



Davis Division Academic Senate

Request for Consultation Responses

Proposed Revision to APM 035, Append. A-1 and A-2

January 17, 2014

Systemwide review of proposed policy changes that will affect the APM by removing Appendix A from APM 035 to make it a self-standing Presidential Policy on Sexual Harassment and Sexual Violence applicable to all members of the University community. Changes in Federal law mandate changes in the existing Policy on Sexual Harassment, which is currently referenced by inclusion in Appendix A, even though it applies to all University affiliates. Vice Provost Carlson's letter explains the legal requirements.

Affirmative Action & Diversity

January 15, 2014 1:52 PM

The Affirmative Action & Diversity Committee has reviewed and discussed proposed revisions to APM 035 Append. A-1 and A-2:

Specific comments from the committee are as follows:

1) In general, the University policy on the role and responsibility of parties involved in sexual assault violence or harassment in the case of intoxication needs to be made more clear. The role for intoxication in perpetuation of sexual violence and assault is abundantly clear - how will the University specifically deal with this likely common scenario?

In 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).

2) The new Section IIID 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 IIID, which could potentially result in them being overlooked.

3) The proposed revision seems relatively minor and will effect the desired update of the policy to be in compliant with law but doesn't significantly alter the substance of the campus policy. My only quibble with the overall policy was that it clearly states that it is meant to address sexual harassment and sexual violence and these terms are defined. The policy also provides for a means to accomplish awareness, "in part" through training although I don't see mention anywhere the extensive in class or online training required currently of admin and teaching personnel at UCD re: sexual harassment. In addition, that online training is very broad in terms of educating about activities that COULD elevate to an uncomfortable situation, one example they give being giving someone in the work place a shoulder massage. In perhaps most instances, a shoulder massage might be less than a good idea but is not sexual harassment. Thus it might be advisable to better 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 admin 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.

Council of School & College Faculty Chairs (LS: SOC SCI)

December 2, 2013 5:50 PM

The L&S Executive Committee approves of this proposal (even though we weren't required to comment on it).

Faculty Welfare

December 26, 2013 11:02 AM

The committee had no significant comments; however, the committee suggests that 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.

Graduate Council

November 1, 2013 5:08 PM

No response at this time.