

Overview and Summary of Reporting, Investigation, Adjudication, and Appeal Procedures for Student Violations of the UC Policy on Sexual Violence & Sexual Harassment

For a full description of these procedures and a detailed list of campus and local resources, please see the "UCSB Implementing and Response Procedures for Reported Violations of the UC Policy on Sexual Violence and Sexual Harassment" available at sexualviolence.ucsb.edu

I. Reporting

- The Title IX & Sexual Harassment Policy Compliance Office (TIX/SHPC) is the official campus reporting location for UC Santa Barbara. A report to the TIX/SHPC or any responsible employee places the University "on notice" and initiates a University response.
- Reports to local law enforcement must be made separately if criminal investigation or prosecution is desired.

II. Investigation

- Once a report is made to TIX/SHPC, TIX/SHPC will do a preliminary assessment to determine whether or not an investigation should commence.
- If an investigation is deemed unnecessary, the parties will be notified and provided an explanation.
- If it is determined that the report will be investigated, with or without the participation of both parties, then a notice of charges, rights and options will be provided to both parties.
- Once the investigation is completed (usually within 60 business days, pending undue delays), an investigative report will be written and, along with a notice of factual findings and recommendations, will be sent from TIX/SHPC to the Office of Judicial Affairs.

III. Adjudication

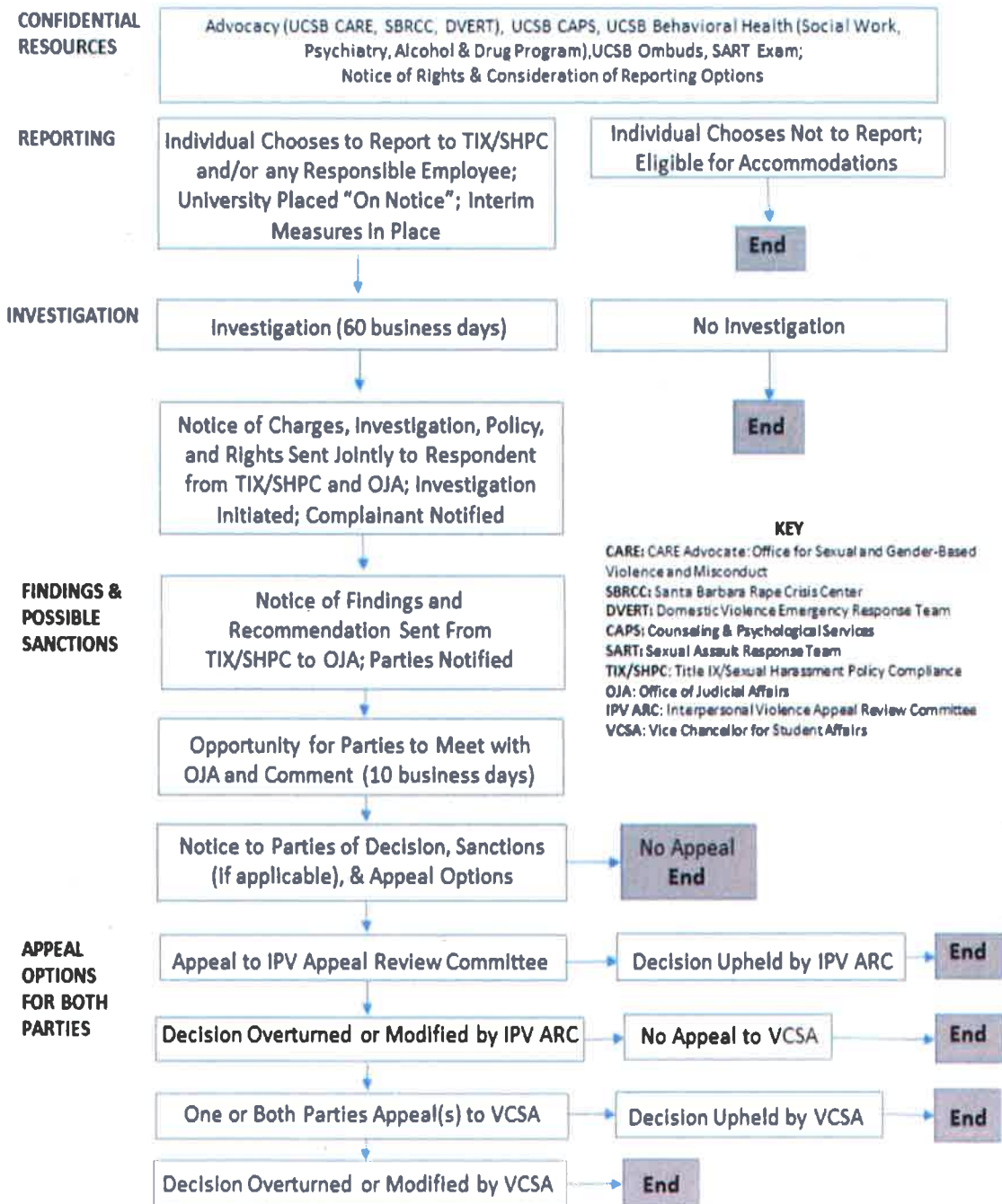
- Upon receipt of the notice of factual findings and recommendations, and the investigative report, Judicial Affairs will review the case to make a policy violation determination and assign sanctions, if appropriate, within ten business days.
- During the ten business day review period, both parties may request a copy of the investigative report from TIX/SHPC and may meet with Judicial Affairs to comment.
- On or about the tenth business day, Judicial Affairs will issue a Notice of Decision, Sanctions, and Appeal Options to both parties.
- Sanctioning, should it be appropriate, will be assigned based on the UC Sanctioning Model described in Appendix B of the *UCSB Implementing and Response Procedures for Reported Student Violations of the UC Policy on Sexual Violence and Sexual Harassment*.

IV. Appeal Options

- Either party may appeal the decision made by Judicial Affairs to the Interpersonal Violence Appeal Review Committee (IPV ARC) by submitting an Appeal Request Form and supporting statements to the IPV ARC within ten business days, based on one or more of the four grounds for appeal detailed in the *UCSB Implementing and Response Procedures for Reported Student Violations of the UC Policy on Sexual Violence and Sexual Harassment*.
- Should either or both parties appeal, an appeal hearing will be held by the IPV ARC in which the IPV ARC may uphold, overturn, or modify the decision made by Judicial Affairs.
- If the IPV ARC upholds Judicial Affairs' decision, then there is no further right to appeal by either party.
- If the IPV ARC modifies or overturns Judicial Affairs' decision, either party may submit a written appeal within five business days, based on either procedural error that materially affected the outcome or a sanction that is disproportionate to the findings, to the Vice Chancellor for Student Affairs (VCSA) who will make the final decision on the case.

Flow Chart - UCSB Investigation and Adjudication for Reported Student Violations of the UC Sexual Violence & Sexual Harassment Policy

For a full description of this procedure, as well as the on-campus and local resources available to complainants and respondents, please see the "UCSB Implementing Procedures for Reported Student Violations of the UC Sexual Violence & Sexual Harassment Policy"



KEY
 CARE: CARE Advocate: Office for Sexual and Gender-Based Violence and Misconduct
 SBRC: Santa Barbara Rape Crisis Center
 DVERT: Domestic Violence Emergency Response Team
 CAPS: Counseling & Psychological Services
 SART: Sexual Assault Response Team
 TIX/SHPC: Title IX/Sexual Harassment Policy Compliance
 OJA: Office of Judicial Affairs
 IPV ARC: Interpersonal Violence Appeal Review Committee
 VCSA: Vice Chancellor for Student Affairs

Effective January 2016

UCSB Rights & Options for Incidents of Sexual Harassment & Sexual Violence

Everyone at UC Santa Barbara — students, faculty, staff and administrators — has the right to a safe learning and working environment. UCSB does not tolerate sexual violence, sexual assault, sexual harassment, dating/domestic violence, stalking or retaliation for reporting such cases or participating in an investigation of such cases. Each of us plays a critical role in ensuring the University is a safe place, and should know the rights and resources for incidents of sexual harassment and sexual violence if needed.

The process for investigating and resolving charges of alleged sexual violence and sexual harassment is completed in three stages:

(1) Reporting, (2) Investigation, (3) Adjudication, and (4) Appeal.

The University is committed to providing a fair and impartial process for investigating and adjudicating cases of alleged sexual violence and sexual harassment. As an individual who is being investigated for alleged sexual violence and sexual harassment, the University wants to ensure that the parties understand the process and their rights during the process.

In this process, the alleged victim/survivor/accuser is identified as the **"complainant"** and the alleged perpetrator/accused is identified as the **"respondent"**. The University's procedures for sexual harassment and sexual violence will:

- Provide a prompt, fair and impartial investigation and resolution.
- Be conducted by officials who have received annual training on how to conduct an investigation, and conduct a proceeding in a trauma-informed manner.
- Include an investigation that will be conducted within 50 business days or less, unless there are mitigating circumstances in which case both the complainant and respondent shall be notified and provided with an explanation.
- Be conducted using the preponderance of the evidence standard.
- Allow a ten business day period in which the complainant and respondent may comment on the investigation report in person and/or in writing prior to a decision by the Office of Judicial Affairs.

UCSB Rights & Options for Incidents of Sexual Harassment & Sexual Violence

RIGHTS OF INVOLVED PARTIES

According to university policies, both the complainant and respondent have outlined rights and responsibilities throughout the investigation and adjudication processes. They include the following:

The Rights of the Complainant

- a. To be treated with dignity and respect.
- b. To anticipate a timely resolution after charges have been filed, (60 business days for investigation and adjudication, 120 business days if appeals are filed), and to be notified if the case will exceed the 60 or 120 business days.
- c. 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. Please see Resource Sheet for specific resource information in these areas.
- d. 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.
- e. To be accompanied to any investigatory meetings and/or an appeal hearing by a CARE advocate and/or advisor and/or a person (or persons) of support, of their choice, with the limit being two (2) people.
- f. To be present for the duration of and produce questions for any witnesses in advance of an appeal hearing.
- g. To have the opportunity to make statements, produce witnesses or evidence regarding the incident and/or personal impact.
- h. To opt out of the process at any time and continue to be notified of any outcomes or resolution.
- i. To be informed as soon as possible, and simultaneously with the respondent, of:
 - a. the outcome of the investigation, sanctioning, and appeal hearing;
 - b. the procedures for appealing the results of the investigation, sanctioning, or appeal hearing;
 - c. any change to the results that occur prior to the time that such results become final; and
 - d. when such results become final.
- j. Right to receive the redacted report.

The Rights of the Respondent

- a. To be treated with dignity and respect.
- b. The right to written notice of the charges and instigation of an investigation, a timely resolution after charges have been filed (60 business days for investigation and adjudication, 120 business days if appeals are filed), and to be notified if the case will exceed the 60 or 120 business days.
- c. To receive this written notification of existing counseling, health, mental health, respondent support, legal assistance, and other services available to respondents both on-campus and in the community.
- d. To be accompanied to any investigatory meetings and/or appeal hearing by an advisor and/or person(s) of support of the respondent's choice, with the limit being two (2) people.
- e. To be present for the duration of and produce questions for any witnesses in advance of an appeal hearing.
- f. To have the opportunity to make statements; produce witnesses or evidence pertaining to the case; and respond to and question the evidence presented.
- g. To simultaneously with the complainant, be informed in writing of:
 - a. the outcome of any University investigation, sanctioning, appeal hearing;
 - b. the procedures for appealing the results of the investigation, sanctioning, or appeal hearing; and
 - c. any change to the results that occur prior to the time that such results become final.
- h. To opt out of the process at any time and continue to be notified of any outcomes or resolution.
- i. Right to receive the redacted report.