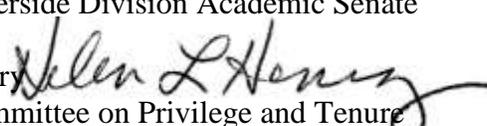




Committee on Privilege and Tenure

January 13, 2014

To: Jose Wudka
Chair, Riverside Division Academic Senate

From: Helen Henry 
Chair, Committee on Privilege and Tenure

Re: Systemwide Review of Proposed Revised Academic Personnel Manual
(APM) Section 035, Appendices A-1 and A-2

The committee on Privilege and Tenure met on January 8 to discuss the Proposed Revised University of California Policy on Sexual Harassment and Academic Personnel Manual (APM) Section 035, (APM- 035).

The Committee believes that as this draft Policy undergoes revision attention must be paid to the following specific points:

1. If “Stalking” is to be included as part of the definition of sexual violence (page 3) then the definition of it on page 4 needs context and clarity. Stalking in and of itself is a crime and goes beyond the bounds of sexual harassment. In our academic setting, one may well imagine incidents of stalking that are based on resentments other than those of a sexual nature, e.g., of a faculty member by a student unhappy with a grade; of a student by another student who is envious or jealous. Thus if stalking is to be included as a part of sexual violence, we believe the use and definition of the term needs to be defined within a sexual context.

Although many definitions of the word stalking use “reasonable fear” as the measure of whether stalking is occurring, we believe the term “reasonable apprehension” is more appropriate to our academic environment. “Fear” is a strong word; the willingness to use it may vary from one individual to another. In our multicultural heterogeneous community, the more general “apprehension” is a better descriptor for when stalking may be present.

2. In Paragraph III.G, page 6 are examples of wording that is so overly broad as to not be very useful. Supervisors, managers, etc. should “take reasonable and appropriate actions” to prevent sexual harassment rather than “whatever action is necessary.” “Reporting it promptly” should be modified by giving a time frame. This paragraph is about reporting, not “addressing” sexual harassment so that term should be deleted.

Many examples of this type of inexactness occur in this document, probably a result of pulling so much of the text from different sources.

3. Paragraph H, last sentence. This sentence may have legal meaning but it seems pre-judgmental in a paragraph devoted to procedures (not outcomes) or complaint and grievance procedures.

In general the document suffers from being a patchwork of several other sources. The Committee understands the necessity of bringing policy into compliance with VAWA. But now a careful thoughtful re-drafting is necessary to ensure that what is said will bring about the desired behaviors with a minimum of confusion in its implementation.