Timeline of Student Investigation Process in SVSH Cases

Stages 1 & 2

The Office of Equal Opportunity and Diversity (OEOD) is UCI’s designated office for receiving and responding to reports of prohibited conduct. Confidential Resources are available to provide information about on and off campus resources, reporting options, and rights.

Report of Conduct
1. OEOD determines whether the allegations require a formal investigation. Confidential Resources are available throughout process and UCI will offer support services for complainants through CARE and respondents through Respondent Services.

Meeting with Investigator
3. Each party will have the opportunity to meet with the Investigator within seven (7) days, submit evidence, identify witnesses, and propose questions for the investigator to ask the other party and witnesses. The investigator may follow up as needed for clarification, or if new evidence arises.

Investigation Report
5. The investigator will prepare a written report that includes the factual allegations, alleged policy violations, statements of parties and witnesses, summary of the evidence considered, findings of fact, credibility determinations, and analysis of policy violations.

Preliminary Determination
7. If either party contests to the investigator’s preliminary determinations as to policy violations, there will be a fact-finding hearing to determine whether the SVSH Policy or other OAISC policies have been violated, after which OAISC will determine sanctions.

OAISC Proposed Sanction
9. OAISC will review the Investigative Report, the preliminary determinations, respondent’s prior conduct record, and any comment on sanctions received from the parties to make a determination on a proposed sanction and provide notification to both parties within fifteen (15) days of the issuance of the investigative report.

Notice of Charges
2. If a formal investigation is initiated, OEOD in consultation with OAISC, will send written notice of the charges, a summary of incident reported, resources, and relevant policies and procedures.

Opportunity to Review
4. Prior to the end of the investigation and before the report is finalized, parties will have the opportunity to review and respond to the evidence that the investigator has deemed relevant including evidence and statements. Both parties will be given five (5) days to review and respond.

 Issuance of Notice and Report
6. At the conclusion of the investigation, the investigator will provide both parties with written notice of a summary of the factual findings, preliminary determinations, and if appropriate, how the sanction will be determined.

Party Input on Proposed Sanction
8. In cases where the investigator preliminarily determined a policy violation occurred, either party may schedule a meeting with or submit a written statement to OAISC to comment on sanctions within three (3) days of receiving the notice of preliminary determinations from OEOD.

If either party wishes to discuss contesting the preliminary determination or the sanction, they may schedule a meeting with OAISC to discuss their options. Flip page to see process to contest their options. For the process to appeal the sanction only see the Commencing an Appeal Infographic.

NOTES:
*All of the dates provided are subject to extension for good cause as determined by the administrative offices involved.
**When “days” are referenced in this graphic, they are referring to University business days.
***This infographic is for illustrative purposes only. Refer to PACAOS - Appendix E: Sexual Violence and Sexual Harassment Student Adjudication Framework - Interim Revisions for underlying rules.

UCI Wellness, Health & Counseling Services
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9/2019
**Timeline of Student Contesting Preliminary Determinations in SVSH Cases**

**Stages 3 & 4**

### Opportunity to Contest

10. Either party may contest the preliminary determination within twenty (20) days of the Notice of Investigative Findings and Preliminary Determination. If either party contests within this time, the matter will proceed to a fact-finding hearing to determine if a policy violation occurred. Prior to the hearing, both parties will be able to schedule an educational meeting to better understand the process.

### Pre-Hearing Meeting

12. Both parties will be given an opportunity to meet with the hearing coordinator and the hearing officer to explain the hearing process, address questions, and begin the define the scope of the hearing. Parties should come prepared to schedule dates for the hearing. Measures to protect the well-being of parties and witnesses will be discussed. If the respondent does not participate in this meeting, they will be required to reschedule within two (2) days. If not, their opportunity to contest will be presumed to be waived.

### Notification of Hearing

14. Not less than ten (10) days before the factfinding hearing, the hearing coordinator will send a written notification to both parties informing them of the date, time, location and procedures.

### Factfinding Hearing

16. This will be a hearing before a single hearing officer to determine whether a violation of the SVSH Policy has occurred. Relevant evidence presented by the parties will be considered in order to make a factual finding if a violation occurred. The hearing is not the place for the sanction to be appealed or discussed. The hearing is focused on the finding of policy violation.

### Sanction

18. Within fifteen (15) days of the hearing, the hearing coordinator will send notice to both parties outlining the hearing officer’s determination and explanation of whether the SVSH Policy had been violated, and, if so, OAISC’s sanctions to be imposed. The appeal process will also be explained.

### Preliminary Statement

11. Should one or both parties decide to contest, each party will submit a preliminary statement to the hearing officer at least five (5) days prior to the pre-hearing meeting including what issues, if any, each considers to be disputed and what relevant 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 witnesses’ testimony.

### Initial Notification of Scope

13. Within five (5) days after concluding the meeting with both parties, the hearing officer will provide a notification with a decision on what issues are disputed and relevant to determining if a policy violation has occurred. Within five (5) days of receiving notification, parties may submit additional information about evidence and/or witness testimony.

### Determination of Scope

15. At least two (2) days prior to the hearing, both parties will receive the hearing officer’s final determination of scope and evidence that will be considered at the hearing. If they chose to exclude any evidence, an explanation will be provided. Procedural determinations will also be provided.

### Hearing Determination

17. The hearing officer will decide whether a violation of the SVSH policy has occurred based on a Preponderance of Evidence standard and will send their decision to OAISC within ten (10) days. OAISC is to decide appropriate sanction.

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### Notes:

- All of the dates provided are subject to extension for good cause as determined by the administrative offices involved.
- Times it may be helpful to check in with advocate or support person.
- Opportunity for either party’s support person to accompany them.
- This infographic is for illustrative purposes only. Refer to PACAOS: Appendix E for details.

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