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June 7, 2017

Dear Concerned Students:

We write on behalf of the UC Davis administration in response to your letter of June 2, 2017. The problem of sexual violence on college campuses is serious and of the utmost importance to address in a fair and effective manner. We acknowledge your concerns. UC Davis has worked hard to build a strong model for reviewing allegations of sexual violence that is trauma-informed for Complainants and provides due process for Respondents. We recognize, however, that sexual and gender based violence is a systemic issue and there is work to be done. Campus representatives, including students, played a key role in the UC Task Force that created the systemwide adjudication policy for students and our campus is viewed as a leader in the system for implementing it. Our accomplishments so far include:

- a comprehensive sexual violence prevention education program for students, faculty and staff;
- thorough and timely investigations into reports of sexual violence;
- prompt sanctioning of misconduct consistent with systemwide sanctioning guidelines; and
- transparency with our community regarding case outcomes.

We review our work continuously for improvement and we welcome constructive feedback. We respond to each of your specific demands below:

- 1) Under the systemwide adjudication policy, all staff involved in the process receive annual training regarding trauma-informed practices. This includes all Title IX investigators, relevant administrators from the Office of Student Support and Judicial Affairs (OSSJA), police officers and victim advocates. The process does not involve medical or legal professionals. We agree that education regarding working with a variety of communities is valuable and have provided training in this regard to our staff members. We agree that it is important to maintain this as a value for our organizations and will commit to continue providing the type of training you reference in this section of your letter. We disagree that the members of the administration who are responsible for these processes are generally white males. There are several women and people of color represented among our staff. Still, we acknowledge the need for a more diverse workforce, especially among administrative leaders, and are committed to work towards that goal as outlined in

the forthcoming UC Davis Strategic Vision Plan for Diversity and Inclusion. Additionally, we are committed to diversity and attracting pools of diverse candidates whenever we have job vacancies. We acknowledge that certain groups have been subject to historical biases and we commit to providing continuing education to our staff to enhance their cultural competencies.

- 2) We agree that the only person responsible for sexual violence is the person who perpetrated it. We applaud those who have the courage to come forward to confront these acts and understand the difficulty of doing so. President Napolitano's 2014 Task Force led to a policy that not only includes trauma-informed interviewing practices, but has led to a single fact-finding process in which investigations are ordinarily completed and decisions and sanctions issued within 60 business days. If there are any appeals, the entire process is completed within 120 business days. We are always open to improving our practices while guaranteeing the due process rights of those who are accused. Your letter does not include any specific examples of how you believe the process falls short. We are open to meeting with you to discuss specific concerns in a mutually respectful fashion.
- 3) You request that UC and Title IX track and document organizations associated with sexual assaults and sex criminals. It is important to understand that administrators do not adjudicate *crimes*. We make findings of fact and decide whether our Sexual Violence and Sexual Harassment Policy has been violated and we sanction those responsible for doing so. We met with students earlier this year to discuss this request and are still exploring it, but we believe we have the means to track whether students belong to Greek organizations and we know we can track which students are student athletes. We will consider how to track and document this information consistent with our legal obligations to maintain student privacy.
- 4) The University generally respects the wishes of any complainant who requests that we not conduct an investigation. The only exception to this practice is when the University has information that the respondent may pose a threat to the larger student community. When the University is not able to investigate an alleged incident of sexual violence but it has information regarding the identity of the accused, it ordinarily intervenes with the accused through one-on-one meetings or other appropriate actions. We note your request that we mediate sexual violence cases. Neither UC policy nor guidance from the Department of Education Office for Civil Rights permits mediation in this context.
- 5) You ask that organizations facing multiple sexual violence accusations be held accountable. Sexual violence is typically an individual act for which the individual is sanctioned if found responsible. Neither individuals nor organizations can be sanctioned on the basis of an accusation alone. If an organization is accused of violating the sexual violence policy by engaging in behaviors including but not limited to encouraging, aiding, facilitating, or attempting to cover up any acts of sexual violence, the University will investigate specific reports that are brought to its attention. If the organization is found responsible, the University will take the strongest possible action. While we recognize your concerns about organizations based on reports involving individual cases, the University can only act when specific information about alleged misconduct is provided. We encourage individuals to come forward with reports about organizations engaging in such behaviors. To date,

we have not received any. We are willing to meet to inform you of the kind of information that would be helpful.

- 6) The UC Task Force on Sexual Violence and Sexual Harassment established sanctioning standards for substantiated acts of sexual violence. The subgroup that helped to create those standards included victim advocates and students. They are not “minimum sentences.” Depending on factors identified in the standards, they mandate, in most cases, suspension for two years or more, up through dismissal. These standards responded to criticisms that Universities issued brief suspensions or counseling only. At UC Davis, lengthy suspension or dismissal has generally been our practice and in 2016, UC Davis issued suspension of two years or more in 8 cases and dismissal in 5 cases. Academic misconduct, in most cases, does not result in suspension or dismissal unless repeated instances require such action.
- 7) CARE is a treasured campus resource and has received increased funding in the past three years. The campus is committed to maintaining funding for CARE. CARE is in the process of developing a general peer education program and is discussing a partnership with Greek Life on a targeted peer education program.

In closing, while we share many of the same values and we are committed to making change in the areas addressed above, we believe that we have accomplished much in the past two years. We will continue our practice of reviewing and improving what we do. Regarding funding, the Title IX Office has 4 full-time, trained investigators who are available to conduct Title IX investigations. We hired a full-time Response Team Coordinator three years ago to help manage our growing case load. OSSJA hired a Hearing Coordinator this year to manage timelines associated with the post-investigation hearing process. We also added staff at CARE, which now has funding for a full-time director, 2 full-time victim advocates, a full-time education coordinator and 2 student employees. These cases are complex and time consuming. Yet, we have completed almost every case under the new policy in compliance with the above deadlines. In the few cases where there has been good cause for extension, we have granted these. These cases are thoroughly investigated and, as our published metrics demonstrate, the campus takes appropriate corrective action up to and including dismissal consistent with the systemwide sanctioning guidelines.

While more education and awareness programs would be beneficial, our campus does have a strong sexual violence and sexual harassment prevention program. The staff at CARE and HDAPP work tirelessly to provide high-quality, engaging, in-person prevention education to all incoming undergraduate, graduate and professional students as well as athletes, members of Greek Life and student housing residents. Additionally, all staff and faculty receive sexual harassment and sexual violence prevention education every two years and ongoing information.

Finally, you mention that we have chosen not to participate in dialogue with you about this subject. The Campus Community Review Team for Sexual and Gender-Based Violence and Misconduct and its subcommittees encourages input and involvement. If invited, we are happy to join you in meaningful and productive conversation where we can discuss, agree, and potentially disagree in a mutually respectful environment.

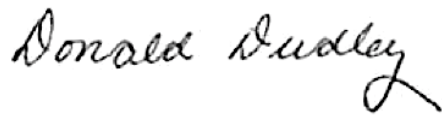
We are committed to and continuously working toward maintaining a safe and welcoming environment for all students. Please be assured that we have consulted with both Interim Chancellor Ralph Hexter (soon returning to his role of Provost & Executive Vice Chancellor) and

Chancellor-Designate Gary May, and they are deeply committed to ensuring that our campus meets its obligations fully.

Sincerely,



Wendi Delmendo
Chief Compliance Officer/Title IX Officer
Office of Compliance and Policy



Donald Dudley
Director
Office of Student Support and Judicial Affairs

cc: Interim Chancellor Hexter
President Napolitano
Chancellor-Designate May
Vice Chancellor De La Torre