Interim PACAOS-Appendix-F: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Framework for DOE-Covered Conduct

Provisional PACAOS-Anexo-F: Marco de investigación y resolución para el Estudiante sobre Violencia Sexual y Acoso Sexual por una Conducta Cubierta por el DOE

臨時PACAOS-附錄-F：針對教育部規定行為的性暴力和性騷擾學生調查和裁決框架

Pansamantalang PACAOS-Apendiks-F: Imbestigasyon sa Seksuwal na Karahasan at Seksuwal na Panliligalig ng Estudyante at Balangkas ng Paghatol para sa Asal na Saklaw ng DOE

Responsible Officer:	VP - Student Affairs
Responsible Office:	SA - Student Affairs
Issuance Date:	12/22/2025
Effective Date:	1/1/2026
Scope:	Consistent with PACAOS 12.00, these Policies and the campus regulations implementing them apply to all campuses and properties of the University and to functions administered by the University, unless in special circumstances the President directs otherwise.

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I. POLICY SUMMARY

Consistent with the University *Policy on Sexual Violence and Sexual Harassment (SVSH Policy*) (see Section V.A.5. ("Overview of Resolution Processes") and V.A.6. ("The Investigation Report and Outcome")), the following describes the University's procedures for resolving DOE Formal Complaints of DOE-Covered Conduct, as defined in the *SVSH Policy,* where the responding parties are students, including the sanctioning of students who are found responsible for DOE-Covered Conduct in violation of the *SVSH Policy. Appendix E* describes the University's procedures for resolving reports of other conduct prohibited by the *SVSH Policy*, where the responding parties are students.

Campuses will also apply these procedures to resolve reports of other violations of University policies that apply to students (herein, "student conduct policies") that occur in connection with alleged DOE-Covered Conduct in violation of the *SVSH Policy* (see Appendix IV).

II. DEFINITIONS

Applicable definitions for the *SVSH Policy* can be found at Section II of the *SVSH Policy*.

Applicable definitions for the Policies Applying to Campus Activities, Organizations, and Students (PACAOS), and the campus implementing regulations adopted pursuant to them, are provided in Section 14.00.

III. POLICY TEXT

A. PREFACE

The University of California is committed to creating and maintaining a community where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of Sexual Violence, Sexual Harassment, and other conduct prohibited under the *SVSH Policy* (collectively, "Prohibited Conduct"). Consistent with its legal obligations, including those under Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013, and California Education Code section 67386, the University responds promptly and effectively to reports of Prohibited Conduct under the *SVSH Policy*, and takes appropriate action to stop, prevent, remedy, and when necessary, to discipline behavior that violates the *SVSH Policy*. The University's student disciplinary procedures emphasize education, personal growth, accountability, and ethical behavior – upholding standards of responsible conduct to protect the welfare of the University community. The procedures are designed to provide a prompt, fair, and impartial resolution of the matter.

The following describes the University's investigation and adjudication (together, "resolution") procedures for resolving Formal Complaints of DOE-Covered Conduct under the *SVSH Policy* or related student conduct policy violations where the responding parties ("Respondents" as defined in the *SVSH Policy*) are students, including the sanctioning of students where such policy violations are determined to have occurred. These procedures also apply to applicants who become students, for offenses committed on campus and/or while participating in University-related

events or activities that take place following a student's submittal of the application through their official enrollment.

B. RESOURCES RELATING TO SEXUAL VIOLENCE AND SEXUAL HARASSMENT (STAGE ONE)

The University has a Title IX Office at each campus that is responsible for receiving and responding to reports of Prohibited Conduct under the *SVSH Policy*. Confidential Resources, as defined by the *SVSH Policy*, also are available at each campus both before and after a person communicates with the Title IX Office about potential violations of the *SVSH Policy*. Confidential Resources are also available to a person who chooses not to communicate with the Title IX Office. These Confidential Resources are not required to report Prohibited Conduct to the Title IX Office.

C. REPORT OF AND RESPONSE TO PROHIBITED CONDUCT (STAGE ONE)

1. Consistent with the *SVSH Policy*, the University may consider any person who reportedly experienced Prohibited Conduct a “Complainant,” whether or not they make a report or participate in the resolution process.
2. The University will strive to honor the stated wishes of the Complainant concerning whether to move forward with an investigation. In accordance with the *SVSH Policy*, if the Complainant requests that no investigation occur, the Title IX Officer will determine whether the allegations, nonetheless, require an investigation to mitigate a potential risk to the campus community. See *SVSH Policy* Section V.A.5.b. If the Title IX Office begins an investigation despite the Complainant’s request, it will provide Complainant with all information required by this and the *SVSH Policy* unless Complainant states in writing that they do not want it.
3. **University-Provided Support Services.** Throughout this resolution process, the University will offer support services for Complainants (through the CARE Advocate) and Respondents (through the Respondent Services Coordinator).
4. **Supportive Measures.** The University will consider and implement Supportive Measures, including Interim Measures, throughout the process as appropriate to protect the safety of the Complainant, the Respondent, or the University community; to restore or preserve a party’s access to a University program or activity; or to deter Prohibited Conduct. See *SVSH Policy* II.C.3. and Appendix III. The Title IX Officer will ensure that Supportive Measures are non-disciplinary and non-punitive, and that they do not unreasonably burden a party.
5. **Interim Actions.** Consistent with PACAOS 107.00, the University may take Interim Actions before a final determination of an alleged violation. For cases involving DOE-Covered Conduct, this standard shall apply instead: A student shall be restricted only to the minimum extent necessary when, based on an individualized safety and risk analysis, there is reasonable cause to believe that the Respondent’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 physical health or safety of any person on University property or at official University functions.

6. **Advisors and Support Persons.** At all stages of this process, the Complainant and Respondent (also known as the parties) have the right to select an advisor of their choice or to request that the University provide an advisor to them. With the party's written permission, their advisor will receive updates along with the party throughout the process. The party's advisor will have access to training provided by the University regarding these procedures. The parties also have a right to a support person of their choosing during the process. The advisor and/or the support person may be any person (including an advocate, attorney, friend, or parent) who is not otherwise a party. The advisor's primary role is to provide guidance through the process, and, during the hearing, an advisor is required to ask a party's questions of the other party and witnesses in accordance with Section VII.E.5 below. The only instance in which an advisor may speak on behalf of a party is to ask the party's questions of the other party or witnesses during the hearing.
    a. If a party does not have an advisor available at any point during the hearing, the University will assign a person, without cost to the party, to fulfill the role of asking the party's questions for them. See Section III.D.2.i.
    b. The support person's primary role is to provide emotional support. Generally, the support person may not speak on behalf of a party.
    c. Advisors and support persons may not disrupt any meetings or proceedings in any manner. At all stages of the process, advisors and support persons must comply with the University's rules of conduct for participants in this process ("rules of conduct"). The University reserves the right to exclude an advisor and/or support person who does not abide by all these procedures.
7. **Party Participation.** Neither the Complainant nor the Respondent is required to participate in the resolution process outlined in these procedures. 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 or hearing officer, in the investigation or the hearing respectively, will reach findings and conclusions based on the information available.
8. **Selective Participation.** When a party selectively participates in the process – such as choosing to answer some but not all questions posed, or choosing to provide a statement only after reviewing the other evidence gathered in the investigation – an investigator or hearing officer may consider the selective participation in evaluating the party's credibility. In doing so, they should try to discern reasonable non-adverse explanations for the selective participation, including from the parties' own explanations, and determine whether the information available supports those explanations.
9. **University's Neutral Role.** In all cases, including where the Complainant chooses not to participate or where there is no Complainant as provided for in the *SVSH Policy* (II.C.1.) and this policy (III.A.), the University's role is neutral, and it will conduct any factfinding and sanctioning without taking the position of either party.

10. **Case Management Team.** The campus Case Management Team (CMT) will track all stages of the resolution process under these procedures.
11. **Training**. All University officials involved in this resolution process will be trained to carry out their roles in an impartial manner in keeping with trauma-informed practices.
12. **Standard of Proof.** The standard of proof for factfinding and determining whether a policy violation(s) occurred is Preponderance of Evidence, as defined by the *SVSH Policy*. A Respondent will not be found responsible for a violation of the *SVSH Policy* and/or other student conduct policies unless the evidence establishes it is more likely than not that they violated the *SVSH Policy* and/or other student conduct policies.
13. **Extension of Deadlines.** The Title IX Officer may extend any deadlines contained herein consistent with the *SVSH Policy* as applicable, and for good cause shown and documented. The Complainant and Respondent will be notified in writing of any extension, the reasons for it, and projected new timelines.
14. **Disability-Related Accommodations**. The Title IX Office will consider requests from parties and witnesses for disability-related accommodations.
15. **Requests for Language Interpretation.** The Title IX Office will consider requests from parties and witnesses for language interpretation.
16. **Dismissal of DOE-Covered Conduct Charges.** If at any time during the investigation the Title IX Officer determines that the alleged conduct did not occur in the University's program or activity or that the Complainant was not in the United States at the time of the alleged conduct, the Title IX Officer must dismiss the DOE-Covered Conduct charges regarding that conduct from the DOE Grievance Process and proceed as set forth in the *SVSH Policy* Appendix IV.

D. INVESTIGATION OF FORMAL COMPLAINT OF DOE-COVERED CONDUCT (STAGE TWO)

1. Commencing a DOE Grievance Process

Upon receipt of information about alleged Prohibited Conduct, the Title IX Officer will determine, consistent with the University's *SVSH Policy*, whether to initiate a DOE Grievance Process (see *SVSH Policy,* Sections V.A.4 and 5 for the alternate paths that the Title IX Officer may instead determine to be appropriate). When the University opens an investigation of allegations of DOE-Covered Conduct and other Prohibited Conduct that arise out of the same facts or circumstances, it will address all allegations together through the DOE Grievance Process procedures.

2. Notice of Charges

If a DOE Grievance Process will be conducted, the Title IX Officer, after consulting with Student Conduct, will send written notice of the charges to the Complainant and Respondent. The written notice will be sent at least three

business days before a party's requested interview date, to allow sufficient time for the party to prepare for the interview. The notice will include:

a. A summary of the reported conduct that potentially violated the *SVSH Policy* and, where applicable, other student conduct policy;

b. the identities of the parties involved;

c. the date, time, and location of the reported incident(s) (to the extent known);

d. the specific provisions of the *SVSH Policy*, including the DOE- Covered Conduct and any other Prohibited Conduct, and/or any other student conduct policy potentially violated;

e. a statement that the investigative report, when issued, will make factual findings and a preliminary determination regarding whether there has been a violation of the *SVSH Policy* and/or other student conduct policy;

f. a statement that the parties will each have an opportunity during the investigation to propose questions for the investigator to ask of the other party and witnesses;

g. a statement that it is a violation of University policy to furnish false information to the University, but that an investigative preliminary determination or a hearing officer's determination regarding responsibility that is inconsistent with the information that a party furnished does not, in and of itself, indicate that that information was false;

h. a statement that the parties will each have an opportunity, before the completion of the investigation, to review all the evidence submitted that is directly related to whether a policy violation occurred;

i. a statement that the parties have the right to select an advisor of their choice or to request that the University provide an advisor to them who will, with the party's written permission, receive updates along with the party throughout the process;

j. a statement that the party's advisor will have access to training provided by the University regarding these procedures;

k. a statement that the parties have a right to a support person of their choosing during the process;

l. a statement that status updates will be provided upon request of a Complainant or Respondent and every 30 days until the final outcome of a complaint is determined, unless a party notifies the Title IX Officer in writing that the party chooses to opt out of such updates;

m. a statement that the factual findings and preliminary determination will be based on a Preponderance of Evidence standard;

n. a statement that a determination of whether a policy violation has occurred will be made only after the process is complete and therefore there is, at the outset, no presumption that the Respondent is responsible for a policy

violation;

o. when applicable, a statement that if it is preliminarily determined that a DOE-Covered Conduct violation did not occur, the investigator will still make a preliminary determination in the investigative report of whether other violations of the *SVSH Policy* occurred;

p. a summary of the resolution process, including the possible hearing, and the expected timeline;

q. an admonition against Retaliation; and

r. a summary of rights and resources available to the Complainant and Respondent.

At any point during the investigation, the Title IX Officer may amend the notice to add additional charges identified during the investigation. Any amended notice should include all the information described above.

3. **Investigation Process**

The Title IX Officer will oversee the investigation and will designate an investigator to conduct a fair, thorough, and impartial investigation. The burden of gathering evidence sufficient to reach a preliminary determination regarding whether violation(s) of the *SVSH Policy* occurred rests with the investigator. Absent an extension for good cause, the Title IX Office will typically complete its investigation within 60 to 90 business days from the date of the notice of charges:

a. During the investigation, the Complainant and Respondent will be provided an equal opportunity to meet with the investigator, submit evidence, identify witnesses who may have relevant information, and propose questions for the investigator to ask the other party and witnesses. Any evidence available to but not disclosed by a party during the investigation might not be considered at a subsequent hearing. The investigator has discretion to determine which witnesses to interview based on the relevance of the evidence they allegedly would offer, and to determine what questions to ask, and will decline to ask questions that are not relevant or unduly repetitive, or that would violate the SVSH rules of conduct.

b. The investigator will meet separately with the Complainant, Respondent, and witnesses, and will gather other available and relevant evidence. The investigator may follow up with the Complainant, the Respondent, and witnesses as needed to clarify any inconsistencies or evidence gathered during the course of the investigation.

c. The investigator will generally consider, that is rely on, all evidence they determine to be relevant and reliable, including evidence that weighs in favor of and against a determination that a policy violation occurred. The investigator may determine the relevance and weigh the value of any witness or other evidence to the findings and may exclude evidence that is irrelevant or immaterial.

i. The investigator will generally consider direct observations and reasonable inferences from the facts.

ii. The investigator will generally not consider statements of personal opinion as to anyone's general reputation or any character trait.

iii. The investigator may consider prior or subsequent conduct of the Respondent in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct or other conduct prohibited by student conduct policies by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of an *SVSH Policy* or other policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct or related student conduct policy violation under investigation.

d. **Sexual History.** The investigator will not, as a general rule, consider the sexual history of a Complainant or Respondent. However, in limited circumstances, sexual history may be directly relevant to the investigation.

i. As to Complainants: While the investigator will never assume that a past sexual relationship between the parties means the Complainant consented to the specific conduct under investigation, evidence of how the parties communicated consent in past consensual encounters may help the investigator understand whether the Respondent reasonably believed consent was given during the encounter under investigation. Further, evidence of specific past sexual encounters may be relevant to whether someone other than Respondent was the source of relevant physical evidence.

ii. As to Respondents: Sexual history of a Respondent might be relevant to show a pattern of behavior by Respondent in accordance with Section III.D.3.c.iii, or resolve another issue of importance in the investigation.

iii. Sexual history evidence that shows a party's reputation or character will never be considered relevant on its own.

iv. The investigator will consider proffered evidence of sexual history, and provide it to the parties for review under Section III.D.5. below, only if the investigator determines it is directly relevant. The investigator will inform the parties of this determination. If the investigator does allow sexual history evidence to be presented, they will provide a written explanation to the parties as to why consideration of the evidence is consistent with the principles in this section.

e. **Clinical Records.** During the investigation, the investigator will not access, review, consider, disclose, or otherwise use a Complainant's or Respondent's medical or behavioral health records that are made in connection with treatment without the party's voluntary written consent.

f. **Privileged Records.** During the investigation, the investigator will not access, review, consider, disclose, or otherwise use evidence that

constitutes, or seeks disclosure of, information protected under a legally recognized privilege without the party's voluntary written consent.

g. **Expert Evidence.** The parties may present evidence from expert witnesses if it would be relevant to the determination of whether a policy violation occurred.

   i. If a party wishes for expert evidence to be considered, they will make a written request to the Title IX Officer, indicating the person(s) they wish to present as, and who has agreed to be, their expert witness; the issue(s) on which the person(s) would provide expert evidence; why they believe that the issue(s) require an expert opinion for resolution; and any prior relationship, including personal and business relationships, between the party and the person(s).

   ii. The Title IX Officer will grant the request for the proposed expert to provide evidence if the proposed evidence is relevant and will deny the request if the proposed evidence is not relevant. Proposed expert evidence is not relevant if it is not pertinent to proving whether the facts material to the allegations under investigation are more or less likely to be true. For example, proposed expert evidence is not relevant if it offers opinions about the Title IX regulations or the DOE Grievance Process; if it offers opinions that do not require expertise to form; or if the proposed expert has a bias or conflict of interest so strong that their opinion would not assist the factfinder in determining whether the facts material to the allegations under investigation are more or less likely to be true.

   iii. If the Title IX Officer grants a request for proposed expert evidence, they will notify both parties. The other party may then request to present a proposed expert on the same issue (as well as to present their own expert evidence on other relevant issues). The Title IX Office may also retain its own expert on any issue on which one or both parties will be presenting expert evidence; the Title IX Office will ensure that any such expert does not have bias or conflict of interest and will notify the parties of any expert it intends to retain.

   iv. As part of the evidence they present, any expert witness will provide the investigator information about their qualifications; the factual bases for their assertions; and their principles and methods and the reliability thereof. These factors will contribute to the assessment of the weight and credibility of the expert witness's evidence.

   v. In general, parties may not later request proposed expert witnesses to testify at the hearing unless those witnesses have provided evidence during the investigation.

4. **Coordination with Law Enforcement**

When a law enforcement agency is conducting its own investigation, the investigator should coordinate their factfinding efforts with the law enforcement investigation in accordance with the *SVSH Policy* (See *SVSH Policy* Section V.A.5.b.i and *SVSH Policy* FAQs 7 and 8). A reasonable delay resulting from

such coordination may be good cause for extending the timelines to complete the investigation. If so, the delay will be communicated and documented in accordance with the *SVSH Policy*.

5. **Opportunity to Review and Respond**

   Before the investigator concludes the investigation and finalizes a written report, both Complainant and Respondent will have an equal opportunity to review and respond in writing to the evidence that the investigator has deemed directly related – a standard broader than relevance – including evidence that weighs against finding a policy violation(s) and evidence on which the investigator does not intend to rely, whether obtained from a party or another source. This is true regardless of whether a party has participated in the investigation. This review will also include a summary of directly related statements made by the parties and any witnesses. The Title IX Officer will ensure that this review occurs in a manner designed to protect the privacy of both parties. The Title IX Officer will designate a reasonable time for this review and response by the parties that, absent good cause found by the Title IX Officer, of at least 10 business days.

6. **Investigation Report**

   The investigator will prepare a written report that includes the factual allegations and alleged policy violations, statements of the parties and witnesses, a summary of the evidence the investigator considered, findings of fact, credibility determinations when appropriate, an analysis of whether a policy violation has occurred, and a preliminary determination regarding whether there are any policy violations. The investigator may consult with Student Conduct on the preliminary determinations regarding violations of student conduct policies other than the *SVSH Policy*. If credibility determinations were not necessary to reach the findings and preliminary policy determinations, the report will so note and explain why. If the Complainant or Respondent offered witnesses or other evidence that was not considered by the investigator, the investigation report will include an explanation of why it was not considered. The investigation report should also indicate when and how the parties were given an opportunity to review the evidence (see Section 5 above). The investigation report will include an analysis and preliminary determination of each charge included in the notice of charges.

7. **Issuance of Notice and Report**

   a. Upon completion of the Title IX Investigation, the Title IX Officer will provide to the Complainant and the Respondent (a) written notice of the factual findings and preliminary determinations, and (b) the investigation report. The investigation report may be redacted to protect privacy. The Title IX Officer will provide Student Conduct with the written notice and an unredacted copy of the investigation report.

   b. The notice of the factual findings and preliminary determinations will include the following:

      i. A summary statement of the factual findings and preliminary determinations regarding whether the *SVSH Policy* or other student

conduct policies have been violated;

v. In cases where the investigator preliminarily determines a policy violation(s) occurred, an explanation of how the proposed sanction will be determined, including that each party will have an opportunity to provide input on sanctions through a meeting with Student Conduct and/or written statement (see Section E);

vi. A statement that each party may provide a written response to the investigation report indicating whether they accept or do not accept the preliminary determination (see Section F);

vii. A statement that, unless both parties accept the preliminary determination as to policy violation(s), there will be a factfinding hearing to determine whether the *SVSH Policy* or other student conduct policies have been violated, after which Student Conduct will determine any sanctions;

viii. An explanation of the procedures and timeline for accepting the preliminary determination (see Section F);

ix. A statement that if both parties accept the preliminary determination, they still will have the right to appeal the sanction, if any;

x. An admonition against Retaliation; and

xi. An explanation of any Supportive Measures that will remain in place.

8. **Access to Certain Investigation Records**

After issuance of the investigator's written report, the investigation file, consisting of the investigation report and any evidence deemed directly related by the investigator (as documented in the investigation report), must be retained by the Title IX Officer and made available to the parties for inspection upon request. It may be redacted to protect privacy.

E. PROPOSED SANCTION (STAGE TWO) In cases where the investigator preliminarily determines a policy violation occurred:

1. **Party Input**

Either party may schedule a meeting with or submit a written statement to Student Conduct to provide input on sanctions. A party intending to do so will, within three days of receiving the notice of preliminary determination, either contact Student Conduct to schedule the meeting or submit the written statement to that office.

2. **Student Conduct Proposal**

Student Conduct will review the report, the evidence deemed relevant by the investigator as documented in the report, the preliminary determinations, Respondent's prior conduct record, any comment on sanctions from the parties (received either in person or in writing), and any other information relevant to the factors described in Section I, and will determine a proposed sanction. Student

Conduct will propose a sanction in all cases where there is a preliminary determination that the policy was violated.

3. **Notification**

   Student Conduct will notify the parties of the proposed sanction and supporting rationale within 15 business days of the notice of investigative findings and preliminary determination.

4. **Student Conduct Meeting**

   When possible, a party's meeting with Student Conduct to provide input on sanctions will be combined with the meeting contemplated in Section III.F.1.

F. OPPORTUNITY TO ACCEPT THE PRELIMINARY DETERMINATION (STAGE THREE)

Unless both parties accept the investigator's preliminary determinations as to whether or not the policy was violated, there will be a factfinding hearing to determine whether the *SVSH Policy* or other student conduct policies have been violated, after which Student Conduct will determine any sanctions.

1. **Opportunity to Discuss Options**

   If either party wishes to discuss the possibility of accepting and the implications of accepting or not accepting the preliminary determination, including the hearing that will result if either party does not accept the preliminary determination, they may discuss their options with Student Conduct (even if the investigator's preliminary determination was that no policy violation occurred). If either party wishes to meet with Student Conduct, they will contact Student Conduct within 3 business days of receiving the notice of preliminary determination to schedule the meeting.

2. **Accepting the Preliminary Decision**

   a. Either party may accept the preliminary determination within 20 business days of the notice of investigative findings and preliminary determination. Unless both parties accept the preliminary determination within this time period, then the matter will proceed to a hearing to determine if a policy violation occurred.

   b. A party may accept the preliminary determination by providing Student Conduct with a written response stating that the party accepts the preliminary determination and wishes not to proceed with a hearing. A party may also provide Student Conduct with a written response stating that the party does not accept the preliminary determination.

   c. If both parties provide a written response that they do not wish to proceed with a hearing during the 20 business days, then the preliminary determination regarding policy violation(s) becomes final, and Student Conduct will impose the proposed sanction, and the parties will have the right to appeal the sanction.

3. **Consideration of Consolidation of Related Cases**

   Where a case arises out of substantially the same set of factual allegations as another case in the student resolution process (for example, where multiple Complainants or Respondents are involved in the same incident), or where it involves the same Complainant and Respondent, the Title IX Officer has discretion to coordinate or combine the investigation and/or adjudication of those cases.

4. **Notice of Hearing or No Hearing**

   a. Unless both parties accept the preliminary determination by the end of the 20 business days, Student Conduct will notify the parties that there will be a hearing. The notice of hearing will include a summary of the hearing procedures described in Section III.G.5.

   b. Alternatively, if both parties accept the preliminary determination, Student Conduct will notify the parties that there will be no hearing. This notice will indicate that the preliminary determination as to policy violation(s) that the parties chose to accept is final, and that Student Conduct is imposing the proposed sanction (if any); and that the parties have the right to appeal the sanction. This notification, which includes the disciplinary decision, must occur within 5 business days of all parties accepting the preliminary determination.

G. HEARING TO DETERMINE POLICY VIOLATIONS (STAGE FOUR)

1. **Factfinding Hearing**

   Unless both parties accept the investigator's preliminary determinations, there will be a factfinding hearing before a single hearing officer. The hearing is to determine whether a violation of the *SVSH Policy* (and any non-*SVSH Policy* violations charged in conjunction with them) occurred. The University's role in the hearing is neutral. The University will consider the relevant evidence available, including relevant evidence presented by the parties, in order to make factual findings and determine whether a policy violation occurred.

2. **Hearing Officer**

   a. The hearing officer may be a University employee or outside contractor and may not be the same person as the Title IX Officer or the investigator. Regardless, they will be appropriately trained, with such training coordinated by the Title IX Officer.

   b. The hearing coordinator will inform the parties of the hearing officer's identity. Within 5 business days after the notification, the parties may request the hearing officer's disqualification on the basis of bias or conflict of interest.

      i. For example, involvement in the case or knowledge of the allegations at issue prior to being selected as the hearing officer, or a close personal relationship with a party or expected witness in the proceeding could, depending on the circumstances, warrant disqualification of the hearing officer.

ii. Employment by the University, or prior work for the University as a contractor, on its own, does not warrant disqualification.

iii. The hearing officer's gender, gender identity, race, ethnicity, religion, sexual orientation or similar identifying characteristic, or the fact that they differ from those of any party, do not, on their own, warrant disqualification.

c. Student Conduct will decide any request for disqualification of the hearing officer and inform both parties of their decision and, if they determine to change hearing officers, the name of the new hearing officer.

3. **Hearing Coordinator**

Each hearing will have a hearing coordinator, distinct from the hearing officer, who will manage the administrative and procedural aspects of the hearing.

4. **Pre-Hearing Procedures**

a. When a hearing is required under these procedures, the hearing officer and hearing coordinator will hold a separate meeting (in person or remotely) with each party, to explain the hearing process, address questions, begin to define the scope of the hearing, and address other issues to promote an orderly, productive and fair hearing.

i. The hearing coordinator will provide written notice to each party of their prehearing meeting, including time, location (or if remote, call instructions), and purpose of the meeting, at least 10 business days before the pre-hearing meeting.

ii. No later than 5 business days before the pre-hearing meeting, each party will submit to the hearing officer a preliminary statement of what issues, if any, each considers to be disputed and relevant to the determination of whether a policy violation occurred, and the evidence they intend to present on each issue, including all documents to be presented, the names of all requested witnesses, and a brief summary of such witnesses' expected testimony. The parties will later have an additional opportunity to submit proposed evidence, see Section III.G.4.c. below.

iii. At the pre-hearing meeting, the hearing officer and party will discuss the evidence the party has provided, to help identify and refine the issues to be decided at the hearing, which will inform the hearing officer's determination of the scope of the hearing.

iv. Each party should also come to the pre-hearing meeting prepared to schedule dates for the hearing.

v. The hearing officer and/or coordinator will explain what to expect at the hearing, see Section III.G.5. below.

vi. The hearing officer and/or coordinator will also discuss measures available to protect the well-being of parties and witnesses at the hearing, as appropriate. These may include, for example, use of lived

names and pronouns during the hearing, including in screen names; a party's right to have their support person available to them at all times during the hearing; a hearing participant's ability to request a break during the hearing, except when a question is pending.

vii. The hearing officer and/or coordinator will inform the parties that the hearing will be conducted remotely. If a party believes that they need a University-provided physical space or technological equipment or assistance to participate remotely – for example because of safety or privacy concerns, or a disability – they may request such resources of the hearing coordinator during the prehearing meeting. The hearing coordinator will respond to any such request in writing within 5 business days of the prehearing meeting.

viii. The parties and their advisors, if they have one at this stage of the process, are expected to participate in the pre-hearing meeting.

ix. If a party does not participate in the pre-hearing meeting (or does not let the hearing coordinator know they need to reschedule in advance), the hearing coordinator will notify the party that they have 2 business days to contact the hearing coordinator to reschedule. Absent extenuating circumstances, if the party does not contact the hearing coordinator within the 2 business days, the hearing will proceed but the non-participating party will be presumed to agree with the hearing officer's definition of the scope of the hearing.

b. Within 5 business days after concluding meetings with both parties (or determining that a party has decided not to participate in the pre-hearing process), the hearing officer will determine what issues are disputed and relevant to the determination of whether a policy violation(s) occurred, and will notify the parties of the scope of the issues to be addressed at the hearing and the expected witnesses. The hearing officer has discretion to grant or deny, in whole or part, the parties' requests for witnesses on the basis of relevance. The hearing officer's determination of scope may include issues, evidence, and witnesses that the parties themselves have not provided.

   Throughout the pre-hearing process, including in the notice of scope of hearing, the hearing officer will:

   i. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive, and implement the evidentiary principles and procedural requirements in Section III.D.3.c.;

   ii. Decide any procedural issues for the hearing; and/or

   iii. Make any other determinations necessary to promote an orderly, productive, and fair hearing that complies with the rules of conduct.

c. Within 5 business days after receiving the hearing officer's definition of scope, the parties may then submit additional information about the

evidence, including witness testimony, that they would like to present.

d. Not less than 10 business days before the hearing, the hearing coordinator will send a written notice to the parties informing them of the hearing date, time, location, and procedures.

e. The hearing coordinator will ensure that the Title IX investigator (or if not available, a representative from that office) will be available to testify during the hearing. Testimony by the Title IX investigator may be appropriate to help resolve disputes about the authenticity of evidence summarized in the investigation report and at issue at the hearing, or whether the investigator accurately memorialized a party's or witness's statement in the investigation. The Title IX investigator should not be questioned about their assessment of party or witness credibility, nor the investigative process generally, nor their preliminary determination of whether policy violations occurred, because the hearing officer will make their own credibility determinations and determination of policy violation(s) so this information would not be relevant.

f. Based on the hearing officer's determination, the hearing coordinator will request the attendance of all witnesses whose testimony is determined to be within the scope of the hearing. The University cannot compel parties or witnesses to testify in the hearing and their decision not to testify will not be a reason to cancel or postpone a hearing.

g. At least 2 business days prior to the hearing, the parties will receive the hearing officer's confirmation of scope and evidence; copies of all the evidence that will be considered at the hearing that the hearing officer has received, including the investigation file and any other documents that will be considered; the names of expected witnesses and a summary of their expected testimony. If the hearing officer has excluded evidence (including witness testimony) that a party has requested to present, they will explain why that evidence was not relevant. The hearing officer will also notify the parties of any procedural determinations they have made regarding the hearing. This material will also be provided to the Title IX Officer.

h. The parties are encouraged to submit any questions for the other party and any expected witnesses to the hearing coordinator and hearing officer before the hearing, but will not be limited to those questions at the hearing. These questions will not be shared with the other party or witnesses.

i. At any point before the hearing, if a party anticipates that they will not have an advisor available at the hearing to ask their questions for them, they should let the hearing coordinator know, to allow the University to plan for assigning the party a person to ask the party's questions at the hearing ("Reader"). Even without notice or during a hearing in progress, however, the University will provide such a resource if a party does not have one. If any party does not have an advisor available at the hearing for the purpose of asking their questions for them, the hearing coordinator will assign a person to fulfill the sole and specific function of asking the party's questions (and not of serving as their advisor more generally), without cost to the party.

5. **Hearing Procedures**

   a. The hearing will be conducted in a respectful manner that promotes fairness and accurate factfinding and that complies with the rules of conduct. The parties and witnesses will address only the hearing officer, and not each other. Only the hearing officer and the parties' advisors (or Readers if they do not have advisors), consistent with paragraph e. below, may question witnesses and parties.

   b. The hearing will be conducted remotely, with any modifications the hearing coordinator has made in response to a party's request for assistance, see Section III.G.4.vii. above.

   c. Courtroom rules of evidence and procedure will not apply. The hearing officer will generally consider, that is rely on, all evidence they determine to be relevant and reliable. The hearing officer may determine the relevance and weigh the value of any witness testimony or other evidence to the findings, subject to paragraph g. below. The hearing officer will also follow the evidentiary principles in Section III.D.3.c. Throughout the hearing, the hearing officer will:

      i. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, or relevant only to issues not in dispute, or unduly repetitive, and require rephrasing of questions that violate the rules of conduct, and implement the evidentiary principles and procedural requirements in Section III.D.3.c.

      ii. Decide any procedural issues for the hearing, and/or

      iii. Make any other determinations necessary to promote an orderly, productive, and fair hearing that complies with the rules of conduct.

   d. Parties will be able to see and hear (or, if deaf or hard of hearing, to access through auxiliary aids for services) all questioning and testimony at the hearing, if they choose to. Witnesses (other than the parties) will attend the hearing only for their own testimony.

   e. Questioning at the Hearing. The hearing officer may ask questions of all parties and witnesses that are relevant, including those that are relevant to assessing credibility. Each party's advisor may ask questions of the other party (not their party) and witnesses that are relevant, including those that are relevant to assessing credibility. As noted in Section III.G.4.i. above, the University will assign a person to ask a party's questions whenever a party does not have an advisor at the hearing. The evidentiary principles in Section III.D.3.c. will apply throughout.

      i. The hearing officer will determine the order of questioning of the parties and witnesses. For each party or witness, the hearing officer will ask their own questions first.

      ii. Each party will prepare their questions, including any follow up questions, for the other party and witnesses, and will provide them to their advisor. The advisor will ask the questions as the party has

provided them and may not ask questions that the advisor themselves have developed without their party.

iii. If a party does not attend the hearing, the hearing will still proceed, and they may still have their advisor - or if they do not have one, a University-assigned Reader – ask the questions that they have prepared.

iv. When a party's advisor is asking questions of the other party or a witness, the hearing officer will determine whether each question is relevant before the party or witness answers it and will exclude any that are not relevant or unduly repetitive, and will require rephrasing of any questions that violate the rules of conduct. If the hearing officer determines that a question should be excluded as not relevant, they will explain their reasoning.

v. At any time, the hearing officer may ask follow up questions of the parties and witnesses.

vi. Parties are allowed to note, in writing only, any objections to questions posed at the hearing: they will do so by keeping a running written record of any objections during the hearing, and they may not object to questions by speaking. Only at the conclusion of the hearing will parties provide the record of their objections, if any, to the hearing officer, for inclusion in the record.

vii. Any expert witnesses identified during the investigation, see Section III.D.3.f, will be subject to these same questioning procedures.

f. The investigation file will be entered as evidence at the hearing. The hearing officer generally will rely on any finding in the report that is not disputed.

g. In cases where the credibility of a witness is not central to the determination of a particular disputed issue and the witness does not appear at the hearing, the hearing officer may determine what weight to give to their statements from the investigation report.

h. The principles in Sections III.C.7. and 8. shall apply.

i. The hearing officer will implement measures they deem appropriate to protect the well-being of parties and witnesses. For example, the hearing officer will allow separation of the parties, breaks, and the participation of support persons in accordance with these procedures.

j. The hearing officer will allow the parties and/or witnesses to be visually separated during the hearing except as noted in paragraph d. above. This may include, but is not limited to, videoconference and/or any other appropriate technology. To assess credibility, the hearing officer must have sufficient access to the Complainant, Respondent, and any witnesses presenting information; if the hearing officer is sighted, then the hearing officer must be able to see them.

k. The parties will have the opportunity to present the evidence they submitted,

subject to any exclusions determined by the hearing officer. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the hearing officer has discretion to accept or exclude additional evidence presented at the hearing.

l. The parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

m. The University will audio record the hearing and make the recording available for the parties' review at their request.

n. The parties may have their advisors and support persons present throughout the hearing. See Section III.C.6.

6. **Determination of Policy Violation**

a. *Standards for Deliberation.* The hearing officer will decide whether a violation of the *SVSH Policy* (or related non-*SVSH Policy* violation) occurred based on a Preponderance of Evidence standard.

b. Information Considered. The hearing officer will take into account the investigative file and the evidence presented and accepted at the hearing. The evidentiary principles in Section III.D.3.c. shall also apply. On any disputed and material issue, the hearing officer should make their own findings and credibility determinations based on all of the evidence before them.

7. **Sanction**

If the hearing officer decides that any policy violation has occurred, they will send their determination and findings to Student Conduct within 10 business days of the hearing. Based on the hearing officer's findings and determinations, and other information relevant to sanctioning (see Section III.I.4.), Student Conduct will determine an appropriate sanction.

8. **Notice of Determination and Sanction**

Within 15 business days of the hearing, the hearing coordinator will send simultaneous written notice to the Complainant and Respondent (with a copy to the Title IX Officer and Student Conduct) setting forth the hearing officer's determination on whether the *SVSH Policy* and/or other student conduct policies have been violated, and, if so, Student Conduct's determination of any sanctions to be imposed. The written notice will include the following:

a. A summary of the allegations that would constitute DOE-Covered Conduct and other Prohibited Conduct under the *SVSH Policy*, and any other related student conduct violations;

b. The determinations of whether the *SVSH Policy* and/or other student conduct policies have been violated;

c. If so, a description of the sanctions;

d. That the Title IX Officer will determine whether Complainant will be provided

additional remedies, and will inform Complainant of that determination;

e. A description of the procedural history of the complaint;

f. The findings on each disputed, material fact and an analysis of the evidence supporting the findings;

g. A summary of the facts found by the investigator that the parties did not dispute;

h. The rationale for the determination of each charge;

i. If the hearing officer determines that DOE-Covered Conduct did not occur, an analysis of whether other charged conduct, including other *SVSH Policy* violations, occurred;

j. The rationale for any sanctions;

k. A statement of the right to appeal, grounds and timeframe for the appeal, the office to which the appeal must be submitted, and the procedure that the University will follow in deciding the appeal; and

l. An explanation that both the parties will receive a copy of any appeal submitted in accordance with these procedures.

9. **Documentation of Hearing**

Throughout the pre-hearing and hearing process, the hearing coordinator will document the process's compliance with the procedures (including timeframes) in this section. After the notice of policy violation determination and any sanction has been finalized, the hearing coordinator will provide this documentation, along with all documents relating to the hearing, and the recording of the hearing, to the Title IX Officer.

H. APPEAL PROCESS (STAGE FIVE)

1. **Equal Opportunity to Appeal**

The Complainant and Respondent have an equal opportunity to appeal the policy violation determination(s) and any sanction(s). The University administers the appeal process but is not a party and does not advocate for or against any appeal.

2. **Grounds for Appeal**

A party may appeal only on the grounds described in this section. The appeal should identify the reason(s) why the party is challenging the outcome under one or more of the available grounds.

a. In cases where there was a hearing, the following grounds for appeal apply:

i. There was procedural error in the hearing process that materially affected the outcome; procedural error refers to alleged deviations from University policy, and not challenges to policies or procedures themselves;

ii. There is new evidence that was not reasonably available at the time of

the hearing and that could have materially affected the outcome;

iii. The hearing officer had a conflict of interest or bias that affected the outcome;

iv. The determination regarding policy violation was unreasonable based on the evidence before the hearing officer; this ground is available only to a party who participated in the hearing; and

v. The sanctions were disproportionate to the hearing officer's findings.

b. In cases where there was no hearing because the parties both decided to accept the preliminary determination (see Section F.), the parties may appeal on only one ground: that the sanctions were disproportionate to the preliminary determination regarding policy violations that was accepted.

3. **Commencing an Appeal**

a. In cases where there was a hearing, an appeal must be submitted to the hearing coordinator within 10 business days following issuance of the notice of the hearing officer's determination and, if imposed, the disciplinary sanctions (see Section III.G.8.). The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal. Student Conduct will notify the other party of the appeal and that the other party will have an opportunity to submit a written statement in response to the appeal, within three business days. If the appeal includes the ground that the sanction is disproportionate, Student Conduct will also inform that parties that they have an opportunity to meet with the appeal officer to discuss the proportionality of the sanction.

b. In cases where the parties accepted the preliminary determination, an appeal must be submitted in writing to Student Conduct within 10 business days following Student Conduct's notice to the parties that the preliminary determination was final and that Student Conduct would impose the proposed sanction (see Section III.F.4.b.). Student Conduct will notify the other party of the appeal and that the other party will have an opportunity to submit a written statement in response to the appeal, within 5 business days. Student Conduct will also inform the parties that they have an opportunity to meet with the appeal officer to discuss the proportionality of the sanction.

4. **Appeal Decision**

a. *Standards for Deliberation.* The appeal officer, who will not be the same person as the Title IX Officer or investigator, or hearing officer or hearing coordinator, will decide whether the appealing party has proven the asserted ground(s) for appeal. They will only consider the evidence presented at the hearing, the investigation file, and the appeal statements of the parties. In disproportionate sanction appeals, they may also consider any input parties provide in a meeting per Section III.H.4.b., below. They will not make their own factual findings, nor any witness credibility determinations.

b. *Disproportionate Sanction Appeals – Opportunity for Meeting*. In cases where a ground of appeal is disproportionate sanction, the parties may meet

separately with the appeal officer for the limited purpose of providing input on their desired outcomes as to sanctions only.

c. *Decision by Appeal Officer*. The appeal officer may:

i. Uphold the findings and sanctions;

ii. Overturn the findings or sanctions;

iii. Modify the findings or sanctions; or

viii. In appeals alleging material procedural error or new evidence (Section III.H.2.a.(i) or (ii) above), send the case back to the hearing officer for further factfinding if needed, for example on the issue of whether the alleged error or new evidence would have materially affected the outcome.

d. *Written Report.* The appeal officer will summarize their decision in a written report that includes the following:

i. A statement of the grounds identified on appeal;

ii. A summary of the information considered by the appeal officer; and

iii. The decision of the appeal officer and the rationale for the decision including, where the findings or sanctions are overturned or modified, an explanation of why the ground(s) for appeal were proven.

e. *Distribution of Written Decision*. Within 10 business days of receiving the appeal, the appeal officer will send their written decision to Complainant and Respondent (with copies sent to the Title IX Officer and Student Conduct).

i. Unless the appeal officer remands the matter, they will inform the Respondent and the Complainant that the matter is closed with no further right to appeal.

ii. If the appeal officer remands the matter, they will specify what further factfinding should occur or what additional information should be considered and request that the hearing officer report back to the appeal officer on their additional factfinding. After receiving the hearing officer's additional factual findings, the appeal officer will issue their decision within 10 business days. This decision will be final.

I. PRINCIPLES, OPTIONS, AND FACTORS IN STUDENT SANCTIONS

1. Introduction

These standards are intended to promote the consistent and proportionate application of disciplinary sanctions by the University in responding to conduct that violates the University's *Policy on Sexual Violence and Sexual Harassment* and the applicable portions of the University's *Policies Applying to Campus Activities, Organizations, and Students* (PACAOS) – Section 100.00 (*Policy on*

Student Conduct and Discipline).[1] The following describes the University's principles, options, and factors to consider in assigning sanctions when the Respondent is a student.

2. **Principles**
   a. The administration of student discipline will be consistent with the *Policy on Student Conduct and Discipline*.
   b. When a student is found responsible for violating the University's *SVSH Policy* or other student conduct policies, the University will assign sanctions that are proportionate and appropriate to the violation, taking into consideration the context and seriousness of the violation. The University is also committed to providing appropriate remedial measures to Complainant, as described in the *SVSH Policy*.
   c. When a student is found not responsible for violating the University's *SVSH Policy* and other student conduct policies, 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. Sanctions are designed to hold a student accountable for violating University standards of conduct and to promote personal growth and development. Sanctions also serve the purpose of stopping Prohibited Conduct under the *SVSH Policy* and preventing its recurrence.
   e. The University recognizes that acts of Sexual Violence, Sexual Harassment and other forms of Prohibited Conduct are contrary to its goals of providing an educational environment that is safe and equal for all students.
   f. University of California campuses are encouraged to inform other UC campuses of a student's disciplinary record for violating the University's *SVSH Policy* and other student conduct policies.
3. **Sanctioning Options**
   a. University sanctions include, but are not limited to:
      i. Dismissal from the University of California;
      ii. Suspension from the University of California;
      iii. Exclusion from areas of the campus and/or from official University functions;
      iv. Loss of privileges and/or exclusion from activities;
      v. Restitution;
      vi. Probation;

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

vii. Censure/Warning; and/or

viii. Other actions as set forth in University policy and campus regulations.

In contrast to Supportive Measures, which may not be disciplinary or punitive and may not unreasonably burden a party, sanctions may impose greater burdens on a Respondent found responsible for *SVSH Policy* violations.

b. The definitions of sanctions are found in *PACAOS* Section 105.00 (Types of Student Disciplinary Action) of the *Policy on Student Conduct and Discipline* and local campus regulations.

c. The posting of sanctions on academic transcripts will follow University policy as defined in *PACAOS*, Section 106.00 of the *Policy on Student Conduct and Discipline.*

4. **Factors Considered in Determining Sanctions**

a. In all cases, when determining the appropriate and proportionate sanction, the following factors will be taken into account when applicable:

i. 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; use of authority to abuse trust or confidence; presence of weapons; use of force or violence; physical injury; menace; duress; deliberately causing or taking advantage of a person's incapacitation; and recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.

ii. Intent or motivation behind violation: no intent to cause harm; passive role in violation; pressured or induced by others to participate in the violation; planned or predatory conduct; hate or bias based on the Complainant's membership or perceived membership in a protected group as defined in PACAOS Section 104.90 of the Policy on Student Conduct and Discipline.

iii. Whether the conduct is aggravated, as defined in the *SVSH Policy*.

iv. 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.

v. Disciplinary history: unrelated prior violations; related prior violations.

vi. Impact on others: input from the Complainant; protection or safety of the Complainant or the community.

5. **Sanctions for Certain Conduct**

a. Sanctions will be assigned as follows:

i. Sexual Assault – Penetration or Sexual Assault – Contact that is aggravated as defined in the *SVSH Policy* will result in a minimum sanction of suspension for two calendar years.

ii. Sexual Assault – Penetration, Domestic or Dating Violence, or Stalking will result in a minimum sanction of suspension for two calendar years unless there are exceptional circumstances.

iii. Sexual Assault – Contact will result in a minimum sanction of suspension for one calendar year, unless there are exceptional circumstances.

iii. Sexual Harassment and Other Prohibited Behavior, as defined by the *SVSH Policy*, will not result in any minimum sanction but will be sanctioned in accordance with the factors identified in Section 4. above.

b. Assigned sanctions for each case will be documented and reported to the Systemwide Title IX Director on a regular basis. The report is to ensure a reasonable level of consistency from campus to campus.

IV. COMPLIANCE / RESPONSIBILITIES

Chancellors will adopt campus implementing regulations consistent with these Policies. The University will publish these Policies and make them widely available, and Chancellors will do the same with respect to the implementing regulations for their campuses. This requirement may be satisfied through the online publication of these Policies and their respective campus implementing regulations. (See also Section 13.20 of these Policies).

V. PROCEDURES

The President will consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and University wide advisory committees prior to amending these Policies. Chancellors will consult with faculty, students, and staff prior to submitting to the President any campus recommendations related to proposed amendments to these Policies. Amendments that are specifically mandated by law, however, do not require consultation with campus representatives or University wide advisory committees to the extent that legal requirements do not permit such consultation. (See also Section 13.10 of these Policies.)

Chancellors will consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these Policies that have been specifically mandated by law. Campuses will specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised. (See also Section 13.30 of these Policies.)

Prior to their adoption, all proposed campus implementing regulations, including all substantive modifications to existing such regulations, will be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these Policies and the law. (See also Section 13.40 of these Policies.)

VI. RELATED INFORMATION

Sexual Harassment and Sexual Violence

Policies Applying to Campus Activities, Organizations, and Students (PACAOS)

VII. FREQUENTLY ASKED QUESTIONS

Not Applicable

VIII. REVISION HISTORY

January 1, 2026: Revised for technical updates and to comply with California Assembly Bill (AB) 2987 and AB 1575.

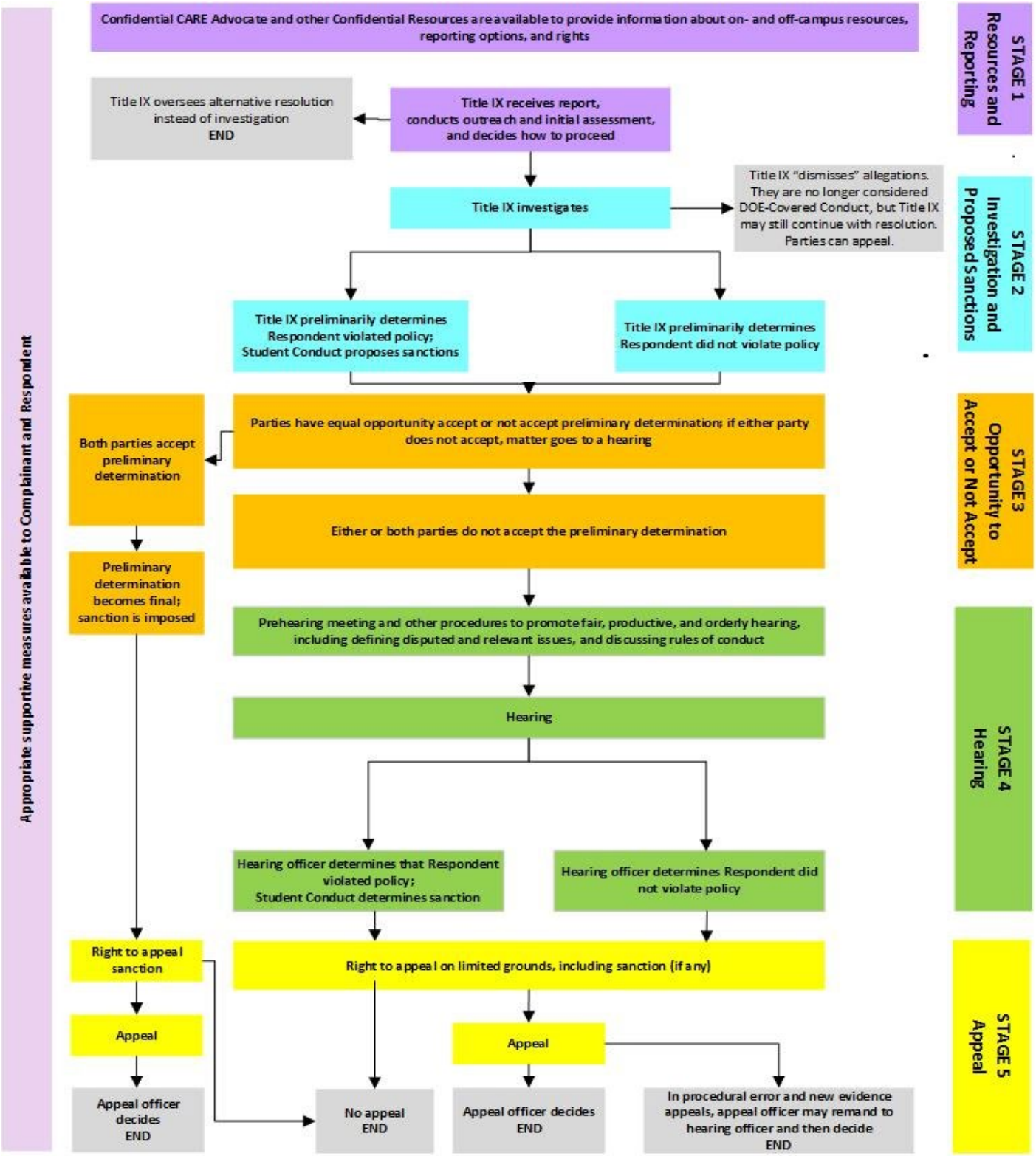
January 1, 2022: Revised to comply with California Senate Bill (SB) 493. Revised pursuant to the Department of Education's August 24, 2021 communication that the Title IX regulatory provision barring the hearing officer from considering a party or witness's prior statements if they don't testify at the hearing is ineffective.

August 14, 2020: Initial issuance.

This Policy is also reformatted to meet Web Content Accessibility Guidelines (WCAG) 2.0.

IX. APPENDIX

Student Investigation and Adjudication Process Flowchart for DOE-Covered Conduct



***Please see the PACAOS Appendix F for full procedural details**