

Gina Anderson

From: Jeanne Wilson
Sent: Friday, November 11, 2011 6:47 PM
To: Paul Heckman; Hollis Kulwin; Rance Lefebvre; James McClain;
leon.jones@ucdmc.ucdavis.edu; Diane E Ullman; gsachair@ucdavis.edu; Gina Anderson;
Lenora Timm; James Stevens; Jean VanderGheynst; dgmyles@ucdavis.ed; Daniel W
Wilson; Rahim Reed; Lisa Brodkey; Sarah A Meredith; Adam Chris Thongsavat; Sandi
Glithero
Subject: Request For Campus Review: Proposed Revision Student Conduct Policies (Interim 102.09)
-- comments due by 12/2/2012
Attachments: Proposed Revision to Interim 102.09 v1[1].doc; UC Policy on Sexual Harassment.pdf

Re: Proposed Revisions to University of California Systemwide Policy Applying to Student Conduct and Discipline

Dear Colleagues:

This message is to request that you or the appropriate committee for your college, school, department or constituency review and comment on the attached proposed revision to the University of California systemwide Policy on Student Conduct and Discipline.

Attached is the revised version of Policy Section 102.09, which defines student misconduct that constitutes "harassment" subject to discipline under student conduct policies. The proposed revision will take the place of Interim Section 102.09, adopted in October, 2009. As is explained below in the message from UCOP Student Services Director Jerlena Griffin-Desta, the new Section 102.09 establishes a single definition of prohibited harassment based on sex, race, national origin, and other protected classifications. For reference, a copy of the current UC Policy on Sexual Harassment is also attached.

Systemwide policies provide for a consultative process as part of the review of proposed changes to student-related policies, including student, faculty, and staff constituent organizations, as well as campus officials who may have relevant expertise or information. As noted in the letter from Ms. Griffin-Desta, the proposed changes are responsive to recent legal developments. While consultation is not required when the revision of student-related policies or regulations has been specifically mandated by law, campus input is being sought regarding how changing legal standards are being implemented. This request for review is being distributed to you in your role as a campus official, department head, or constituency representative. If there are other individuals or units to whom you think this proposed policy should be distributed for review, you are welcome to either forward the information directly, or let me know so that I can do so.

Please note that comments should be sent directly to JERLENA GRIFFIN-DESDA (jerlena.griffin-desta@ucop.edu) with a copy to UCOP Policy Analyst ERIC HENG (eric.heng@ucop.edu) by Friday, December 2, 2011.

You are welcome to contact me at jxwilson@ucdavis.edu if you have questions about the proposed revisions. Thank you for your assistance in this important review process.

Sincerely,

Jeanne Wilson
Student Affairs Policy Coordinator
University of California, Davis
jxwilson@ucdavis.edu<<mailto:jxwilson@ucdavis.edu>>
530-752-3184

From: Jerlena Griffin-Desta <jerlena.griffin-desta@ucop.edu<mailto:jerlena.griffin-desta@ucop.edu>>
Subject: ACTION-Request For Campus Review: Proposed Revision to Interim 102.09

Campus Student Affairs Policies Coordinators
cc: Vice Chancellor Student Affairs
AVC/Deans of Student

Colleagues:

As you may recall, in October of 2009 the President issued an interim 102.09 that replaced the existing Sections 102.09 and 102.11. As detailed by the President in his letter (<http://www.ucop.edu/ucophome/coordrev/policy/pacaos10209.pdf>), the prior policies were problematic for several reasons—including that the policies applied different standards to sexual harassment and other forms of discriminatory harassment. Upon the Office of General Counsel’s recommendation, the interim policy—issued pending further review and adoption of a permanent policy—established a single definition of prohibited harassment based on sex, race, national origin, and other protected classifications.

In collaboration with campus Title IX Officers and Student Conduct Officers, UCOP Student Affairs and the Office of General Counsel have drafted the attached proposed revision to interim 102.09, that if adopted, will serve as the final policy removing the “interim” status from 102.09. The proposed revision addresses the following concerns about interim 102.09:

-- Expands the scope of the policy to cover all forms of harassment, not just those based on sex, race, national origin and other protected classes. Note: The new systemwide policy 104.90 allows for increased sanctions for any violation where an individual was selected because of the individual’s race, color, religion, sex etc.

2. -- It clarifies that sexual harassment by students and student employees is governed by the Policy on Sexual Harassment (<http://www.ucop.edu/ucophome/coordrev/policy/PP121404.pdf>) and the Procedures for Responding to Sexual Harassment (<http://www.ucop.edu/ucophome/coordrev/policy/PP121404.pdf>).

The sexual harassment policy is under review and may be revised; the link is to the policy currently in effect.

Please circulate this note and attached document to the appropriate units within Student Affairs and elsewhere on your campus for their review and comment. Comments should be returned directly to me and cc Policy Analyst Eric Heng (eric.heng@ucop.edu<[applewebdata://F710CB68-7536-40C7-9059-ABD5375A4665/eric.heng@ucop.edu](mailto:eric.heng@ucop.edu)>) by Friday, December 2nd.

Best,
Jerlena Griffin-Desta
Director
Student Services
Student Affairs Office of the President
1111 Franklin Street, 9th Floor
Oakland, CA 94607
Jerlena.Griffin-Desta@ucop.edu
(510) 987-9756

UNIVERSITY OF CALIFORNIA
Proposed Revision to Interim 102.09

Current Interim 102.09:

Sexual, racial, and other forms of harassment, defined as follows:
Harassment is defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities, that the person is effectively denied equal access to the University's resources and opportunities on the basis of his or her race, color, national or ethnic origin, alienage, sex, religion, age, sexual orientation, gender identity, marital status, veterans status, physical or mental disability, or perceived membership in any of these classifications.

Student Employees

When employed by the University of California, and acting within the course and scope of that employment, students are subject to the University of California *Policy on Sexual Harassment*. Otherwise, Section 102.09, above, is the applicable standard for harassment by students.

For both student and/or employee sexual harassment, please refer to the University of California *Procedures for Responding to Reports of Sexual Harassment*.

Proposed 102.09:

Harassment, defined as conduct that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities.

Harassment on the basis of sex: Student and/or employee sexual harassment is governed by the *Policy on Sexual Harassment* [link] and the *Procedures for Responding to Sexual Harassment* [link].

Note: The new systemwide policy 104.90 allows for increased sanctions for any violation where an individual was selected because of the individual's race, color, religion, sex etc.



OFFICE OF THE PRESIDENT

Robert C. Dynes
President

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As revised February 10, 2006.

December 14, 2004

CHANCELLORS
LABORATORY DIRECTORS
VICE PRESIDENT, AGRICULTURE AND NATURAL RESOURCES

University of California Policy on Sexual Harassment and Procedures for Responding to Reports of Sexual Harassment

Dear Colleagues:

Enclosed are the revised *University of California Policy on Sexual Harassment* and the associated *Procedures for Responding to Reports of Sexual Harassment*. These documents replace the policy and procedures issued on April 23, 1992, and are effective immediately.

The policy and procedures cover all members of the University community, including faculty and other academic personnel, staff employees, students, and non-student or non-employee participants in University programs.

Revisions to the policy include an updated definition of sexual harassment, clarification of the University's obligation to respond promptly and effectively to reports of sexual harassment, provisions for training employees and educating the University community regarding sexual harassment, and a statement that the policy shall be implemented in a manner that recognizes principles of free speech and academic freedom.

The procedures are systemwide guidelines containing both required and recommended components for local implementing procedures on responding to reports of sexual harassment in accordance with the provisions of the policy. To ensure that the University locations are in compliance with the policy as soon as practicable, I ask each location to develop local procedures and to submit them by April 4, 2005 to the Associate Vice President, Human Resources and Benefits for approval.

The major components of the procedure require each location to designate a Title IX Compliance Coordinator (Sexual Harassment Officer) to receive reports of sexual harassment and to oversee sexual harassment prevention programs, and to develop procedures for responding to reports of sexual harassment, including provisions for early resolution and formal investigation. Managers and supervisors play a key

December 14, 2004

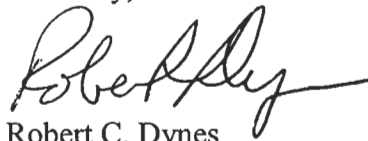
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role in appropriately responding to reports of sexual harassment and notifying the Title IX Compliance Coordinator of reports received. In addition, the procedures require that each location prepare and submit an annual report on sexual harassment complaint activity during the preceding year. The report will be submitted to The Regents. Details on format will be provided in the near future by the Associate Vice President, Human Resources.

The policy and procedures were reviewed by the campuses, Laboratories, and the Academic Council. In addition, employees and students were given an opportunity to comment. The policy and procedures will be made available on the following academic, staff and student policy websites:

Academic	http://www.ucop.edu/acadadv/acadpers/apm/apm-035.pdf
Staff	http://Atyourservice.ucop.edu/employees/policies/policies/index.html
Student	http://www.ucop.edu/ucophome/coordrev/ucpolicies/aos/toc160.html

Sincerely,



Robert C. Dynes

Enclosures

cc: Regent Hopkinson
Members, President's Cabinet
Academic Council Chair Blumenthal
Associate Vice President Boyette
Associate Vice President Galligani
Assistant Vice President Switkes
Principal Officers of The Regents