January 23, 2014

William Jacob, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

Section 035, Appendices A-1 and A-2

Dear Bill,

The committees of the Riverside Division that reviewed the proposed changes to APM-035 were generally supportive of the revision. There were, however, serious concerns about the use of vague and imprecise language that requires clarification.

For example: words like 'reasonable', 'appropriate' should be accompanied by definitions, 'prompt' by specific time frames, phrases like 'whatever action is necessary' should be replaced by specific instructions, voluntarily intoxicated' and 'impaired or incapacitated' should be differentiated, etc.; in addition terms such as 'stalking' should be clarified within the context being used. Two reviewers suggest directly using the definitions contained in VAWA2013 or referring to that act.

One committee felt that the use of 'reasonable fear' provides too high a bar and suggest replacing it by 'reasonable apprehension'. Another committee pointed out the need to define what 'auxiliary university locations' are.

Finally, par. II.G (pg 6) is about reporting sexual harassment, not addressing: the 3rd sentence should be corrected accordingly.

We appreciate the opportunity to comment.

Sincerely yours,
Jose Wudka
Professor of Physics & Astronomy and Chair of the Riverside Division

CC: Martha Kendall Winnacker, Executive Director of the Academic Senate
Cynthia Palmer, Director of UCR Academic Senate office
January 14, 2014

To: Jose Wudka, Chair  
Riverside Division of the Academic Senate

From: Kambiz Vafai, Chair  
Committee on Charges


The Committee on Charges notes that in section II (entitled Definitions) there is no instructions/definitions for distinguishing between someone who was ‘voluntarily intoxicated' versus 'impaired or incapacitated.' This is clearly a blurry line but it seems that definitions for each category should be more clearly articulated.
January 21, 2014

To: Jose Wudka, Chair  
Riverside Division of the Academic Senate

From: Zhenbiao Yang, Chair  
Committee on Diversity & Equal Opportunity

Re: Systemwide Review of Proposed Revisions to APM 035

The Committee on Diversity and Equal Opportunity considered the proposed revisions to APM 035 on Sexual Harassment and expressed concerns regarding the inclusion of vague definitions and the use of examples. The committee suggests further consideration be taken to include precise language taken from the WAWA 2013 Act or that all definitions be removed and the APM section point directly to The Violence Against Women Reauthorization Act (VAWA 2013).
January 21, 2014

To: Jose Wudka  
Chair, Riverside Division Academic Senate

From: Georgia Warnke  
Chair, Committee on Faculty Welfare

Re: Systemwide Review of Proposed Revisions APM 035

At its meeting on January 16, 2014, UCR’s Senate Committee on Faculty Welfare discussed the proposed revisions to the University of California Policy on Sexual Harassment. Its concerns mirror those of the UC Faculty Welfare Committee. The UCR committee suggests links to federal regulations.
January 13, 2014

To: Jose Wudka  
Chair, Riverside Division Academic Senate  

From: Helen Henry  
Chair, Committee on Privilege and Tenure  


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.
January 20, 2014

TO: Jose Wudka, Chair
   Riverside Division

FR: Akula Venkatram, Chair
    Executive Committee, Bourns College of Engineering

RE: Proposed revisions to the UC system-wide sexual harassment policies outlined in APM-035, Appendices A-1 & A-2

The BCOE Executive Committee has reviewed the proposed revisions to the UC system-wide sexual harassment policies outlined in APM-035, Appendices A-1 & A-2. The revisions address requirements mandated by the recent federal Violence Against Women Reauthorization Act (VAWA 2013) regarding domestic and sexual violence. Broad changes applicable to UC are:

1) Reporting of campus crime statistics beyond the Cleary Act covers incidents of domestic violence, dating violence, and stalking as well as crimes motivated by national origin or gender identity;
2) Training for new students and new employees (above and beyond ongoing programs) to promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking;
3) Annual training for personnel investigating and reviewing offenses; and
4) Adoption of policy to address and prevent campus sex violence.

While the proposed revisions to APM-035 are extensive, most seem to be adapted from current language to conform to VAWA 2013. The BCOE Executive Committee endorses the proposed changes.
January 8, 2014

TO: José Wudka, Chair
    Academic Senate

FROM: Erica Edwards, Chair
    CHASS Executive Committee


The CHASS Executive Committee discussed the proposed revised academic personnel manual (APM) Section 035, appendices A-1 and A-2 at the regular meeting on January 8, 2014. The committee was in agreement with the revisions.

Erica Edwards, Chair
UCR CHASS Executive Committee
TO: Jose Wudka, Chair, Riverside Division

FROM: Gillian Wilson, Chair, Executive Committee
College of Natural and Agricultural Sciences

DATE: Jan 8th 2014

RE: Systemwide Review of Proposed Revisions to APM 035

Dear Jose,

The CNAS Executive Committee discussed the proposed revisions to APM 035 at its meeting on January 7th 2014. The CNAS Executive Committee strongly endorses the revisions.

Yours sincerely,

Gillian Wilson
Chair, Executive Committee
College of Natural and Agricultural Sciences
To: Jose Wudka, Chair of the Senate  
From: Ameae Walker, Chair SOM executive committee  
Re: APM 035  

1/16/2014

The SOM executive committee discussed the proposed revised academic personnel manual section 035, appendices A-1 and A-2 at both its December and January meetings. The committee has no concerns about the proposed changes.

However, an issue that pertains to both the current and former versions is the lack of definition of the threshold at which location responsibilities are incurred. The policy states that it applies to all auxiliary university locations. When does an off campus site become an auxiliary location? E.g. Does the university have to own the location, some part of the location, conduct a certain level of business at the location etc.? Some guidance on this would be appreciated.

SOM Executive Committee  
Ameae Walker, Chair  
Paul Lyons, Vice Chair  
Monica Carson  
Iryna Ethell  
David Lo  
Christian Lytle  
Ihem Messaoudi  
Neal Schiller  
Emma Wilson  
Mahendr Kochar (clinical)  
Emma Simmons (clinical)  
Richard Olds (ex officio)  
Phyllis Guze (ex officio)