



Davis Division Academic Senate

Request for Consultation Responses

REPORT OF THE JOINT COMMITTEE OF THE ADMINISTRATION AND ACADEMIC SENATE

March 8, 2016

On behalf of Systemwide Senate Chair Dan Hare, I am forwarding for systemwide Senate review the attached Report from the Joint Committee of the Administration and Academic Senate. President Napolitano convened a Joint Administration-Academic Senate Committee on Faculty Discipline to examine how the University manages disciplinary proceedings for faculty respondents in cases alleging sexual violence, sexual assault, or sexual harassment (SVSH). Please work with your committee and analyst to submit comments by March 8, 2016 to allow us to compile and summarize comments in time to meet the deadline. As always, any committee that considers these matters outside its jurisdiction or charge may decline to comment.

Faculty Welfare

March 9, 2016 9:51 AM

The Committee on Faculty Welfare is in support of the Joint Committee of the Administration and Academic Senate's report on policies and procedures regarding sexual violence and sexual harassment on campus. The committee agrees that the Joint Committee made a thorough evaluation of current procedures and provided thoughtful recommendations for improvement. It is clear from the Joint Committee report and the Davis faculty comments, which the Senate Chair shared with the FWC, that there needs to be greater dissemination of the policies and procedures available to deal with SVSH issues.

P&T Investigative

March 7, 2016 4:04 PM

Response continued on next 2 pages.

Committee on Privilege and Tenure – Investigative and Hearing Subcommittees

Request for Consultation Response: Report of the Joint Committee of the Administration and Academic Senate

The Committee on Privilege and Tenure – Investigative and Hearing Subcommittees have reviewed the *Report of the Joint Committee of the Administration and Academic Senate*. Members of the Subcommittees expressed that in general the report introduced necessary reforms. Additionally, the Committee on Privilege and Tenure – Investigative and Hearing Subcommittees had the following comments.

The Committee on Privilege and Tenure agrees with the report's distinction between the processes of a Title IX investigation, aimed at providing relief and intervention to the complainant, and those of the Committee on Privilege and Tenure, aimed at adjudicating issues of faculty discipline. The major difference is that for faculty disciplinary actions the faculty respondent has the right to a hearing at which the burden of proof is one of clear and convincing evidence in contrast to the burden for relief in a Title IX investigation, preponderance of the evidence (more likely than not). Therefore, the Committee recommends that, for these cases, our committees' processes remain unchanged except for the development of mechanisms for transparent communication of the proceedings to the complainant.

The Subcommittees agreed that it is necessary to have confidential resources without reporting responsibilities available. This can be particularly important for students as well as junior faculty and staff. Such a resource, as is recommended in the Report, would be a major step forward in helping possible victims of improper actions.

Members also stated that it is imperative for there to be maximum transparency for complainants so that they know what is the disposition of their complaint and the outcomes of investigations.

Additionally, the Subcommittee believes that an avenue should be developed for the investigative subcommittee or hearing panel to report previously unidentified SVSH actions that may be uncovered during the course of an investigative or hearing proceeding.

Both Subcommittees appreciate the opportunity to review and provide feedback on this report.