

THE TITLE IX INVESTIGATION PROCESS

Gender-based harassment and harm, including sexual harassment and sexual violence are prohibited by the UC Policy on Sexual Violence and Sexual Harassment (“SVSH”).

THE PURPOSE OF A TITLE IX INVESTIGATION

An investigation is the process used by the Title IX office to carefully examine an allegation or complaint of gender-based harm including sexual harassment and sexual violence in order to determine whether the SVSH policy has been violated, and if so, what steps the University may take to correct and address such a violation, including assessing discipline. This investigation is an administrative proceeding and not a legal one. This means that the investigation determines whether university policy has been violated, not whether the law has been violated.

DEFINITIONS

Complainant:	the individual(s) making the allegation
Respondent:	the individual(s) against whom the allegation is made who is responding to the allegation
Witness:	an individual who has direct knowledge of or information about the allegation being made
Investigator:	the individual charged with gathering information, including statements of the complainant, the respondent and witnesses, documents, texts, photos, pictures, images, and recordings, analyzing the information gathered, and determining by a preponderance of the evidence what happened.
Preponderance:	the standard against which information and evidence gathered during the investigation is assessed. The preponderance of evidence standard means “more likely than not”

THE PHASES OF AN INVESTIGATION

There are five phases to the investigation process: notification of investigation, information gathering, information review, report writing analysis and determination of facts and policy, and notification of outcome.

Phase 1: Notification of Investigation

The Title IX Office sends formal written communication to both the Complainant and the Respondent. The communication includes information about the investigation process including the allegations to be investigated, what policy and what sections of the policy against which the allegations are assessed, the name of the investigator, the rights the Complainant and Respondent have throughout the investigation process, a caution regarding retaliation, and any other information that is pertinent to the investigation of that particular case.

Phase 2: Information Gathering

The investigator gathers information related to the allegations. Such information may include documents, electronic materials (e.g., texts, social media posts, emails, phone logs), video and audio recordings, interviews with the Complainant, the Respondent, and witnesses. During this phase of the process, the Complainant and Respondent are each provided an opportunity to provide information to the investigator to review, to interview with the investigator and to provide the names of witnesses for the investigator to interview.

Phase 3: Information Review

At the close of the information gathering phase, both the Complainant and the Respondent will each be provided an opportunity to review and respond to the information that the investigator has gathered and will use to determine what happened.

Phase 4: Report Writing, Analysis and Determination of Facts and Policy

After the Complainant and Respondent have been given an opportunity to review and respond to the information gathered by the investigator, the investigator reviews, weighs and analyzes the information using the “preponderance of evidence” standard. This means the investigator reviews the information to determine whether it was “more likely than not” that the alleged conduct occurred.

After the investigator reviews and analyzes the information, the investigator writes a formal investigation report. The report contains the allegations that were investigated, the applicable policy against which the allegations were reviewed, the individuals contacted and interviewed, a list of the documents and materials gathered, reviewed and analyzed, a summary of the statements of the individuals interviewed, an analysis of the statements and information gathered and reviewed, and the investigator’s conclusions and determinations about what happened and whether the allegations have been substantiated.

To protect the privacy of everyone who participates in investigations, the investigation reports do not contain the names and titles of individuals participating in the investigation process. Rather a separate interview key is maintained in the Title IX office.

Phase 5: Notification of the Outcome of Investigation

After the investigator completes the written report, the Title IX Office sends formal written communication to both the Complainant and the Respondent. The communication includes information about the outcome of the investigation. The notice of outcome is accompanied by a redacted version of the investigation report. When appropriate, such as when the investigator determines that university policy has been violated, the notice of outcome letter will also include information regarding next steps in the Title IX process.

More Information

To find out more about the Title IX investigation process, contact Isabel Dees, Title IX Officer via phone at 831- 459-2462 or via email at idees@ucsc.edu.