

University of California, Davis
Notice of Rights and Options in the Investigation and
Adjudication of Sexual Violence and Sexual Harassment Cases

The University is committed to providing a fair and impartial process for adjudicating cases of alleged sexual violence and sexual harassment. As an individual who is being investigated for alleged sexual violence and sexual harassment, the University wants you understand the process as well as your rights. In this matter, you are identified as the “respondent”.

UC Davis conduct policies and procedures for adjudicating cases of alleged sexual violence and sexual harassment cases may be found in the UC Davis Adjudication of Student Cases of Sexual Violence and Sexual Harassment at: http://sja.ucdavis.edu/files/UCD_ASCSVSH.pdf. The University of California Sexual Violence and Sexual Harassment Policy may be found at: <http://policy.ucop.edu/doc/4000385/SHSV> .

The process for investigating and resolving charges of these cases is completed in three stages: (1) Investigation, (2) Decision, and (3) Appeal.

Stage One: Investigation

A University Investigator will contact you to schedule an interview. While you are not obligated to participate in the investigation, the University will reach findings and issue a decision about the charges and impose disciplinary sanctions, if appropriate, based primarily on the investigation report.

You may choose to speak with the investigator, give a personal statement and answer questions; however, participating in the investigation does not mean that you have to give a personal statement. The investigation is the opportunity to provide all relevant information, respond to information submitted by the other party, identify potential witnesses, and submit questions for the investigator to ask the complainant or others.

At the end of the investigation, the University will notify you of the investigation findings and provide you with a copy of the investigation report.

Stage Two: Decision

After the conclusion of the Investigation, OSSJA will review the report and decide whether to accept the recommendations of the Investigator. Prior to sending a decision, you will have an opportunity to meet with OSSJA and/or submit written comments to OSSJA about the findings and the report. After ten business days, the Director of OSSJA will send a decision letter to you. If found in violation of University policy, the letter will also assign disciplinary sanctions.

Disciplinary sanctions are issued according to the University’s Standards for Disciplinary Sanctions for Student Cases of Sexual Violence and Sexual Harassment. See http://sja.ucdavis.edu/files/UCD_ASCSVSH.pdf.

Stage Three: Appeal

Either party has the right to appeal the decision and sanctions, if any. You will have ten business days following the decision letter to submit an appeal identifying the reasons why you are challenging the outcome. The Appeal must be based on one or more of the following grounds:

- There was procedural error in the process that materially affected the outcome, such as the investigation was not fair, thorough or impartial;
- The decision was unreasonable based on the evidence;
- There is new, material information that was unknown and/or unavailable at the time the decision was

- made that should affect the outcome;
- The disciplinary sanctions were disproportionate to the findings.

If an appeal is submitted, any disciplinary sanctions will be postponed pending the outcome of the appeal. An Appeal Hearing Officer will review the appeal and determine the appropriate scope and nature of a hearing to consider the matter. Following the Appeal Hearing, the Appeal Hearing Officer may affirm OSSJA's decision, modify the decision or overturn the decision.

If the Appeal Hearing Officer affirms OSSJA's decision, there are no further appeal rights. If the Appeal Hearing Officer modifies or overturns the decision, either party will have an opportunity for a written appeal on limited grounds.

Summary:

The University's procedures for sexual harassment and sexual violence will:

- Provide a prompt, fair and impartial investigation and resolution.
- Be conducted by officials who have received annual training on how to conduct an investigation and conduct a proceeding in a trauma-informed manner.
- Include an investigation that will be conducted within 50 business days or less, unless there is cause for an extension. The University will notify the complainant and respondent and provide an explanation.
- Be conducted using the preponderance of the evidence standard.
- Allow a ten business day period in which the complainant and respondent may comment on the investigation report in person and/or in writing prior to a decision by the Office of Student Support and Judicial Affairs.

Both the complainant and the respondent have the right to:

- Remain silent without any negative inference.
- Be accompanied by a support person and an advisor of their choice, including an attorney, at any stage of the process.
- Have an opportunity to present information, respond to information submitted by the other party, and identify witnesses who may have relevant information.
- Be provided with a copy of the completed investigation report.
- Comment on the investigation report in person and/or in writing.
- Be informed in writing of the outcome of any disciplinary action.
- Be informed of the procedures and deadline for appealing the outcome.
- Be informed of any change to the results that occurs prior to the time they become final.
- Be informed of when such results become final.

When the reported conduct might also constitute criminal conduct, you may wish to seek legal counsel before making any written or oral statements, and seek advice about how your participation in a campus administrative process could affect any criminal case in which you might become involved.

The following resources may be helpful:

- a. Office of Student Support and Judicial Affairs, 530-752-1128, sja@ucdavis.edu. Student Judicial Affairs within OSSJA adjudicates cases of alleged student misconduct.
- b. Respondent Services within the Office of Student Support and Judicial Affairs, <http://sexualviolence.ucdavis.edu/accused.html>: Respondent Services is a non-confidential resource for respondents. Jennifer Chow, jenchow@ucdavis.edu, a Respondent Services Coordinator (RSC) is available to coordinate support services and be a point of contact for Respondents. They are available to assist students in navigating the investigation and adjudication process, and possible associated impacts, by helping to facilitate student connection to available campus and community resources. Counseling Services, 530-752-2349, <https://shcs.ucdavis.edu/>: Counseling Services offers free, confidential, short-term individual counseling to all registered UC Davis students.
- c. Office of the Ombuds, 530-219-6750, <http://ombuds.ucdavis.edu/>: The UC Davis Ombuds Office is a confidential, independent, impartial, and informal problem-solving and conflict-management resource for all members of the UC Davis campus community.
- d. ASUCD Legal Services, 530-752-1990, <https://asucd.ucdavis.edu/units/legal-services/>: ASUCD Legal Services provide each UC Davis undergraduate student a free fifteen-minute consultation with an attorney.
- e. UC Davis Harassment & Discrimination Assistance and Prevention Program (HDAPP), (530) 747-3864, <https://hdapp.ucdavis.edu/>: HDAPP at UC Davis supports the University's commitment to a work and learning environment free from discrimination and harassment.
- f. Title IX Officer, (530) 752-9466, wjdelmendo@ucdavis.edu: The Title IX Officer determines whether an investigation is necessary subject to this policy and the University of California policy on Sexual Violence and Sexual Harassment.