June 6, 2013

To: Linda Sarna, Chair
    Academic Senate

From: Anahid Jewett, Chair
    Committee on Rules and Jurisdiction

Re: Senate Item for Review: Proposed Revisions to Senate Bylaw Appendix XII

The Committee on Rules and Jurisdiction (CR&J) conducted another round of review for the proposed changes to Appendix XII, which are intended to better enable the university to investigate issues and allegations of harassment and/or discrimination. This time CR&J focused strictly on reviewing the suggested changes, versus reviewing Appendix XII in its entirety.

CR&J now endorses the proposed changes to Appendix XII, with the belief that a future review of all of Appendix XII should be conducted by the LA Division to further improve the mechanisms and procedures for investigating and adjudicating allegations of Senate faculty member misconduct.

Cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
    Steven Truong, Management Services Officer/Executive Assistant, Academic Senate
    John Leary, Senior Policy Analyst, Committee on Rules & Jurisdiction


Over the past year, the Senate has been engaged in discussions with various groups about how we can better address the troubling issue of harassment. Attached please find proposed revisions to Academic Senate Bylaws Appendix XII which attempt to do this. The current language of Appendix XII addresses the specifics of investigating allegations of sexual harassment, but is silent where other forms of discrimination are alleged. Please not that CR & J should only opine on the suggested change, not the entire bylaw.

Proposed changes below are in bold, underlined, and italicized.

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<th>CURRENT LANGUAGE</th>
<th>PROPOSED LANGUAGE</th>
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<td><strong>Section 1.G</strong></td>
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<td>When a sexual harassment complaint is filed against a faculty member in accordance with UCLA Standard Procedures No. 630, 11/1/94, Sexual Harassment Complaint Resolution Procedures (hereinafter, University Sexual Harassment Policies), both the Chair of the Charges Committee and the Vice Chancellor, Academic Personnel (hereinafter, the Vice Chancellor), shall be promptly notified. The selection of a factfinder shall be made jointly by the Vice Chancellor and the Chair of the Charges Committee. The factual inquiry shall be conducted by the factfinder in accordance with the University Sexual Harassment Policies. In the inquiry, the factfinder shall function as an arm of the Charges Committee.</td>
<td>When a sexual harassment complaint is filed against a faculty member in accordance with UCLA Standard Procedures No. 630, 11/1/94, Sexual Harassment Complaint Resolution Procedures (hereinafter, University Sexual Harassment Policies), or when a complaint of discrimination under the Faculty Code of Conduct, APM-015 Part II, Sections A 2 &amp; 3, C 5 &amp; 6, &amp; D 2 &amp; 3, is made, both the Chair of the Charges Committee and the Vice Chancellor, Academic Personnel (hereinafter, the Vice Chancellor), shall be promptly notified.</td>
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Committee as well as the Administration. See section 5 (b) below.

**SECTION 5. B**
In cases involving allegation of sexual harassment, the factual investigation to determine probable cause shall be conducted by the factfinder. The investigation shall be overseen by the Vice Chancellor and the Chair of the Charges Committee. The Charges Committee, working through the Chair, may establish investigative guidelines, identify key witnesses, formulate issues that need to be explored, frame questions that it wishes to be asked, and review the report before it is final to determine whether additional matters need to be explored. The factfinder's report is to be submitted to the Charges Committee and to the Vice Chancellor. Following receipt of the report, a formal complaint may be filed by the Dean, Chair, the complainant or other appropriate person. If no formal complaint is filed, the matter is terminated. If a formal complaint is filed, it is expected that, subject to the provisions of Section 6 (b) infra, the Charges Committee would normally use the factfinder's report as the basis for making its determination regarding probable cause.

**SECTION 5.B**
In cases involving allegation of sexual harassment, and in cases involving allegations of discrimination in violation of the Faculty Code of Conduct, APM-015 Part II, Sections A 2 & 3, C 5 & 6, & D 2 & 3, the factual investigation to determine probable cause shall be conducted by the factfinder. The investigation shall be overseen by the Vice Chancellor and the Chair of the Charges Committee. The Charges Committee, working through the Chair, may establish investigative guidelines, identify key witnesses, formulate issues that need to be explored, frame questions that it wishes to be asked, and review the report before it is final to determine whether additional matters need to be explored. The factfinder's report is to be submitted to the Charges Committee and to the Vice Chancellor. Following receipt of the report, a formal complaint may be filed by the Dean, Chair, the complainant or other appropriate person. If no formal complaint is filed, the matter is terminated. If a formal complaint is filed, it is expected that, subject to the provisions of Section 6 (b) infra, the Charges Committee would normally use the
**SECTION 6.B**
In sexual harassment and scientific misconduct cases, when the factfinder or Advisory Committee, respectively, has completed the report, the complainant and the faculty member complained against should be notified in writing of the nature of the recommendation made in the report, whether probable cause has been found or not. After receiving this notification, the complainant and faculty member complained against may each request in writing, with supporting reasons, that he or she be permitted to testify before the Charges Committee. If satisfied that the report does not adequately address issues raised by the request(s), the Committee shall take testimony from the requesting party(ies).

Respectfully submitted:
Executive Board