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

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

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

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

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

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

Effective January 4, 2016
Flow Chart - UCSB Investigation and Adjudication for Reported Student Violations of the
UC Sexual Violence & Sexual Harassment Policy

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

CONFIDENTIAL RESOURCES
Advocacy (UCSB CARE, SBRC, DVERT), UCSB CAPS, UCSB Behavioral Health (Social Work, Psychiatry, Alcohol & Drug Program), UCSB Ombuds, SART Exam;
Notice of Rights & Consideration of Reporting Options

REPORTING
Individual Chooses to Report to TIX/SHP/C and/or any Responsible Employee;
University Placed “On Notice”; Interim Measures in Place

INVESTIGATION
Investigation (60 business days)

FINDINGS & POSSIBLE SANCTIONS
Notice of Charges, Investigation, Policy, and Rights Sent Jointly to Respondent from TIX/SHP/C and OJA; Investigation Initiated; Complainant Notified
Notice of Findings and Recommendation Sent From TIX/SHP/C to OJA; Parties Notified
Opportunity for Parties to Meet with OJA and Comment (10 business days)

APPEAL OPTIONS FOR BOTH PARTIES
Notice to Parties of Decision, Sanctions (if applicable), & Appeal Options

Decision Overturned or Modified by IPV ARC

One or Both Parties Appeal(s) to VCSA

Decision Overturned or Modified by VCSA

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

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