

Request for Comments
Draft UC San Diego Sex Offense Policy and Procedures

In February 2008, VCSA Rue established a work group on sexual assault policies (SAP Work Group), charging it with reviewing and revising policy and procedures to be used when a UC San Diego student is the victim of a sexual assault. She asked that the policy both clearly describe how the university will respond to reported sexual assaults, and also educate and provide assurance to the community that cases will be handled professionally and fairly. The work group's members included representatives from Associated Students, GSA, the Council of Deans, Psychological and Counseling Service, Campus Police, Student Legal Services and Student Judicial Affairs, and others whose roles at the University may touch on this issue.

The workgroup reviewed current policies and procedures at UC San Diego and the best practices from other universities, and it met extensively to draft a policy that could be recommended to the UC San Diego community. Key features of the policy include the following:

- It distinguishes between sexual assault, which requires intentional conduct, and sexual misconduct, which does not require an intent to commit assault but includes conduct where there is an unreasonable failure to obtain consent to a sexual act.
- It states that alcohol violations will typically not be pursued against those who have reported a sex offense. It does this in order to encourage the reporting of sex offenses by removing a possible deterrent to such reports.
- It articulates that the University has the authority to exercise jurisdiction over sex offenses that occur off-campus between UC San Diego students.
- It clearly delineates the difference between the criminal process that might be pursued by district attorneys, over which the University has no control, and the procedures for addressing reports of sex offenses by the University.
- It provides both formal options for addressing reports of sex offenses and alternatives to those options.
- Formal options include a hearing process that protects the due process rights of anyone accused of a sex offense and include specific rights of those who have reported a sex offense. For example, both the complainant and the accused may have a support person present at the hearing.
- Alternatives may include voluntary agreements between the parties, reached with the assistance of a trained administrator, that address the concerns of the complainant and involve consequences for the accused student, but do not result in dismissal.
- It requires that investigations of reports of sex offenses be conducted by the Office of Sexual Harassment Prevention and Policy (OSHPP).
- It requires that any hearing officer in a student misconduct case involving a sex offense have appropriate training in issues specific to sex offenses.
- It identifies campus resources for both students who wish to report a sex offense and for students who have been accused of a sex offense.

The SAP Work Group invites you to view the full draft policy, which is available on the OSHPP website, at <http://oshpp.ucsd.edu> and to forward any comments or suggestions to any of the members of the Work Group.