

University of California, Santa Barbara
Local Procedures for Reported Staff & Non-Faculty Academic Personnel
Violations of the
UC Policy on Sexual Violence and Sexual Harassment
Issued September 11, 2017

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. Every member of the community should be aware that UCSB prohibits sexual violence and sexual harassment, retaliation, and other prohibited behavior (“Prohibited Conduct”) that violates law and/or University policy.

I. Introduction

UCSB will respond promptly and effectively to reports of Prohibited Conduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates the *UC Policy on Sexual Violence and Sexual Harassment (SVSH Policy)*. Consistent with the *SVSH Policy*, the following describes the University’s process for investigating and adjudicating alleged violations of the *SVSH Policy* in instances where the respondent is either a University employee whose conduct is governed by Personnel Policies for Staff Members (“PPSMs”), and who is subject to disciplinary and termination procedures set forth in [PPSM 62](#) (Corrective Action – Professional and Support Staff) and [PPSM 64](#) (Termination and Job Abandonment) or a non-faculty academic appointee who is subject to disciplinary procedures under the Academic Personnel Manual (“APM”), [APM-150](#) (Non-Senate Academic Appointees/Corrective Action and Dismissal). A flow chart illustrating the process for complaints against PPSM covered employees can be found in Appendix B. A flow chart illustrating the process for complaints against non-faculty academic appointees can be found in Appendix C.

This document intended to supplement the *SVSH Policy* last issued January 1, 2016, as well as applicable PPSMs, including PPSM 62, [PPSM 63](#) (Investigatory Leave) and PPSM 64, and applicable provisions of the APM, including APM-150 and local Academic Personnel policies, including Red Binder IX-20. The documents also incorporate recommendations issued by the President’s Committee on Sexual Violence Sexual Harassment Disciplinary Process for UC Personnel other than Faculty, as accepted by President Napolitano. To the extent these procedures may be inconsistent or in conflict with other campus procedures or bylaws, these procedures shall prevail.

If the Respondent is both an employee and a student, the Title and Sexual Harassment Policy Compliance Office (Title IX Office) will determine which process to use depending on the specific facts reported, including the Respondent’s role/status during the alleged conduct, seriousness of the violative conduct alleged and the desired options for remedies, if warranted.

If the Respondent is a University of California employee at a different location, the Title IX Officer will

forward the report to the Title IX Officer at the Respondent's location of employment. As appropriate, accommodations and resources will still be offered by UCSB to the Complainant.

If the Respondent is not affiliated with UCSB or the UC system in any way, the University's role may be limited to support and resources for the Complainant. On occasion, the Title IX Office may initiate an investigation to support further safety remedies.

Definitions

Applicable definitions from the *SVSH Policy* are incorporated herein. Other definitions are found in the applicable PPSMs and applicable APMs and are incorporated herein.

- The *SVSH Policy* is available at <http://policy.ucop.edu/doc/4000385/SVSH>.
- The PPSM manual is available at <http://policy.ucop.edu/manuals/personnel-policies-for-staff-members.html>.
- The APM is accessible at <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/general-university-policy-regarding-academic-appointees/index.html>.
- The Red Binder is accessible at <https://ap.ucsb.edu/policies.and.procedures/red.binder/>.

Chancellor's Designees

For matters involving UCSB Staff, the Chancellor's designee is Interim Vice Chancellor Joel Michaelsen (joel.michaelsen@ucsb.edu).

For matters involving UCSB Non-Faculty Academic Personnel, the Chancellor's designee is Associate Vice Chancellor Alison Butler (Alison.butler@ucsb.edu).

UCSB's Title IX Officer is Ariana Alvarez (ariana.alvarez@ucsb.edu).

II. Support Resources, Safety Measures and Accommodations for Individuals Impacted by Sexual Violence, Sexual Harassment and Other Prohibited Behavior

Confidential campus and community resources are available to anyone impacted by sexual violence, sexual harassment and other prohibited behaviors. 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. *(See Appendix C for a complete list of local support resources located on campus and in our local community.)*

Confidential Resources

UCSB offers access to confidential resources for individuals who have experienced Prohibited Conduct and are seeking counseling, emotional support, or confidential information about how to make a report to the University. University Confidential Resources are defined pursuant to the *SVSH Policy* and include individuals who receive reports in their confidential capacity such as advocates in the Campus Advocacy Resources and Education Office (CARE), clinicians in the Academic and Staff Assistance Program (ASAP) and Counseling and Psychological Services (CAPS), and the Office of the Ombuds. CARE serves students, faculty and staff. See Appendix A for their contact information

These individuals can provide confidential advice and counseling without disclosure to the Title IX Office or law enforcement, unless there is a threat of serious harm to the individual or others or a legal obligation that requires disclosures (such as suspected abuse of a minor).

While the services of CARE are exclusively for complainants, the other noted resources are available to any individual impacted by sexual violence, sexual harassment or other SVSH prohibited behavior identified by the *SVSH Policy*, including respondents, witnesses, reporting parties and support providers.

Safety Measures and Accommodations

Interim measures and support are available regardless of whether or not the incident is formally reported. Interim measures include, but are not limited to, the following: no contact orders or emergency protective orders; housing assistance; academic support; work accommodations; and counseling. Some suggested courses of action are:

- **Work accommodations.** To enhance their safety and wellness, an impacted individual has the right to request an accommodation to alter the individual's schedule, location or to access leave balances to cover absences that relate to matters covered by the *SVSH Policy*. This request should be made to the individual's direct supervisor and 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 reports from supervisory staff to the Title IX Office.
- **Housing relocation options.** If the impacted individual(s) live in University-owned housing, they have the right to request relocation options, which the University will review with them. Reasonable requests, space permitting, will be accommodated to the best of Housing, Dining, & Auxiliary Enterprises' abilities. This can be coordinated through the Title IX Office or a CARE advocate with Housing, Dining and Auxiliary Enterprises.

In addition, the impacted party has the right to seek an emergency protective order if a police report has been filed.

- **Emergency protective orders.** An impacted party facing an immediate threat to safety has the right to seek an Emergency Protective Order (valid for 10 court days) from the UCSB Police Department, Isla Vista Foot Patrol, or a local law enforcement agency if a police report has been taken. At 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 obtained through the Santa Barbara Superior Court. A CARE advocate can assist a survivor in navigating this process and in submitting a request for financial assistance to the UCSB Employee Survivor Fund.

III. Reporting Options and Resources (Stage 0)

Any member of the University community may report Prohibited Conduct by a UCSB Staff or Non-Faculty Academic that may constitute sexual violence, sexual harassment or other prohibited behavior to any supervisor; manager; Title IX Office; or to UCSB's Title IX Officer, Ariana Alvarez (805-893.2546; ariana.alvarez@ucsb.edu).

Faculty and supervisors who receive such reports must promptly forward the information to the Title IX Officer or other staff member in the Title IX Office charged with reviewing and investigating sexual violence, sexual harassment or other prohibited behavior complaints.

Responsible Employees who are not a confidential resource and who receives, in the course of employment, information that a student (undergraduate, graduate, or professional) has suffered sexual violence, sexual harassment or other prohibited behavior shall promptly notify the Title IX Officer or designee.

Reporting one's own personal experience with sexual violence or sexual harassment to 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 sexual violence, sexual harassment or other prohibited behavior is reported to a non-confidential party at the University who is a faculty member, supervisor or a responsible employee, they must notify the Title IX Office that 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 as timeliness increases the likelihood of substantiating claims and adjudicating charges.

Even if a clear decision has not been made by the impacted party as to whom to report or whether to report at all, it is important for the impacted party to preserve evidence for indications of domestic violence, dating violence, sexual assault and/or stalking. This includes writing down details about the incident(s), refraining from eating, drinking, washing, showering, using the bathroom, brushing teeth, or cleaning up the scene of an incident, and saving any communications (electronic, voice, text, or otherwise) to and from involved parties. Deleted text messages may sometimes be retrieved within the same billing period depending on the cellular carrier. Clothing or other evidence should be stored in a paper bag to preserve physical evidence.

While there is no time limit for reporting, reports of Prohibited Conduct should be brought forward as soon as possible. Impacted parties may pursue one, multiple or none of the following reporting options; any of which may be coordinated, if desired, with the assistance of a CARE advocate.

- **Make no report to law enforcement or the University.** Understanding that reporting is an intensely personal process, UCSB respects the right of the impacted party to decide whether to report.
- **Report to law enforcement and request prosecution.** Impacted parties have the right to report incidents of sexual violence to law enforcement.

- **If the incident happened on University property:** a report may be made to the UCSB Police Department.
 - If the report is filed with the UCSB Police Department, the officer will provide a business card with the case number on it, and will also offer the services of a campus CARE advocate or a community resource card (if in the local area).
- **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 Goleta) or the corresponding local law enforcement agency (if out of the area).
- **Regardless of where the incident took place, it is important to note:**
 - 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.
 - 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 Timely Warnings or Campus Alerts that go out to the campus community, nor in information released to the media.
- **Report to law enforcement without requesting prosecution.** In some cases, reports to law enforcement may be made for documentation purposes only. Ultimately the decision to prosecute is made by the District Attorney, although the cooperation of the complainant is considered necessary.
- **File a complaint with the UCSB Title IX Office.** Any report of sexual violence, sexual harassment or other prohibited behavior made to a faculty member, supervisor, responsible employee and/or Title IX Office places the University "on notice" to take action to remedy the situation and mitigate its effects. A report to these identified resources will initiate a University review with possible investigation by Title IX Office.
 - 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.
- **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 sexual violence 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.
- **Make an anonymous report.** Reports can be made to UCSB without any names included. However, the response may be limited without any identifying information and unable to respond fully to the reported incident, including pursuing disciplinary action against the alleged Respondent.

IV. UCSB's Alternative Response and Investigation Process (Stage 1)

Upon receipt of a report of or information about alleged Prohibited Conduct, the Title IX Officer, in consultation with the Employee CMT, will make an initial assessment in accordance with the *SVSH Policy*, which will include making an immediate assessment concerning the health and safety of the complainant and the campus community.

The Title IX Officer oversees the University's response to reports of sexual violence, sexual harassment or other behavior prohibited by the *SVSH Policy* to ensure the proceedings are prompt, fair and impartial from the initial report to the final outcome. Investigations and adjudication will be conducted by UCSB officials who receive annual training on issues related to sexual violence, sexual harassment or other SVSH prohibited behavior that promotes fairness, protects the safety of Complainants and promotes accountability.

A. Jurisdiction

Consistent with the *SVSH Policy*, any person who experiences sexual violence, sexual harassment or other prohibited behavior by a UCSB Staff Member or Non-Faculty Academic on University property or at an official University function, activity or program may file a complaint with the Title IX Office for review, possible investigation and possible adjudication by the administrative authority who has authority over the respondent's employment status or department.

Every case is considered individually and a determination of whether to investigate is done on a case-by-case basis. Sexual violence or sexual harassment, occurring off University property may also be considered for University investigation and adjudication if the alleged respondent is a UCSB employee and the safety of the community may be impacted.

B. Initial Assessment

Upon receipt of a report, the Title IX Office takes several steps within its assessment, including:

Initial Review and Inquiry

Upon receipt, the Title IX Office will contact the complainant to offer the services of the Title IX Office and provide them with a written explanation of their rights, options and resources. The Campus & Community Resources (Appendix A) and Rights of the Parties (Appendix D) documents are included in this email outreach.

Upon completion of an interview with the complainant, the Title IX Office will research the history of the involved individuals to identify any recurring behavior or systemic issues within a specific area or among specific individuals. With this information, the Title IX Office, in consultation with the Employee Case Management Team (CMT), will determine the most appropriate response and any necessary interim protections.

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 policy on sexual violence, sexual harassment and other prohibited behavior, as applicable. However, the response procedures for all reports will follow the terms of the current policy (01/01/16) and these procedures.

The Title IX Officer will ensure that the complainant, if his or her 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;
- Options for reporting to and/or notifying law enforcement and campus authorities;
- Information regarding confidential resources;
- The rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts;
- The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order;
- Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, financial aid assistance and other services available both within the institution and the community; and
- 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 crime to law enforcement.

The University will strive to honor the stated wishes of the complainant regarding whether to move forward with an investigation and any safety concerns for any involved individuals. There may be circumstances, however, in which the University may need to move forward against the complainant's wishes, or in which the University may determine that an investigation will not occur despite the complainant's wish to pursue an investigation. In such cases, the Title IX Officer, or their designee, will make this determination after completing an initial inquiry into the facts.

If the complainant declines to respond, the Title IX Office will determine how best to respond to the matter based on the available information. The Title IX Office will advise the complainant in writing via email of the final response decision with rationale for that determination and proceed accordingly thereafter.

Consideration of Interim Actions and other Protective Measures

The Title IX Officer, in consultation with the Employee CMT, will assess the situation and determine the appropriate interim measures to ensure the safety, well-being and equal access to UCSB programs and activities, its students and employees.

Involuntary Leave of a Staff or Non-Faculty Academic Staff Respondent

Investigatory leave of a PPSM-covered respondent may be imposed in accordance with PPSM 63. Investigatory leave of a non-faculty academic respondent may be imposed in accordance with APM-150.

The Title IX Office, in consultation with the Employee CMT, will also determine if any other interim measures are warranted or required to protect the involved individuals and the campus community.

Title IX will strive to protect privacy with respect to any interim or protective measures provided to the parties, to the extent it does not impair Title IX's ability to provide the interim or protective measures.

In some cases, Title IX may need to disclose some information about a Complainant to a third party to provide necessary accommodations or protective measures.

C. UCSB's Response to Prohibited Conduct (Stage 1)

Once the Title IX Office receives a report of alleged sexual violence, sexual harassment or other SVSH prohibited behavior, they will determine if the issues presented rise to a potential policy violation, and if so, determine the most appropriate process to address the issues presented. Provided the University has sufficient information to respond, and in accordance with the *SVSH Policy*, UCSB may resolve reports of Prohibited Conduct through Alternative Resolution or Formal Investigation.

The Title IX Officer oversees the University's response to reports of sexual violence, sexual harassment or other SVSH prohibited behavior to ensure the proceedings are prompt, fair and impartial from the initial report to the final outcome.

Investigations and adjudication will be conducted by UCSB officials who receive annual training on issues related to sexual violence, sexual harassment or other SVSH prohibited behavior.

Both the complainant and respondent have the right to be accompanied to any related meeting or proceeding by an advisor and a support person of their choice. An advisor includes any individual, except a potential witness, who provides the Complainant or Respondent with support, guidance, or advice (including attorneys). The institution cannot limit the choice of an advisor, but may restrict the extent to which the advisor can participate in the proceedings as long as the restrictions apply equally to Complainants and Respondents.

In addition, UCSB will offer to provide support services for complainants and for respondents as noted in Section II.

Alternative Resolution

After a preliminary inquiry into the facts, the Title IX Officer may initiate an Alternative Resolution in accordance with the *SVSH Policy*. Such a response may include:

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

If appropriate, the Title IX Office will offer the complainant the opportunity to submit an impact statement that, if completed, will be read to the respondent during the alternative resolution process.

Formal Investigation

In cases where Alternative Resolution is inappropriate or unsuccessful, the Title IX Officer may conduct a Formal Investigation as contemplated in the *SVSH Policy*. Generally, the formal investigation follows these steps:

1. Notification

The Title IX Officer will notify the Chancellor's designee and the respondent's supervisor or other appropriate administrative authorities when a Formal Investigation is commenced. The Title IX Officer will be sensitive in their communication to protect the neutrality of the Chancellor's designee and the neutrality of the supervisor or other appropriate administrative authorities, as well as the privacy of the complainant and respondent.

Thereafter, the Title IX Officer will ensure that the Chancellor's designee and/or supervisor or other appropriate administrative authorities are regularly updated regarding the status of the Formal Investigation.

2. Notice of Charges

When a Formal Investigation is conducted, the Title IX Office will simultaneously send written notice of the charges to the complainant and the respondent. The written notice will include:

- a. A summary of the allegations and potential violations of the *SVSH Policy*;
- b. The purpose of the investigation;
- c. A statement that the investigative report, when issued, will make factual findings and a determination whether there has been a violation of the *SVSH Policy*;
- d. A statement that the findings under the *SVSH Policy* will be based on the preponderance of the evidence standard;
- e. A summary of the investigation and discipline processes, including the expected timeline as outlined in these procedures;
- f. A summary of the rights of the complainant and respondent, including the right to an advisor and support person;
- g. A description of the resources available to the complainant and respondent; and
- h. An admonition against intimidation or retaliation.

If a Title IX investigator discovers **new facts that could form the basis for additional policy violations or sanctions**, the Title IX Office will simultaneously provide the parties with an amended Notice of Charges, which will include both the original and new allegations and charges.

3. Investigative Process

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

a. Overview

The **Title IX Officer will oversee the University 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 information, and identify witnesses who may have relevant information.

The investigator will meet separately with the complainant, the respondent, and any witnesses who may have relevant information, and will gather other available and relevant information. The investigator may follow up with the complainant or the respondent as needed to clarify any inconsistencies or new information gathered during the course of the investigation.

b. Confidentiality

Disclosure of facts to persons interviewed will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be asked to maintain confidentiality when essential to protect the integrity of the investigation.

c. Advisor and Support Persons

The complainant or the respondent may have one advisor and one support person, if desired, present when interviewed and at any related meeting. Other witnesses may have a support person present at the discretion of the investigator or as required by University policy.

d. Participation in Investigation

Neither the Complainant nor the Respondent is required to participate in the investigation. 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 will reach findings and conclusions based on the information available and may draw adverse inferences when a party selectively participates in the process, such as choosing to answer some, but not all questions posed.

e. Investigation Timeframe

The investigation shall be completed within sixty (60) University business days of its initiation, which is when the notice of charges is sent to the Complainant and Respondent. If there is a need to extend investigation beyond this 60 business day timeframe, the Title IX Officer may grant an extension after a finding of good cause for delay and the Complainant and Respondent shall be notified in writing along with an explanation of the reasons for the extension consistent with the *SVSH Policy*. The Title IX Officer or designee will keep the complainant and respondent regularly informed concerning the status of the investigation.

f. Coordination with Law Enforcement

When a law enforcement agency is conducting its own investigation into the alleged conduct, the Title IX investigator will make every effort to coordinate his or her fact-finding efforts with the law enforcement investigation. At the request of law enforcement, the investigation may be delayed to meet the needs of a criminal investigation. Any such delays shall be reviewed by the Title IX Officer and communicated to the parties in writing and documented.

4. Investigation Report and Finding

Following the conclusion of the investigation, the Title IX investigator will prepare a written report. The written investigation report will include a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact and analysis and a determination regarding whether, applying the preponderance of the evidence standard, there is sufficient evidence to conclude that respondent violated the *SVSH Policy*. The investigative report will be final upon approval of the Title IX Officer and delivery to the Chancellor's designee.

If the complainant or the respondent offered witnesses or other evidence that was not relied upon by the investigator, the investigation report will explain why it was not relied upon.

5. Notice of Investigation Outcome

Upon completion of the Title IX investigation report, the Title IX Officer or designee will send to the complainant and the respondent a written notice of investigation outcome regarding whether a violation of the *SVSH Policy* was found. The notice of investigation outcome will be accompanied by a copy of the investigation report, which may be redacted as necessary to protect privacy rights.

The Title IX Officer or designee will also send the notice of investigation outcome and accompanying investigation report to the Chancellor's designee and the supervisor or other appropriate administrative authority.

The notice of investigation outcome will include:

- a. A statement of whether a preponderance of the evidence demonstrated that respondent violated the *SVSH Policy*;
- b. An admonition against intimidation or retaliation;
- c. An explanation of any interim measures that will remain in place;
- d. A statement that the complainant and respondent have an opportunity to respond in writing to the Chancellor's designee and supervisor or other appropriate administrative authority; and
- e. A statement indicating whether it appears that further investigation by another appropriate body may be necessary to determine whether violations of other policies occurred, separate from any allegations of Prohibited Conduct that were investigated under the *SVSH Policy*.

If the investigation determines that the respondent violated the *SVSH Policy*, the notice of investigation outcome will also include:

- a. **For matters involving PPSM-covered respondents**, please refer to PPSM-62 and PPSM-64 for a description of the process for deciding whether and what discipline to impose, including a statement that the supervisor will propose a resolution, which may include corrective action or termination, and that the proposed discipline or termination is subject to review and approval by the Chancellor's designee; or
- b. **For matters involving non-faculty academic respondents**, a description of the process for deciding whether and what discipline to impose, including a statement that the appropriate administrative authority will propose a resolution, which may include corrective action or dismissal as described in APM-150 and Red Binder IX-20, and that the proposed discipline or dismissal is subject to review and approval by the Chancellor's designee; and
- c. A statement that the complainant and the respondent will be informed of the final resolution of the matter, including any discipline imposed, and a statement of the anticipated timeline.

V. UCSB's Assessment and Consultation (Stage 2)

The respondent's supervisor or other appropriate administrative authority has the responsibility to propose and implement action in response to the findings of the Title IX investigation report. The proposed decision by the supervisor or other appropriate administrative authority will be reviewed and approved by the Chancellor's designee. The supervisor or other appropriate administrative authority may determine that additional investigation is required to determine whether violations of other policies occurred, but will not reinvestigate allegations of Prohibited Conduct investigated by the Title IX Office.

The Chancellor's designee, as well as the supervisor or other appropriate administrative authority, may consult with the Title IX Office, Staff Human Resources, the Academic Personnel Office or any other appropriate entities at any time during the decision-making process.

A. Opportunity to Respond

In the investigative outcome notice, the Title IX investigator will inform the complainant and the respondent that they will have an opportunity to respond to the notice of investigation outcome and accompanying investigation report through a written statement. If the complainant or respondent chooses to respond, their written notice should be submitted to the respondent's supervisor or other appropriate administrative authority and the Chancellor's designee.

The purpose of this response is not to challenge the factual findings in the Title IX investigation report or present new evidence, but to provide the complainant and the respondent with an opportunity to express their perspectives and address their desired outcome.

B. Decision Proposal and Submission for Approval

In the event that the Title IX investigation finds the respondent responsible for violating the *SVSH Policy*, the respondent's supervisor or other appropriate administrative authority will propose a decision regarding how to resolve the matter. The proposal must be submitted to the Chancellor's designee for review and approval.

In the event the Chancellor's designee does not approve the proposed decision, he or she will send it back to the supervisor or other appropriate administrative authority for reconsideration and submission of a revised proposed decision.

In the event the Chancellor's designee approves the proposed decision, s/he will inform the supervisor or other appropriate administrative authority who will take steps to implement the approved decision.

This proposal and approval process will occur in all cases where the Title IX investigation has found the respondent violated the *SVSH Policy* pursuant to these procedures. Staff Human Resources or the Academic Personnel Office will be consulted throughout the process and/or may assist the Chancellor's designee with the implementation of this stage of the process.

VI. UCSB's Corrective and Remedial Actions (Stage 3)

UCSB will take prompt and effective steps reasonably calculated to stop any violation of the UC *SVSH Policy*, prevent its reoccurrence and, as appropriate, remedy its effects. To the extent that the remedy has not already been provided, the Title IX Officer, in consultation with appropriate administrators, will oversee the implementation of this remedy.

A. PPSM Covered Staff: Decision Approval and Implementation

Following approval by the Chancellor's designee, the respondent's supervisor will implement the approved decision in accordance with applicable PPSMs, including PPSM-62 and PPSM-64. For any of these responses, Staff Human Resources may assist with the implementation of this process.

1. No Further Action

The supervisor may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval. In the event it is approved, this decision and its rationale will be promptly and simultaneously communicated by the supervisor to both the complainant and the respondent.

2. Action Not Requiring Notice of Intent

The supervisor may propose corrective or remedial actions that do not amount to corrective action requiring a Notice of Intent as defined by PPSM 62 or termination under PPSM 64. The proposed actions will be reviewed by the Chancellor's designee for approval. If it is approved, the decision will be implemented by the supervisor and the decision and its terms and rationale will be promptly and simultaneously communicated by the supervisor to both the complainant and the respondent.

3. Notice of Intent

The supervisor may propose to issue a notice of intent to institute corrective action in accordance with PPSM-62 or notice of intent to terminate in accordance with PPSM-4. The proposed terms of the notice of intent will be reviewed by the Chancellor's designee for approval. In the event it is approved, the decision will be implemented by the supervisor and the notice of intent will issued.

Following the provision of a notice of intent, where corrective action is taken it will be implemented in accordance with PPSM-62 and/or actions to terminate will be taken in accordance with PPSM-64.

If the matter results in a disciplinary proceeding, at the conclusion of that proceeding, the supervisor will promptly and simultaneously communicate to both the complainant and the respondent the outcome of the disciplinary proceeding, including the final determination with respect to the alleged offense, any sanction that is imposed and the rationale for the results.

B. Non-Faculty Academic Personnel: Decision Approval and Implementation

Following approval by the Chancellor's designee, the appropriate administrative authority will implement the approved action in accordance with APM-150 and Red Binder IX-20. For any of these responses, the Academic Personnel Office may assist with the implementation of this process.

1. No Further Action

The appropriate administrative authority may propose to resolve the matter without taking any further action. This proposal will be reviewed by the Chancellor's designee for approval. In the event it is approved, this decision and its rationale will be promptly communicated to both the complainant and the respondent.

2. Informal Resolution

The appropriate administrative authority may propose an informal resolution in accordance with APM-150 and Red Binder IX-20, which may include discipline and/or other corrective or remedial measures. The proposed informal resolution and its terms will be reviewed by the Chancellor's designee for approval. Informal resolution can be achieved at any time prior to the final imposition of dismissal or corrective action.

In the event the informal resolution is approved and agreed to by the respondent, the complainant will be promptly informed of its terms and the rationale.

3. Notice of Intent

The appropriate administrative authority may propose to issue a notice of intent instituting dismissal or other corrective action in accordance with APM-150 and Red Binder IX-20. The proposed terms of the notice of intent shall be reviewed by the Chancellor's designee for approval.

Following the provision of a notice of intent, corrective action or termination will be implemented in accordance with APM-150 and Red Binder IX-20. The terms of the implemented action and its rationale will be promptly communicated to both the complainant and the respondent.

C. Timeframe for Implementation of Decision; Extension for Good Cause

The supervisor or other appropriate administrative authority should implement his or her approved decision promptly, typically within forty (40) business days of receipt of the notice of investigation outcome and accompanying investigation report. If the matter has not been otherwise resolved within forty (40) business days, the process will move forward to the next step unless a notice of extension has been granted.

Extensions to this timeline may be granted by the Chancellor's designee for good cause with written notice to the complainant and the respondent stating the reason for the extension and the projected new timeline.

D. Process Follow-Up

In the event that a PPSM-covered respondent submits a complaint under PPSM-70, or a non-faculty academic appointee respondent submits a grievance under APM-140, the Chancellor's designee will ensure that both the complainant and the respondent receive regular updates regarding the status of the complaint or grievance.

Subsequent to any final decision, the Chancellor's designee will promptly inform the complainant and the respondent of the decision, including any final decision on discipline, and its rationale.

VII. Appendix

Appendix A: Campus & Community Resources for Individuals Impacted by Sexual Violence, Sexual Harassment or Other SVSH Prohibited Behavior

Appendix B: Flowchart for PPSM covered employees

Appendix C: Flowchart for Non-Faculty Academic employees

Appendix D: The Rights of the Parties

Campus and Community Resources for Individuals Impacted by Sexual Violence, Sexual Harassment, or Other Prohibited Behavior

ELIGIBLE FOR SERVICES	RESOURCE TYPE	RESOURCE NAME	CONTACT INFORMATION
CONFIDENTIAL ADVOCACY & SUPPORT RESOURCES			
All	Campus	Campus Advocacy, Resources & Education (CARE)	(805) 893-4613 (24-hour advocacy line)
Students primarily (some services for Employees)	Campus	Counseling and Psychological Services (CAPS)	(805) 893-4411 (24-hour confidential crisis counseling available)
All	Campus	Office of the Ombuds	(805) 893-3285
Employees	Campus	Academic & Staff Assistance Program (ASAP)	(805) 893-3318
All	Community	Santa Barbara Rape Crisis Center (SBRCC)	(805) 564-3696 (24-hour crisis line)/ (805) 963-6832
All	Community	Domestic Violence Solutions for Santa Barbara County	(805) 964-5245 (24-hour crisis line)
REPORTING OFFICES			
All	Campus	Title IX & Sexual Harassment Policy Compliance Office (Title IX Office)	(805) 893-2701
All	Campus	UCSB Police Department (UCPD)	(805) 893-3446
All	Community	Isla Vista Foot Patrol (IVFP)	(805) 681-4179/(805) 681-4100 (after hours)
HEALTH & MEDICAL RESOURCES			
Students	Campus	Student Health	(805) 893-5361 (information)/ (805) 893-7129 (advice nurse)/ (805) 893-3371 (appointments)
Students	Campus	Student Mental Health Coordination Services	(805) 893-3030
All	Community	Sexual Assault Response Team (SART)	Referrals made by CARE, SBRCC, UCPD, IVFP, or other law enforcement
All	Community	Cottage Hospital Emergency Medicine & Trauma Services	(805) 682-7111 (24 hour, main phone line)
FINANCIAL AID, IMMIGRATION, & VISA SERVICES			
Students	Campus	Office of Financial Aid & Scholarships	(805) 893-2432
Students	National	Federal Student Aid	(800) 433-3243
Students	Campus	Office of International Students & Scholars	(805) 893-2929
All	Community	Legal Aid Foundation of Santa Barbara County	(805) 963-6754 (SB Main Office) (805) 922-9909 (Santa Maria Main Office) (805) 736-6582 (Lompoc Main Office)
OTHER CAMPUS & COMMUNITY RESOURCES			
Students	Campus	Office of Judicial Affairs	(805) 893-5016
All	Campus	Housing, Dining, & Auxiliary Enterprises	(805) 893-3281
All	Campus	Respondent Services Program	(805) 893-5012
Students	Campus	Associated Students Legal Resource Center	(805) 893-4246
All	Campus	Resource Center for Sexual & Gender Diversity (RCSGD)	(805) 893-5847
Employees	Campus	Human Resources	(805) 893-3166
Employees	Campus	Academic Personnel	(805) 893-8332
Faculty	Campus	Academic Senate	(805) 893-3179
All	Community	Santa Barbara Transgender Advocacy Network	info@sbtan.org
NATIONAL RESOURCES			
All	National	RAINN (Rape, Abuse & Incest National Network)	(800) 656-HOPE (4673) (National Sexual Assault Hotline - confidential)
All	National	National Sexual Violence Resource Center (NSVRC)	(877) 739-3895 (Toll Free)
All	National	It's On Us	http://www.itsonus.org/
All	National	Not Alone, Center for Changing Our Campus Culture	info@changingourcampus.org

UCSB CARE and Respondent Services can provide impacted parties with the names and contact information for individuals handling requests for protected 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 and 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>

Santa Barbara Rape Crisis Center (SBRCC) – Located in downtown Santa Barbara, SBRCC provides advocacy and support for survivors of sexual violence, including referral and support for medical and legal options. <http://www.sbrapecrisiscenter.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://www.dvsolutions.org/en/>

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. <http://www.sbsheriff.org/ivfp.html>

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 CARE, law enforcement, child welfare services, or Santa Barbara Rape Crisis Center. 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. <http://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) - 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/>

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.lafsb.org/>

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/>

Respondent Services Program – Respondent Services Program provides a neutral contact for any student or employee responding to a Title IX investigation to receive information about navigating the Title IX process. Furthermore, the 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 interim measures 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) – The RCSGD, located on the 3rd floor of the Student Resource Building, 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 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/>

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/>

Santa Barbara Transgender Advocacy Network - The Santa Barbara Transgender Advocacy Network 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 Resources

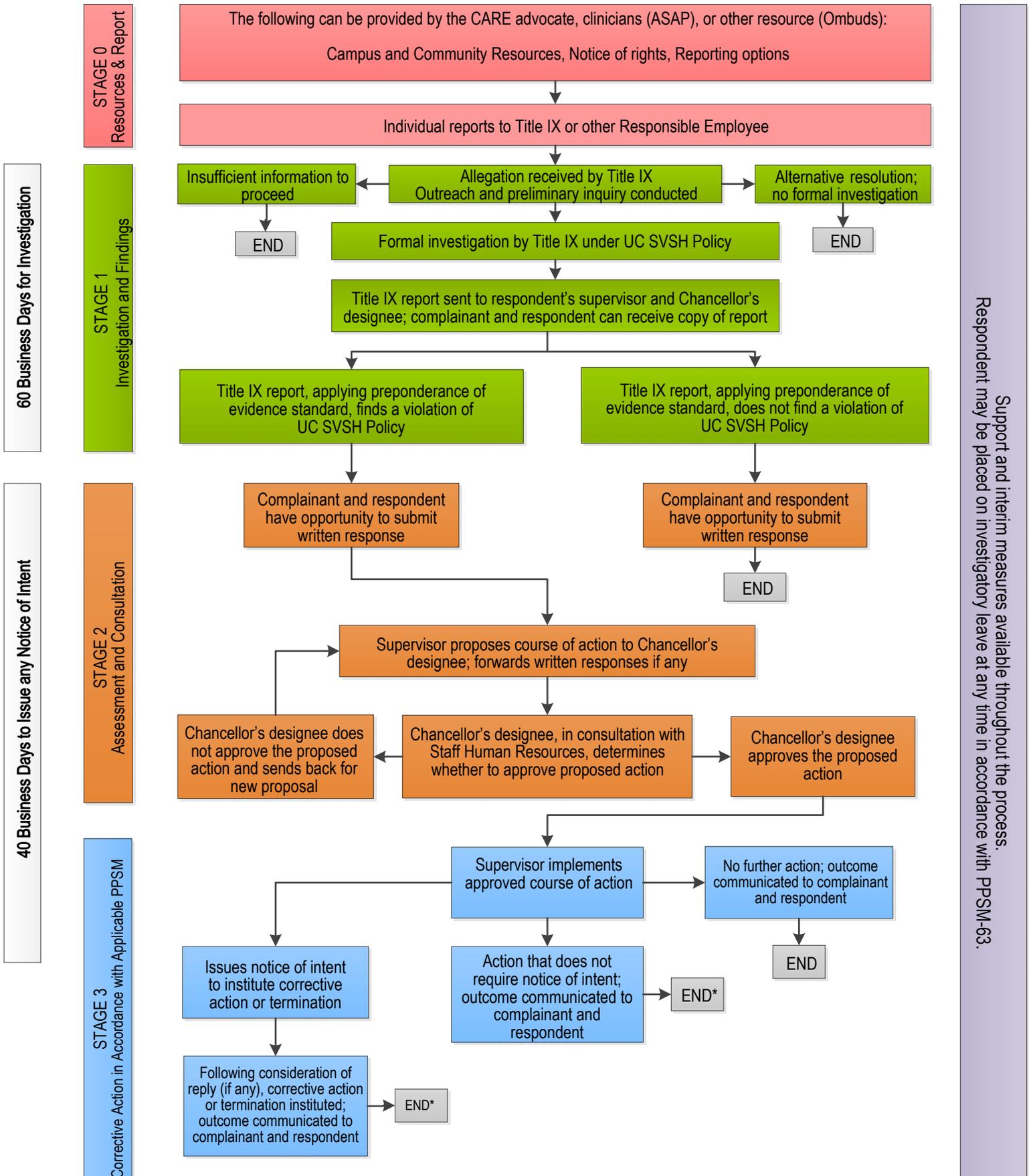
RAINN (Rape, Abuse & Incest National Network) – RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline, a *confidential service*, in partnership with more than 1,000 local sexual assault service providers across the country and 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/>

UNIVERSITY OF CALIFORNIA, SANTA BARBARA
PPSM-COVERED STAFF ADJUDICATION MODEL – PROCESS FLOW CHART

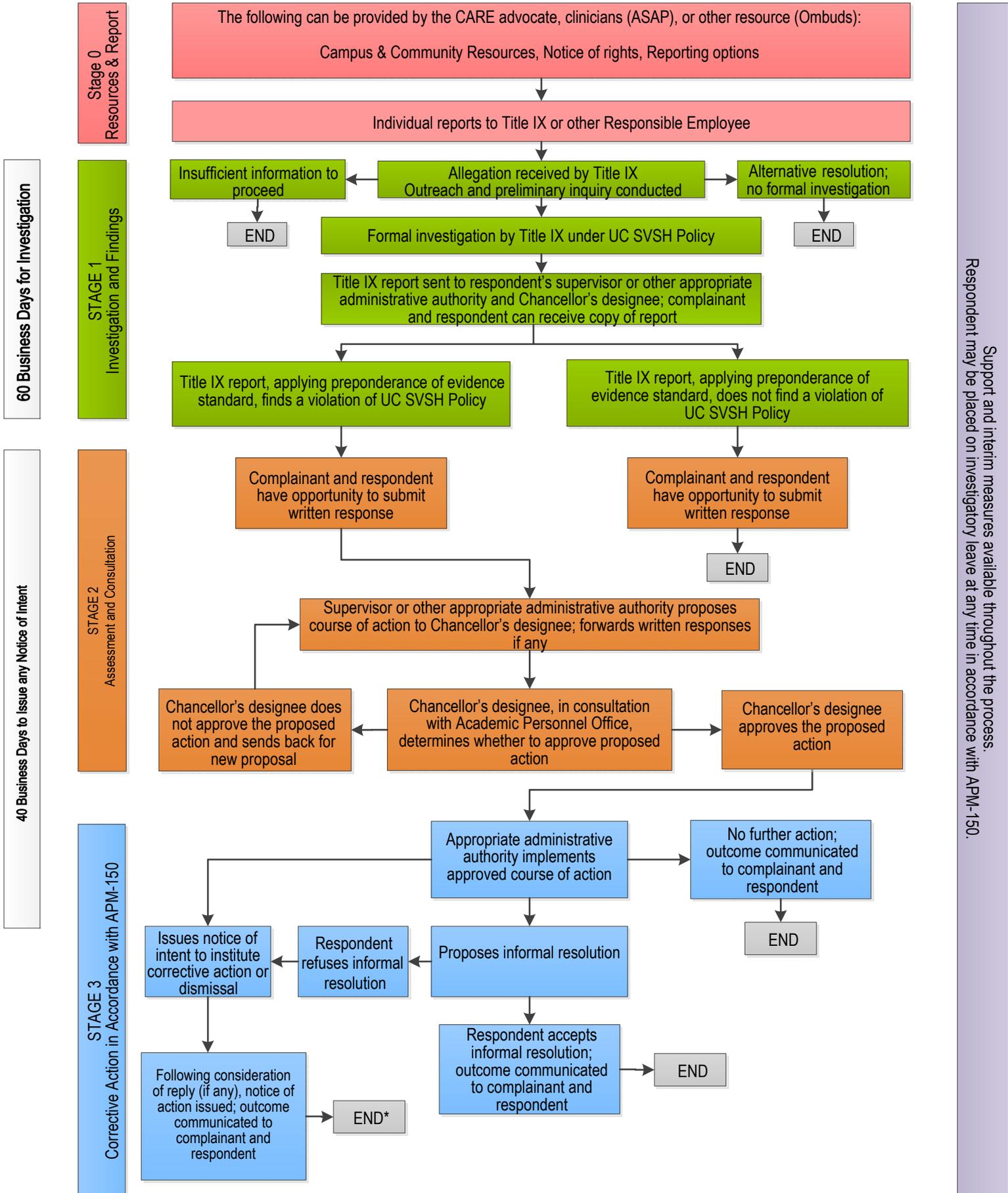


*Respondent may file a complaint pursuant to PPSM-70

Support and interim measures available throughout the process. Respondent may be placed on investigatory leave at any time in accordance with PPSM-63.

APPENDIX B: Non-Faculty Academic Personnel Adjudication Model - Process Flow Chart

UNIVERSITY OF CALIFORNIA, SANTA BARBARA
NON-FACULTY (NON-REPRESENTED) ACADEMIC PERSONNEL ADJUDICATION MODEL – PROCESS FLOW CHART



*Respondent may grieve decision pursuant to APM-140.

UCSB Rights & Options for Parties Impacted by Incidents of Sexual Violence & Sexual Harassment

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.