iii. Make any other determinations necessary to promote an orderly, productive, and fair hearing.

c. Within 5 business days after receiving the Hearing Officer’s definition of scope, the parties may then submit additional information about the evidence, including witness testimony, that they would like to present.

d. Not less than 10 business days before the hearing, the Hearing Coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.

e. The Hearing Coordinator will ensure that the Title IX investigator (or if not available, a representative from that office) will be available to testify during the hearing. Based on the Hearing Officer’s determination, the Hearing Coordinator will request the attendance of all witnesses whose testimony is determined to be within the scope of the hearing. The University cannot compel parties or witnesses to testify in the hearing and their decision not to testify will not be a reason to cancel or postpone a hearing.

f. At least 2 business days prior to the hearing, the parties will receive the Hearing Officer’s confirmation of scope and evidence; copies of all the evidence that will be considered at the hearing that the Hearing Officer has received, including the investigative file and any other documents that will be considered; and the names of expected witnesses and a summary of their expected testimony. If the
Hearing Officer has excluded evidence (including witness testimony) that a party has requested to present, they will explain why. The Hearing Officer will also notify the parties of any procedural determinations they have made regarding the hearing. This material will also be provided to the Title IX Officer.

g. The parties are encouraged to submit any questions for the other party and any expected witnesses to the Hearing Coordinator before the hearing, but will not be limited to those questions at the hearing. These questions will not be shared with the other party or witnesses.

6. Hearing Procedures
   a. Participation in the hearing is voluntary. However, the Hearing Officer must make their determination based only on the information presented during the hearing.
   b. The hearing will be conducted in a respectful manner that promotes fairness and accurate factfinding. The parties and witnesses will address only the Hearing Officer, and not each other. Only the Hearing Officer may question witnesses and parties.
   c. The hearing is a closed session and not open to the public. The hearing and information pertaining to a conduct case is controlled by federal and state privacy laws.
   d. During the hearing procedure, the Complainant and Respondent have the right to an advisor and/or a support person of their choosing. The advisor and/or the support person may be any person (including an advocate, attorney, friend, or parent) who is not otherwise a party or a witness. The advisor’s primary role is to provide guidance through the process. The support person’s primary role is to provide emotional support. The advisor and/or the support person may not speak on behalf of a student or otherwise disrupt the hearing in any manner. The University reserves the right to exclude an advisor and/or support person who does not abide by these procedures.
   e. Courtroom rules of evidence and procedure will not apply. The Hearing Officer will generally consider all evidence they determine to be relevant and reliable. The Hearing Officer may determine and weigh the relevance of any witness testimony or other evidence to the findings. The Hearing Officer will also follow the evidentiary principles in these Local Procedures. Throughout the hearing, the Hearing Officer will:
      i. Exclude evidence, including witness testimony, that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive;
      ii. Decide any procedural issues for the hearing; and/or
      iii. Make any other determinations necessary to promote an orderly, productive, and fair hearing.
   f. All witnesses other than the parties will attend the hearing only for their own testimony.
   g. The investigative file will be entered as evidence at the hearing. The Hearing Officer generally will rely on any finding in the report that is not disputed.
   h. In cases where the credibility of a witness is not central to the determination of a particular disputed issue and the witness does not appear at the hearing, the Hearing Officer may determine what weight to give to their statements from the investigative report.
   i. The Hearing Officer will not draw adverse inferences from a party’s decision to not participate in the hearing, or to remain silent during the hearing. However, they may consider a party’s selective participation—such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation—when assessing credibility.
   j. The Hearing Officer will implement measures they deem appropriate to protect the well-being of parties and witnesses. For example, the Hearing Officer will allow separation of the parties, breaks, and the participation of support persons in accordance with these procedures.
k. The Hearing Officer will allow the parties and/or witnesses to be visually or physically separated during the hearing. This may include, but is not limited to, the use of a physical partition, a separate physical location, videoconference and/or any other appropriate technology.

l. To assess credibility, the Hearing Officer must have sufficient access to the Complainant, Respondent, and any witnesses presenting information; if the Hearing Officer is sighted, then the Hearing Officer must be able to see them. Any testifying witness (including the Complainant and the Respondent) must be visible to the Hearing Officer during their testimony. If separate physical locations are requested and granted, the Respondent will remain in the hearing room, while the Complainant participates via videoconference so that they remain visible to the Hearing Officer.

m. The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the Hearing Officer. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the Hearing Officer has discretion to accept or exclude additional evidence presented at the hearing.

n. The parties have the right to hear (or, if deaf or hard of hearing, to access through auxiliary aids for services) testimony of all individuals who testify at the hearing and to propose questions to be asked of all individuals who testify at the hearing. The parties may propose questions at the hearing by submitting them to the Hearing Officer.

o. The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

p. The Hearing Officer will determine the order of questioning. Unless they determine re-phrasing is necessary, the Hearing Officer will ask the questions as they are submitted by the parties and will not change them. The Hearing Officer may find it necessary to rephrase questions to, for example, prevent them from being harassing or for clarity. The Hearing Officer may also exclude questions that are unduly repetitive, clearly not relevant, harassing, or unduly time consuming. Whenever practical, the Hearing Officer will briefly state their reasons for excluding or rephrasing questions submitted by the parties.

q. If the Complainant or Respondent asks for a short recess either to confer with their advisor or support person, or to take a short break, it shall normally be granted, unless a break would unduly interfere or disrupt the hearing process.

r. The University will audio record the hearing.

s. The parties may have their advisors and support persons present throughout the hearing.

7. Determination of Policy Violation
   a. Standards for Deliberation. The Hearing Officer will decide whether a violation of the SVSH Policy (or related non-SVSH Policy violation) occurred based on a Preponderance of Evidence standard.
   b. Information Considered. The Hearing Officer will take into account the investigative file and the evidence presented and accepted at the hearing. On any disputed and material issue, the Hearing Officer should make their own findings and credibility determinations based on all of the evidence before them.

8. Sanction. If the Hearing Officer decides that any policy violation has occurred, they will send their determination and findings to the Office of Student Conduct (with a copy to the Title IX Officer) within 10 business days of the hearing. Based on the Hearing Officer’s findings and determinations, and other information relevant to sanctioning, the Office of Student Conduct will determine an appropriate sanction. The Office of Student Conduct will communicate the sanction, if applicable, to the Hearing Officer (with a copy to the Hearing Coordinator and Title IX Officer) within 5 business days of receiving the Hearing Officer’s findings and determinations.
9. **Notice of Determination and Sanction.** Within 15 business days of the hearing, the Hearing Coordinator will send written notice to the Complainant and Respondent (with a copy to the Title IX Officer and the Office of Student Conduct) setting forth the Hearing Officer’s determination on whether the **SVSH Policy** and/or other student conduct policies have been violated, and, if so, the Office of Student Conduct’s determination of any sanctions to be imposed. The written notice will include the following:
   a. The determinations of whether the **SVSH Policy** and/or other student conduct policies have been violated;
   b. If so, a description of the sanctions;
   c. The findings on each disputed, material fact and an analysis of the evidence supporting the findings;
   d. A summary of the facts found by the investigator that the parties did not dispute;
   e. The rationale for the determination of each charge;
   f. The rationale for any sanctions;
   g. A statement of the right to appeal, grounds and timeframe for the appeal, the office to which the appeal must be submitted, and the procedure that the University will follow in deciding the appeal; and
   h. An explanation that both the parties will receive a copy of any appeal submitted in accordance with these procedures.

10. **Documentation of Hearing.** Throughout the pre-hearing and hearing process, the Hearing Coordinator will document the process’s compliance with the procedures (including timeframes) in this section. After the notice of policy violation determination and any sanction has been finalized, the Hearing Coordinator will provide this documentation, along with all documents relating to the hearing, and the recording of the hearing, to the Title IX Officer.

G. **Appeal Process**

1. **Equal Opportunity to Appeal.** The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The University administers the appeal process, but is not a party and does not advocate for or against any appeal.

2. **Grounds for Appeal.** A party may appeal only on the grounds described in this section. The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the available grounds.
   a. In cases where there was a hearing, the following grounds for appeal apply:
      i. There was procedural error in the hearing process that materially affected the outcome;
      ii. The determination regarding policy violation was unreasonable based on the evidence before the Hearing Officer; this ground is available only to a party who participated in the hearing; and
      iii. The sanctions were disproportionate to the Hearing Officer’s findings.
   b. In cases where there was no hearing, the parties may appeal on only one ground: that the sanctions were disproportionate to the investigator’s preliminary determination regarding policy violation(s).

3. **Delays for Good Cause.** Any requests for delay will be evaluated by the Title IX Officer, and granted for good cause. The Title IX Officer will notify the parties in writing of the reason for any extension and the projected new timeline.

4. **Commencing an Appeal**
   a. In cases where there was a hearing, an appeal must be submitted to the Hearing Coordinator within 10 business days following issuance of the notice of the Hearing Officer’s determination and, if imposed, the disciplinary sanctions. The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal. The Office of Student Conduct will notify the other party...
of the appeal and, if the appeal includes the ground that the sanction is disproportionate, that they have an opportunity to meet with the Appeal Officer to discuss the proportionality of the sanction.

b. In cases where there was no hearing, an appeal must be submitted in writing to the Office of Student Conduct within 10 business days following the Office of Student Conduct’s notice to the parties that the preliminary determination was final and that the Office of Student Conduct would impose the proposed sanction. The Office of Student Conduct will notify the other party of the appeal and, if the appeal is on the ground that the sanction is disproportionate, that they have an opportunity to meet with the Appeal Officer to discuss the proportionality of the sanction.

5. Appeal Decision
   a. Standards for Deliberation. The Appeal Officer will decide whether the appealing party has proven the asserted ground(s) for appeal. They will only consider the evidence presented at the hearing, the investigative file, and the appeal statements of the parties. In disproportionate sanction appeals, they may also consider any input parties provide in a meeting (described below). They will not make their own factual findings, nor any witness credibility determinations.
   b. Disproportionate Sanction Appeals – Opportunity for Meeting. In cases where a ground of appeal is disproportionate sanction, the parties may meet separately with the Appeal Officer for the limited purpose of providing input on their desired outcomes as to sanctions only.
   c. Decision by Appeal Officer. The Appeal Officer may:
      i. Uphold the findings and sanctions;
      ii. Overturn the findings or sanctions;
      iii. Modify the findings or sanctions; or
      iv. In appeals alleging material procedural error, send the case back to the Hearing Officer for further factfinding if needed.
   d. Written Report. The Appeal Officer will summarize their decision in a written report that includes the following:
      i. A statement of the grounds identified on appeal;
      ii. A summary of the information considered by the Appeal Officer; and
      iii. The decision of the Appeal Officer and the rationale for the decision, including where the findings or sanctions are overturned or modified, an explanation of why the findings were not reasonable or the sanctions were disproportionate, or how the procedural error materially affected the outcome.
   e. Distribution of Written Decision. Within 10 business days of receiving the appeal, the Appeal Officer will send their written decision to Complainant and Respondent (with copies sent to the Title IX Officer and the Office of Student Conduct).
      i. Unless the Appeal Officer remands the matter, they will inform the Respondent and the Complainant that the matter is closed with no further right to appeal.
      ii. If the Appeal Officer remands the matter, they will specify what further factfinding should occur or what additional information should be considered and request that the Hearing Officer report back to the Appeal Officer on their additional factfinding. After receiving the Hearing Officer’s additional factual findings, the Appeal Officer will issue their decision within 10 business days. This decision will be final.

H. Principles, Options, and Factors in Student Sanctions

These standards are intended to promote the consistent and proportionate application of disciplinary sanctions by the University in responding to conduct that violates the University’s Policy on Sexual Violence and Sexual Harassment and the applicable portions of Section 100.00 of the UCSB Student Conduct Code.
The following describes the University's principles, options, and factors to consider in assigning sanctions when the Respondent is a student.

1. **Principles**
   a. The administration of student discipline will be consistent with the UCSB Student Conduct Code.
   b. When a student is found responsible for violating the University's *SVSH Policy* or other student conduct policies, the University will assign sanctions that are proportionate and appropriate to the violation, taking into consideration the context and seriousness of the violation. The University is also committed to providing appropriate remedial measures to Complainant, as described in the *SVSH Policy*.
   c. When a student is found not responsible for violating the University's *SVSH Policy* and other student conduct policies, the University is committed to taking reasonable efforts to assist any student who has been disadvantaged with respect to employment or academic status as a result of the unsubstantiated allegations.
   d. Sanctions are designed to hold a student accountable for violating University standards of conduct and to promote personal growth and development. Sanctions also serve the purpose of stopping Prohibited Conduct under the *SVSH Policy*, and preventing its recurrence.
   e. The University recognizes that acts of Sexual Violence, Sexual Harassment and other forms of Prohibited Conduct are contrary to its goals of providing an educational environment that is safe and equal for all students.
   f. University of California campuses are encouraged to inform other UC campuses of a student's disciplinary record for violating the University's *SVSH Policy* and other student conduct policies.

2. **Sanctioning Options**
   a. University sanctions for students are:
      i. Dismissal from the University of California;
      ii. Suspension from the University of California;
      iii. Exclusion from areas of the campus and/or from official University functions;
      iv. Loss of privileges and/or exclusion from activities;
      v. Restitution;
      vi. Probation;
      vii. Censure/Warning; and/or
      viii. Other actions as set forth in University policy and campus regulations.
   b. The definitions of sanctions are found in Section 105.00 (Types of Student Disciplinary Action) of the UCSB Student Conduct Code (see Appendix D).
   c. In accordance with federal regulations, UCSB is not prohibited from using a sanction not listed in these Local Procedures. If a sanction not listed above is used by the Office of Student Conduct after these Local Procedures are published, additional sanctions will be included in the next update of these Local Procedures.
   d. The posting of sanctions on academic transcripts will follow University policy as defined in Section 106.00 of the UCSB Student Conduct Code.

3. **Factors Considered in Determining Sanctions.** In all cases, when determining the appropriate and proportionate sanction, the following factors will be taken into account when applicable:
   a. **Seriousness of violation:** location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; use of authority to abuse trust or confidence; presence of weapons; use of force or violence; physical injury; menace;
duress; deliberately causing or taking advantage of a person’s incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.

b. Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; planned or predatory conduct; hate or bias based on the Complainant’s membership or perceived membership in a protected group as defined in Section 104.90 of the Policy on the Office of Student Conduct and Discipline.

c. Whether the conduct is aggravated, as defined in the SVSH Policy.

d. Response following violation: voluntarily acknowledged wrongdoing at early stage of the process; failure to follow no-contact order; attempt to influence witnesses; obstructed or disrupted the process.

e. Disciplinary history: unrelated prior violations; related prior violations. A Respondent’s disciplinary history is cumulative. Past violations and sanctions will be considered and may increase any sanctions assigned.

f. Impact on others: input from the Complainant; protection or safety of the Complainant or the community.

4. Sanctions for Certain Conduct

a. Sanctions will be assigned as follows:

   i. Sexual Assault-Penetration or Sexual Assault-Contact that is aggravated as defined in the SVSH Policy will result in a minimum sanction of suspension for two calendar years.

   ii. Sexual Assault-Penetration, Relationship Violence (including Domestic or Dating Violence), or Stalking will result in a minimum sanction of suspension for two calendar years unless there are exceptional circumstances.

   iii. Sexual Assault-Contact will result in a minimum sanction of suspension for one calendar year, unless there are exceptional circumstances.

   iv. Sexual Harassment and Other Prohibited Behavior, as defined by the SVSH Policy, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified above.

b. Assigned sanctions for each case will be documented and reported to the Systemwide Title IX Director on a regular basis. The report is to ensure a reasonable level of consistency from campus to campus.
VI. Maintenance of Title IX and Discipline Files

The Title IX Office is considered the office of record for incidents of Prohibited Conduct identified in the SVSH Policy. These records are maintained in accordance with the University’s retention schedule.

A. Investigative File

The investigative file will be retained by the Title IX Office in accordance with the University’s retention schedule. After issuance of the investigator’s written report, the investigative file, consisting of the investigative report and any evidence deemed relevant by the investigator (as documented in the investigative report), must be retained by the Title IX Officer and made available to the parties for inspection upon request. It may be redacted to protect privacy. The file will be made available to the parties no sooner than 3 business days after the request is received. The following guidelines apply to the access of the investigative file:

1. The file may be redacted as necessary to protect student privacy rights.
2. A Title IX Proctor will remain in the room during the investigative file review session.
3. The parties may take handwritten notes from the investigative file.
4. The parties may have one (1) advisor and one (1) support person present in the room during the investigative file review session, if desired.
5. The parties may submit questions about the investigative file to the assigned Title IX investigator or the Title IX Officer via email or the Title IX Proctor who is present during the review session.
6. If the parties believe there is missing information, please identify the missing information to the Title IX Proctor or send an email to the assigned Title IX investigator or the Title IX Officer.
7. No photographs, digital scans, audio recordings, or screenshots of the investigative file are allowed.
8. No phone calls or social media outreach to any identified or interviewed investigative witnesses are permitted during the review session.
9. The parties are cautioned against taking any action against the other party or anyone else who is believed to be involved in the Title IX investigation. Such action could be perceived as retaliatory.

B. Disciplinary file

Discipline records are normally purged after 5 years (7 years if the violation was also a reportable Clery Act crime) from the sanctioning imposition date. However, the Director of the Office of Student Conduct may decide to keep a file active for a longer period of time in cases of Prohibited Conduct. In such cases, the Director of the Office of Student Conduct must make a note of the rationale for keeping a file active beyond its expiration date. This note will be added to the student’s file and the Title IX investigative file.

The following specific retention provisions will apply to a student’s record, based on the sanction.

1. All suspensions will be noted on the responsible student’s transcript for the duration of the suspension.
2. All dismissals will be permanently noted on the responsible student’s transcript and the Title IX investigative file will be retained for 50 years from the date of file closure.

C. Record Expungement

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 a student’s file should be expunged. A student may petition for such review at approximately 2 years from the date of the offense 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 Vice Chancellor for Student Affairs, indicating their request and any explanation as to why the Vice Chancellor should consider approving their request.

If a student's conduct record is expunged by the Vice Chancellor, 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 Student Conduct until it reaches its retention period.

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.
VII. Appendices

Appendix A: Student Procedures Flowchart

Appendix B: Campus and Community Resources for Individuals Impacted by Sexual Violence, Sexual Harassment, and Other SVSH Prohibited Behavior

Appendix C: UCSB Rights & Options for Incidents of Sexual Harassment & Sexual Violence

Appendix D: Section 105.00 (Types of Student Disciplinary Action) of the UCSB Student Conduct Code
APPENDIX A: UCSB Local Response Procedures for Sexual Violence Sexual Harassment Incidents involving Student Respondents

Confidential Resources (CARE, Ombuds, CAPS) are available to provide information about on- and off-campus resources, reporting options, and rights.

Stage 1: Initial Resources & Report

Stage 2: Title IX Response Options

Stage 2.5: Pre-determination & Proposed Sanction

Stage 3: Opportunity to Contest

Stage 4: Hearing

Stage 5: Appeal

END

Effective 7/31/19
### APPENDIX B: Campus and Community Resources for Individuals Impacted by Sexual Violence, Sexual Harassment, or Other Prohibited Behavior

<table>
<thead>
<tr>
<th>ELIGIBLE FOR SVCS</th>
<th>RESOURCE TYPE</th>
<th>RESOURCE NAME</th>
<th>CONTACT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CONFIDENTIAL ADVOCACY &amp; SUPPORT RESOURCES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All</td>
<td>Campus</td>
<td>Campus Advocacy, Resources &amp; Education (CARE)</td>
<td>(805) 893-4613 (24-hour advocacy line)</td>
</tr>
<tr>
<td>Students primarily (some services for Employees)</td>
<td>Campus</td>
<td>Counseling &amp; Psychological Services (CAPS)</td>
<td>(805) 893-4411 (24-hour confidential crisis counseling available)</td>
</tr>
<tr>
<td>All</td>
<td>Campus</td>
<td>Office of the Ombuds</td>
<td>(805) 893-3285</td>
</tr>
<tr>
<td>Employees</td>
<td>Campus</td>
<td>Academic &amp; Staff Assistance Program (ASAP)</td>
<td>(805) 893-3318</td>
</tr>
<tr>
<td>All</td>
<td>Community</td>
<td>Standing Together to End Sexual Assault (STESA) (formerly Santa Barbara Rape Crisis Center)</td>
<td>(805) 564-3696 (24-hour crisis line) (805) 963-6832</td>
</tr>
<tr>
<td>All</td>
<td>Community</td>
<td>Domestic Violence Solutions for Santa Barbara County</td>
<td>(805) 964-5245 (24-hour crisis line)</td>
</tr>
<tr>
<td><strong>REPORTING OFFICES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All</td>
<td>Campus</td>
<td>Title IX &amp; Sexual Harassment Policy Compliance Office (Title IX Office)</td>
<td>(805) 893-2701</td>
</tr>
<tr>
<td>All</td>
<td>Campus</td>
<td>UCSB Police Department (UCPD)</td>
<td>(805) 893-3446 (24-hour)</td>
</tr>
<tr>
<td>All</td>
<td>Community</td>
<td>Isla Vista Foot Patrol (IVFP)</td>
<td>(805) 681-4179 / (805) 681-4100 (after hours)</td>
</tr>
<tr>
<td><strong>HEALTH &amp; MEDICAL RESOURCES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>Campus</td>
<td>Student Health</td>
<td>(805) 893-5361 (information) (805) 893-3371 (appointments)</td>
</tr>
<tr>
<td>Students</td>
<td>Campus</td>
<td>Student Mental Health Coordination Services</td>
<td>(805) 893-3030</td>
</tr>
<tr>
<td>All</td>
<td>Community</td>
<td>Sexual Assault Response Team (SART)</td>
<td>Referrals made by CARE, STESA, UCPD, IVFP, or other law enforcement</td>
</tr>
<tr>
<td>All</td>
<td>Community</td>
<td>Cottage Hospital Emergency Medicine &amp; Trauma Svcs</td>
<td>(805) 682-7111 (24-hour, main phone line)</td>
</tr>
<tr>
<td><strong>FINANCIAL AID, IMMIGRATION &amp; VISA SERVICES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>Campus</td>
<td>Office of Financial Aid &amp; Scholarships</td>
<td>(805) 893-2432</td>
</tr>
<tr>
<td>Students</td>
<td>National</td>
<td>Federal Student Aid</td>
<td>(800) 433-3243</td>
</tr>
<tr>
<td>Students</td>
<td>Campus</td>
<td>Office of International Students &amp; Scholars</td>
<td>(805) 893-2929</td>
</tr>
<tr>
<td>Students</td>
<td>Campus</td>
<td>Undocumented Students Services (USS)</td>
<td>(805) 893-5609</td>
</tr>
<tr>
<td>Students</td>
<td>Campus</td>
<td>UC Immigrant Legal Services Center</td>
<td>(805) 893-4246 / <a href="mailto:ron.ucimm@law.ucdavis.edu">ron.ucimm@law.ucdavis.edu</a></td>
</tr>
<tr>
<td>All</td>
<td>Community</td>
<td>Legal Aid Foundation of Santa Barbara County</td>
<td>(805) 963-6754 (SB Main Office)</td>
</tr>
<tr>
<td>All</td>
<td>National</td>
<td>U.S. Citizenship and Immigration Services</td>
<td>(800) 375-5283</td>
</tr>
<tr>
<td><strong>OTHER CAMPUS &amp; COMMUNITY RESOURCES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students</td>
<td>Campus</td>
<td>Office of Judicial Affairs</td>
<td>(805) 893-5016</td>
</tr>
<tr>
<td>All</td>
<td>Campus</td>
<td>Housing, Dining &amp; Auxiliary Enterprises</td>
<td>(805) 893-3281</td>
</tr>
<tr>
<td>Students</td>
<td>Campus</td>
<td>Student Respondent Services Program</td>
<td>(805) 893-5012</td>
</tr>
<tr>
<td>Students</td>
<td>Campus</td>
<td>Associated Students Legal Resource Center</td>
<td>(805) 893-4246</td>
</tr>
<tr>
<td>All</td>
<td>Campus</td>
<td>Resource Center for Sexual &amp; Gender Diversity (RCSGD)</td>
<td>(805) 893-5847</td>
</tr>
<tr>
<td>Employees</td>
<td>Campus</td>
<td>Human Resources</td>
<td>(805) 893-3166</td>
</tr>
<tr>
<td>Employees</td>
<td>Campus</td>
<td>Academic Personnel</td>
<td>(805) 893-8332</td>
</tr>
<tr>
<td>Faculty</td>
<td>Campus</td>
<td>Academic Senate</td>
<td>(805) 893-3179</td>
</tr>
<tr>
<td>All</td>
<td>Community</td>
<td>Santa Barbara Transgender Advocacy Network</td>
<td><a href="mailto:info@sbtan.org">info@sbtan.org</a></td>
</tr>
<tr>
<td><strong>NATIONAL SEXUAL VIOLENCE RESOURCES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All</td>
<td>National</td>
<td>RAINN (Rape, Abuse &amp; Incest National Network)</td>
<td>(800) 656-HOPE (4673) (National Sexual Assault Hotline - confidential)</td>
</tr>
<tr>
<td>All</td>
<td>National</td>
<td>National Sexual Violence Resource Center (NSVRC)</td>
<td>(877) 739-3895 (Toll Free)</td>
</tr>
<tr>
<td>All</td>
<td>National</td>
<td>It’s On Us</td>
<td><a href="http://www.itsonus.org/">http://www.itsonus.org/</a></td>
</tr>
<tr>
<td>All</td>
<td>National</td>
<td>Not Alone, Center for Changing Our Campus Culture</td>
<td><a href="mailto:info@changingourcampus.org">info@changingourcampus.org</a></td>
</tr>
</tbody>
</table>

UCSB CARE and Student Respondent Services Program can provide impacted parties with the names and contact information for individuals handling requests for protective measures and accommodations.
Confidential Advocacy & Support Services

Campus Advocacy Resources & Education (CARE) – Located in the Student Resource Building, CARE provides confidential 24-hour advocacy services for survivors, support, information about reporting options, accompaniment to evidence examinations or meetings with law enforcement, and support services for friends, family members, or significant others of impacted parties. http://wgse.sa.ucsb.edu/care/home

Counseling & Psychological Services (CAPS) – Located in Building 599, CAPS provides UCSB students with confidential individual counseling, as well as support groups, information, and 24-hour crisis phone counseling at no charge. CAPS also provides professional consultation to faculty, staff, and families. http://caps.sa.ucsb.edu/

Office of the Ombuds – Located in Girvetz Hall, the Office of the Ombuds acts as a confidential resource for the UCSB community to discuss concerns with a trained mediator. It is a safe place to discuss workplace issues, interpersonal conflict, academic concerns, and many other problems. They serve faculty, staff, students, parents, or anyone else with a campus-related concern. https://ombuds.ucsb.edu/

Academic & Staff Assistance Program (ASAP) – Located on the 3rd floor of the Student Affairs & Administrative Services Building (SAASB). The Academic & Staff Assistance Program (ASAP) counselors promote the emotional health and well-being of academic personnel, faculty, staff, and eligible family members in a confidential, cost-free setting. ASAP in managing and minimizing organizational and individual impacts by providing high quality consultation, counseling, psychological wellness training, and violence prevention & mitigation services. http://www.hr.ucsb.edu/asap

Standing Together to End Sexual Assault (STESA) – Located in downtown Santa Barbara, STESA provides advocacy and support for survivors of sexual violence, including referral and support for medical and legal options. http://www.sbstesa.org/

Domestic Violence Solutions for Santa Barbara County – Located in Santa Barbara, this resource provides emergency shelter, support groups, 24-hour crisis line, and transitional housing. https://dvsolutions.org/

Reporting Offices

Survivors may report to one or more of the following, or not report at all.

Title IX & Sexual Harassment Policy Compliance Office (Title IX Office) – Located in Phelps Hall, the Title IX Office coordinates responses to reports of sexual violence, sexual harassment, and other prohibited behavior affecting the campus community, and reviews matters to determine if an official University investigation is required. The Title IX Office investigates Title IX complaints, oversees campus Title IX resolution efforts, and offers referrals to relevant campus resources. https://oeosh.ucsb.edu/titleix/

UCSB Police Department (UCPD) – Located in the Public Safety Building, UCPD provides reporting, investigation, and forwarding of reports to the District Attorney for legal action for crimes committed on campus property. Also provides information about restraining orders and referrals for forensic exams. https://www.police.ucsb.edu/

Isla Vista Foot Patrol (IVFP) – Located in Isla Vista, IVFP provides reporting, investigation, and forwarding of reports to the District Attorney for legal action, information about restraining orders, and referrals for forensic exams for crimes committed in Isla Vista. This substation utilizes bike patrol and officers from the CHP and UCSB Police to provide safety and enforcement for the community of Isla Vista. https://www.sbsheriff.org/command-and-divisions/law-enforcement-operations/south-county-operations-division/isla-vista-foot-patrol/

Health & Medical Resources

Student Health – Located between the Events Center and Isla Vista, this resource provides medical examinations, referrals, and treatment, as well as psychiatry and social work. Visits for students are covered with Gaucho Health Insurance. This resource does not provide medical examinations for evidence collection (such as forensic medical examinations through SART). http://studenthealth.sa.ucsb.edu/home

Student Mental Health Coordination Services – Located in the Student Resource Building, Student Mental Health Coordination Services is a readily accessible single point of contact for individuals concerned about a student in distress. The coordinators will consult about a student, provide referrals to campus departments, develop action plans, and follow up with students, staff, and faculty, as appropriate. SMHCS can provide a coordinated university response to a student in distress. http://www.sa.ucsb.edu/responding-to-distressed-students/safety-net/coordinators
Sexual Assault Response Team (SART) – SART is a countywide program providing care to individuals who have been sexually assaulted or sexually abused. An interagency program, SART coordinates with law enforcement, Rape Crisis Centers, Victim Witness Assistance, Child Welfare Services, Child Abuse Listening and Mediation (CALM) and a medical team of trained professionals, nurses, and physicians. Referrals for forensic medical examinations come from advocates (CARE or STESA), law enforcement, or child welfare services. Together, the partners determine the need for a medical exam and/or an interview based on SART protocol.

Cottage Hospital Emergency Medicine & Trauma Services – Located in Santa Barbara, Goleta, and Santa Ynez, Santa Barbara Cottage Hospital is verified as a Level II Trauma Center for adults and for pediatrics by the American College of Surgeons and Santa Barbara County Emergency Medical Services Agency. The trauma center responds to trauma emergencies throughout Santa Barbara County, as well as parts of Ventura and San Luis Obispo counties. https://www.cottagehealth.org/services/emergency-medicine-trauma-services/

Financial Aid, Immigration, and Visa Services

Office of Financial Aid and Scholarships – The Office of Financial Aid and Scholarships can assist UCSB students with financial aid related needs. They also provide UCSB families with the services necessary to achieve their educational goals. They are committed to providing accurate, user-friendly, responsive, and respectful service to students and their families. https://www.finaid.ucsb.edu/

Federal Student Aid – Federal Student Aid, a part of the U.S. Department of Education, is the largest provider of student financial aid in the nation. Federal Student Aid is responsible for managing the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965. These programs provide grants, loans, and work-study funds to students attending college or career school. https://studentaid.ed.gov/sa/

Office of International Students and Scholars (OISS) – Located in the Student Resource Building, OISS serves UCSB’s international students and scholars as well as departments who work with the international population. OISS provides immigration support for the UCSB community, advising for international students, and cultural programming. http://oiss.sa.ucsb.edu/

Undocumented Students Services (USS) – USS offers general counseling to all students seeking support pertaining to being undocumented, having undocumented family members or loved ones, and other relevant issues. http://www.sa.ucsb.edu/dreamscholars/home

UC Immigrant Legal Services Center – The UC Immigrant Legal Services Center serves the immigration-related legal needs of undocumented and immigrant students in the University of California system. Through a partnership between Associated Students, Undocumented Student Services and the UC Immigrant Legal Services Center, an attorney dedicated to immigration issues is available for consultation and advice at UCSB. Attorney Ron Perry provides immigration-related counsel and advice to UCSB students and their immediate families. http://www.sa.ucsb.edu/dreamscholars/student-information/legal-services

Legal Aid Foundation of Santa Barbara County – The mission of the Legal Aid Foundation of Santa Barbara County is to provide high-quality legal services in order to ensure that low-income persons and seniors have access to the civil justice system in times of crisis – to secure safe, habitable shelter, adequate income, and protection from domestic violence and elder abuse. The Legal Aid Foundation of Santa Barbara County can also provide information related to immigration and visa services. http://www.lafsbc.org/

U.S. Citizenship and Immigration Services (USCIS) – USCIS provides a number of humanitarian programs and protection to assist individuals in need of aid due to urgent circumstances, including issuing U and T visas for victims of certain crimes. www.uscis.gov/humanitarian

Other Campus & Community Resources

Office of Judicial Affairs – Located in the Office of Student Life in the Student Resource Building, this resource issues and enforces no contact orders and the adjudication process following a Title IX investigation. http://judicialaffairs.sa.ucsb.edu/

Housing, Dining, & Auxiliary Enterprises – Located in the trailers between the College of Creative Studies and Santa Rosa Hall, this resource provides housing accommodations, such as room or building changes, or cancellation of contracts, as available, to student resident survivors of sexual violence or stalking. http://www.housing.ucsb.edu/

Student Respondent Services Program – The Student Respondent Services Program provides a neutral contact for any student responding to a Title IX investigation to receive information about navigating the Title IX process. Furthermore, the Student Respondent Services Program provides referrals to campus and community resources for emotional or mental health support and assists respondents with any logistical issues related to intermeasures that may have been put in place. http://sexualviolence.ucsb.edu/accused/
Associated Students Legal Resource Center – Located in The Pardall Center in Isla Vista, this resource provides education, facilitation, and self-help services to assist students with legal issues. [https://legal.as.ucsb.edu/]

Resource Center for Sexual & Gender Diversity (RCSGD) – Located on the 3rd floor in the Student Resource Building, RCSGD works with students, staff and faculty to ensure that LGBTQ identities, experiences and concerns are represented and addressed at UCSB. The center aims to create a vibrant and engaging environment through social and educational programming, volunteer and leadership opportunities, a comfortable and welcoming social and study space and professional and student staff members for support and advocacy. [http://wgse.sa.ucsb.edu/RCSGD/home]

Human Resources – Located in the Student Affairs and Administrative Services Building (SAASB), Human Resources at UCSB provides prospective and current employees with information and resources related to ASAP, benefits, career management, compensation, disability, employee services, employment, labor relations, and training. [http://www.hr.ucsb.edu/]

Academic Personnel – The Office of Academic Personnel is a service organization whose mission is to facilitate the recruitment, appointment, advancement, and development of outstanding and diverse faculty and academic appointees. The Office of Academic Personnel interacts with the Office of the President, the Chancellor, Executive Vice Chancellor, Associate Vice Chancellor, Colleges, Departments, and academic employees to develop, analyze, interpret and implement academic personnel policies and procedures. [https://ap.ucsb.edu/]

Academic Senate – The Senate enables the faculty, through shared governance, to exercise its right to participate in the University's governance. To that end, faculty and administrators depend on a high level of consultation, trust, mutual respect and a tradition of collegial collaboration. [https://senate.ucsb.edu/]

Santa Barbara Transgender Advocacy Network – The Santa Barbara Transgender Advocacy Network (SBTAN) educates individuals and organizations on best practices for transgender & gender expansive clients, patients, students, congregants and families; creates and develops spaces, actions, and policies that advance the welfare of transgender and diverse gender non-conforming individuals, their families, and allies in California's Central Coast communities. [https://www.sbtan.org/]

**National Sexual Violence Resources**

RAINN (Rape, Abuse & Incest National Network) – RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline, a confidential service, in partnership with more than 1,000 local sexual assault service providers across the country and operates the DoD Safe Helpline for the Department of Defense. RAINN also carries out programs to prevent sexual violence and help survivors. [https://www.rainn.org/]

National Sexual Violence Resource Center (NSVRC) – The NSVRC’s Mission is to provide leadership in preventing and responding to sexual violence through collaboration, sharing and creating resources, and promoting research. The NSVRC staff collects and disseminates a wide range of resources on sexual violence including statistics, research, position statements, statutes, training curricula, prevention initiatives and program information. With these resources, the NSVRC assists coalitions, advocates and others interested in understanding and eliminating sexual violence. [http://www.nsvrc.org/]

It's On Us – Launched in September 2014, It’s On Us is a national movement to end sexual assault. The campaign was launched following recommendations from the White House Task Force to Prevent Sexual Assault that noted the importance of engaging everyone in the conversation to end sexual violence. The campaign combines innovative creative content and grassroots organizing techniques to spark conversation on a national and local level. [http://www.itsonus.org/]

Not Alone, Center for Changing our Campus Culture – The Center is supported by the Department of Justice’s Office on Violence Against Women in collaboration with its designated Campus Program Technical Assistance Provider Team. The Center has worked collaboratively and sought guidance from experts to provide important resources for colleges and universities on sexual assault, domestic violence, dating violence, and stalking. Not Alone was launched in connection with the White House Task Force to Protect Students from Sexual Assault. [http://changingourcampus.org/about-us/not-alone/]
UCSB is committed to providing a prompt and impartial response process for all reports of sexual violence and sexual harassment. The available response options include Alternative Resolution, Formal Investigation, a separate employee grievance or complaint process, or Other Inquiry.

If a formal investigation is conducted, the following will apply:

- Provide a prompt, fair and impartial investigation;
- Be conducted by campus officials who have received annual training on trauma-informed investigations;
- Include an investigation that will be conducted within 60-90 business days or less, unless there are mitigating circumstances in which case the parties shall be notified and provided with an explanation; and
- Be conducted using the preponderance of the evidence standard.

In any of these options, the alleged victim/survivor/accuser is identified as the "Complainant", and the alleged perpetrator/accused is identified as the "Respondent".

**RIGHTS OF INVOLVED PARTIES**
Both the Complainant and Respondent have outlined rights and responsibilities throughout the investigation, adjudication and appeal processes. They include the following:

**The Rights of the Complainant**

- To anticipate a timely resolution after charges have been filed, (60-90 business days for investigation), and to be notified if the case will exceed the noted timeframes.
- To receive written notification of existing counseling, health, mental health, victim advocacy, legal assistance, and other services available to complainants both on-campus and in the community.
- To receive this written notification of available assistance with changing academic, living, transportation, and working situations, if requested and if reasonable, regardless of whether or not campus police or local law enforcement are notified.
- To be accompanied to any investigatory meetings and/or hearing by a CARE advocate and/or advisor of their choice, with the limit being two (2) people.
- To be present for the duration of and produce witnesses, evidence or questions in advance of hearing.
- To opt out of the process at any time and continue to be notified of any outcomes or resolution.
- To be informed as soon as possible, and simultaneously with the respondent, of:
  - the outcome of the investigation, sanctioning, and appeal hearing;
  - the procedures for appealing the results of the investigation, sanctioning, or appeal hearing;
  - any change to the results that occur prior to the time that such results become final;
  - To opt out of the process at any time;
  - To continue to be notified of any outcomes or resolution; and
  - Right to receive the redacted report.
Rights & Options of Impacted Parties in Sexual Violence and Sexual Harassment Cases

The Rights of the Respondent

- To anticipate a timely resolution after charges have been filed, (60-90 business days for investigation), and to be notified if the case will exceed the noted timeframes.
- To receive written notification of existing counseling, health, mental health, victim advocacy, legal assistance, and other services available to complainants both on-campus and in the community.
- To receive this written notification of available assistance with changing academic, living, transportation, and working situations, if requested and if reasonable, regardless of whether or not campus police or local law enforcement are notified.
- To be accompanied to any investigatory meetings and/or hearing by a CARE advocate and/or advisor of their choice, with the limit being two (2) people.
- To be present for the duration of and produce witnesses, evidence or questions in advance of hearing.
- To opt out of the process at any time and continue to be notified of any outcomes or resolution.
- To be informed as soon as possible, and simultaneously with the respondent, of:
  - the outcome of the investigation, sanctioning, and appeal hearing;
  - the procedures for appealing the results of the investigation, sanctioning, or appeal hearing;
  - any change to the results that occur prior to the time that such results become final;
  - To opt out of the process at any time;
  - To continue to be notified of any outcomes or resolution; and
  - Right to receive the redacted report.
APPENDIX D:

UC Santa Barbara Student Conduct Code

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. 21

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.