

March 4, 2016

To: Jose Wudka
Riverside Division Academic Senate

From: Jennifer Hughes, Chair 
Committee on Faculty Welfare

Re: Report from the Joint Committee of Administration and Academic Senate

UCR's Committee on Faculty Welfare offers the following response to the Report from the Joint Committee on Sexual Violence and Harassment

In general the Committee supports the intention and recommendations of the report and affirms that many of the recommendations will improve the climate for faculty and students on our campus. Most importantly here we affirm especially the following recommendations:

1. The integration of Title IX investigations with other processes and the recommendation to include appropriate senate faculty representative in Title IX investigations (although here the language could be clarified to specify the inclusion of senate faculty in investigations involving either a faculty member complainant or respondent).
2. The recommendation (D1) to disclose to the complainant any sanction or agreement with a faculty respondent in an effort to increase transparency.
3. The recommendation for improved communication especially the requirement to provide updates to the complainant.
4. The recommendation (2F) that designates, "A confidential resource on every campus who possesses the knowledge, insight, and training to advise faculty, other academic appointees, and graduate students should be designated to advise how to file complaints and what the consequences may be after filing complaints."

We express concern over the following:

1. The recommendations suggest that all faculty and graduate student instructors have a "responsibility to report allegations of SVSH." Although the Joint Committee recommends requiring campuses to communicate clearly the consequences for retaliation, the CFW does not believe at this time that most campuses are fully prepared and equipped to protect faculty and graduate student reporters from retaliation. Graduate Student Instructors in particular, who hold less power than

their faculty supervisors, may be vulnerable to retaliation. The Joint Committee might require instead that faculty and GSIs be mandated to formally “refer” (even by way of “reporting”) the victim to the campus officer/s designated for confidential conversation—thus preserving the victim’s confidentiality and control over their situation. Additionally, it is unclear whether the Joint Committee is suggesting that faculty/graduate student instructors have a legal “mandate” to report: “responsibility” to report and “mandate” to report may not be regarded as the same thing. Will there be consequences for those who do not report?

2. Also related to above, the designation of a “single resource” (B3) for confidential conversation may not be enough of an “opening” or “pathway” for allegations of SVSH to come forward. Often confidential conversations with faculty mentors and TAs may be the first step to assisting a student or colleague in regaining control over their situation and taking appropriate action. In general we feel the report could affirm more strongly the victim’s right to regain and maintain control over their situation and how it is handled and to consider what mechanisms will best accomplish this.
3. The CFW does not regard the “low number” of cases that come before P&T (celebrated by the Joint Committee) as necessarily reflecting successful resolution of process or redress of complaints. In many (if not most) instances a low number of cases may indicate the opposite—the suppression of legitimate complaints.
4. With respect to “early resolution”. The report recommendations do not appear to consider first and foremost the “victim” in determining the effectiveness of these “early resolution” processes. Recommendations should emphasize that the goal of productive resolution is resolution specifically for the victim with appropriate disciplinary action. The mechanism of “early resolution” has too often been used to suppress serious allegations leaving victims/complainants without appropriate redress, resolution, or restorative process. The victim should have a role in assessing whether a resolution process (whether “early” or otherwise) has been successful or not.
5. A similar set of circumstances (to above #4) applies to “alternative resolution.” The report’s statistic that 76% of all reported cases are either unsubstantiated or addressed through “alternative resolution” is an alarming “red flag”. Campuses would benefit from clear guidelines specifying that “alternative resolution” should be initiated by the victim/survivor only. Safeguards need to be mandated and in place on every campus to insure that victims/survivors are not coerced into “alternative resolution” processes. Formal redress, especially of criminal behavior, is always preferable.
6. The recommendations are framed too narrowly, assuming (in general) a faculty (harasser) and a student (victim). More careful language should be employed to account for faculty (harasser) - faculty (victim) instances of SVSH as well.
7. We also argue strongly for clear and consistent timelines for response to grievances and complaints across campuses. Currently there are some campuses (like UCR’s own P&T committee) that lack timelines guiding the response process.