

University of California, Santa Barbara
Implementing and Response Procedures
for Reported Student Violations of the
UC Policy on Sexual Violence and Sexual Harassment
Issued January 4, 2016

These procedures are intended to supplement the ‘University of California Policy on Sexual Violence and Sexual Harassment,’ last issued January 1, 2016, and the UCSB Campus Regulations, last issued in 2009 and UCSB Student Conduct Code last issued in 2012. To the extent these procedures may be inconsistent or in conflict with the current Campus Regulations or UCSB Student Conduct Code, these procedures shall prevail.

I. General Policies

The University of California 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 the University prohibits sexual violence and sexual harassment, retaliation, and other prohibited behavior (“Prohibited Conduct”) that violates law and/or University policy. The University 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* (full policy text available at <http://policy.ucop.edu/doc/4000385/SHSV>).

Students who violate the *UC Policy on Sexual Violence and Sexual Harassment* are subject to University discipline as described in the *UC Policy*, these *UCSB Implementing and Response Procedures for Reported Student Violations of the UC Policy*, and *PACAOS Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework*.

Definitions

- A. Consent¹** is *affirmative, conscious, voluntary, and revocable*. Consent to sexual activity requires of both persons 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. The existence of a dating relationship or past sexual relations between the persons involved should 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 shall not provide a valid excuse where:

1. The Respondent’s belief arose from the Respondent’s own intoxication or recklessness;

2. 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
3. The Respondent knew or reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
 - a. asleep or unconscious;
 - b. due to the influence of drugs, alcohol, or medication, unable to understand the fact, nature, or extent of the sexual activity; or
 - c. unable to communicate due to a mental or physical condition.

B. Prohibited Conduct¹

1. Sexual Violence:

- a. **Sexual Assault - Penetration:** Without the consent of the Complainant, penetration, no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.
- b. **Sexual Assault - Contact:** Without the consent of the Complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) (i) unclothed or (ii) clothed. Note: this definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence. The Title IX Officer will determine whether the allegation should be treated as sexual violence or sexual harassment.

Note: Sexual Assault – Penetration and Sexual Assault – Contact are aggravated when it includes the following:

- Overcoming the will of the Complainant by:
 - *force* (the use of physical force or inducing reasonable fear of immediate 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, to do or submit to something that he or she would not otherwise do).
 - deliberately causing a person to be incapacitated (through drugs or alcohol);
- Intentionally taking advantage of the other person’s incapacitation (including voluntary intoxication)
- Recording, photographing, transmitting, viewing or distributing intimate or sexual images without the knowledge and consent of all parties involved.

c. Relationship Violence:

- i. **Dating Violence:** Conduct by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly, causes bodily injury to the Complainant or places the complainant in reasonable fear of serious bodily injury. The nature of the relationship between the

¹ Definition is from the *UC Policy on Sexual Violence and Sexual Harassment*

Complainant and Respondent is determined by the length, type, and frequency of interaction between them.

- ii. **Domestic Violence:** Conduct by a current or former spouse or intimate partner of the Complainant; or a person with whom the Complainant shares a child in common, that intentionally, or recklessly, causes bodily injury to the complainant or another, or places the Complainant or another in reasonable fear of serious bodily injury.

- d. **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. Stalking of a non-sexual nature is addressed by other University policies including but not limited to the *Policy on Student Conduct and Discipline Section 102.10*.

2. **Sexual Harassment:**

- a. Sexual Harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:
 - i. *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; or
 - ii. *Hostile Environment*: such conduct is sufficiently severe 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 and services of the University and creates an environment that a reasonable person would find to be intimidating or offensive.
- b. Consideration is given to the totality of the circumstances in which the conduct occurred. Sexual harassment may include incidents:
 - i. between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or nonemployee participants in University programs (e.g., vendors, contractors, visitors, and patients);
 - ii. in hierarchical relationships and between peers; and
 - iii. between individuals of any gender or gender identity.
- c. This 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.

3. **Other Prohibited Behavior**

- a. Invasions of Sexual Privacy
 - i. 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;

- ii. Without a person's consent, making 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
- iii. Using depictions of nudity or sexual activity to extort something of value from a person.
- b. Sexual intercourse with a person under the age of 18.
- c. Exposing one's genitals in a public place for the purpose of sexual gratification.
- d. Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under the *UC Policy* or these *Implementing Procedures*.

Retaliation¹: Retaliation includes threats, intimidation, reprisals, and/or adverse employment or educational actions against a person based on their report of Prohibited Conduct or participation in the investigation, report, remedial, or disciplinary processes provided for in the *UC Policy*.

CARE (Campus Advocacy Resources and Education) Advocates: assist students who have experienced or who have questions about sexual assault, dating or domestic violence, or stalking. CARE advocates provide confidential assistance to anyone who desires help with any of the procedures outlined here.

CARE advocates will maintain confidentiality; advise on campus or local resources including legal, medical, judicial, emotional or academic, and schedule any necessary appointments; 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.

For an expanded list of campus and community resources for those impacted by interpersonal violence, including locations and contact information, see Appendix A.

Complainant¹ is defined as any individual who files a report of sexual violence or sexual harassment or other prohibited behavior or retaliation or any person who has been the alleged subject of such Prohibited Conduct or retaliation. A complainant may also be identified during the process as either a "victim" or "survivor."

Respondent¹ is defined as an individual who is accused of sexual/interpersonal violence or alleged to have engaged in Prohibited Conduct and about whom a report of sexual violence, sexual harassment, other prohibited behavior, or retaliation is made.

Days, for the purposes of this procedure, mean business days. They do not include Saturdays, Sundays, or days on which the campus is closed.

Office of Equal Opportunity & Sexual Harassment/Title IX Compliance (OEOSH/TC) and Title IX Officer. OEOSH/TC is the office of record which reviews and coordinates response to all official complaints of sexual violence, sexual harassment, dating or domestic violence, and stalking; determines whether or not a formal University investigation will commence; conducts an investigation, if appropriate; and produces an investigative report with recommendations for resolution. The Title IX Officer within OEOSH/TC supervises the investigators and has final decision-making authority over all investigative matters and investigative reports.

Office of Judicial Affairs is the student conduct office at UCSB responsible for receiving the findings of an investigative report after completion of a Title IX investigation, and assigning sanctions, if appropriate. The Office of Judicial Affairs also coordinates and offers administrative support to the Interpersonal Violence Appeal Review Committee.

Responsible Employee¹: Any University employee who is 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. This includes Resident Assistants, Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees. In addition, the following who, in the course of employment, receive a report of Prohibited Conduct from any other person affiliated with the University shall notify the Title IX Officer or designee:

- Campus Police
- Human Resource Administrators, Academic Personnel, and Title IX Professionals
- Managers and Supervisors including Deans, Department Chairs, and Directors of Organized Research Units (ORU)
- Faculty members

II. Options for Those Impacted by Sexual Violence, Sexual Harassment, Dating/Domestic Violence, and Stalking

Confidential campus and community resources are available to anyone impacted by interpersonal or sexual violence. See Appendix A for a complete list of local confidential and non-confidential resources. 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.

Any member of the University community may officially report conduct by a UCSB student that may constitute sexual harassment or sexual violence to any supervisor; manager; Office of Equal Opportunity & Sexual Harassment/Title IX Compliance (OEOSH/TC); or UCSB's Title IX Officer (Sexual Harassment Officer). 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 OEOSH/TC charged with reviewing and investigating sexual harassment and sexual violence complaints.

Reporting one's own personal experience with sexual harassment or sexual violence to a "responsible employee," OEOSH/TC, the Title IX Officer, or law enforcement is the decision of the impacted party. Understanding that reporting is an intensely personal process, the University of California, Santa Barbara respects the right of the impacted party to decide whether or not to report. However, if an act of interpersonal violence is reported to a non-confidential party at the University who is designated as a "responsible employee," that employee must notify OEOSH/TC, who will make a determination as to whether or not a formal University investigation may be necessary to address the concerns reported.

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 still important for the impacted party to preserve evidence for indications of domestic violence, dating violence, sexual violence, or stalking, or for obtaining a protection order. This includes writing down details about the incident(s), not 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) from involved parties. Even if text messages are deleted, they may sometimes be able to 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.

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. Interim measures and support are available regardless of whether or not the incident is formally reported. Impacted parties who make a report are referred to as “complainants” for the duration of the process. Below are the official reporting options.

- 1. Report to law enforcement and request prosecution.** Impacted parties have the right to report incidents of sexual/interpersonal violence to law enforcement. If the incident happened on University property, a report may be made to the UC Police Department. 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).

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.

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).

In order to protect privacy, California law allows complainants to request that the police not release personal information - name, address, phone numbers and date of birth. This will ensure a degree of confidentiality but does not guarantee complete anonymity. The UC 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.

- 2. 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 is made by the District Attorney, although the cooperation of the complainant is considered necessary.
- 3. File a complaint with the UCSB Office of Equal Opportunity & Sexual Harassment/Title IX Compliance (OEOSH/TC).** Any report of sexual violence or sexual harassment made to a “responsible employee” and/or OEOSH/TC places the University “on notice” to take action to remedy the situation and mitigate its effects. Reporting to OEOSH/TC or any “responsible employee” will initiate a University review with possible investigation by OEOSH/TC and adjudication by the Office of Judicial Affairs once the investigation is complete. Upon reporting to OEOSH/TC, the complainant will be provided with a written explanation of their rights and options. If a complaint is investigated by OEOSH/TC, the respondent will also be provided with a written explanation of their rights and options.

4. **Report to both law enforcement and OEOSH/TC.** 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 should also report their complaint to OEOSH/TC.
5. **Seek to obtain an emergency protective order** (short-term restraining order) from the UC Police Department, Isla Vista Foot Patrol, or a local law enforcement agency when they respond to the incident if the threat is immediate, and/or obtain a temporary restraining order through the court system. There is normally a fee associated with a temporary restraining order. A CARE advocate can assist with this process.
6. **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 Judicial Affairs. The Office of Judicial Affairs will meet with the involved parties separately when issuing a no contact order. Because employees of the Office of Judicial Affairs are “responsible employees” and not a confidential resource, information shared by either party about sexual harassment or sexual violence will be reported to OEOSH/TC.
7. **Request academic assistance** for missed classes or exams, or help with rearranging course schedules. This may be coordinated through a CARE advocate 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 OEOSH/TC.
8. **Explore housing relocation options** if either the complainant or the respondent live in University-owned housing. This can be coordinated through a CARE advocate with Housing, Dining, & Auxiliary Enterprises 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 Housing staff to OEOSH/TC. Reasonable requests, space permitting, will be accommodated to the best of Housing, Dining, & Auxiliary Enterprises’ abilities.

III. Procedure and Process When Reporting to the University

Once OEOSH/TC receives a report of alleged student-perpetrated sexual violence, 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. If a matter is to be investigated, OEOSH/TC will provide a prompt, fair, and impartial investigation. Investigations and adjudication will be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual violence, and stalking, and how to conduct an investigation and hearing that promotes fairness, protects the safety of complainants and promotes accountability.

A. Jurisdiction.

1. Any person who experiences sexual violence, sexual harassment, dating or domestic violence, or stalking by a UCSB student on University property or at an official University function may file a complaint with the OEOSH/TC for review, possible investigation, and possible adjudication by the Office of Judicial Affairs. Every case is considered individually and a determination of whether to investigate is done on a case by case basis. Sexual harassment, sexual violence, dating or domestic violence, or stalking occurring off University property may also be considered for University investigation and adjudication if the alleged perpetrator is a UCSB student and may also be reported to OEOSH/TC.
2. The University may, at its sole discretion, exercise jurisdiction over student behavior that occurs off campus that would violate student conduct policies or regulations when the alleged misconduct indicates the student poses a threat to the safety or security of any member(s) of the University community. In determining whether to exercise jurisdiction for adjudication purposes, the Office of Judicial Affairs and the Vice Chancellor for Student Affairs may consider the seriousness of the alleged misconduct; the risk of future harm involved; whether a crime has been reported to the criminal authorities; the ability of the University to gather information, including the statements of witnesses; and/or whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

B. Initial assessment.

1. An initial assessment by the OEOSH/TC and the Office of Judicial Affairs will determine whether "interim suspension" is recommended to the Vice Chancellor for Student Affairs (see section 105.08, *Campus Regulations*). If an interim suspension is warranted, a student respondent shall be restricted 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 OEOSH/TC, in conjunction with CARE, will also determine if any other interim measures are warranted or required to protect individuals involved.
2. Upon receipt, the OEOSH/TC will review the report to determine the most appropriate response and any necessary interim protections. The University will strive to honor the stated wishes of the complainant concerning whether to move forward with an investigation. 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 his/her designee, will make this determination after completing an initial inquiry into the facts. The OEOSH/TC will advise the complainant in writing of the final response decision with rationale for that determination and proceed accordingly thereafter.

C. Investigation.

1. All investigations of sexual violence, dating or domestic violence, stalking, or sexual harassment are conducted by the OEOSH/TC, unless otherwise designated by the OEOSH/TC.
2. Upon initiation of the investigation, the OEOSH/TC and the Office of Judicial Affairs will jointly send written notice of the investigation and charges to the complainant and student respondent which will include the following:
 - a. a summary of the allegations and potential policy violations
 - b. the purpose of the investigation
 - c. a statement that the investigative report, when issued, will make factual findings and a recommendation regarding whether there has been a violation of University policy
 - d. a statement that the findings and recommendation will be based on a preponderance of the evidence standard
 - e. a summary of the process, including the expected timeline; and
 - f. a summary of the rights of the complainant and respondent.
3. Throughout the investigation and resolution process, the University will offer and provide support services for complainants through the CARE office (located in the Student Resource Building), and for respondents through the Respondent Services Coordinator (located in the Dean of Students Office in the Student Resource Building). The University will also consider and take interim measures 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, the following: no contact orders; housing accommodations; academic support and accommodations; and counseling. Furthermore, at all stages of the process, the complainant and respondent have the right to an advisor and a support person of their choosing.
4. Neither the complainant nor the respondent is required to participate in the resolution process. 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, decision-maker, or appeal body will reach findings and conclusions based on the information available. An investigator, decision-maker, or appeal body may draw adverse inferences when a student selectively participates in the process, such as choosing to answer some but not all questions posed.
5. The investigation shall be completed within sixty (60) University business days from the date on which the report was received by the OEOSH/TC. If the investigation takes longer than 60 business days, the complainant and respondent shall be notified in writing along with an explanation of the good cause for the delay.
6. When a law enforcement agency is conducting its own investigation, the Title IX investigator will coordinate his or her fact-finding efforts with the law enforcement investigation, and upon

request of the law enforcement agency, the investigation may be delayed to meet the needs of a criminal investigation. Any such delays shall be communicated to the parties in writing and documented.

7. The Title IX Officer within the OEOSH/TC will oversee the University investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation.
8. The investigator will:
 - a. Develop an investigative plan for completion of the investigation within 60 working days (pending delays for good cause).
 - b. Outreach to the **complainant**. During the investigatory interview and throughout the investigation the investigator shall:
 - i. Provide “Required Notifications for Reports of Sexual Violence” (as outlined in the UC SVSH Policy).
 - ii. Provide reference to health and wellness resources.
 - iii. Highlight services of confidential CARE advocates.
 - iv. Consider potential interim measures and coordinate with the appropriate campus offices able to provide or assist with such interim measures.
 - v. Provide a copy of the UC SVSH Policy and these Implementing Procedures.
 - vi. Explain confidentiality (limitations and expectations).
 - vii. Refer to the Office of Judicial Affairs to explain no contact orders (if applicable).
 - viii. Explain prohibition against retaliation.
 - ix. Explain investigatory process and timelines.
 - x. Discuss and set expectations for frequency and method of status notifications.
 - xi. Inform complainant of ability to bring an advisor or support person of choice.
 - xii. Gather facts of the case using trauma-informed response and interviewing.
 - xiii. Make a determination as to what other witnesses should be contacted.
 - xiv. Follow up with the complainant after respondent and witness interviews, if necessary, to clarify any inconsistencies.
 - xv. Provide periodic updates to the complainant on the status of investigation.
 - c. Outreach to the **respondent**. During the investigatory interview and throughout the investigation the investigator shall:
 - i. Review the allegations.
 - ii. Provide reference to health and wellness resources.
 - iii. Provide a copy of the UC SVSH Policy and these Implementing Procedures.
 - iv. Explain confidentiality (limitations and expectations).
 - v. Refer to the Office of Judicial Affairs to explain no contact orders (if applicable).
 - vi. Explain prohibition against retaliation.
 - vii. Highlight availability of Respondent Services Coordinator.
 - viii. Explain investigatory process and timelines.
 - ix. Discuss and set expectations for frequency and method of status notifications.
 - x. Inform respondent of ability to bring an advisor or support person of choice.
 - xi. Gather facts of the case.
 - xii. Make a determination as to what other witnesses should be contacted.
 - xiii. Follow up with respondent after other witness interviews, if necessary, to clarify any inconsistencies.

- xiv. Provide periodic updates to respondent on status of investigation.
- d. Gather relevant evidence, for example:
 - i. Police reports.
 - ii. Conduct, housing, or other administrative reports.
 - iii. Photographs.
 - iv. Video surveillance.
 - v. Text messages, emails, letters, social media, voicemails.
 - vi. Entry/exit logs to residential halls or other buildings (when available).
 - vii. Personnel files.
 - viii. Prior investigations involving the same party or parties.
 - ix. Visual inspection of incident location (if available).
- e. Outreach to any **witnesses**. During the investigatory interview and throughout the investigation, the investigator shall:
 - i. Discuss health and wellness resources, as appropriate.
 - ii. Discuss confidentiality (limitations and expectations).
 - iii. Discuss prohibition against retaliation.
 - iv. Discuss investigatory process.
 - v. Gather facts of the case.
- f. Follow consistent practices for documenting investigations.
- g. Make the following analyses:
 - i. Credibility assessment based on inherent plausibility, the demeanor of the involved parties, bias and motive to falsify and any historical reports of similar behavior or issues.
 - ii. Analysis of facts: disputed, undisputed and other evidence
 - iii. Make a recommendation about whether the UC SVSH Policy was violated.
- h. Prepare a written report.
 - i. The written report will issue a recommendation for alleged violations of the UC SVSH Policy. The investigator will apply the preponderance of the evidence standard in recommending whether or not there has been a violation.
 - ii. The Title IX Officer along with the investigator will submit the report to the Office of Judicial Affairs and/or other campus authority for review and application of the ultimate finding, sanctioning model and/or recommended remedies.
 - iii. The report shall include: a statement of the allegations and issues; the positions of the parties; a summary of the evidence; findings of fact; and a recommendation by the investigator as to whether or not the UC SVSH Policy has been violated.
 - iv. If the complainant or respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation regarding why such information was not considered.
 - v. The written report will also document any investigative delays that required an extension to the 60-working-days deadline.
- i. Notify both parties.

The complainant and respondent will be notified in writing through a joint notice from the OEOH/TC and the Office of Judicial Affairs as to the findings (See D. below for more

information). Upon completion of the Title IX investigation, the Title IX Officer and Office of Judicial Affairs will jointly send to the complainant and the respondent: (a) written notice of the investigation findings and the investigator's recommended determinations, and (b) a copy of the investigation report. The investigation report may be redacted if necessary to protect student privacy rights.

- j. Both parties will be provided with information about deadlines, adjudication procedures (if applicable), appeal rights, and interim measures that remain in place.
9. The investigation file will be retained by the OEOSH/TC and must be made available to the parties on request, and may be redacted as necessary to protect student privacy rights.

D. Determining if the case will move forward with sanctioning. Upon completion of the investigation, the following will occur:

1. The Title IX Officer and Office of Judicial Affairs will jointly send to the complainant and the respondent written notice of the investigation findings and the investigator's recommended determinations and the Office of Judicial Affairs' finding; and will provide a copy of the investigation report to the parties, redacted if necessary to protect student privacy rights.
2. The written notice will include:
 - a. a statement of the factual findings and recommendations regarding whether the charges have been substantiated, including whether policies have been violated;
 - b. an admonition against intimidation or retaliation; an explanation of any interim measures that will remain in place;
 - c. a statement of the right to appeal that will be explained further in the notice of decision;
 - d. a statement that the Office of Judicial Affairs will determine whether the charges have been substantiated and policies have been violated and, if so, will assess the disciplinary sanctions and inform the complainant and respondent of the sanctions within ten (10) business days of the notice of findings; and
 - e. a statement that the complainant and/or respondent may schedule a meeting with the Office of Judicial Affairs and/or submit a written statement to be heard on the question of the findings of any policy violation(s) and the discipline prior to the decision and the imposition of sanctions.
3. Upon receipt by the Office of Judicial Affairs of a fact-finding report by the OEOSH/TC, the Office of Judicial Affairs will determine any findings of policy violations, by the conclusion of ten (10) business days, and if there is enough evidence to move forward with sanctioning.
4. During those ten (10) business days, either party may schedule a meeting with the Office of Judicial Affairs and/or submit a written statement concerning the findings and the discipline. The Office of Judicial Affairs will use the information in the investigative report and any statements made from the complainant and respondent during this ten (10) day period to make a determination of policy violation(s) and imposition of sanctions.
5. Upon completion of the ten (10) day period, the Office of Judicial Affairs will send written notice to the complainant and respondent setting forth the decision on whether the charges have been

substantiated and any policies have been violated; and any sanctions to be imposed. Sanctions will be assigned based on the facts of the case and using the “University of California Sanctioning Model.” (See Appendix B.)

6. The written notice will include the following:
 - a. a description of the determinations on whether the charges have been substantiated and any policies have been violated, and if so, a description of the sanctions;
 - b. the rationale for the determinations and the sanctions; and
 - c. a statement of the right to appeal, the procedure that will be followed in hearing the appeal, the grounds upon which the appeal may be based, the office to which the appeal may be submitted, and an explanation that both the complainant and respondent will receive a copy of any appeal prior to a hearing.

7. In cases in which a respondent may complete a degree before an investigative report is issued by the OEOSH/TC and a final decision has been made on responsibility and possible sanctions, the Office of Judicial Affairs may place a hold on the respondent student’s registration account and subsequent processing of their degree until the case has reached a resolution.

E. Student Amnesty. Complainants and witnesses, who are students, and who participate in an investigation of sexual violence will not be subject to disciplinary sanction for a violation of the University’s student conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

F. Options to Appeal and the Appeal Process.

1. Submitting an Appeal:
 - a. Once a decision and/or sanction has been determined, the complainant and respondent may contest the decision and/or the sanctions by submitting an appeal. The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the following grounds:
 - i. There was a procedural error in the process that materially affected the outcome, such as the investigation was not fair, thorough or impartial;
 - ii. The decision was unreasonable based on the evidence;
 - iii. There is new, material information that was unknown and/or unavailable at the time the decision was made that should affect the outcome;
 - iv. The disciplinary sanctions were disproportionate to the findings.

 - b. An appeal must be submitted in writing to the Interpersonal Violence Appeal Review Committee (IPVARC) within ten (10) business days following the date of the written notice of the decision and disciplinary sanctions, if imposed. The IPVARC shall serve as the decision-making body on the appeal. The appeal must identify the grounds for appealing and contain a brief statement of the reasons supporting each ground for appeal.

 - c. If an appeal is submitted, any disciplinary sanctions ordinarily will not be imposed until the appeal process is complete. Interim measures, such as no contact orders, academic accommodations, etc. will remain in effect during the appeal process.

- d. The appeal will be decided at a hearing by the Interpersonal Violence Appeal Review Committee (IPVARC), composed of one to three University staff members who are appropriately trained on issues of interpersonal violence and all relevant procedures and policies. The Office of Judicial Affairs shall assist the IPVARC with the administration of the appeal process only; the IPVARC will be the decision-making body. Prior to the hearing, the IPVARC will review the information submitted by the parties and decide whether it contains sufficient information concerning the grounds for appeal and the reasons related to those grounds. The purpose of this review is not to decide the merits of the appeal, but to identify the nature and scope of the issues to be addressed in the hearing. If the written appeal is defective or incomplete, the appealing party will be given an opportunity to correct and resubmit the appeal within five (5) business days or on the final date on which the original appeal was due, whichever is later.

2. Conducting the Appeal Hearing

- a. Not less than ten (10) business days before the appeal hearing, the Office of Judicial Affairs, on behalf of the IPVARC, will send written notice to the complainant and respondent of the hearing date, time, location and procedures. The notice will include a copy of the appeal(s) to be considered at the hearing.
- b. At least five (5) days prior to the hearing, the complainant and respondent will submit to the IPVARC, via the Office of Judicial Affairs, the information they intend to present at the appeal hearing, including all documents to be presented, the names of all witnesses, and a brief summary of all witnesses' expected testimony. In addition, the IPVARC may also request that additional witnesses be present at the hearing, if necessary.
- c. At least two (2) days prior to the appeal hearing, the complainant and respondent will receive copies of all the information that will be considered at the appeal hearing, including the names of potential witnesses and a summary of the information they are expected to provide. Prior to the appeal hearing and/or during the hearing, the IPVARC may: exclude information and/or witness testimony that is irrelevant in light of the grounds for appeal, not in dispute, or unduly repetitive; decide any procedural issues for the appeal hearing; and make any other determinations necessary to ensure an orderly, productive, and procedurally proper appeal hearing.
- d. The Title IX investigator will be present at the appeal hearing. The IPVARC may question the investigator, witnesses present, the complainant, and/or the respondent. The investigation report and any supporting documents or materials will be entered as evidence at the appeal hearing.
- e. The IPVARC may allow the complainant, respondent, and/or witnesses to be visually or physically separated during the appeal 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. The IPVARC must be able to see the complainant, respondent, and any witnesses when they are presenting information.

- f. The complainant and respondent will have the opportunity to present the information they previously submitted to the IPVARC via the Office of Judicial Affairs, unless the IPVARC has excluded such information.
- g. The complainant and respondent have the right to hear all individuals who testify at the hearing and to propose questions to be asked of all individuals who testify at the hearing. However, all questions must be first submitted to the Chair of the IPVARC. This can be done prior to or during the hearing assuming it does not cause undue delays in the hearing.
- h. The IPVARC will determine the order of questioning. Whenever possible, the IPVARC will ask the questions as they are submitted by the complainant and respondent and will not rephrase or change them. The IPVARC may, however, exclude questions that are unduly repetitive, clearly not relevant, or unduly time consuming.
- i. The appeal hearing will be audio recorded and summary minutes will be taken. Other than the official recording, no other recording devices, electronic or mechanical, will be permitted in the hearing.
- j. Formal rules of evidence will not apply. The IPVARC may consider the form in which information is presented, as well as the credibility of any party or witness, in weighing the information and reaching findings.
- k. The complainant and respondent may each bring an advisor and/or a person of support, for a total of two (2) people. However, the complainant and respondent will need to speak for themselves. The advisor or person of support may not present a complainant's or respondent's case nor may they personally submit questions for either party, witnesses, or the Title IX investigator in advance of or during the hearing. If the complainant or respondent asks for a short recess either to confer with their advisor, or to take a short break, it shall normally be granted, unless a break would unduly interfere or disrupt the hearing process.

3. Appeal Decision

- a. The IPVARC will deliberate in private and reach a decision based on a preponderance of the evidence standard. The IPVARC shall attempt to reach consensus on a decision, but the majority shall make the decision if consensus cannot be reached.
- b. The IPVARC shall take into account the record developed by the investigator and the evidence presented at the hearing, and may make its own findings and credibility determinations based on all of the evidence before it.
- c. The IPVARC may: a) uphold the findings and disciplinary sanction; b) overturn the findings or sanctions; or c) modify the findings or sanctions.
- d. The IPVARC will summarize its decision in a written report that includes the following:
 - i. A statement of the grounds for the appeal;
 - ii. A summary of the process undertaken by the IPVARC;

- iii. A summary of the information considered by the IPVARC; and
 - iv. The decision of the IPVARC 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, either at the time they were made or in light of the evidence considered by the IPVARC.
 - e. The Office of Judicial Affairs will send the IPVARC's written decision to the complainant and respondent within ten (10) working days of the hearing.
 - f. If the findings and the sanctions are upheld, the Office of Judicial Affairs will inform the respondent and complainant in writing that the matter is closed with no further right to appeal.
- 4. Subsequent Written Appeal to the Vice Chancellor for Student Affairs
 - a. If the IPVARC overturns or modifies the findings or sanctions, the Office of Judicial Affairs will inform the respondent and complainant in writing of the right to submit a written appeal to the Vice Chancellor for Student Affairs within five (5) business days of the date on the written notification of the IPVARC's decision, based on: procedural error that materially affected the outcome, or a sanction that is disproportionate to the findings. If an appeal is submitted, the other party will receive a copy of the written appeal and may submit a written statement as well within five (5) business days. This appeal is documentary only, and no in-person meetings or hearing will be held.
 - b. The Vice Chancellor for Student Affairs will issue a written decision to the complainant and respondent, normally within ten (10) business days. There is no further right to appeal.
 - c. The appeal process described above, including the appeal hearing and any appeal to the Vice Chancellor for Student Affairs, will normally be completed within sixty (60) business days of the date of the notice of decision and sanctions (where imposed).

G. Interpersonal Violence Appeal Review Committee

- 1. The IPVARC shall be composed of staff from the UCSB campus who receive annual and on-going training on issues of sexual and interpersonal violence and trauma informed practices. An appeal hearing may be heard by one (1) to three (3) members of the IPVARC, with three (3) being the preferred number of members.
- 2. All hearings are closed and information pertaining to a conduct case is controlled by federal and state privacy laws.

H. Rights of the Complainant

- a. 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.

- b. 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.
- c. To receive 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.
- d. 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.
- 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 regarding the incident and/or personal impact.
- g. 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, and when such results become final.
- h. Right to review the redacted report

I. Rights of the Respondent. The respondent has the right to procedural due process as outlined in the *Campus Regulations*. Among these rights are:

- a. 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.
- b. To receive 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.
- c. 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.
- d. To be present for the duration of and produce questions for any witnesses in advance of an appeal hearing.
- e. To have the opportunity to make statements; produce witnesses or evidence pertaining to the case; and respond to and question the evidence presented.
- f. To simultaneously with the complainant, be informed in writing of the outcome of any University investigation, sanctioning, appeal hearing, the procedures for appealing the results of the investigation, sanctioning, or appeal hearing, and any change to the results that occur prior to the time that such results become final.
- g. Right to review the redacted report

NOTE: All hearings are closed and information pertaining to a conduct case is controlled by University policy, federal and state privacy laws.

J. Possible Sanctions.

1. Students found responsible for a sexual violence, incidents of dating or domestic violence, and/or stalking, will be sanctioned based on the UC sanctioning model (Appendix B), taking into consideration the facts of the individual case and any exceptional circumstances.
2. In accordance with UC policy, all suspensions will be noted on the responsible student's transcript for the duration of the suspension. All dismissals will be permanently noted on the responsible student's transcript.
3. Discipline records are normally purged after five years (seven years if the violation was also a reportable Clery Act crime) from the sanctioning imposition date, however, the Director of the Office of Judicial Affairs may decide to keep a file active for a longer period of time in cases of sexual violence, dating or domestic violence, or stalking, and must make a note of the rationale for keeping a file active beyond its expiration date.

K. Timely Reporting.

1. The University encourages early reporting of incidents to either law enforcement or the OEOSH/TC. 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.
2. In addition, early reporting also 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.

L. Adjudicating Sexual Violence, Dating or Domestic Violence, and Stalking, by Location

1. University-Owned Residence Halls, University-Owned Apartments, and Family Student Housing

All University-owned residence halls, apartment complexes, and other complexes under lease by Housing, Dining & Auxiliary Enterprises are under University jurisdiction.

2. Privately-Owned Student Housing

The University has the right to extend jurisdiction over sexual violence, dating and domestic violence, and stalking that occur off University property, including privately-owned student housing. Parties who have experienced interpersonal violence in privately-owned student housing should follow the general procedures listed above, and contact the OEOSH/TC, if they believe the perpetrator may have been a University student and if they would like the incident to be investigated by the University.

3. Greek Houses

The University has the right to adjudicate violations of sexual assaults, dating and domestic violence, and stalking that occur in Greek (fraternity or sorority) houses. Parties who have

experienced interpersonal violence in Greek housing should follow the general procedures listed above, and contact the OEOSH/TC, if they believe the perpetrator may have been a University student and if they would like the incident to be investigated and adjudicated by the University.

4. Interpersonal/Sexual Violence Committed by Members of Registered Campus Organizations or Athletic Teams

Allegations involving members of any registered campus organizations or teams may be reported to the OEOSH/TC for an investigation and possible adjudication by the University. The University reserves the right to also sanction registered campus organizations and athletic teams should the investigation of the complaint be substantiated.

5. Other Off-Campus or Non-Campus Locations

Allegations involving UCSB students may be reported to the OEOSH/TC for investigation and possible adjudication by the University regardless of location.

M. Reports to both the University and to law enforcement

If a complainant chooses to report to both the University and to law enforcement, the two fact-finding investigations will be coordinated to the best of the Title IX investigator's abilities, taking into consideration law enforcement's ability (or lack thereof) to share information with the Title IX investigator. 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 process. Delays will be communicated to all parties and documented by the Title IX investigator and/or the Office of Judicial Affairs.

It is possible that the District Attorney may decide not to prosecute a case that the Office of Judicial Affairs has decided to adjudicate. This may be due to the fact that the standard of evidence for a criminal case is "beyond a reasonable doubt" whereas the standard of evidence for a University conduct case is "preponderance of the evidence." The Office of Judicial Affairs may still move forward in this case.

N. Reporting/investigating/adjudicating cases in which the respondent is a non-student member of the campus community (e.g., faculty, staff, administrator)

All reports of sexual misconduct by non-student members of the campus community are received, reviewed, and, if applicable, investigated by the OEOSH/TC.

Faculty and lecturers fall under the jurisdiction of the Office of Academic Personnel in the Executive Vice Chancellor's Office for adjudication/resolution purposes.

Teaching assistants who are graduate students are under the jurisdiction of the Office of Judicial Affairs and Human Resources for adjudication/resolution purposes.

Staff members are under the jurisdiction of Human Resources for adjudication/resolution purposes.

O. When a non-student, non-affiliate assaults or stalks a student on or off campus

The University's role may be limited to a police response and providing counseling and support services to the victim. CARE advocates may provide confidential support to and assist victims with filing a restraining order and all other avenues available through the criminal or civil justice system.

Reports may still be made to the OEOSH/TC for review and possible investigation or recommended remedies.

Appendix A

On-Campus and Local Resources for Survivors of Sexual Harassment, Sexual Violence, Dating/Domestic Violence, and Stalking

UCSB CARE Confidential Advocates	(805) 893-4613 (24-hour advocacy line)
UCSB Counseling and Psychological Services (CAPS)	(805) 893-4411 (24-hour confidential crisis counseling available)
UCSB Student Mental Health Coordination Services	(805) 893-3030
UCSB Office of the Ombuds	(805) 893-3285
UCSB Housing, Dining, & Auxiliary Enterprises	(805) 893-3281
Santa Barbara Rape Crisis Center	(805) 564-3696 (24-hour crisis line)/(805) 963-6832
Domestic Violence Solutions for Santa Barbara County	(805) 964-5245 (24-hour crisis line)
UCSB Student Health & Alcohol and Drug Program	(805) 893-3371
Santa Barbara Cottage Hospital Emergency Room	(805) 682-7111
University of California Police Department (UCPD)	(805) 893-3446
UCSB Office of Judicial Affairs	(805) 893-5016
UCSB Office of Equal Opportunity & Sexual Harassment/Title IX Compliance	(805) 893-2701
Isla Vista Foot Patrol (IVFP)	(805) 681-4179/(805) 681-4100 (after hours)

****NOTE:** Not all resources are completely confidential. CARE, CAPS, and the Office of the Ombuds are confidential as required by FERPA, HIPPA, or other state licensure requirements. All other offices maintain confidentiality to the extent possible, but as offices of record, may be required to reveal information about your case on a "need-to-know" basis or as responsible employee reports.

UCSB CARE offers assistance with contacting all listed resources.
Most resources are available at no charge.

On-Campus Advocacy and Support Services

CARE (Campus Advocacy Resources and Education) Confidential Advocates - Located in the Women's Center (1220 Student Resource Building). 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 survivors.

Counseling and Psychological Services - Located in Building 599 (across from Storke Tower). Provides UCSB students with confidential individual counseling, as well as support groups, information, and 24-hour crisis phone counseling at no charge.

Student Mental Health Coordination Services – Located in the Office of Student Life (2nd Floor Student Resource Building). Provides connection to campus resources, assistance with academic or other accommodations, and withdrawals.

Office of the Ombuds – Located at 1205-K Girvetz Hall. A confidential resource for the UCSB community to discuss concerns with a trained mediator.

Housing, Dining, & Auxiliary Enterprises – Located in the trailers between the College of Creative Studies and Santa Rosa Hall. Provides housing accommodations, such as room or building changes, or cancellation of contracts, as available, to student resident survivors of sexual violence or stalking.

Off-Campus Local Advocacy and Support Services

Santa Barbara Rape Crisis Center – Located in downtown Santa Barbara, (433 E. Canon Perdido Street). Provides advocacy and support for survivors of sexual violence, including referral and support for medical and legal options.

Domestic Violence Solutions for Santa Barbara County – Provides emergency shelter, support groups, 24-hour crisis line, and transitional housing.

Medical Resources

Student Health - Located between the Events Center and Isla Vista. Provides medical examinations, referrals, and treatment. Visits are covered for students with Gaucho Health Insurance. Does not provide medical examinations for evidence collection (SART exams). SART exams are done exclusively by Santa Barbara Cottage Hospital, by a trained female nurse. Student Health is obligated to report any suspected incident of sexual violence to the UC Police Department.

Santa Barbara Cottage Hospital Emergency Room – Located at 350-389 Junipero St. in Santa Barbara. Provides emergency care and referrals for the SART examination. SART examinations take place across the street from the Emergency Room. SART examination can be done before a reporting decision is made.

Local Reporting Options

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

University of California Police Department - Located in the Public Safety Building (near Harder Stadium). For crimes committed on campus property, provides reporting, investigation, and forwarding of reports to the District Attorney for legal action. Also provides information about restraining orders and referrals for forensic exams.

Office of Equal Opportunity & Sexual Harassment/Title IX Compliance – Located in Phelps Hall, Room 3217. Reviews and coordinates response to all reports of sexual violence affecting the campus community, and reviews matters to determine if an official University investigation is required. Investigates Title IX complaints, oversees campus Title IX resolution efforts, and offers referrals to relevant campus resources.

Isla Vista Foot Patrol/Santa Barbara Sheriff's Office – Located in Isla Vista (6504 Trigo Road). For crimes committed in Isla Vista, provides reporting, investigation, forwarding of reports to the District Attorney for legal action, information about restraining orders and referrals for forensic exams.

Appendix B

UNIVERSITY OF CALIFORNIA DISCIPLINARY PROCESS FOR STUDENT SANCTIONS

I. INTRODUCTION

These standards are intended to ensure the consistent application of disciplinary sanctions by the University of California in responding to conduct that violates the University's *Policy on Sexual Violence and Sexual Harassment* and the University's *Policies Applying to Campus Activities, Organizations, and Students* (PACAOS) Section 100 (Policy on Student Conduct and Discipline). ² The following describes the University's procedures for assigning disciplinary sanctions when the respondent is a student.

² This supplements the Policies Applying to Campus Activities, Organizations and Students (PACAOS, 5/10/2012). In the event of any conflict this document shall take precedence.

II. PRINCIPLES

A. The administration of student discipline will be consistent with the UC PACAOS Policy on Student Conduct and Discipline.

B. When a student is found responsible for violating the University's Policy on Sexual Violence and Sexual Harassment and the UC PACAOS Policy on Student Conduct and Discipline, the University will assign disciplinary sanctions that are appropriate to the violation, taking into consideration the context and seriousness of the violation.

C. When a student is found not responsible for violating the University's Policy on Sexual Violence and Sexual Harassment and the UC PACAOS Policy on Student Conduct, 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. Disciplinary sanctions are designed to hold a student accountable for violating University standards of conduct and to promote personal growth and development.

Disciplinary sanctions also serve the purpose of stopping the behavior that violated this policy and preventing its recurrence.

E. The University of California recognizes that acts of sexual violence and sexual harassment are contrary to its goals of providing an educational environment that is safe and equal for all students.

F. University of California campuses are permitted to inform other UC campuses of a student's disciplinary record for violating the University's Sexual Violence and Sexual Harassment Policy and the UC PACAOS Policy on Student Conduct and Discipline.

III. DISCIPLINARY SANCTIONS

A. University disciplinary sanctions include, but are not limited to:

1. Dismissal from the University of California,
2. Suspension from the campus,
3. Exclusion from Areas of the Campus or from Official University Functions,
4. Loss of Privileges and Exclusion from Activities,
5. Restitution,
6. Probation,
7. Censure/Warning, and/or
8. Other actions as set forth in University policy and campus regulations.

B. The definitions of disciplinary sanctions are found in University of California PACAOS Section 105.00 (Types of Student Disciplinary Action) and local campus regulations.

C. The posting of disciplinary sanctions on academic transcripts will follow University policy as defined in University of California PACAOS, Section 106.00.

IV. PROCESS

A. When a respondent has been found in violation, the University will provide written notice of the assigned disciplinary sanctions and a brief rationale for the sanctions.

B. Disciplinary sanctions will be assigned as follows:

1. Sexual assault, domestic/dating violence, or stalking in which one or more of the following factors are present will result in a minimum sanction of Suspension for at least two years, up to dismissal:

- i. force, violence, menace, or duress;
- ii. deliberately causing a person to become incapacitated or deliberately taking advantage of a person's incapacitation; or
- iii. recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.

2. Sexual assault involving penetration; domestic/dating violence; or stalking will, absent exceptional circumstances, result in a minimum sanction of Suspension for two years, up to dismissal.

3. Other sexual contact in violation of policy will, absent exceptional circumstances, result in a minimum sanction of Suspension for one year.

C. Assigned disciplinary sanctions and the factors considered for each case will be documented and reported to the University of California Office of the President on a quarterly basis. The report is to ensure a reasonable level of consistency from campus to campus.

V. FACTORS CONSIDERED IN DETERMINING DISCIPLINARY SANCTIONS

A. In determining the appropriate sanction, the following factors may be taken into account:

1. 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; presence of weapons, use of force, violence, physical injury.
2. Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; use of authority to abuse trust or confidence; planned or predatory conduct; deliberately causing a person to become incapacitated or deliberately taking advantage of a person's incapacitation; recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent; hate or bias based on the complainant's membership or perceived membership in a protected group as defined in UC PACAOS Section 104.90.
3. 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.
4. Disciplinary history: prior violations unrelated; prior violations related.
5. Impact on others: input from the complainant; protection or safety of the community.