October 19, 2015

Leobardo Estrada
Chair, UCLA Academic Senate

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

Dear Professor Estrada,

The Council on Planning and Budget (CPB) discussed the Second Review to the Proposed Revised Policy on Sexual Violence and Sexual Harassment, at its meeting on October 5 and reviewed it once again on October 19, 2015. The policy is timely and critical and raises issues of great importance that pertain to employees, faculty, and students in all UC campuses and locations.

The CPB members presented several concerns related to whether or not the document sufficiently addresses critical issues.

The first consideration is the distinction that must be made between sexual harassment and sexual violence. By its very title, the document appears to confound both issues, which are in fact distinct and must be dealt with as such. Sexual harassment, along with other forms of harassment, already are covered by numerous policies and awareness programs. Sexual violence also is already covered by existing laws. It is not always clear how the new policy is meant to supersede or modify existing UC policies. For example, existing training programs already stress the illegality of sexual harassment.

Secondly, with regards to training, members of the CPB also queried how the new policy would be incorporated into the existing numerous training modules that already exist for UC employees. Federal and California State legislation already mandate completion of a fixed number of hours of training, and specifies the content and depth of this training. By contrast, the present document is unclear about training requirements although training should be a central component of implementing any new policies. Additionally, there should be a mention of the resources made available to those going through a traumatic situation.

A third issue that is the relatively narrow scope of the document as a focus on violence against women. Members noted the importance of recognizing that sexual harassment and sexual violence is not only a woman’s issue and that violence and harassment also adversely affect all members of society including men and the LGBT community. An expansion of the document to explicitly address increasingly diverse and varied gender identities is recommended.

A fourth issue is that sexual harassment is defined in the document as a circumstance that is overwhelming and that prevents normal functioning in a work environment (for employees) and educational environments (for students). The phenomenon of microaggression as continual, small-scale undermining of authority or competence based on gender is already addressed at the UC level, yet
seems to be missing from this document (cf. http://www.ucop.edu/academic-personnel-programs/_files/seminars/Tool_Recognizing_Microaggressions.pdf).

A fifth issue is that the current document appears to focus primarily on students, whereas a more comprehensive document should also specifically mention staff, postdoctoral researchers, and faculty. Medical and Dentistry school residents are at particular risk of bullying, including improper sexual advances and indiscretions, on the part of the senior residents and the clinical group director. And, as postdocs they are in a limbo situation, status-wise, and thus particularly exposed. Indeed, there are residents (or equivalent young clinical professionals in training) in the Schools of Nursing and Public Health as well, in Clinical Psychology, etc. – Residents are not postdocs per se, who are young research professionals in training - although they face the same problems. The document also should take care not to exclude any group that engages with UC campuses and resources even if they are not specifically mentioned in the document.

Finally, the responsibilities of those who are informed of sexual harassment and sexual violence are unclear. Current sexual harassment policies, as stipulated in the mandated training that UCLA employees undertake, state very clearly that any employee who is informed of allegations of sexual harassment must report the allegation to the appropriate campus authorities. Regarding “Notifications” on pp. 10-11, there is no mention of the outcome, but in p. 14 there is mention that the outcome will be made known. It is not clear if individuals making reports will not know of the outcome, but Complainants will be notified as to the disciplinary action, if any, that has taken place. This document states on p. 14 that individuals who discuss incidents of sexual harassment or sexual violence should not assume that such discussions will result in any formal actions, and states on p. 22 that “Immediately reporting a case to the police could be more traumatic for the victim than beneficial. Let them make the decision to report (or not report).” These statements put the current document at odds with current training practice and potentially with state law. The language of the current document should be brought to the same standards of reporting requirements as current policy.

Thank you for the opportunity to review this revised proposal. If you have any questions for us, please do not hesitate to contact me at fchiappelli@dentistry.ucla.edu or via the Council’s analyst, Elizabeth Feller, at efeller@senate.ucla.edu or x62470.

Sincerely,

Francesco Chiappelli, Chair
Council on Planning and Budget

cc: Susan Cochran, Vice Chair, Academic Senate
    Joel Aberbach, Immediate Past Chair, Academic Senate
    Linda Mohr, Chief Administrative Officer, Academic Senate Office
    Elizabeth Feller, Committee Analyst, Council on Planning and Budget
    Members of the Council on Planning and Budget