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January 24, 2014

WILLIAM JACOB, CHAIR

UC Academic Council
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

RE: Systemwide Review of Proposed Revision of APM 035, Append. A-1 and A-2

The proposal was forwarded to all Davis Division of the Academic Senate standing committees and Faculty Executive Committees from the Schools and Colleges. Responses were received from the Committee on Affirmative Action and Diversity, Faculty Welfare, and Graduate Council, as well as from the Faculty Executive Committee from the College of Letters and Science.

The College of Letters & Science is supportive of the proposal. The following summarizes responses received including the Committee on Affirmative Action and Diversity's significant concerns and recommendations:

- University policy on the role and responsibility of parties involved in sexual assault violence or harassment in the case of intoxication need to be more clearly stated. Section II.3.b: "Where alcohol or drugs are involved, incapacitation is distinct from drunkenness or intoxication, and is defined with respect to how the alcohol or other drugs consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments." The statement that "incapacitation is distinct from drunkenness or intoxication" may not convey the right meaning and seems to contradict other sections of the document (i.e. part 3 (Sexual Assault) in the definition of Sexual Violence).
- The new Section III D on Discrimination based on Gender Identity, Gender Expression, Sexual Orientation does not currently read as well-integrated into the overall policy. These elements of harassment are neither integrated into the overall policy title nor the discussion beyond Section III D, which could potentially result in them being overlooked.
- The proposed revision does not significantly alter the substance of the campus policy. We are concerned that there is no mention of the extensive in class or online training currently required of administrative and teaching personnel at UC Davis regarding sexual harassment. In addition, there is concern that the online training is very broad in terms of educating about activities that **could** elevate to an uncomfortable situation.

Recommendations

Connect all forms of training provided to address these real problems and describe them in this policy. For example, the policy could state that on an ongoing basis administrative and teaching staff are required to complete sexual harassment awareness training and that this training raises awareness as to what activities are illegal, uncomfortable, and inadvisable.

Harassment of a non-sexual nature (now relegated to Section III D) be placed more prominently in this document to ensure that the UC-Wide community clearly understands that these forms of harassment are also covered by this policy.

Sincerely,


Bruno Nachtergaele, Chair
Davis Division of the Academic Senate
Professor: Mathematics