



CHAIR, ACADEMIC SENATE  
RIVERSIDE DIVISION  
UNIVERSITY OFFICE BUILDING, RM 225

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March 15, 2016

Dan Hare, Chair, Academic Council  
1111 Franklin Street, 12th Floor  
Oakland, CA 94607-5200

**RE: Report from the Joint Committee of the Administration and Academic Senate**

Dear Dan,

Executive Council reviewed the Joint Committee report during its March 7 meeting. The general sentiment of the group was that this report is an important first step in implementing a robust and versatile infrastructure to deal with issues of sexual harassment and violence. There were, however, various points that the group felt were not fully addressed in the report.

Of particular concern was the interface between the Senate and Title IX processes. It was the opinion of Council that the manner in which this is arranged should be decided systemwide, and not individually by campuses in order to ensure a coherent, consistent and predictable process. Allowing campuses to devise their own procedures opens the door for inconsistencies, difficulties in coordinating with OGC (should that be required as well), and makes the campus processes vulnerable to local pressures and idiosyncrasies.

Council also recommends clarifying (and justifying) whether it is the Privilege and Tenure committee or the Title IX officers who determine whether the faculty code of conduct has been breached; and while we support the idea of having Senate participation in Title IX investigations, we note that the process under which this would occur remains unclear. Council also recommends that all investigations involving and beyond Title IX should be carried out by people credentialed under law and policy.

Council viewed the small number of complaints that reach a full hearing stage as quite possibly indicative of a culture that discourages complaints, more than an indication of the success of the informal resolution process. This situation may lead to a culture of impunity, which is pervasive, insidious and damaging to the institution. Simple procedural changes will not address this point; it will require a commitment by both the Administration and the Senate to a paradigm change within the University. While appreciating the need and advantages of the informal resolution process, Council encourages implementing protections against using it as a means to suppress serious allegations; procedures for addressing the misuse of this process should be put in place.

As parts of this culture change, Council supports the proposed disclosure of sanctions to complainants, the creation of provisions for enhanced communications, reporting and regular updates, and especially the creation of a confidential resource to advise complainants, to provide updates and advocate for victims' rights. We also support the proposed enhanced record keeping-requirements, but recommend adding that the Chancellor (or designee) be required to inform the campus on the number of disciplinary cases and their status (to the extent allowed by law) .

Council recognizes the existence of regulations for protection against retaliation, but considers the campus infrastructure is insufficient to ensure they are properly enforced, and that the campus community is aware of them. Council also recommends that the procedures should emphasize the victim's rights to maintain control (within the constraints imposed by law)

Finally, Council recommends that it should be made abundantly clear the forceful, fair, and prompt response to all acts of sexual violence and harassment should apply to all members of the campus community.

Council is grateful for the opportunity to comment on this important and urgent issue.

Sincerely yours,

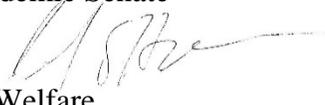
A handwritten signature in black ink, appearing to read "J Wudka".

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

CC: Hilary Baxter, Executive Director of the Academic Senate  
Cherysa Cortez, Executive Director of UCR Academic Senate Office

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.

**UC RIVERSIDE** UNIVERSITY OF CALIFORNIA | **Academic Senate**  
**Committee on Charges**

March 2, 2016

To: Jose Wudka  
Chair, Riverside Division Academic Senate

Fr: Benjamin Liu  
Chair, Committee on Charges 

Re: Systemwide Review of the Joint Committee Report (2/17/16)

The Charges Committee reviewed the Joint Committee Report and is in support of the recommendations. The Committee notes that the explicit references to the SVSH policy helps clarify the Code of Conduct. The Committee would like to offer some specific suggestions to the clauses below:

- ‘of’ changed to ‘against’
- The three phrases need to be regularized with regard to ‘and’ and ‘or’

*“4. Sexual violence and sexual harassment, as defined by University policy, of a student.”*  
b. Suggested language to be added to Section II.C, The University Types of Unacceptable Conduct:

*“6. Sexual violence and sexual harassment, as defined by University policy, of a University employee.”*  
c. Suggested language to be added to Section II.D. Colleagues Types of Unacceptable Conduct:

*“3. Sexual violence or sexual harassment, as defined by University policy, of a colleague.”*

We appreciate the opportunity to review and opine on this systemwide matter.



## Committee on Privilege and Tenure

March 4, 2016

To: Jose Wudka  
Chair, Riverside Division Academic Senate

Fr: Stefano Lonardi  
Chair, Committee on Privilege and Tenure

Re: Systemwide Review of Joint Committee Report (2/17/16)

The Committee on Privilege and Tenure at UC Riverside has been asked to provide feedback on the report by the Joint Committee of the Administration and the Academic Senate that reviewed how UC campuses manage disciplinary actions in cases of sexual violence, sexual assault or sexual harassment. In general, we agree that the current policies are clearly written, reasonable, and consistent with the relevant APMs. We also agree with the recommendations provided by the Joint Committee (including the proposed amendments to the APM), but we respectfully request the Joint Committee to provide some clarifications.

Comments on Page 1: the Joint Committee has identified several important questions related to the interface between of the Title IX investigation and the Administrative investigation (carried out for the purpose of a disciplinary action). These questions are:

"Does the Title IX Officer determine whether a Faculty Code of Conduct policy violation has occurred? Does the Title IX Office recommend discipline?"

If so, to whom? What role does the Title IX Officer have after the Title IX report is issued and before a disciplinary hearing occurs?"

What is the interface between initial investigations of alleged SVSH by Title IX Officers and investigations that take place during subsequent disciplinary hearings?" The Joint Committee recommends that "the Chancellors or designees, Title IX Officers, and Senate leaders consider answering these questions as part of an overall review of campus procedures." We believe that the answer to these questions should not be left to individual campuses, but consistent UC-wide policies should be developed to clarify the role of these investigations to (1) reduce the number of times witnesses are questioned about the facts related to alleged sexual violence, sexual assault or sexual harassment, (2) clarify the

relevance of the Title IX findings in the Administrative and P&T disciplinary process, considering the different evidence standards.

Comments on Recommendation A.2.b (page 2) which states "Consider including Senate faculty and/or other non-Title IX Officers to augment teams at the time of the Title IX investigation."

This recommendation needs to be expanded to provide guidelines on the process in which faculty will be chosen to augment the investigative team. How will be faculty be selected? Can these faculty be any Senate Member or members of P&T and/or Charges?

Comments on Recommendation A.2.d (page 3) which states "In cases where subsequent investigations are conducted by those outside of the Title IX Office, campuses should ensure that those conducting the investigations receive the training required by law and policy."

We suggest to include that the Administration should also ensure that individuals carrying out the investigations should have the credential required by law and policy.

**UC RIVERSIDE** UNIVERSITY OF CALIFORNIA | **Academic  
Senate**  
**Committee on Planning & Budget**

March 3, 2016

To: Jose Wudka  
Chair, Riverside Division Academic Senate

Fr: Kenneth Barish   
Chair, Committee on Planning and Budget

Re: Systemwide Review of Joint Committee Report (2/17/16)

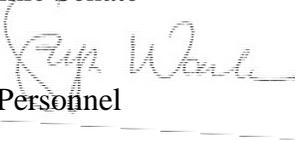
On February 23, 2016, the Committee on Planning and Budget (CPB) reviewed and discussed the report from the Joint Committee of the Administration and Academic Senate. CPB is in support of the report and notes its importance, but felt that it was not central to the charge of the committee and has no further recommendations.



**COMMITTEE ON ACADEMIC PERSONNEL**

March 4, 2016

To: Jose Wudka  
Riverside Division Academic Senate

From: Georgia Warnke, Chair   
Committee on Academic Personnel

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

At its meeting on March 2, 2016, the Committee on Academic Personnel considered the report from the Joint Committee of the Administration and Academic Senate and opined that it is not sure that the document adequately resolves tension between the liability and trusts of the University and protecting all members of the university community.



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March 4, 2016

TO: Jose Wudka, Chair  
Riverside Division

FR: Srikanth Krishnamurthy, Vice Chair  
Executive Committee, Bourns College of Engineering

RE: Report from the Joint Committee of the Administration and Academic Senate -  
Preventing and Responding to Sexual Violence and Sexual Assault

The BCOE Executive Committee met on Friday, February 26, 2016 and *reviewed the Report from the Joint Committee of the Administration and Academic Senate - Preventing and Responding to Sexual Violence and Sexual Assault*. The Committee was pleased to see that the importance of the interface between Title IX and University of California Administration was identified. It recommends that consistent policies throughout the University of California be developed, to help explain the role of Title IX personnel with regard to any investigations. Overall, the committee concurs with the findings and recommendations.

# UNIVERSITY OF CALIFORNIA, RIVERSIDE



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EXECUTIVE COMMITTEE:  
COLLEGE OF HUMANITIES, ARTS, AND SOCIAL SCIENCES

RIVERSIDE, CALIFORNIA 92521-0132

March 4, 2016

TO: José Wudka, Chair  
Academic Senate

FROM: Jason Weems, Chair  
CHASS Executive Committee

RE: Joint Committee of the Administration and Academic Senate: Review the Disciplinary Processes for Faculty Related to Sexual Violence, Sexual Assault and Sexual Harassment

The Committee received the request for response to the report too late for consideration at a regular committee meeting. Given these circumstances, the Committee is reluctant to offer specific comments at this time.

The committee remains supportive of efforts to build a university policy on sexual violence, sexual assault, and sexual harassment that is well informed and founded upon strong ethical ideals. It should ensure fairness, transparency, timeliness, and empathy.

Jason Weems, Chair

UCR CHASS Executive Committee

March 2, 2016

To: Jose Wudka, Chair  
Riverside Division

From: Sarjeet Gill, Chair, Executive Committee  
College of Natural and Agricultural Science

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

The CNAS Executive Committee at their March 1st meeting unanimously approved  
of the report, as written.

Yours sincerely,  
Sarjeet Gill, Chair  
CNAS Executive Committee



**UC RIVERSIDE** UNIVERSITY OF CALIFORNIA | **Academic Senate**  
**COMMITTEE ON DIVERSITY & EQUAL OPPORTUNITY**

March 4, 2016

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

From: Manuela Martins-Green, Chair   
Committee on Diversity & Equal Opportunity

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

At its meeting on March 3, 2016, the Committee on Diversity and Equal Opportunity considered the report from the Joint Committee of the Administration and Academic Senate and provided the following comments:

The Joint Committee of the Administration and Academic Senate, charged with examining University disciplinary proceedings in cases of sexual violence, assault and harassment, has concluded that “the systemwide and campus policies are clearly written and reasonable” (p. 1). The Committee’s recommendations for adjustments relating to language, procedure (e.g., on the place of Title IX investigations), educational outreach, faculty rights, etc. are very reasonable and entirely acceptable. However, the report only touches upon an important question that in CoDEO’s opinion is not sufficiently addressed. How will the University deal with the two most common concerns raised by complainants, that is, the length and confidentiality of the disciplinary process which has given rise to “a perception that both fosters a culture of impunity and discourages reporting” (p. 5)? What will be done in the future to avoid “discouraging complainants from reporting” (p. 5)? A 1995 report by the Disciplinary Procedures Task Force made the recommendation “that the disciplinary process be expedited...” and called for “increased participation by the complainant in faculty disciplinary actions” (p. 33). Considering the findings of the 2013 Climate Study, which indicates that 3% of respondents (and a higher percentage of students) “believed they have experienced unwanted sexual contact while at a UC campus/location” (p. 33), it would seem very important to look more deeply into how common concerns raised by complainants can best be addressed. The proposed appointment of “a single individual in the Chancellor’s Office ...to provide complainants with updates” (p. 9) would be a welcome first step. But what other efforts will be made in the future “to protect and assist complainants” (p. 10)?