

## UNIVERSITY OF CALIFORNIA ORDERED TO PAY ATTORNEY FEES IN FAULTY TITLE IX INVESTIGATION

On March 19, 2018, Alameda County Superior Court Judge Tara M. Desautels ordered the University of California to pay attorneys fees to an accused student in a faulty Title IX administrative process at the University of California, Santa Barbara (“UCSB”).

John Doe, as the student is named in court documents, appealed his two-year suspension from the University to the Alameda Superior Court in December 2016. John Doe alleged that “UCSB’s administrative machinery, at every level, violated material provisions of the University’s Implementing Procedures. UCSB denied John Doe a fair hearing, and the findings are not supported by the evidence.” The court agreed and found that the University of California’s Title IX procedures “failed to comply with the Adjudicative Framework and the law,” such as allowing the unacceptable risk that the investigator was not unbiased. The court also found that “there is an unacceptable risk that the investigator [Brian Quillen] was not unbiased” and that the University “improperly permitted Quillen to base his evaluation of credibility on what Quillen understood to be the “trauma informed approach.” The court also noted that the UCSB appeal panel “conducted a substantial evidence review of the Quillen/OJA report instead of exercising its independent judgment in the review of the evidence.”

In ordering the University of California to pay \$31,097.85, part of John Doe’s request for \$56,097.85 in legal fees, Judge Desautels found that John Doe’s efforts “enforced the right to due process in academic sexual harassment investigations and proceedings” and “conferred a significant benefit on the general public or a large class of persons.” California Code of Civil Procedure sec. 1021.5 provides for an award of attorney’s fees when a lawsuit results in a significant public benefit, in this case the right of more than 238,000 University of California students, and more than 190,000 faculty and staff, to due process in Title IX cases.