


December 5, 2018

To: Joe Bristow, Academic Senate Chair

From: Jody Kreiman 
Chair, Charges Committee

Re: Proposed Revisions to Presidential Policy “Sexual Violence and Sexual Harassment”

Dear Chair Bristow:

This summer UCOP asked for a first round of comments on the proposed revisions to the “SVSH” Presidential Policy.

Charges Committee members participated with Privilege & Tenure Committee members to provide the attached August 2, 2018 letter. The Committee remains concerned that the wording in the Framework on probable cause remains incorrect (see attached letter) and inconsistent with the agreed-on wording in the SVSH policy itself that a finding may establish a violation of the Faculty Code of Conduct.

For the remaining comments, please refer to the attached letter. The Charges Committee has no further comments at this time.

On behalf of the members of the Charges Committee: Troy Carter, Sherry Ortner, Scott Cummings, Guillaume Chanfreau, Jeff Bronstein, Subramanian Iyer, Jo-Ann Eastwood

Evelyn Cheng
UCOP Title IX Coordinator
By email: Evelyn.Cheng@ucop.edu

August 2, 2018

Re: Proposed revisions to the Sexual Violence and Sexual Harassment (SVSH) Policies

The UCLA Privilege & Tenure Committee has compiled the following feedback on the proposed revisions to the UC SVSH policies. Given that the comments were solicited on July 23, 2018 it was not possible to get comments from all members.

First, while the expansions of the definitions of prohibited contact (such as sections II.B; VI, question 4), are helpful, providing specific detail might be interpreted to mean that if an action (such as forcible kissing of any kind) is not mentioned it does not qualify.

Secondly, committee members note that the “framework” needs to align with approved SVSH policy regarding faculty discipline. The framework states (emphasis added) that “a finding that the respondent violated the SVSH Policy **will establish** probable cause as defined in the Code of Conduct” (B.4) while the SVSH Policy, as agreed following extensive review by campuses leaves that determination to individual Senate processes. The agreed-on wording in the SVSH states (emphasis added) “Because the forms of unacceptable behavior listed in The Faculty Code of Conduct also apply to sexual violence or sexual harassment, a violation of the University’s Policy on Sexual Harassment and Sexual Violence **may** constitute a violation of the Faculty Code of Conduct.” (Appendix II.A). After Senate review and comment, the 2015 interim policy was revised as follows:

Because the forms of unacceptable behavior listed in *The Faculty Code of Conduct* ~~are~~ *←*
~~interpreted to also~~ apply to sexual ~~harassment~~ *violence*, or sexual ~~violence~~ *harassment*,
a violation of the University’s *Policy on Sexual Harassment and Sexual Violence*
~~constitutes~~ *may constitute* a violation of the *Faculty Code of Conduct*. The *University*
Policy on Faculty Conduct and the Administration of Discipline (APM - 016), as approved
by the Assembly of the Academic Senate and by The Regents, outlines sanctions and
disciplinary procedures for faculty.

As distributed for comment, October 1, 2015

This distinction is important as it allows each campus, as long as they align with systemwide policy, to implement their own procedures for faculty discipline. The Faculty Code of Conduct is clear throughout of the important role of Senate input into all procedures dealing with both the investigation of allegations of faculty misconduct as well as the conduct of disciplinary proceedings. Few cases reach the formal hearing phase. That makes “faculty advice in the beginning stages of what may become formal disciplinary proceedings” the principal way by which faculty can “meaningfully participate in its own self-discipline.” (APM-015§II.B.2) Several members urged that the “framework” make clear that some campuses have charges processes either by separate committees or by a subcommittee of Privilege & Tenure. The Chancellor or Chancellor’s designee needs to factor the time needed for those committees to function into their 40 business days after receipt of the notice of investigation.

Lastly, while campuses are now expected to be responsive to disciplinary matters year-round, no provisions have been made to support the judicial committees so that they can be available during the summer periods.

Sincerely,



E. Richard Stiehm, Chair

On behalf of the members of the UCLA Privilege & Tenure Committee

cc: Nancy Lane, UCPT Chair: nelane@ucdavis.edu
Jocelyn Banaria, UCPT Analyst: Jocelyn.Banaria@ucop.edu

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