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**MARY GILLY, CHAIR**

UC Academic Council

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**Re: Systemwide Review of Proposed Revised Presidential Policy  
Sexual Harassment and Sexual Violence**

The proposed revised Presidential Policy on Sexual Harassment and Sexual Violence was forwarded to all standing committees of the Davis Division of the Academic Senate, including school and college Faculty Executive Committees. Responses were received from the Committee on Faculty Welfare, Undergraduate Council and Graduate Council. The following comments and discussion points resulted:

The Divisional Academic Senate felt that online training, such as the one suggested for graduate students is not sufficiently effective compared to traditional in-person training such as seminars and workshops. Included in the training discussion were cultural competency issues that are linked to the possibility of actions perceived as harassment in this society but not so perceived in the home culture/society of the student, staff or faculty.

Additionally, sexual harassment and sexual violence should not be conflated with one another. We would suggest separating the two issues into two separate policy documents, rather than mixing them together in the same policy. If sexual violence and sexual harassment are to be covered by a single policy document, the wording and organizational structure should be improved to better distinguish between the special circumstances and needs associated with each issue.

Perhaps there is also a need to migrate towards California's move to "yes means yes" as opposed to "no means no" to emphasize the need for conscious positive consent. In addition, there is a need for due process to deal with the possible (albeit rarer) cases of false accusations.

It was also recommended that the fact sheet at the end of the package be rewritten as two fact sheets, one for sexual harassment and the other for sexual violence. At the head of each fact sheet there should be a short definition of what unacceptable behavior is, along with a short summary of the University Policy.

Lastly, the following points are specific editorial comments to help improve the clarity of the policy:

- Section II.A. The wording on student to student harassment seems to be more detailed than for other harassment possibilities. Is there a reason for this?
- Section II.B. Definition of sexual violence: Perhaps "...is unable to consent..." should be changed to "cannot consent" to be consistent with later wording.
- Section II.G. Regarding reporting obligation (page 8 of 52), there should be additional clarification of those who are required to report incidents. While the policy explicitly states "academic appointees," it is unclear whether all academic-related personnel, such as graduate teaching assistants, are included.
- Section II.F. Definition of consent: Perhaps change "...can only give his/her true consent if there is no force, threats, or intimidation..." to "...can give his/her true consent only if it has not been influenced by force, threats, or intimidation..."
- Section III.D. Response to reports of sexual harassment...violence: This section seems to be related only to harassment, and not violence, so we suggest adding wording (*in italics*) to indicate this: "Generally, *in cases of sexual harassment*, disciplinary action will be taken..."
- In the definition of incapacitation, the following sentence could be confusing: "Being intoxicated by drugs, alcohol, or other medication does not give another party permission to ignore whether consent was given." The following is offered to improve clarity: "Being intoxicated by drugs or alcohol does not diminish one's own responsibility to obtain consent from the potential partner one wishes to engage in the activity with."
- In this same section, should under age victims be also specifically mentioned as unable to give consent (does this depend on the age of the older person compared to the victim?)
- III B. Consensual Relationships: "also are..." should be "may also be" since not all consensual romantic relationships are subject to campus policies (such as of-age student romantic relationships; staff at equal appointment levels in different working groups, etc.)
- III C. Some minimum frequency of informing the campus community should be codified (for example, annual?)
- III G. Again, the frequency of training, or a minimum frequency, should be codified in the policy, in this section, for the community, not just for a few investigators and officers.
- IV B. Should the senate role in advising with UCOP be included explicitly here?
- V A 1. Should the official name of the office be codified as "CARE" in the document, or can we have different names on different campuses. There is some value in a standardized name to make sure people know where to turn to no matter which campus they're at.
- V A 3. Again, the frequency of training, or a minimum frequency, should be codified in the policy, in this section. Also, maybe wording on training on first entry into the UC system/campus would be pretty important.
- V A 4. Maybe a similar section should be added for sexual harassment, for prevention programs, right now seems limited to sexual violence.

- V A 6. Advertising and other continuing notification of the community of the location of the resources would be advisable.
- V B Suggest that there be a deadline consistent with related criminal code statutes of limitations involved with both sexual harassment and violence.
- V B 4. Shouldn't the age of any community member be included, in case visitors, etc. might be under legal age? Not just students.
- VB4e. Why can't witnesses have the right to representation without the approval of the investigator?

Sincerely,



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