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October 26, 2015

DAN HARE, CHAIR

UC Academic Council
1111 Franklin Street, 12th floor
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RE: Presidential Policy on Sexual Violence and Sexual Harassment – Second Review

The final draft Presidential Policy on Sexual Violence and Sexual Harassment was distributed for review by specific committees of the Davis Division of the Academic Senate. The short turn around prohibited broad consultation. Responses were requested and received from the Graduate and Undergraduate Councils and Committee on Faculty Welfare (Faculty Welfare). All committees reviewing the document noted typographical errors. The Division presumes the policy will be carefully edited before distribution; therefore, we have decided not to send the errors noted.

Faculty Welfare expressed appreciation for the opportunity to comment. Faculty Welfare also commended the Policy Work Group efforts to incorporating many of the previously identified concerns. Graduate Council noted that the re-wording clarified the differences between sexual harassment and sexual violence.

We are concerned about the increased administrative workload, infrastructure and expense required to implement the new policy. Faculty Welfare specifically expressed concern regarding the lack of estimated expense associated with the CARE office, service coordinators, case management team, and other activities. Graduate Council noted that Title IX Officers workload will increase. It is unclear if campuses will be expected to shift funding from other priorities and unfunded mandates to establish the necessary infrastructure.

Faculty Welfare noted that disclosure of disciplinary actions to the complainant is still contained in the policy. It remains unclear whether UC is violating its own policy and/or practice by allowing disclosure of disciplinary action taken against students, staff and faculty to the complainant. Long standing practice requires nondisclosure of corrective action taken against an individual.

We continue to have a concern that that criminal nature of sexual violence is being neglected in the policy draft. Policy language should make clear that sexual violence is a criminal act. The policy should articulate the administrative steps involved after law enforcement is engaged. A policy that considers sexual violence and sexual harassment jointly in and of itself may create the perception that UC wishes administrators to become involved simultaneously or rather than law enforcement. This policy should be designed to prevent the possibility of an allegation that UC tried to hide or delay engagement of law enforcement.

Sincerely,

A handwritten signature in blue ink, appearing to read "André Knoesen".

André Knoesen, Chair
Davis Division of the Academic Senate
Professor: Electrical and Computer Engineering