To: Joseph Bristow, Chair
Academic Senate

From: Derjung "Mimi" Tarn, Chair
Committee on Library and Scholarly Communication

Date: October 30, 2018

Re: **Systemwide Senate Review- Proposed Revisions to Presidential Policy on Sexual Violence and Sexual Harassment**

Dear Dr. Bristow,

The Committee on Library and Scholarly Communication reviewed the Proposed Revisions to the Presidential Policy on Sexual Violence and Sexual Harassment during our meeting on October 15, 2018. Overall the committee feels the revised policy is thorough, however much too long and should be abbreviated.

The following questions were raised regarding the definition and meanings of the following words;

1. The definition of "conduct" described in the section on Sexual Harassment and under *Quid Pro Quo* and *Hostile Environment (p. 5 of 36)*, provides specific examples of things that could constitute "conduct", however in providing such examples, other instances are omitted; like touching that may just be 'unwanted' or 'unwelcome.' These include things that may not fall under "physical conduct of a sexual nature" – such as hugging or perhaps even unwanted stroking of the arm. We suggest adding broader language to incorporate such activities to the policy.
2. There were concerns that the word "consent" was not adequately defined. The document describes quite clearly what may NOT be construed as consent (silence, lack of resistance, etc.), but not what actually constitutes consent. If *verbal* consent is required, that should be made clear. And if non-verbal consent is permitted, clearer guidelines on what constitutes non-verbal consent should be outlined.
3. With regards to "Relationship Violence" *(p. 4 of 36)* would the use of Domestic Violence and the terms assault and battery be appropriate for consistency with legal definitions (i.e., verbal assault and physical battery)?
   The question was raised about whether the terminology restrained from acting with their "free will" or on their own behalf would help simplify any of the language.

Questioned is the role of the Academic Senate and governance regarding forms of harassment and sexual harassment. If both parties are amenable, could the conflict be handled informally, by department chairs? The other question, concerns policy related to faculty violations of the faculty code of conduct, shouldn't the formal adjudication of such violations go through the Academic Senate?

The Presidential Policy on Sexual Violence and Sexual Harassment needs to be viewed as a significant carve-out of Senate policy, especially as it relates to faculty members. Should administration need to become involved, the violation would be transferred to the administration? The revised policy gives great power to the Title IX officer, and not much to others (i.e., Deans and Department Chairs) to address more common, and less serious allegations. For serious situations, consulting with the Title IX office is a good idea, however starting in a place that lists all the formal processes, and gives only slight articulation of support for informal processes could be looked upon negatively.

Thank you for the opportunity to review. If you have any questions for us, please do not hesitate to contact me at dtarn@mednet.ucla.edu or via the Committee on Library and Scholarly Communication analyst, Renee Rouzan-Kay at rrouzankay@senate.ucla.edu or ext. 62070.

cc:

Sandra Graham, Immediate Past Chair, Academic Senate
Michael Meranze, Vice-Chair/ Chair-Elect, Academic Senate
Linda Mohr, Chief Administrative Officer, Academic Senate
Renee Rouzan-Kay, Committee Analyst, Committee on Library and Scholarly Communication
Members of the Committee on Library and Scholarly Communication