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**CALIFORNIA JUDGE ISSUES STINGING REBUKE OF UC DAVIS’
HANDLING OF TITLE IX SEXUAL MISCONDUCT CASE**

*Court Finds UC Davis Chancellor and Student Judicial Affairs Director Denied Student Due
Process When They Imposed Interim Suspension*

DAVIS, CA, OCTOBER 12, 2015— In a September 22, 2015 hearing, Yolo County Superior Court Judge Timothy L. Fall granted a motion to stay the interim suspension imposed on a University of California, Davis (“UC DAVIS”) student accused of sexual misconduct. Judge Fall ruled that the student, who is referred to as “John Doe” in court proceedings, was denied his due process rights because UC DAVIS Director of Student Judicial Affairs Donald Dudley and UC DAVIS Chancellor Linda P.B. Katehi refused to hold a required hearing when they suspended John Doe based only on allegations of misconduct.

In issuing his ruling Judge Fall stated that “*due process has completely been obliterated by the University’s failure to get this case adjudicated. Complete failure to do it.*” Judge Fall also faulted UC DAVIS’s handling of the case for its impact on the alleged victim, stating, “... *if anyone has failed the alleged victim in this case [it] is the University.*”

Mark Hathaway, attorney for John Doe, commented, “I am encouraged by the Court’s complete and total rejection of UC DAVIS’s mishandling of this Title IX misconduct case. It is bad enough that, in their rush to judgment, university officials handed out a pre-packaged suspension, but doing so without following their own rules is unacceptable.”

This case is the latest example of an alarming trend in higher education where colleges and universities seeking to comply with federal guidance on the adjudication of Title IX sexual misconduct investigations deny students their basic due process rights. The U.S. Department of

Education's Office for Civil Rights has threatened to withhold billions of dollars in federal funding to American colleges and universities unless they change the way they handle alleged campus sexual misconduct. This has put pressure on school officials to treat male students accused of sexual misconduct with a presumption of guilt. UC DAVIS receives approximately \$200 Million per year from the U.S. Department of Education, and an additional \$295 Million per year in federal research grants as well as funding from the State of California.

The underlying alleged misconduct in this case involved sexual activity among a female student and two male students, all of whom were intoxicated, while standing in a bathroom during a campus party last May. UC DAVIS suspended John Doe, and the other male student, almost immediately after the alleged incident. John Doe lost his university housing, was not allowed to complete his spring semester coursework, and was prevented from taking his final exams just an hour before the start of his first exam. UC DAVIS ordered John Doe not only to stay away from the campus, but stay out of the entire City of Davis, CA.

"In the current Title IX political climate, it is not surprising that Chancellor Katehi assumes that only male students are responsible for sexual misconduct and that they should be immediately suspended without the required hearing," said Mark Hathaway. "Fortunately courts are beginning to take note and ordering university officials to follow the law."

Published statistics demonstrate that sexual misconduct cases make up only a small percentage of student conduct cases at UC DAVIS. UC DAVIS Student Judicial Affairs director Donald Dudley told the court in a statement that the Student Conduct Office handles over 1,200 student conduct cases per year. According to the 2015 University of California, Davis Annual Security and Fire Safety Report, issued October 1, 2015, fewer than 20 of those cases involve sexual misconduct.

Court proceedings in this case were filed as John Doe. v. Donald Dudley, Director of Student Judicial Affairs, et al. Yolo County Superior Court Case No. PT 15-1253.

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