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January 10, 2017

**Jim Chalfant**

Chair, Academic Council

**RE:** Presidential Policy on Nondiscrimination and Affirmative Action Regarding Academic and Staff Employment, and Additional Revisions to APM 015

Dear Jim:

The proposed revisions to the Presidential Policy on Nondiscrimination and Affirmative Action, as well as the additional revisions to APM 015, were forwarded to all standing committees of the Davis Division. Responses were received from the Committees on Affirmative Action and Diversity (AA&D), Academic Personnel Oversight (CAP), Faculty Welfare, and Privilege and Tenure Investigative (P&T).

AA&D and CAP support the proposed revisions. P&T and Faculty Welfare recommend modifying Section F (Free Speech and Academic Freedom) of the Presidential Policy, and P&T reiterated their previous recommendations on APM 015.

**Presidential Policy**

P&T thinks Section F “is not sensitive to the issues and beliefs that can arise on a college campus—particularly in the humanities field,” and notes that “there is no reference to hate speech or previous court cases that have defined hate speech.” In addition, P&T thinks the final sentence of the section, which states that “freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws,” should reference state and federal laws to better define what is and what is not considered free speech.

Faculty Welfare points out that Section F specifies “faculty and other academic appointees, staff and students of the University of California,” but does not include people “providing services pursuant to a contract; or applying for or engaged in an unpaid internship, volunteer capacity, or training program leading to employment with the University of California.” Faculty Welfare therefore recommends modifying section F to include “all stated campus community members” as defined in the overall policy.

**APM 015**

P&T reiterated its recommendations from the previous consultation on APM 015: “Lastly, members of [P&T] agree that there should not be a separate Sexual Violence Sexual Harassment (SVSH) Policy and that the information and text of the SVSH Policy should instead be included in the Nondiscrimination and Affirmative Action Policy.... While SVSH are obviously serious and intolerable situations that are seriously detrimental to the UC campuses climate and the well-being of UC personnel, we respectfully suggest that highlighting SVSH is short-sighted given the recrudescence of other discrimination and harassment incidents.”

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Rachael E. Goodhue".

Rachael E. Goodhue  
Chair, Davis Division of the Academic Senate  
Professor and Chair, Agricultural and Resource Economics

Enclosed: Davis Division Committee Responses

c: Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate  
Hilary Baxter, Executive Director, Systemwide Academic Senate  
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate