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

Dear Leo,

The Undergraduate Council (UgC) has conducted a partial review of the proposed revisions to Presidential Policy on Sexual Violence and Sexual Harassment. Unfortunately, the short timeline provided by UC Office of the President did not allow the council to discuss the revisions in a regular meeting. In general, giving campuses one month for feedback, and thus giving committees only three weeks, is not a best practice of shared governance. In addition, members found the presentation of the materials quite confusing, as the tracked changes version of the document was far too busy and did not present a concise look at the proposed revisions.

Some members felt that this policy encompasses too much, attempting to address sexual violence against undergraduate students, graduate students, faculty, staff, and peer-to-peer as well as sexual harassment for each of these groups, while also referencing sex discrimination. Sexual Violence potentially deserves its own separate policy, and the interaction of this proposed policy with other existing policies is ambiguous at best and absent at worst. An example of this can be found in the definition of “Consent” on page 2 of the policy. This section glaringly omits that certain relationships are prohibited despite consent from both parties, such as one between a faculty member and a student he/she is supervising academically. The other policies on consensual relationships (such as the University of California Policy on Conflicts of Interest Created by Consensual Relationships) need to be referenced, or the university risks implying that all consensual relationships are allowable.

In our response to this proposed revised policy in Spring 2015, the council called attention to the role and reporting responsibility for faculty members when it comes to student, staff, or colleague complaints. The policy calls for “designated employees” with mandatory reporting expectations, and council members wondered who would fall into that category on our campus. The revised policy does not discuss any consequences for failure to report. There is a great need for training of faculty and staff in their role as mandatory reporters. We must be made aware of the timeline for reporting and any other relevant information in order to make us effective stewards of this policy.

Also in our response in Spring 2015, we acknowledged that the policy requires local campuses to build up a lot of infrastructure and support. Contact information for the appropriate offices, such
as the Title IX office, must be disseminated widely and continuously. The council volunteers to aid in this distribution in the realm of undergraduate education and curriculum. Communication such as standard language for course syllabi or CCLE websites could help alert students and remind faculty of the various resources at UCLA to deal with allegations of sexual violence or sexual harassment.

We hope that the Senate continues to be involved in the implementation of this policy. We also hope to be given a more appropriate response window for any future iteration. If you have any questions, please contact me (x69449; jwg@chem.ucla.edu) or Undergraduate Council Analyst Matt Robinson (x51194; mrobinson@senate.ucla.edu).

Sincerely,

Jim Gober, Chair
Undergraduate Council

cc: Serge Chenkerian, MSO/Executive Assistant, Academic Senate
    Linda Mohr, CAO, Academic Senate
    Matt Robinson, Committee Analyst, Academic Senate
October 21, 2015

Leo Estrada, Chair  
Academic Senate, Los Angeles Division

Re: Additional Comments on Proposed Revisions to Presidential Policy on Sexual Violence and Sexual Harassment

Dear Leo,

I wanted to provide to the Executive Board some additional comments made by UgC members in response to the proposed revisions to the Presidential Policy on Sexual Violence and Sexual Harassment. The comments below came electronically from members in response to a request for review, and the council hopes that they help the Board in their review and response.

Page 2, II. Definitions. A. Consent:

There is a glaring omission in the definition of consent, and that is that there are certain relationships where it doesn’t matter if both consent, the relationship is prohibited. Whenever a faculty member is responsible for academic supervision of a student, a personal relationship between them of a romantic or sexual nature, even if consensual, is inappropriate. There should be some reference to the APM policy on Consensual Relations. A faculty member reading this policy may decide that as long as everyone consents the relationship is OK, but it’s not.

There is a reference to consensual relationships on page 7, but it’s too buried in the policy. It should be stated within consent.

Page 5, II. Definitions. B. Prohibited Conduct, Note on Sex Discrimination.

The wording “violates law and other University policies” is ambiguous. There should be some reference to the actual policies on sex discrimination.

Page 6, II. Definitions. C. Other Definitions. Responsible Employees.

This is a really important definition and it is too ambiguous. All faculty are managers and supervisors though many do not see themselves as one and do not feel any obligation to report information.
There are also no consequences for failure to do this. What happens if it is not reported? One of the reasons reporting doesn’t remedy the problem is that it is still not clear who must report (everyone should have to) and what happens if they do not.

Unfortunately this revised policy does not make it any clearer so reporting will not likely improve, but if it makes it clear, it will make a difference.

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**Page 8, III. Policy Statement D. Free Speech and Academic Freedom**

Presumably, this was added at the request of faculty, but it possibly confuses and dilutes the policy. Faculty should have nothing to fear in the UC system when it comes to free speech. There are so many policies that protect them there is little chance of them getting punished for what is true free speech or academic freedom.

It is a genuine fear of faculty though, but unfortunately this addition creates a loophole that one can drive a truck through. And there will be little to no appetite to discipline faculty who harass students in their classroom or in any “teaching environment” (i.e. field work/field classes) for fear of running afoul of academic freedom.

This will only ever change if faculty fight back against the few faculty who use abuse the concept of academic freedom.

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**Page 10, V. Required Procedures. 2. Initial Assessment of a Report. b. Jurisdiction of Reports of Sexual Violence or Sexual Harassment**

Faculty should be added to the first sentence: “The University has jurisdiction over alleged violations of this Policy by students, staff, faculty and other academic appointees…”

Also, the policy should specifically reference field work/field study in either the first and second sentence.

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**Page 14, V. Required Procedures. B. Location Responsibilities, c.**

c. seems to be missing the word “sexual violence”. It should read “provide training for University employees who are responsible for reporting or responding to reports of sexual violence and sexual harassment.

It may have been intentional since California law only requires training on Sexual Harassment prevention training, but regardless the UC should train people on how to report/respond to allegations of sexual violence as well.
General Comments:

Most students/postdocs/researchers/academics who are harassed/assaulted don't know how to report it. Training faculty/TAs/staff and having mandatory reporting doesn't remedy this issue. This could be addressed with a statement at bottom of syllabus on webpage with resources including information on how to report that faculty and TAs have to mention? A particular issue also is field work/field classes - should be special oversight for this.

This statement could say something like:

*The University of California prohibits sexual violence and sexual harassment against students. If you believe you are, or are concerned about someone who you believe may be a victim of dating violence, domestic violence, sexual assault, sexual violence, sexual harassment, or stalking, please call xxxx or contact (email for UCLA’s CARE Advisor) or (email for UCLA’s Title IX officer).*

As for fieldwork, this is a major problem. It is really hard to know who will be involved in fieldwork and when, so it may require some blanket form or information sheet given to all students that informs them that sexual violence and sexual harassment against students is prohibited, even when away from the campus and how to report it. Again, this is a great topic for the Ug and Grad councils to take up.

The timeline for reporting at UCLA should be made explicit. Often victims of sexual harassment or assault take a long time to gather the resolve to report. They should not be made to feel that there is no point in reporting if a “statute of limitations” (or something similar) has expired.

Mandatory reporting even for alleged harassment and assault that was a few years ago, or longer, would help to ensure there is a record so that if someone comes forward, an offense isn't seen as a first offense. The Title IX office can decide how to weight such things and protect reputations from allegations that are unsubstantiated by evidence. There will always be the need for a statute of limitations. But, there is no statute of limitations for reporting that harassment or assault took place, and this needs to be made clear. Also, consequences for not reporting (on the part of faculty or staff) need to be made clear.

We need to address how to protect students and other vulnerable people who are worried about reporting because of retaliation from other faculty, committee members, etc.

There is almost no way to protect students and other vulnerable people. For there to be any real impactful change in this area, then the faculty peers, who are not vulnerable need to start standing up to this kind of behavior. There cannot be any “shrugging their shoulders” and just
rolling their eyes when they hear about this. This happened recently in the UC system with Professor Geoff Marcy at UC Berkeley.

Again, I hope the comments above add to the discussion of the Board and the eventual response by the UCLA Division.

Sincerely,

Jim Gober, Chair
Undergraduate Council

cc:    Serge Chenkerian, MSO/Executive Assistant, Academic Senate
      Linda Mohr, CAO, Academic Senate
      Matt Robinson, Committee Analyst, Academic Senate