

FAQs: SVSA investigation/adjudication model and sanctions

Undergraduate and graduate students who have experienced sexual violence can speak confidentially to their campus CARE advocate to understand their rights and reporting options, including the option not to report. Students will also receive written explanations of these rights and reporting options. In addition, CARE advocates will inform students about counseling and other support resources that are available.

Students accused of sexual violence or sexual harassment can contact their local respondent service professional to help them understand their rights, the university's investigation and adjudication process, and available resources.

How does the new systemwide investigation/adjudication model work?

If a student decides to file a report of sexual violence with the university, the campus Title IX office will conduct a fair, thorough and impartial investigation and make factual findings and a recommendation as to whether a policy violation has occurred.

The Center for Student Conduct will review the investigation report and determine if the allegations have been substantiated and if UC's Sexual Violence/Sexual Harassment policy has been violated. Both students will have an opportunity to meet with the Center for Student Conduct before a final decision is made. If there has been a policy violation, the Center for Student Conduct will assess the disciplinary sanction(s). Students will be notified of any sanctions within 10 business days of the notice of findings, as well as options for appealing.

How do the new systemwide investigation guidelines, adjudication model and sanctions processes differ from UC's previous practice?

Campuses have long had investigation and adjudication processes in place to respond to reports of sexual violence and sexual harassment.

The new systemwide model establishes a consistent and efficient process for the investigation and adjudication of complaints of sexual violence and sexual harassment against students, and assigns specific authority, roles and responsibilities to certain offices to ensure consistency across the UC system. The new model outlines a trauma-informed (using practices that are sensitive to those who have experienced trauma) and fair process for the student filing the complaint (complainant) and the student responding to the complaint (respondent), allowing both an equal opportunity to be heard, to offer witnesses and evidence, to comment and to appeal. It also sets projected timeframes for the investigation, adjudication and appeals process in order to provide a prompt and effective response to complaints.

Do I have to wait until the investigation and adjudication process is completed before the university will provide me with assistance or accommodations?

No. When the university learns of an incident of alleged sexual violence or sexual harassment, it will work with the complainant to put into place appropriate interim measures as needed to ensure the complainant's safety, well-being, and equal access to university programs and activities. These measures could include no contact orders, housing assistance, academic support and accommodations, counseling, or other appropriate actions as needed.

What is the minimum/maximum sanction for a student found in violation of the policy?

When determining a sanction, the Center for Student Conduct will consider the violation itself as well as other factors including the severity of the sexual violence or sexual harassment. The university's model establishes a range of potential sanctions for each offense that all offices/centers of Student Conduct systemwide will consider, depending on the violation and the particular circumstances of the case.

Sanctions can range, depending on the offense, up to dismissal from the university for the most serious matters.

What if I disagree with the results of the investigation, the Center for Student Conduct's finding or the sanction? Can I appeal?

Yes. Both the complainant and the respondent have the right to appeal the findings and/or the sanction by submitting a written request to the Center for Student Conduct within 10 business days of receiving written notice of the decision and any sanctions that may be imposed. The appeal should identify the reason(s) the student is challenging the outcome, under one or more of the grounds outlined in the model.

An appeal board, made up of one to three appropriately trained individuals, will hear the matter and decide whether to uphold, overturn or modify the decision or sanctions.

If the appeal board upholds the decision, then the matter is over. If the appeal board overturns or modifies either the findings or the sanctions, either student has one additional opportunity to appeal by submitting a written request to the chancellor or the chancellor's designee within 5 business days.

If I disagree with the decision of the chancellor or the chancellor's designee, can I appeal again?

No, there is no additional appeal after the chancellor's or chancellor's designee's decision. The two-level appeal process is designed to ensure a fair independent review in the event a student disagrees with a decision.

How long does the investigation and adjudication process take?

UC aims to complete investigations and determine any disciplinary sanctions within 60 business days. If a student files an appeal, UC will aim to complete the entire process — investigation, adjudication and appeal — within 120 business days from the date the Title IX office receives the report of sexual violence. The timeframes are designed to bring a timely resolution for both the complainant and respondent.

The appropriate campus personnel will keep both students informed throughout the process.

Will my name be kept confidential during the investigation?

Generally, the complainant and respondent will be notified of each other's identity, in order to conduct a fair investigation.

The university will make every effort to protect the confidentiality and privacy of both the complainant and the respondent to the extent permitted by law and UC policy. Some UC personnel who are involved in the case will necessarily have access to personal information, including identifying information, in order to effectively respond to the complaint and maintain a safe environment for students.

How will UC ensure a fair process for the complainant?

The new model provides equal opportunities for the complainant to comment during the investigation and adjudication process and to offer witnesses and evidence. Complainants also have a right to appeal a decision or sanction, and to participate during the appeal process.

Because these processes can be complex, all UC campuses provide resources to help student complainants understand their rights and the investigation and adjudication process. Complainants can contact their confidential campus CARE Advocate Office. This resource also provides referrals to other services, such as counseling and academic support. Student complainants may be accompanied by a support person and an advisor of their choice, including an attorney, at any stage of the process.

How will UC ensure a fair process for the respondent?

The new model provides equal opportunities for the respondent to comment during the investigation and adjudication process and to offer witnesses and evidence. Respondents also have a right to appeal a decision or sanction, and to participate during the appeal process.

All UC campuses provide resources to help student respondents understand their rights and the investigation and adjudication process. Respondents can contact their campus respondent service professional. This resource also provides referrals to other services, such as counseling and academic support. Student respondents may be accompanied by a support person and an advisor of their choice, including an attorney, at any stage of the process.

How will I know what's happening during the investigation and adjudication process?

UC aims to provide clear, timely and consistent communication. The appropriate campus personnel will keep the complainant and respondent informed throughout the process. They will each receive a letter notifying them when an investigation begins. At the end of the investigation, they will each be notified of the investigation's factual findings and recommendations about policy violations, and given a copy of the report. Both students also will receive the decision about whether the charges were substantiated, any sanctions imposed and options to appeal. If either student chooses to appeal, both students can participate in the appeal and will be notified of the results of the appeal.

The complainant can contact the CARE Advocate Office and the respondent can contact the respondent service professional at any time for help in determining the status of the complaint.

These new investigation and adjudication standards only apply to students. What is the process if the accused is a faculty or staff member?

A joint committee of the UC Administration and the Academic Senate, which includes student representatives, has been formed and will develop recommendations on handling cases of sexual violence, sexual assault, and sexual harassment involving UC faculty. The committee will present recommendations to President Napolitano by Feb. 29, 2016.

After the work of the joint committee on faculty is completed, the university plans to review existing processes, adjudication standards and sanctions for cases that involve staff members.

How did UC develop these standards?

The President's Task Force on Preventing and Responding to Sexual Violence and Sexual Assault formed a working group, comprised of Title IX officers, Student Conduct Officers, Vice Chancellors of Student Affairs, students, ombuds, CARE advocates, campus police, compliance, legal counsel, and Regents that developed the model and this systemwide framework.

In addition to having students on the working group, the committee also consulted with a wide range of UC students — both undergraduate and graduate students — throughout the process. The workgroup also reviewed procedures in place at other universities around the country, and consulted with UC law professors as well as nationally recognized experts in sexual violence and higher education law.

How will UC ensure consistency across the system?

Training has been occurring throughout the year on conducting investigations and hearings consistent with trauma-informed practices. In the time leading up to the January 2016 implementation, the university has trained campus stakeholders, including Title IX officers, offices/centers of Student Conduct, investigators, and individuals responsible for hearing appeals on the new systemwide standards, so these new procedures are implemented consistently across all campuses. These employees will also receive ongoing training.

Does UC plan to review the model's effectiveness after it is implemented?

Yes. UC will be reviewing and evaluating the model, with input from students, Title IX officers, Student Conduct offices/centers and other stakeholders, to ensure it effectively addresses reports of sexual violence and sexual harassment. In addition, as legal requirements change or are updated, the university will revisit its policies and programs to ensure compliance.

Where can I find UC's policy on Sexual Harassment and Sexual Violence?

You can find UC's policies and codes of conduct on the university's systemwide Sexual Violence Prevention and Response website:

<http://sexualviolence.universityofcalifornia.edu/policies/index.html>