

December 6, 2018

Robert May
Chair, Academic Council

RE: Systemwide Senate Review: Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment

Dear Robert,

The Executive Board of the UCLA Academic Senate discussed the Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment at its meeting on December 5, 2018. The Executive Board solicited comments from standing committees of the Senate, as well as the Faculty Executive Committees, to maximize faculty feedback; the individual responses from our various committees are attached.

Executive Board members acknowledge the importance of this policy and the proposed revisions. However, faculty on the various committees and those on the Executive Board identified critical issues and concerns as follows:

1. The Committee on Privilege and Tenure (P&T) recommends adding the following language under Section II. Definitions. B. Prohibited Conduct. B. Sexual Assault - Contact:

PROPOSED ADDITION:

The types of contact listed above meet the standard of sexual assault by contact and serve as examples of such contact. Other types of contact, not specifically enumerated above, may nonetheless be considered sexual assault contact if they meet the same standard.

Several faculty questioned what constitutes “the sexual.” There was much debate around the objections to hugging that have appeared in recent high profile cases with UC. Some colleagues concluded that the list of body parts deemed “sexual” is too limited. P&T expressed that “contact with the mouth, even if it does not involve contact with another intimate body part listed, should be included as sexual contact.”

2. Faculty expressed concern with the Timelines for Making Reports. Providing no time limit for reporting allows a case to be extended almost indefinitely, allowing cases to drag on. Several faculty agreed that this should neither be desired nor permitted. Moreover, the timeframe should reflect instructional days rather than business days. Faculty and students are on an instructional calendar.
3. Under Section III. F. Free Speech and Academic Freedom. The last paragraph in this section cites “However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or State antidiscrimination laws.” Faculty recommend deleting this sentence altogether.

4. *Section V. Procedures*, b. Formal Investigation, iv. Academic Freedom/Merit states "...the Title IX Officer shall consult with the appropriate academic officer for relevant academic judgment." Who is the "appropriate academic officer"? Faculty argued that the relevant officer for Senate faculty should be the Academic Senate instead of someone from the administration. Faculty recommend revising to "consult with academic officer or unit for relevant academic judgement." (e.g. Academic Senate) Similar specificity should be added for non-Senate faculty, students and staff.
5. Conducting the hearing on the campus may be difficult if the case involves faculty who are out in the field.

The Executive Board urges you to read through the individual committee responses.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'JB', with a stylized flourish at the end.

Joseph Bristow
Chair, UCLA Academic Senate

cc: Hilary Baxter, Executive Director, Systemwide Academic Senate
Sandra Graham, Immediate Past Chair, UCLA Academic Senate
Michael Meranze, Vice Chair/Chair-Elect, UCLA Academic Senate
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate
Linda Mohr, Chief Administrative Officer, UCLA Academic Senate