November 28, 2018

Robert May, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

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

Dear Robert,

The Executive Council of the Riverside Division discussed the Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment (SVSH) at its most recent meeting on November 19, 2018. Executive Council engaged in significant discussion regarding the proposed revisions. Main points from the attached response memos were reiterated by the respective standing committee chairs. Some Executive Council members expressed concerns that the specialized language of the policy, as well as its references to myriad other policies increased the complexity and overall difficulty of the review process. Other members commented that the revisions provided additional guidelines for faculty. There was further conversation regarding whether and how campuses are expected to apply this policy to visiting scholars and students.

The attached consultative memos reflect other issues shared by colleagues in Executive Council, including the specific concern that the proposed policy allows the Title IX officer to initiate an investigation in the absence of a specific complainant. Another important area of concern is in regard to the training, principles, and protocols surrounding the proposed policy’s provision for “alternative resolution,” particularly in relation to the potential for complainants to be subjected to (unintentional) pressure to participate in such a process. A final concern that surfaced repeatedly in the Division’s consultation revolved around the matter of administrative transparency on campus SVSH investigations and outcomes; there was broad agreement with the notion that data and other information on such investigations should be made available to the campus communities on a regular (annual) basis.

I have included the full set of committee consultations, and can assure you that our UCR Senate colleagues have paid careful attention to this vital issue.

peace

Dylan Rodríguez
Professor of Media & Cultural Studies and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate
    Cherysa Cortez, Executive Director of UCR Academic Senate Office
October 15, 2018

To: Dylan Rodriguez  
Riverside Division Academic Senate

From: Rajiv Gupta, Chair  
Committee on Academic Personnel

Re: Systemwide Review. Revised Presidential Policy on Sexual Violence and Sexual Harassment

The Committee on Academic Personnel considered the revised Presidential Policy on Sexual Violence and Sexual Harassment and did not find any issues related to its charge. However, a member wished to voice concern that the revised language allowing a Title IX Officer the discretion to launch an investigation without a specific complainant may give them too much leeway.

5.b.v. Initiation of Investigation by University. The Title IX Officer may choose to initiate and conduct a Formal Investigation despite the lack of a Complainant when there is, for example:..............
November 9, 2018

To: Dylan Rodríguez, Chair
    Riverside Division

From: Paul Lyons, Chair
       Committee on Educational Policy

Re: Revised Presidential Policy on Sexual Violence and Sexual Harassment

The Committee on Educational Policy (CEP) reviewed the revised Presidential Policy on Sexual Violence and Sexual Harassment at their November 9, 2018 meeting and did not have any concerns relating to their charge of undergraduate education.

The Committee does recommend that the second paragraph on page 44 of the document be updated so that consistent, inclusive language is used throughout the paragraph. For example, discrimination is listed in the first paragraph as being based on “sex, gender, gender identity, gender expression, sex or gender stereotyping, or sexual orientation” but later on in the paragraph discrimination is mentioned based on “sex” alone.
November 5, 2018

To: Dylan Rodriguez  
Chair, Riverside Division Academic Senate

Fr: Timothy J. Close  
Chair, Committee on Charges

Re: Systemwide Review of Proposed Revisions to Presidential Policy on Sexual Violence and Sexual Harassment

The Charges Committee met to discuss the proposed revisions to the Presidential Policy on Sexual Violence and Sexual Harassment. The Committee has no further comments.

We appreciate the opportunity to review and opine on this systemwide matter.
October 19, 2018

TO: Dylan Rodriguez, Chair
    Academic Senate

FROM: Lucille Chia, Acting Chair
    CHASS Executive Committee


The CHASS Executive Committee discussed the Proposed Revised Presidential Policy on Sexual Violence and Sexual Harrassment at the regular meeting on October 17, 2018. Overall, the committee agreed with the revised policy, but noted that there should be more training and it should be varied. For instance, ensure there are different versions of the material and include different formats such as video or in-person training. Otherwise, there were no objections and the committee approved the revised policy.

Lucille Chia, Acting Chair
CHASS Executive Committee
October 30, 2018

To: Dylan Rodriguez, Chair
   Riverside Division

From: Nicole zur Nieden, Chair
       Committee on International Education


The Committee on International Education reviewed the prosed revisions to the policy on sexual violence and sexual harassment. The committee discussed the fact that different cultures may have different norms and thus feels that the policy needs to be implemented in a way that encompasses the language and cultural barrier for international students.
October 26, 2018

To: Dylan Rodriguez, Chair
Riverside Division

From: Sarjeet Gill, Chair
Committee on Committees

Re: Systemwide Review of Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment

The Committee on Committees has reviewed the proposed revisions to the Presidential Policy on Sexual Violence and Sexual Harassment. The Committee determined this is outside their purview and therefore provided no comment.
October 9, 2018

To: Dylan Rodríguez, Chair
   Riverside Division

From: Wee Liang Gan, Chair
       Committee on Courses

Re: Revised Presidential Policy on Sexual Violence and Sexual Harassment

The Committee on Courses reviewed the revised Presidential Policy on Sexual Violence and Sexual Harassment at their October 9, 2018 meeting and did not note any concerns in regards to the Committee’s charge of courses and instruction.
To: Dylan Rodriguez
Riverside Division Academic Senate

From: Daniel Jeske, Chair
Committee on Faculty Welfare

Re: FWC review of Proposed Revision of Policy on SVSH

FWC met on 10/16/2018 to review the "Proposed Revisions to Presidential Policy on Sexual Violence and Sexual Harassment." FWC is mostly supportive of the changes, though would like to make the following comments:

Firstly, there was one point that caused some concern, which is item v on p.17 of the document that is headed as "Initiation of Investigation by University." FWC was paused by the statement, "The Title IX Officer may choose to initiate and conduct a Formal Investigation despite the lack of a Complainant when there is, for example:...." The three bullets that follow give examples of when this might occur, but the text in the document is deficient on detail that explains where the bar is for probable cause to launch such an investigation.

FWC wonders if the intent of the statement is to address cases where there is one or more Complainants, but they wish to remain anonymous? If this is the intent, then perhaps the statement should be reworded as "The Title IX Officer may choose to initiate and conduct a Formal Investigation despite the lack of a Complainant when anonymous tips suggest, for example:...."

Secondly, FWC requests some assurance that Title IX Coordinators, who would be responsible for guiding the alternative resolution process, are well trained in understanding subtle forms of coercion, so that they will be less likely to engage in any or to be a party to any such coercion.

Thirdly, in some cases bulleted items in the document are connected by the word 'or,' and in other cases they are not. A confusing case occurs at the top of p.4 of the document where only a single 'or' is used. We recommend the document be proof read to ensure consistent and intended use of the word 'or' in these lists.

Finally, FWC suggests it might be informative for the campus to be presented with periodic statistical information on the frequency of SVSH investigations, how the investigations were resolved relative to alternative resolution versus formal investigation, and the time taken to achieve the resolution.
The Graduate Council reviewed and discussed the proposed revised Presidential Policy on Sexual Violence and Sexual Harassment at their October 18, 2018 meeting. It was unclear to the Council what reporting responsibilities non-employees have, if any. This should be made clear in the revised policy. Other than this clarification, the Council was supportive of the revisions being proposed.
TO: Dylan Rodriguez, Chair  
UCR Academic Senate

FROM: Margaret A. Nash, Chair  
GSOE Executive Committee

DATE: October 3, 2018

SUBJ: UC Policy on Sexual Violence and Sexual Harassment

The Executive Committee of the GSOE met yesterday and discussed the UC Policy on Sexual Violence and Sexual Harassment. We appreciate the thought and effort that went into revising the UC’s Policy on Sexual Violence and Sexual Harassment. We believe the revisions are excellent.

We do have two areas of concern:

1) The informal Alternative Resolution process – While we agree that it is important to have such a process, we have concern about what safeguards will be put in place to ensure that the Complainant is not in any way coerced to go this route. Given that many incidences of sexual harassment involve relationships where there is a large power differential, the very same forces that might inhibit someone from filing a complaint may also impact a person’s agreement to an informal Alternative Resolution.

We encourage UCOP to ensure that Title IX Coordinators, who would be responsible for guiding the Alternative Resolution process, are well trained in understanding subtle forms of coercion, so that they will be less likely to engage in any or to be a party to any such coercion.

We also would like to see regular and transparent reporting of how many reported cases end up being resolved through the informal alternative process. If a campus resolves virtually all cases this way, or, on the other extreme, if a campus resolves virtually no cases this way, this could indicate a problem. This data needs to be available and to be analyzed by someone apart from any given campus’ Title IX office.

2) We understand that it is very difficult for someone who has experienced sexual violence or sexual harassment to come forward. We know that only a small
percentage of incidences of violence or harassment are ever brought to the attention of authorities (police or campus administration). Given that, we would like to see a policy that addresses this issue. One of many reasons that victims don’t come forward is because of a belief that nothing will happen. This belief is borne out by statistics as well as by a national culture in which people who engage in these behaviors continue to be in prominent and powerful positions.

Therefore, we urge the UC to add provisions in this policy for a system of reporting outcomes that will make clear that there are consequences for sexual violence and harassment. This should in no way be about naming anyone, either Complainant or Respondent, but should be about reporting the number of annual incidents and their dispositions. For instance, an annual report might say there were 5 cases of sexual harassment reported, of which 3 were resolved in mediation, 1 case was resolved with disciplinary action, and 1 case was dismissed. This information would be disseminated to everyone in one report annually. In this way, everyone in the campus community would see that the university takes these incidents seriously. In addition, UCOP could look for patterns to make sure that campuses are adjudicating cases fairly. For instance, if one campus dismissed all of its reported cases over a five year period, while another campus took the most severe disciplinary action in all of its reported cases, we could imagine both such campuses needing additional help with what proper adjudication means. In other words, we are asking for transparency.

Thank you for the opportunity to respond to this policy revision.
October 31, 2018

To: Dylan Rodriguez, Chair
Riverside Division

From: Jiayu Liao
Committee on Library and Information Technology

Re: [Systemwide Review] Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment

The Committee on Library and Information Technology reviewed the revised Presidential Policy on sexual violence and sexual harassment at their October 18, 2018 meeting and did not note any concern relating to the Committee’s charge of Library and Information Technology.
To:            Dylan Rodriguez, Chair
             Riverside Division

From:         Katherine Kinney, Chair
             Committee on Planning and Budget

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

The committee on Planning & Budget discussed the proposed revised policy on sexual violence and sexual harassment at their October 30, 2018 meeting. The committee felt the proposal was outside of their purview and did not have comments.
November 9, 2018

To: Dylan Rodríguez, Chair
    Riverside Division

From: Deborah Willis, Chair
       Committee on Preparatory Education

Re: Revised Presidential Policy on Sexual Violence and Sexual Harassment

The Committee on Preparatory Education reviewed the revised Presidential Policy on Sexual Violence and Sexual Harassment at their November 8, 2018 meeting in the light of the Committee’s charge. While the Committee has no specific recommendations, we would like to convey our appreciation for the many clarifications of policy and due process provisions provided in this version of the Presidential Policy. Thank you for the opportunity to review it.
November 7, 2018

To: Dylan Rodriguez, Chair
Riverside Division

From: Thomas Kramer
Chair, Committee on Physical Resources Planning

Re: Systemwide Review. Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment

The Committee on Physical Resources Planning has reviewed the Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment and is supportive of the revised policy and does not have any further comments.
October 19, 2018

To: Dylan Rodriguez, Chair
Riverside Division

From: Djurdjica Coss, Chair
Committee on Research


The Committee on Research reviewed the revised presidential policy and supports the changes.
October 16, 2018

To: Dylan Rodríguez, Chair
    Riverside Division

From: Ziv Ran
      Chair, Committee on Rules and Jurisdiction

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

The Committee on Rules and Jurisdiction reviewed the revised Presidential Policy on Sexual Violence and Sexual Harassment and did not note any concern relating to the committee’s charge.
October 10, 2018

TO: Senate Division Chair Dylan Rodriguez

FROM: Maurizio Pellecchia, Chair Executive Committee, School of Medicine

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

The School of Medicine Executive Committee reviewed the above document at the FEC meeting on September 27, 2018. The committee is in favor of adopting the proposed revisions to the policy.

Maurizio Pellecchia, Ph.D.
Professor of Biomedical Sciences
School of Medicine Research Building
Office 317 900 University Avenue Riverside, CA 92521
Tel 951.827.7829
www.medschool.ucr.edu
TO: Dylan Rodriguez, Chair
Riverside Division

FR: Bruce Link, Interim Chair
Executive Committee, School of Public Policy

RE: Proposed Revised Policy: Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment

Date: November 13, 2018

The members of the SPP Executive Committee are happy to have the chance to read the “Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment” and are glad that it has been distributed widely. We appreciate the careful vetting it has undergone and will likely continue to undergo. After an internal discussion we have no comments from our group to add.
October 10, 2018

To: Dylan Rodríguez, Chair
    Riverside Division

From: David Volz, Chair
      Committee on Undergraduate Admissions

Re: Review of Revised Presidential Policy on Sexual Violence and Sexual Harassment

The Committee on Undergraduate Admissions reviewed the revised Presidential Policy on sexual violence and sexual harassment at their October 10, 2018 meeting and did not note any concern relating to the Committee’s charge of Undergraduate Admissions.
October 31, 2018

To: Dylan Rodríguez, Chair  
    Riverside Division

From: James Brennan, Chair  
      Committee on University Extension

Re: Revised Presidential Policy on Sexual Violence and Sexual Harassment

The Committee on University Extension reviewed the revised Presidential Policy on Sexual Violence and Sexual Harassment at their October 19, 2018 meeting and did not note any concerns in regards to the Committee’s charge of University Extension.
November 26, 2018

To: Dylan Rodriguez  
Riverside Division Academic Senate

From: Boris Maciejovsky, Chair  
Committee on Diversity & Equal Opportunity

Re: Proposed Revised Presidential Policy on Sexual Violence and Sexual Harassment

Faculty are already mandatory reporters, but the policy broadens the scope of what is to be reported. The policy protects the university, but the process makes it harder for students to get advice regarding minor behavior that should not rise to the level of needing legal involvement to correct. Also, the proposed changes might be counterproductive when helping the community, as the overlegalization discourages students to speak up. Overall, CoDEO is not concerned with the legal aspects that are required by law to be incorporated into the policy, but rather that the burden of action being placed on faculty without the proper knowledge of appropriate campus resources in which to direct students.