COUNCIL ON FACULTY WELFARE,
DIVERSITY, AND ACADEMIC FREEDOM (CFW)
MEETING NOTICE

Tuesday, December 10, 2013
3:30 - 5:30 P.M.
Aldrich Hall, Room 338

Agenda Item  Attachment

I. CHAIR’S REPORT
   A. Senate Cabinet Actions and Discussions
      Meeting(s) – November 19 & December 3, 2013

II. CONSENT ITEMS
   A. Draft Minutes – November 12, 2013

III. SUBCOMMITTEE ON EMERITI AFFAIRS
   A. Status Report

IV. FACULTY WELFARE ISSUES UNDER REVIEW
   A. UCI Mental Health Initiative
      Guest: Robert Moeller
      Issue: Update/Review of Types of Training for Chairs, Faculty and Staff, Future Plans and
      Campus Resources for UCI Mental Health Initiative
      Action/Deadline: None

V. UCI SENATE ISSUES UNDER REVIEW

VI. UC SENATE ISSUES UNDER REVIEW
   A. UC Final Review of Bylaw 55
      Lead Reviewers: FW Subcom. - Saphores, Dalton, Olivieri, Whiteson
      Issue: Request for Formal Systemwide Review and Comment
      Action/Deadline: Comments/Memo to Senate Chair prior to Dec. 17 Cabinet Mtg.

   B. UC Review APM 35 & Appendices 1 & 2
      Lead Reviewers: AAD Subcom. – Tonner, Rahimieh, Walsh, Turner
      Issue: Request for Formal Systemwide Review and Comment
      Action/Deadline: Comments/Memo to Senate Chair prior to Jan. 19 Cabinet Mtg.

VII. STATUS REPORTS
   A. University Committee on Faculty Welfare (UCFW)
      Jean-Daniel Saphores, UCFW Rep
      (1st Mtg. of UCFW – October 11, 2013, November 8, 2013)

   B. University Committee on Affirmative Action and Diversity
      Grace Tonner, UCAAD Rep
      (1st Mtg. of UCAAD – October 10, 2013)

   C. University Committee on Academic Freedom
      Yaming Yu, UCAF Rep
      (1st Mtg. of UCAF – November 26, 2013)

Agendas, minutes, and enclosures are for your information only.
Please do not share the document(s) with others.
D. Academic Personnel
   Joan Tenma, Director, AP

E. Equal Opportunity & Diversity Status Report
   Gwen Kuhns Black, Associate Director, OEOD

F. Human Resources/Benefits Status Report
   Jeri Frederick, Director, Center for Emeriti & Retirees, Human Resources

VIII. INFORMATION ITEMS (Includes correspondence generated from previous meeting)
   A. Status Report for 2013-14 8A (pp. 79-81)
   B. CFW Memo on APM 600 8B (pp. 82)
   C. CFW Memo on Moreno Report 8C (pp. 83-84)

IX. NEW BUSINESS

X. ADJOURNMENT

Distribution
   Jean-Daniel Saphores, Chair
   Gilberto Conchas
   Teresa Dalton
   Lucile Faurel (Leave FQ & WQ)
   Michelle Garfinkel
   Nasrin Rahimieh
   Vincent Olivieri
   Hugh Roberts
   Annette Schlicter
   Grace Tonner
   John Turner (FQ & WQ)
   Craig Walsh
   Daniel Whiteson
   Kyoko Yokomori
   Yaming Yu

   Emeriti Members: (3)
   Alan Elias
   William Parker
   TBA
   Cal McLaughlin (UCIEA President is Ex-Officio to Emeriti Subcom.)

   Representatives:
   Carole McEwan, LAUC-I Rep
   Qumber Ali, ASUCI Rep
   TBA, AGS Rep

   Consultants:
   Gwen Kuhns Black, OEOD
   Jeri Frederick, Human Resources
   Joan Tenma, Academic Personnel

   c: Peter Krapp, Senate Chair

A Reminder:
Members should be prepared to lead discussions on topics for which they are listed on the agenda. For more complex issues, the reviewers may want to engage in an email dialogue or meeting prior to the CFW meeting. Senate Councils are working to improve the level of advice and counsel that they offer, and this step will improve the quality of CFW’s discussions. Following the Council’s discussion, and if a written response is required, a reviewer may be asked to prepare a draft memo for the Chair’s signature. To promote careful review, each agenda item will be distributed to the designated reviewers and/or subcommittee a week prior to the meeting.

Agendas, minutes, and enclosures are for your information only.
Please do not share the document(s) with others.
I. CHAIR’S REPORT
Web Site Changes
The Council on Faculty Welfare website has been updated to make agendas private and minutes public. Members strongly believe all information for the Council should be public and requested the site be restored to its former settings with both agendas and minutes public.

Action
The analyst will forward the Council’s request to the Senate Chair and Executive Director for review.

II. CONSENT ITEMS
The minutes from October 8, 2013 were unanimously approved as amended.

III. SUBCOMMITTEE ON EMERITI AFFAIRS – Status Report
Statewide Meeting for Emeriti
The last meeting’s focus centered on the changes to the UC healthcare plans, especially those involving emeriti who move out of state. Each campus has an emeriti organization. Systemwide has a council of local emeriti representatives who meet twice a year. Additionally, the Council of University of California Emeriti Associations elect members to a board position who meet with the UC Office of the President throughout the year. All emeriti retain many of their senate privileges.

IV. FACULTY WELFARE ISSUES UNDER REVIEW
A. Senate Welcome & Goals
Issue
Senate Cabinet Chair Peter Krapp attended the Council meeting to welcome members to the Senate and review upcoming issues for the year.

Discussion
Issues introduced included meeting with the new president to discuss time needed for local divisions to respond to issues, the UC Irvine response to the Moreno Report and examination of processes in place on campus, composite benefit rates, and review of the Negotiated Salary Trial Plan and suggestion for changes by various Senate councils. Members were encouraged to contact Chair Krapp with concerns and ideas at either chair@uci.edu or krapp@uci.edu.

Action
No action required.

B. Academic Freedom Guidelines
Issue
The Council reviewed draft investigative procedures for academic freedom introduced by a faculty representative to the University Committee on Academic Freedom (UCAF) during the 2012-13AY. The document proposes to create a standing committee to hear all possible complaints related to academic freedom as well as defining what constitutes academic freedom.

Discussion
Council members found the draft document to have several issues including the following:

1. The document infers the established committee would have disciplinary powers or the ability to give strongly worded recommendations for disciplinary action. However, the committee’s authority is not clearly outlined.
2. The document does not detail how one would submit a grievance for review.
3. The definition of academic freedom is extremely broad creating possible dilemmas with infringement of first amendment rights.

Due to the fundamental issues with draft document and the existence of current avenues for recourse such as the Committee on Privilege and Tenure, Graduate Council and the Division of Undergraduate Education, the Council felt no need to adopt specific guidelines for our campus. Additionally, when the Subcommittee on Academic Freedom was a separate Senate committee, few cases were referred to the group. As the Committee could only give insight regarding policy changes, the Council believes a standing committee would be wasteful and find the current subcommittee’s addition to CFW to be the most appropriate arrangement. Members however plan to explore how academic freedom issues are handled at other UC campuses and whether or not they have a charter by which they operate.

Action
The Council unanimously voted to reject the proposed document. Representatives to UCAF will research how other UC campuses handle academic freedom issues and whether or not the respective campuses have a charter or mission statement.

V. UCI SENATE ISSUES UNDER REVIEW
   A. Salary Equity Plan Update
   Issue
   The Council was asked by the Senate Chair to review salary equity at the Irvine campus. The Council needs to collect, review, and analyze data to assess equity at the campus level.
   Discussion
   The Council discussed various ways to handle an equity study. Members were reminded of the report CFW released in 2009. The Council considered evaluation periods of every three versus every five years and decided on at least three years based on faculty reviews thereby allowing the study to cover a full cycle. The Council will review the 2009 report and the pay equity study released annually by Academic Personnel before deciding on how to proceed with the official report and recommendations. The report findings will be shared with UCOP upon its completion.

   Action
   The Council formed a subcommittee with Teresa Dalton, Jean-Daniel Saphores, William Parker, and John Turner. The subcommittee will review existing data shared by Academic Personnel and the 2009 study listed on the CFW site and make recommendations to the Council on how to proceed.

VI. UC SENATE ISSUES UNDER REVIEW
   A. UC Final Review of Proposed Revisions to APM 600
   Issue
   The Council was asked to review and comment on the proposed amendments to APM 600. The proposed revisions were originally submitted during the 2012-13AY in response to campus requests to update the APM, correct updated delegations of authority, to make technical corrections identified in past reviews, and to make the series congruent with the overall APM style and format. The “final” review is responsive to the comments submitted by each division and the request for a review document with track changes as the revisions span multiple sections to facilitate a more comprehensive review process.
Discussion
Members found most of the proposed changes to be reasonable and had no issue with the changes made in the 200 and 600 sections. However, the Council noted two areas in the 500 section to be considered for the following updates:

1. In Section 510-16.d. Effect of Sabbatical Leave on Transfer Date, members noted faculty unfamiliar with the Academic Personnel Manual may be unaware of a separate section of the APM covering sabbatical and credits and felt a link to the section of the APM covering sabbaticals should be added.

2. Members felt Section 510-18.c. limits the recruiting campus to offering no more than one step above the transferee’s current step and salary. Members noted the historical context for the restriction but found it to be no longer relevant and recommended the removal of the salary and intra-campus constraints.

Action
The Council’s comments will be forwarded to the Senate Cabinet chair for review.

B. UC Review of Moreno Report

Issue
The Council was asked to review and comment on the Moreno Report regarding acts of bias and discrimination involving faculty at UC Los Angeles. The report was in response to concerns raised about acts of bias and discrimination over recent years at the UC Los Angeles campus and is inclusive of several months of investigation regarding the campus policies, procedures, and mechanisms for responding to incidents of perceived bias, discrimination, and intolerance at UC Los Angeles involving faculty of color.

Discussion
Members found the report to be an appropriate first step but lacking in strong recommendations. The Council felt further steps should be considered outside of creating an officer to streamline the investigative process and a statement of intent to hire additional minorities to diversify the campus. Gwen Kuhns Black from the Office of Equal Opportunity and Diversity gave members a brief presentation on how such issues are handled at the Irvine campus. (See OEOD under Status Reports)

The Council has found the UC Irvine process for handling complaints to be highly effective and would suggest UC Los Angeles, if looking to adopt a change, create a similar system.

Action
The Council’s comments will be forwarded to the Senate Cabinet chair for review.

VII. STATUS REPORTS

Faculty Welfare Subcommittee – Jean-Daniel Saphores, Rep to UCFW
No Report

Affirmative Action Subcommittee – Grace Tonner, Rep to UCAAD
No Report

Academic Freedom Subcommittee – Yaming Yu/Hugh Roberts, Rep to UCAF
No Report

Academic Personnel – Joan Tenma
No Report
Equal Opportunity and Diversity Status Report – Gwen Kuhns Black  
OEOD Grievance Process  
Issues and complaints relating to discrimination, bias, and harassment are handled through the Office of Equal Opportunity and Diversity (OEOD). UC Irvine has several offices through which complaints are funneled including OEOD, the local Whistleblower, Human Resources, and Academic Personnel. The office handles discrimination complaints from all UCI constituents including faculty, staff, students, and patients. Additionally, any complaints directed to other departments are redirected to OEOD for processing. OEOD has three professionally trained full-time investigators on staff, offering both an early resolution and formal investigation process. Details regarding the complaint procedures can be found at [http://www.oecd.uci.edu/files/pdf/procedpage.pdf](http://www.oecd.uci.edu/files/pdf/procedpage.pdf). The timeline for formal investigations is 60 business days.

On average last year, OEOD received 92 complaints with over 120 inquiries. OEOD consults the Academic Senate as appropriate whenever there are policy updates or new policies are implemented. Annual reports are posted to the OEOD website as well as more detailed record keeping to monitor for occurrences such as names repeatedly submitted for complaints.

Human Resources Status Report on Benefits – Jeri Frederick  
No Report  

VIII. INFORMATION ITEMS  
None  

IX. NEW BUSINESS  
None  

X. ADJOURNMENT: 5:42 P.M.  

Submitted by Charlene Mandau
October 18, 2013

JEAN DANIEL SAPHORES, CHAIR
COUNCIL ON FACULTY WELFARE, DIVERSITY AND ACADEMIC FREEDOM

DAVID BROWNSTONE, CHAIR
COUNCIL ON ACADEMIC PERSONNEL

EXPECTED CABINET AGENDA DATE: December 17, 2013
EXPECTED COUNCIL DATE: January 17, 2014

RE: SYSTEMWIDE REVIEW OF SENATE BYLAW 55

Last spring, the San Diego Division submitted proposed amendments to Senate Bylaw 55 that would allow the extension of departmental voting rights on academic appointment and promotion actions to salaried non-Senate faculty in the Adjunct Professor or Health Sciences Clinical Professor series. The proposed revisions would permit Senate members in an academic unit to vote on whether to extend Bylaw 55 rights to non-Senate titles and would require that a decision to do so must be reconsidered annually. Former Council Chair Powell asked UCAP and UCFW to consider the proposal in a systemwide context. In May, the Academic Council discussed the proposal and advice from UCAP and UCFW and voted to send the proposal, along with the comments from UCAP and UCFW, for systemwide review. Because it was too late in the academic year to begin such a review, Council voted to postpone the review until the fall.

Accordingly, the divisions have been asked to review the proposal, the letters from UCAP and UCFW, and the relevant portion of the minutes from Council’s discussion in May. I would ask that your Council review the proposal and be prepared to discuss at a future Cabinet meeting. The entire proposal is enclosed with this memo.

Peter Krapp, Chair
Academic Senate

C: Mia Larson
Charlene Mandau
Luisa Crespo
SENATE DIVISION CHAIRS

SENATE COMMITTEE CHAIRS

Re: Systemwide Review of Proposal to Amend Senate Bylaw 55

Dear Colleagues:

Last spring, the San Diego Division submitted proposed amendments to Senate Bylaw 55 that would allow the extension of departmental voting rights on academic appointment and promotion actions to salaried non-Senate faculty in the Adjunct Professor or Health Sciences Clinical Professor series. The proposed revisions would permit Senate members in an academic unit to vote on whether to extend Bylaw 55 rights to non-Senate titles and would require that a decision to do so must be reconsidered annually. Former Council Chair Powell asked UCAP and UCFW to consider the proposal in systemwide context. In May, the Academic Council discussed the proposal and advice from UCAP and UCFW and voted to send the proposal, along with the comments from UCAP and UCFW, for systemwide review. Because it was too late in the academic year to begin such a review, Council voted to postpone the review until the fall.

Accordingly, I have enclosed the proposal, the letters from UCAP and UCFW, and the relevant portion of the minutes from Council’s discussion in May. I ask that you distribute these materials for review and that you submit responses to SenateReview@ucop.edu by Friday, January 17, 2014.

The Academic Council will discuss the responses at its meeting on January 29. As always, committee chairs who determine that the subject is not in the purview of their committee need not reply.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Bill Jacob, Chair
Academic Council

Cc: Senate Executive Directors
Senate Committee Analysts
March 25, 2013

Professor Robert Powell  
Chair, Academic Council  
University of California  
1111 Franklin Street, 12th Floor  
Oakland, California  94607-5200

Subject: Proposed Amendment to Senate Bylaw 55

Dear Bob,

At its meeting on May 22, 2012, the Representative Assembly of the San Diego Division approved a proposal to amend Senate Bylaw 55 to extend voting rights on academic review actions to two specific classes of non-Senate faculty (NSF) members in Health Sciences – “career” salaried faculty in the Adjunct Professor and Health Sciences Clinical Professor series.

Proposal

Senate Bylaw 55 currently allows voting privileges in departments to be extended to emeriti faculty if two-thirds of the department’s tenured faculty members vote to support the extension. The Health Sciences Faculty Council (HSFC) proposal, which is supported by the UCSD Senate Council, would allow the extension of voting privileges to career salaried faculty in the Adjunct and Health Sciences Clinical series using the same process as the extension to emeriti faculty. The proposal does not require every department in the Health Sciences to extend voting privileges to these non-Senate faculty members, recognizing that different departments have different cultures when it comes to department governance. Under this proposal, the extension of voting privileges would be in place for at least one year; reconsideration of the extension follows the same process as that for emeriti faculty. Under the proposal, voting privileges could be extended only to those Adjunct and Health Sciences Clinical Professors who hold an appointment of more than 50% (“career”) in the department.

Rationale

In the Health Sciences, many clinical faculty members are appointed in the Adjunct and Health Sciences Clinical series. These NSF members perform many of the same duties as Senate members and are critical to the success of the Health Sciences’ research, education, and clinical enterprises. Indeed, in the five decades since UCSD was founded, the funding landscape of the state has changed, and now about 70% of Health Sciences faculty members are in non-Senate positions. These NSF faculty members are ineligible to vote on departmental actions related to the academic review process, and so cannot fully participate in critical departmental decisions such as faculty hiring and career reviews. Indeed, it can be very difficult for departments with large percentages of NSF to operate if
this substantial majority of their faculty is not given a voice in the academic personnel process. The inability to vote on academic personnel review files is demoralizing for NSF in the Health Sciences, enforcing an artificial division of the faculty into two different classes.

The San Diego Division therefore proposes to allow NSF in the Health Sciences to participate in voting and academic review, a change that is fully consistent with the principle of shared governance. UCSF has proposed to solve this problem by making members of the NSF series officially Senate members. However, this approach would radically change the makeup of the Senate and the concomitant service, scholarship, and teaching expectations might be difficult to fulfill. This led to the proposal discussed above, which has support from the Divisional Senate Council and from other campuses with medical schools. The proposal was also overwhelmingly approved by the Divisional Representative Assembly on May 22, 2012 with vote of 30 in favor, 3 opposed, and 2 abstentions.

The San Diego Division formally submits the attached proposed revision to Senate Bylaw 55 for consideration and approval.

Sincerely,

[Signature]

T. Guy Masters, Chair
Academic Senate, San Diego Division

Attachment

cc: Divisional Vice Chair Pogliano
    Executive Director Winnacker
REPORT OF THE HEALTH SCIENCES FACULTY COUNCIL

The UCSD Health Sciences Faculty Council forwards to the Representative Assembly the attached proposal for extending voting rights on academic review actions to two specific classes of non-Senate faculty in Health Sciences – salaried faculty in the Adjunct Professor and Health Sciences Clinical Professor series. As explained below, faculty members with these specific titles are absolutely essential to the educational and research missions in the Schools of Medicine and Pharmacy and Pharmaceutical Sciences and are clearly part of the logical and appropriate peer group of Senate faculty responsible for the same missions.

This issue has been discussed extensively within Health Sciences and is supported by the Faculty Council, Health Sciences Department Chairs, and Health Sciences leadership. We recognize that this proposal will require systemwide action to modify Academic Senate Bylaw 55 and the proposal includes draft language to do so, similar to the current provision within Bylaw 55 to extend voting privileges to emeritus faculty.

We wish to emphasize that the intent of this proposal is not to require all departments to extend voting rights to non-Senate faculty, but to allow individual departments to do so upon vote of their Senate faculty. Also, the intention is restrict this proposal to voting on academic appointment and review actions within Health Sciences departments and not to further involve non-Senate faculty in Academic Senate business or governance.

The primary rationale for this proposal is the fact that non-Senate faculty now make up a majority of faculty in Health Sciences, upwards of 75% in some departments and increasing. These faculty members play critical roles in both the clinical education and research missions in our professional schools to the benefit of the whole University community. Fully engaging the salaried Adjunct and Health Sciences Clinical Professors in the academic appointment and review processes of their own departments is both necessary and optimal for the University to achieve and excel in its Health Science missions. The alternative of requiring these faculty members to move into a Senate series is less desirable because there are other important differences in responsibilities beyond academic appointment and review between these Health Science faculty and Senate faculty on other parts of the undergraduate and graduate campus.

The Senate Council discussed the proposal at its meeting on May 7, 2012 and was generally supportive. The consensus of the Council was that the proposal should be forwarded to the Representative Assembly for consideration. The Health Sciences Faculty Council recommends that the Representative Assembly approve the proposal. If the Assembly approves the proposal, it will be submitted to the systemwide Academic Assembly for consideration and approval.

Douglas Conrad, Chair
Health Sciences Faculty Council

Andrew Ries, Associate Vice Chancellor
Health Sciences, Academic Affairs

Frank L. Powell, Immediate Past Chair
Academic Senate, San Diego Division

HEALTH SCIENCES FACULTY COUNCIL
VOTING PROPOSAL FOR NON-ACADEMIC SENATE FACULTY

- Whereas a core value of the University of California is the principle of shared governance between faculty and administration
- Whereas non-Academic Senate faculty make up the majority of salaried faculty in the Health Sciences
- Whereas the growth of faculty in Health Sciences has been beneficial to both Health Sciences and the whole University community
- Whereas non-Academic Senate faculty are critical to all academic missions in Health Sciences with
  - Important roles in teaching
  - Substantial contributions to the growth and success of the research enterprise to the benefit of all faculty and campuses in the University community
  - Active participation in University service
- Whereas University voting policies were established in an earlier era in which there were few salaried, full-time non-Academic Senate faculty in Health Sciences
- Whereas disenfranchising non-Academic Senate faculty in Health Sciences from the academic appointment and review process has the unintended consequence of unnecessarily motivating more faculty to seek appointment in series that convey membership in the Academic Senate
It is proposed that each department in Health Sciences be allowed (but not required) to extend voting rights for academic appointments and reviews to career (i.e., >50% effort) non-Academic Senate faculty who are subject to regular academic review upon 2/3 vote of eligible Senate faculty in that department.

- It is further proposed that systemwide Academic Senate Bylaw 55 be modified to insert the following text (similar to the extension of voting rights to Emeritus faculty).

Academic Senate Bylaw 55, Departmental Voting Rights
(http://www.universityofcalifornia.edu/senate/manual/blpart1.html#bl55)

E. Extension of Voting Privileges to non-Academic Senate Faculty in Health Sciences

Voting privileges on personnel matters within any department or school in Health Sciences may be extended to one or more of the classes of career (i.e., >50% effort) non-Academic Senate members of that department, as a class, who are not otherwise entitled to vote under the provisions of paragraphs 1 to 6 of Article B of this Bylaw, upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw. Any extensions of the voting privilege under this Article E must remain in effect for at least one calendar year (twelve months); thereafter, any faculty member entitled to a vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw may request reconsideration. Following a request for reconsideration, and prior to any subsequent vote on the cases in question, the Chair or other appropriate departmental officer shall put the question of renewal of privileges to a vote. An extension of voting privileges will be renewed only upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw.

Considered by the Representative Assembly of the San Diego Division on May 22, 2012 with the following result:

Motion to approve passed: 30 in favor, 3 opposed, 2 abstentions
ROBERT POWELL, CHAIR
ACADEMIC COUNCIL

RE: Proposed Amendments to Senate Bylaw 55 (Departmental Voting Rights)

Dear Bob,

UCFW reviewed the proposal from the San Diego Division to amend Bylaw 55, to provide departments in the Health Sciences the option to extend voting privileges to two non-Senate faculty (hereafter NSF) titles, the “career” salaried faculty in the Adjunct Professor and Health Sciences Clinical Professor Series. The purpose of the proposal was to remedy inequities in those departments in which NSF comprise a large fraction, perhaps a majority, of the department. The proposal is modeled on a current provision of Bylaw 55, which extends voting privileges to emeritus faculty members, at the discretion of the department as indicated by a vote of 2/3 of the Senate faculty in support, for a year at a time, subject to annual renewal.

UCFW was supportive of the concept and recommends that the proposal be circulated for Systemwide review. UCFW recognizes, however, that any amendments to the Senate Bylaws must be carefully considered, and Systemwide review may identify areas in which the proposal needs to be modified prior to approval. UCFW therefore offers the following points that might require further consideration by the campuses, schools, and colleges during Systemwide review.

- Are the Adjunct Professor and the Health Sciences Clinical Professor series the only two NSF titles that should be considered? On the campuses with Agricultural Experiment Stations, similar inequities may exist in departments whose faculty includes NSF Agronomists (APM 320) and Cooperative Extension Specialists (APM 334). The problem identified by the San Diego Division may extend to other NSF titles, and Systemwide review likely will result in a recommendation to expand the list of titles.

- Some UCFW members suggested that, although it would be appropriate to extend full voting privileges to NSF titles for their own merits and promotions, it would be inappropriate to extend full voting privileges on the files of Senate faculty members within those departments. These members were concerned that the culture of departments may be changed if the new NSF did not value scholarship, innovative research, teaching, and University and public service equally as Senate faculty members. Is there danger that the greater number of non-
senate voters would change the expectations of the department's Senate members for merits and promotions? This would need careful consideration in departments with large proportions of NSF, such as the departments with ~70% of such members mentioned in the San Diego Division's cover letter.

- Would an annual threat of having their voting privileges revoked also skew the voting process?

UCFW developed two recommendations that might be considered further during Systemwide review:

- Rather than at the divisional level, the respective colleges or schools, as appropriate, within campuses review and identify the titles that should be considered for the extension of voting privileges by their units. It is the colleges and schools, rather than the Systemwide organization or the campuses that know best where the inequities among faculty titles exist and if the extension of voting privileges might alleviate them.

- An alternative to conferring full voting privileges on all faculty titles would be to confer full voting privileges only within each title, and to confer advisory voting privileges on other faculty titles. These advisory votes would be separately summarized and discussed in the Departmental letter.

UCFW recognizes that the University has become so complex that schools and departments now have substantially different cultures. We are therefore supportive of a careful and deliberate process to expand voting privileges within departments where appropriate. We recognize that UC may be stepping on to a "slippery slope" in considering modifying departmental voting privileges, but the dangers must be carefully compared to the inequities that currently exist within departments having significant numbers of non-Senate faculty.

Sincerely,

J. Daniel Hare, UCFW Chair

Copy: UCFW
Robert Powell, Chair, Academic Council
William Jacob, Vice Chair, Academic Council
Martha Winnacker, Executive Director, Academic Senate
May 17, 2013

BOB POWELL, CHAIR
ACADEMIC COUNCIL

RE: PROPOSED REVISION TO SENATE BYLAW 55

Dear Bob,

UCAP discussed the proposal by the San Diego division to amend Senate Bylaw 55 during its May 8th meeting. All members of UCAP except UCSF and UCLA are opposed to the proposal to extend departmental voting rights on academic merit and promotion reviews to salaried non-Senate faculty in the Adjunct Professor or Health Sciences Clinical Professor series.

Sincerely,

Harry Green, Chair
UCAP
XI. Senate Bylaw 55

ISSUE: The San Diego Division submitted a proposal to amend Senate Bylaw 55 to extend departmental voting rights on academic merit and promotion reviews to salaried non-Senate faculty in the Adjunct Professor or Health Sciences Clinical Professor series. Chair Powell asked UCAP and UCFW to consider the proposal in systemwide context.

DISCUSSION: UCSD divisional Chair Masters said that his division would like to extend the provision in Bylaw 55 allowing emeriti voting rights to non-Senate faculty. It would enable Senate members in a unit to vote on whether non-Senate faculty in that unit could review personnel cases and/or vote on them. This would be decided by each department and would be renewed annually. UCAP Vice Chair Jeffrey Knapp stated that UCAP opposes the proposal because there is a substantive distinction between Senate and non-Senate faculty in the areas of achievement for which faculty are evaluated. UCAP was not persuaded that giving voting rights would solve the problem of demoralization among non-Senate faculty. A member noted that LSOEs have a different portfolio than ladder-rank faculty, but are Senate members and have full voting rights. Another member noted that his department has extended advisory voting rights to agronomists. A member suggested sending the proposal for review and asking respondents to comment specifically on UCFW’s recommendations. A member stated that UCSF’s proposal to extend Senate membership to some non-Senate faculty was rejected last year. In contrast, this proposal is modest. It gives departments the ability to determine how they want to govern themselves, and is voluntary. Because it must be renewed annually by a vote of the Senate faculty, it could be easily reversed if the Senate faculty in the department wished to do so. UCAP Vice Chair Knapp said that UCAP focused on appointments, not merit reviews. He provided the example that if clinical faculty, who are primarily focused on teaching, vote on appointments, research may be devalued in a search. He also stated that the analogy to emeriti is problematic because emeriti are Senate faculty and are a small minority. Non-Senate faculty can constitute up to 70% of a department, so they would instantly have a supermajority. A member stated that Merced extends voting rights to assistant professors because they have small units, but cautioned that Council should carefully consider which non-Senate titles will be included, noting that the term “adjunct” is used in many different ways. The titles that are eligible and the percent of appointment should be specified in the proposal. A member countered that departments should define the eligible titles. A member commented that votes should be segmented according to Senate versus non-Senate faculty in order to assess the effect of the policy. A member spoke in favor of accommodating the differences among the units and divisions, even though her division would be unlikely to implement the proposal. A member asked to what degree the proposal is a slippery slope to granting non-Senate faculty Senate membership and noted there are other options, such as advisory votes or non-Senate faculty voting only on non-Senate faculty merit reviews, not on Senate faculty or on appointments. A member commented that the proposal addresses a specific case with a systemwide solution.

ACTION: Council voted to send the proposal, along with the comments from UCAP and UCFW for systemwide review in the fall (11 in favor, 5 opposed).
November 6, 2013

JEAN DANIEL SAPHORES, CHAIR
COUNCIL ON FACULTY WELFARE, DIVERSITY AND ACADEMIC FREEDOM*

RODRIGO LAZO, CHAIR
COMMITTEE ON PRIVILEGE & TENURE

DAVID BROWNSTONE, CHAIR
COUNCIL ON ACADEMIC PERSONNEL

EXPECTED CABINET AGENDA DATE: January 19, 2014
EXPECTED COUNCIL DATE: January 23, 2014

RE: SYSTEMWIDE REVIEW OF APM-035, APPENDICES A-1 & A-2

The Academic Council has requested a Systemwide Review of the proposed revisions to the University of California Policy on Sexual Harassment, which is reprinted in the Academic Personnel Manual Section 035, (APM - 035), Appendices A-1 and A-2. Proposed draft language implements policy requirements mandated by the Violence Against Women Reauthorization Act (VAWA 2013) to include within UC policy several provisions addressing domestic and sexual violence.

I would ask that your Council's review the proposal and be prepared to discuss at a future Cabinet meeting. The entire proposal is enclosed with this memo. If you need additional time for your review, please do not hesitate to contact me.

Peter Krapp, Chair
Academic Senate

C: Mia Larson
Charlene Mandau
Luisa Crespo
November 1, 2013

COUNCIL OF VICE CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS
ACADEMIC COUNCIL CHAIR JACOB
ANR VICE PRESIDENT ALLEN-DIAZ


Dear Colleagues:

Enclosed for Systemwide Review are proposed revisions to the University of California Policy on Sexual Harassment, which is reprinted in the Academic Personnel Manual Section 035, (APM - 035), Appendices A-1 and A-2. Proposed draft language implements policy requirements mandated by the Violence Against Women Reauthorization Act (VAWA 2013) to include within UC policy several provisions addressing domestic and sexual violence.

The UC Policy on Sexual Harassment is a systemwide, Presidential policy that applies to all University employees, which includes all faculty and other academic appointees, students, and staff. Therefore, the enclosed draft Policy is formatted using the Presidential policy template instead of the standard APM format. Current APM - 035, Appendices A-1 and A-2 will be replaced with the following text directing faculty and other academic appointees to the Presidential policy:

"Academic personnel are covered by the University of California Policy on Sexual Harassment and Sexual Violence which is Presidential policy covering all faculty and other academic appointees, students, and staff. The Policy is available at: http://www.policy.ucop.edu/specific-link-to-be-advised. Any future changes to this Policy will be circulated under the standard APM review process."

Systemwide Review

Systemwide Review is a public review distributed to the Executive Vice Chancellors, the Director, Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, affected employees and union membership about policy proposals. Systemwide Review also includes a mandatory, three-month full Senate review.

Employees should be afforded the opportunity to review and comment on the draft new policy, available online at: http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html. Enclosed is a Model Communication which may be used to inform non-exclusively represented employees affected by these proposals.
November 1, 2013
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This letter and enclosures anticipate that you will begin Systemwide Review of the proposed draft and submit comments no later than February 1, 2014. Please send comments on the proposed policy to ADV-VPCARLSON-SA@ucop.edu. Questions may be directed to Janet Lockwood at Janet.Lockwood@ucop.edu or (510) 987-9499.

Sincerely,

Susan Carlson
Vice Provost
Academic Personnel

Enclosures: Proposed Revised Draft UC Policy on Sexual Harassment and Sexual Violence
Proposed Draft APM - 035, Appendices A-1 and A-2
Model Communication

cc: President Napolitano
Chancellors
Provost and Executive Vice President Dorr
Executive Vice President Brostrom
Senior Vice President Stobo
Senior Vice President Vacca
Vice President Beckwith
Vice President Duckett
Vice President Sakaki
Vice Provosts – Academic Personnel
Council of Graduate Deans
Academic Personnel Directors
Executive Director Fox
Executive Director Rodrigues
Executive Director Tanaka
Executive Director Winnacker
Deputy General Counsel Drown
Director Chester
Director Jennings
Manager Lockwood
Human Resources Policy Analyst Bello
Senior Administrative Analyst Rupert
MEMBERS OF THE UNIVERSITY OF CALIFORNIA COMMUNITY

Dear Colleagues:

The Violence Against Women Reauthorization Act (VAWA 2013), which President Obama signed into law on March 7, 2013, includes several provisions to improve and expand how institutions address domestic and sexual violence. VAWA was first enacted in 1994, as part of the Violent Crime Control and Law Enforcement Act of 1994, and it was reauthorized in 2000 and 2005. VAWA 2013 reauthorized and improved upon services for all victims of domestic violence, sexual assault, dating violence, and stalking, including university and college students, Native women, LGBT victims, and immigrants.

VAWA 2013 incorporates provisions of an earlier bill, titled “Campus Sexual Violence, Domestic Violence, Dating Violence, and Stalking Education and Prevention” or the Campus SaVE Act, and codifies parts of an April 2011 Dear Colleague letter issued by the Office of Civil Rights (OCR) at the U.S. Department of Education (DOE). The SaVE Act, found in Section 304 of VAWA 2013, made significant revisions to the Clery Act provisions of the Higher Education Act of 1965 regarding how institutions report campus crime. Some of the changes applicable to the University of California include:

- Reporting campus crime statistics beyond the crime categories the Clery Act already mandates, to include incidents of domestic violence, dating violence, and stalking, as well as crimes motivated by national origin and gender identity, two categories that were absent from previous versions of VAWA,
- Providing training to new students and to new employees, in addition to ongoing education programs to promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking,
- Conducting annual training for personnel investigating and reviewing asserted offenses, and
- Adopting policy to address and prevent campus sexual violence.

Specifically, the policy must identify procedures for (1) reporting an incident, (2) investigating an incident, (3) possible sanctions or protective measures that the University may impose following a final determination of a disciplinary proceeding, (4) how the University will protect the confidentiality of the victim, (5) written notification to the victim of support resources and of
options for accommodations in academic or working situations, and (6) notice that the institution’s officers or employees must not retaliate against any individual for exercising rights or responsibilities under VAWA 2013.

The University must update policies and procedures to include these new requirements by March 7, 2014. It is unclear when the DOE will issue implementation guidelines. However, UC and all institutions need to plan to implement the new VAWA 2013 requirements even in the absence of DOE guidance. The OCR characterizes sexual violence as a type of sexual harassment. Thus, UC has elected to revise its systemwide Policy on Sexual Harassment (Policy) to address VAWA 2013 requirements. A working group at the UC Office of the President, comprised of representatives from Human Resources, Student Affairs, Academic Personnel, and the Office of General Counsel, in consultation with campus Title IX Officer volunteers, have drafted the required revisions to the Policy, which are enclosed for review and comment. Proposed revisions are intended to satisfy the VAWA 2013 requirements and to maintain current Policy and Procedure language where possible.

Each of us has enclosed a second letter addressed to colleagues in our specific community in Human Resources, Student Affairs, or Academic Personnel. Please send comments on the proposed revisions to Policy as directed in that letter. However, this letter and enclosures anticipate that the revised Policy will be issued effective March 7, 2014.

Sincerely,

Dwaine B. Duckett
Vice President
Human Resources

Judy Sakaki
Vice President
Student Affairs

Susan Carlson
Vice Provost
Academic Personnel

Enclosures: Proposed Revised Draft UC Policy on Sexual Harassment
Specific community-directed letter

cc: President Napolitano
Provost and Executive Vice President Dorr
Executive Vice President Brostrom
Senior Vice President Vacca
General Counsel Robinson
Senior Counsel Hamill
Labor and Employment Counsel Chin
Executive Director Griffin-Desta
Executive Director Tanaka
Executive Director Winnacker
Director Crowder
Director Skarakis
Manager Lockwood
Policy Specialist Whalen
Policy and Program Analyst Heng

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UNIVERSITY OF CALIFORNIA POLICY ON SEXUAL HARASSMENT
AND SEXUAL VIOLENCE

Academic personnel are covered by the University of California Policy on Sexual Harassment and Sexual Violence which is Presidential policy covering all faculty and other academic appointees, students, and staff. The Policy is available at: http://www.policy.ucop.edu/specific-link-to-be-advised. Any future changes to this Policy will be circulated under the standard APM review process.
I. POLICY SUMMARY

UNIVERSITY OF CALIFORNIA POLICY ON SEXUAL HARASSMENT

A. Introduction
The University of California, The University of California is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community
should be aware that the University is strongly opposed to prohibits sexual harassment and sexual violence, and that such behavior violates both by law and by University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy on Sexual Harassment and Sexual Violence (hereafter referred to as Policy).

This policy applies to the University of California campuses, the DOE Laboratories Lawrence Berkeley National Laboratory, the Medical Centers, and the Office of the President, including Agriculture and Natural Resources, and all auxiliary University locations (the locations).

II. DEFINITIONS

Consent, as referenced in this Policy means:

1. Consent is informed. Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent to some form of sexual activity does not imply consent to other forms of sexual activity.

2. Consent is voluntary. It is given without coercion, force, threats, or intimidation; it is a positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

3. Consent is given when the person is not impaired or incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion, or has a mental disorder, developmental disability, or physical disability that would impair his/her understanding of the act.
   (a) Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep and blackouts.
   (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 factors to be considered include whether the accused knew, or a reasonable person in the position of the accused should have known, that the complainant was impaired or incapacitated.

Executive Officer: The University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agricultural and Natural Resources.
B. Definition of Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person’s employment or education, unreasonably interferes with a person’s work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. Sexual harassment includes sexual violence. In the interest of preventing sexual harassment and sexual violence, the University will respond to reports of any such conduct.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, residents and interns, students, student employees (when acting within the course and scope of employment), and non-student or non-employee participants in University programs, such as vendors, contractors, visitors, and patients. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex. In determining whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Consistent with the University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Section 102.09, harassment of one student by another is defined as unwelcome conduct of a sexual nature 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.

Sexual Violence is defined as physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. This includes: sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

1. Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has had a child or is having or has had a dating or engagement relationship.

2. Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

3. Sexual Assault occurs when physical sexual activity is intentionally engaged in without the consent of the other person. The conduct may include physical force, violence, threat, or intimidation; ignoring the objections of the other person; causing the other person’s intoxication or impairment through the use of drugs or alcohol; taking advantage of the other person’s incapacitation.

Comment [AP3]: This definition is current language in APM - 035, Appendix A-1-B.

Comment [AP4]: This sentence is per the Office of Civil Rights, Department of Education, “Dear Colleague Letter” 4/4/11.

Comment [AP5]: This paragraph is current text from APM - 035, Appendix A-1-B.

Comment [AP6]: This language is required by VAWA 20 U.S.C. 1092(f).

Comment [AP7]: This definition is adapted from California Penal Code §13700(b) and California Family Code §6211.

Comment [AP8]: This definition is adapted from 42 U.S.C. §13295(a) (10).
III. POLICY TEXT

A. General

The University of California is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community should be aware that the University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy.

This Policy applies to the University of California campuses, the Lawrence Berkeley National Laboratory, the Medical Centers, and the Office of the President, including Agriculture and Natural Resources, and all auxiliary University locations.

B. Prohibited Acts

This Policy prohibits sexual harassment and sexual violence as defined in Section II of this Policy.

C. Consensual Relationships

This Policy covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the University community are subject to other University policies for example, policies governing faculty-student relationships are detailed in the Faculty Code of Conduct.1 While romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence, subject to this Policy.

1 The Faculty Code of Conduct may be found in Academic Personnel Manual (APM) section 015, The Academic Personnel Manual (APM) Section 015.
D. Gender Identity, Gender Expression, or Sexual Orientation Discrimination

Harassment that is not sexual in nature but is based on gender, gender identity, gender expression, sex-stereotyping, or sexual orientation also is prohibited by the University's nondiscrimination policies if it is sufficiently severe to deny or limit a person's ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination based on gender, gender identity, gender expression, sex-stereotyping, or sexual orientation.

E. Retaliation

This policy also prohibits retaliation against a person who reports sexual harassment or sexual violence, assists someone with a report of sexual harassment or sexual violence, or participates in any manner in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

F. Dissemination of the Policy, Educational Programs, and Employee Training

As part of the University's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated widely to the University community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. The locations shall make educational materials available to all members of the University community to promote compliance with this policy and familiarity with local reporting procedures. In addition, the locations shall designate University employees responsible for reporting sexual harassment and sexual violence and provide training to those designated employees. Generally, such persons include supervisors, managers, academic administrators, deans, department chairs, student advisors, graduate advisors, residence hall staff, coaches, law enforcement officers, student...
judicial affairs staff, counselors, and health center staff. Each location shall post a copy of this policy in a prominent place on its website. (See Section V. Procedures)

KG. Reports Reporting of Sexual Harassment or Sexual Violence

Any member of the University community may report conduct that may constitute sexual harassment or sexual violence under this policy. In addition, supervisors, managers, and other designated employees are responsible for taking whatever action is necessary to prevent and address sexual harassment, or sexual violence and to report it promptly to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints. An individual also may file a complaint or grievance alleging sexual harassment or sexual violence under the applicable University complaint resolution or grievance procedure (University of California, Section V, Procedures for Responding to Reports of Sexual Harassment; Appendix I: University Complaint Resolution and Grievance Procedures).

Complainants should be advised of reporting procedures, including written information about:

1. to whom the alleged offense should be reported;
2. options regarding reporting to law enforcement, including on-campus and local police, and to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses, or to decline to notify law enforcement authorities; their rights and the University’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts; and
3. the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order.

Locations shall identify and publish in their campus implementing procedures of this Policy, on- and off-campus resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services (Section V. Procedures).

FH. Response to Reports of Sexual Harassment or Sexual Violence

The locations shall provide a prompt and effective response to reports of sexual harassment or sexual violence in accordance with the University of California, Section V, Procedures for Responding to Reports of Sexual Harassment (Procedures). A prompt and effective response may include early resolution, formal investigation, targeted training or educational programs. Upon findings of sexual harassment or sexual violence, the University may offer remedies to the individual or individuals harmed by the harassment and/or violence consistent with applicable complaint resolution and grievance procedures (Procedures, Appendix I:
University Complaint Resolution and Grievance Procedures). Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions. Any member of the University community who is found to have engaged in sexual harassment or sexual violence is subject to disciplinary action up to and including dismissal in accordance with the applicable University disciplinary procedure (Procedures, Appendix II: University Disciplinary Procedures) or other University policy. Generally, disciplinary action will be recommended when the harassing conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs. Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment or sexual violence who knew about the harassment incident and took no action to stop it or failed to report the prohibited harassment act also may be subject to disciplinary action. Conduct by an employee that is sexual harassment or sexual violence or retaliation in violation of this Policy is considered to be outside the normal course and scope of employment.

I. Intentionally False Reports

Because sexual harassment frequently involves interactions between persons that are not witnessed by others, reports of sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or “proof” should not discourage individuals from reporting sexual harassment under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action under the applicable University disciplinary procedure (Procedures, Appendix II: University Disciplinary Procedures). This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

J. Free Speech and Academic Freedom

As participants in a public university, the faculty and other academic appointees, staff, and students of the University of California enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This Policy is intended to protect members of the University community from discrimination, not to regulate protected speech. This Policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this Policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.
III. ADDITIONAL ENFORCEMENT INFORMATION

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate complaints of unlawful harassment, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful harassment of and sexual violence by students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC, DFEH or OCR listed in the telephone directory.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

The Vice Provost – Academic Personnel, the Vice President – Student Affairs, and the Vice President – Human Resources are the Responsible Officers for this policy and have the authority to implement the policy and to develop procedures or other supplementary information to support the implementation of this policy. Responsible Officers may apply appropriate and consistent interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy.

The Executive Officer at each location is authorized to establish and is responsible for local procedures necessary to implement the policy.

B. Revisions to the Policy

The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Responsible Officers.

The Responsible Officers have the authority to initiate revisions to the policy, consistent with approval authorities and applicable Bylaws and Standing Orders of The Regents.

The Executive Vice President – Business Operations has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

C. Approval of Actions

Actions within this policy must be approved in accordance with local procedures. Executive Officers and Responsible Officers are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

D. Compliance with the Policy

The following roles are designated at each location to implement compliance monitoring responsibility for this policy.
The Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

This policy has been updated with a technical change and supersedes the University of California Policy on Sexual Harassment dated December 14, 2004.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established. Local procedures must be consistent with this policy.

UNIVERSITY OF CALIFORNIA PROCEDURES FOR RESPONDING TO REPORTS ON SEXUAL HARASSMENT

The Responsible Officers are accountable for reviewing the administration of this policy. The Senior Vice President – Chief Compliance and Audit Officer will periodically audit and monitor compliance to this policy.

The campuses, DOE Laboratories, Medical Centers, the Office of the President, including Agriculture and Natural Resources, and all auxiliary University locations (the locations) shall implement the following procedures for responding to reports of sexual harassment.

E. Noncompliance with the Policy
Noncompliance with the policy is managed in accordance with the Policy on Student Conduct and Discipline, Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters, and in accordance with University policies, including but not limited to, The Faculty Code of Conduct (APM - 015) and University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150) or, as applicable, collective bargaining agreements. Reference Section VI and Appendices I and II.

V. PROCEDURES
The Executive Officer at each location shall identify and publish in their local implementing procedures of this Policy, on- and off- University-locations resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services.
A. Location Responsibilities

The locations shall, in accordance with state and federal law:

1. The primary purpose of the procedures is to require the locations (1) to offer *Offer* sexual harassment and sexual violence training and education to all members of the University community; (2) to provide sexual harassment training and education to each supervisory employee; (3) to provide all members of the University community with a process for reporting sexual harassment in accordance with the policy; and (4) to provide for prompt and effective response to reports of sexual harassment in accordance with this policy.

2. Add to existing education programs promoting awareness of rape and acquaintance rape the topics of domestic violence, dating violence, sexual assault, and stalking; include in education programs specifically for incoming students and new employees the definition of consent, options for bystander intervention, and risk reduction awareness information.

3. Offer annual training on issues related to sexual violence, as defined in this Policy, for individuals conducting formal investigations of reports.

4. Provide all members of the University community with a process for reporting sexual harassment or sexual violence in accordance with the Policy; and

5. Provide for prompt and effective response to reports of sexual harassment in accordance with the Policy.

These procedures also cover reports of retaliation related to reports of sexual harassment or sexual violence. Any exceptions to these procedures must be approved by the *Senior Vice President, Business and Finance* Executive Officer at each location.

B. Local Sexual Harassment and Sexual Violence Resources

1. Title IX Compliance Coordinator (Sexual Harassment Officer)

Each location shall designate a Title IX Compliance Coordinator (Sexual Harassment Officer) whose responsibilities include, but may not be limited to, the duties listed below:

- **(a)** Plan and manage the local sexual harassment and sexual violence education and training programs. The programs should include wide dissemination of this Policy to the University community; providing educational materials to promote compliance with the Policy and familiarity with local reporting procedures; and training University employees responsible for reporting or responding to reports of sexual harassment.
with local reporting procedures; and training University employees responsible for reporting or responding to reports of sexual harassment.

(b) Develop and implement local procedures to provide for prompt and effective response to reports of sexual harassment or sexual violence in accordance with this [policy](#), and submit the local procedures to the [Associate Vice President, Human Resources and Benefits](#), applicable Responsible Officer for review and approval.

(c) Maintain records of reports of sexual harassment and sexual violence at the location and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate.

(d) Identify and address any patterns or systemic problems that arise during the review of sexual harassment and sexual violence complaints.

(e) Prepare and submit an annual report to the [Office of the Vice President – Human Resources](#), for submission by the President to the Regents, on sexual harassment and sexual violence complaint activity during the preceding calendar year in a format specified by the [Associate Vice President, Human Resources and Benefits](#).

2. **Trained Sexual Harassment or Sexual Violence Advisors**

Local procedures may designate trained individuals other than the Title IX Compliance Coordinator (Sexual Harassment Officer) to serve as additional resources for members of the University community who have questions or concerns regarding behavior that may be sexual harassment or sexual violence.

The names and contact information for the Title IX Compliance Coordinator (Sexual Harassment Officer) and any designated trained sexual harassment or sexual violence advisors shall be posted with the University’s [Policy on Sexual Harassment](#) on the location’s website and be readily accessible to the University community.

**B. Procedures for Reporting and Responding to Reports of Sexual Harassment**

1. Making

**C. Procedures for Reporting and Responding to Reports of Sexual Harassment or Sexual Violence**

Reports of sexual harassment or sexual violence should be brought forward as soon as possible after the alleged conduct occurs. While there is no stated timeframe for reporting, prompt reporting will better enable the University to investigate the acts, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delay in reporting can lead to difficulty in gathering evidence and identifying witnesses.

Comment [AP30]: This is a requirement indicated in the Office of Civil Rights, Department of Education “Dear Colleague Letter” 4/4/11.

Comment [AP31]: This section reflects current text, with the addition of references to sexual violence, in APM - 035-A-2-A-2.

Comment [AP32]: This section adapts current language in APM - 035, Appendix A-2-B.
reporting may impede the University's ability to conduct an investigation and/or effect appropriate remedial actions. The University will respond to reports of sexual harassment or sexual violence to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

All members of the University community are encouraged to contact the Title IX Compliance Coordinator (Sexual Harassment Officer) if they observe or encounter conduct that may be subject to the University’s Policy on Sexual Harassment. This includes conduct by employees, students, or third parties. Reports of sexual harassment may be brought to the Title IX Compliance Coordinator (Sexual Harassment Officer), to a human resources coordinator, or to any manager, supervisor, or other designated employee responsible for responding to reports of sexual harassment. If the person to whom harassment normally would be reported is the individual accused of harassment, reports may be made to another manager, supervisor, human resources coordinator, or designated employee. Managers, supervisors, and designated employees shall be required to notify the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints when a report is received.

1. **Making Reports of Sexual Harassment or Sexual Violence**

For reports of sexual violence, including domestic violence, dating violence, sexual assault, or stalking, complainants should be advised of procedures to follow, including information in writing about:

(a) to whom the alleged offense should be reported;

(b) options regarding law enforcement and campus authorities, including notification of the complainant’s option to notify law enforcement authorities, including on-campus and local police; be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses; or to decline to notify such authorities;

(c) the rights of complainants and the University’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts;

(d) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order.


Comment [AP34]: New language in this section is required by VAWA 20 U.S.C. 1092(f).


(e) Written notification to students or employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

(f) Written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Reports of sexual harassment shall be brought as soon as possible after the alleged conduct occurs, optimally within one year. Prompt reporting will enable the University to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. For reports of sexual harassment brought after one year, locations shall respond to reports of sexual harassment to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

If a student or employee reports to the University that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus or any University location, shall be provided with a written explanation of the student or employee’s rights and options.

2. Options for Resolution

Individuals making reports of sexual harassment or sexual violence shall be informed about options for resolving potential violations of the Policy on Sexual Harassment. These options shall include procedures for Early Resolution, procedures for Formal Investigation, and filing complaints or grievances under applicable University complaint resolution or grievance procedures. Individuals making reports also shall be informed about policies applying to confidentiality of reports under this Policy (see F.G. below). Locations shall respond to the greatest extent possible to reports of sexual harassment and sexual violence brought anonymously or brought by third parties not directly involved in the harassment asserted offenses. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Individuals bringing reports of sexual harassment and sexual violence shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the incident, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having made a report of sexual harassment or sexual violence in good faith, who assisted someone with a report of sexual harassment or sexual violence, or who participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence, may make a complaint under the Policy on Sexual Harassment. The University shall respond to the complaint in accordance with the procedures set forth in the Policy on Sexual Harassment.
a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment or sexual violence and will be subject to the same procedures.

3. Procedures for Early Resolution

The goal of Early Resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Locations are encouraged to utilize Early Resolution options when the parties desire to resolve the situation cooperatively and/or when a Formal Investigation is not likely to lead to a satisfactory outcome. Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution shall be flexible and encompass a full range of possible appropriate outcomes. Early Resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, or providing remedies for the individual harmed by the harassment offense. Early Resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively. Early Resolution may be appropriate for responding to anonymous reports and/or third party reports. Steps taken to encourage Early Resolution and agreements reached through Early Resolution efforts should be documented.

While the University encourages early resolution of a complaint, the University does not require that parties participate in Early Resolution prior to the University’s decision to initiate a formal investigation. Some reports of sexual harassment and sexual violence may not be appropriate for early resolution mediation (such as when the facts are in dispute in reports of serious misconduct, or when reports involve sexual violence or individuals with a pattern of inappropriate behavior or allege criminal acts such as stalking, sexual assault or physical assault) but may require a formal investigation at the discretion of the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints.

5. Procedures for Formal Investigation

In response to reports of sexual harassment or sexual violence in cases where Early Resolution is inappropriate (such as when the facts are in dispute in reports of serious misconduct, or when reports involve individuals with a pattern of inappropriate behavior or allege criminal acts such as stalking, sexual assault or physical assault) or in cases where Early Resolution is unsuccessful, the location may conduct a Formal Investigation. In such cases, the individual making the report shall be encouraged to file a written request for Formal Investigation. The wishes of the individual making the request shall be considered, but are not determinative, in the decision to initiate a Formal Investigation of a report of sexual harassment or sexual violence.
violence. In cases where there is no written request, the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints, in consultation with the administration, may initiate a Formal Investigation after making a preliminary inquiry into the facts.

In cases where a complainant states he or she does not want to pursue a Formal Investigation, the Title IX Compliance Coordinator should inform the complainant that the ability to investigate may be limited. In determining whether to go forward with a Formal Investigation, the Title IX Compliance Coordinator may consider: 1) the seriousness of the allegation, 2) in the case of a student complainant, the age of the student, 3) whether there have been other complaints or reports against the accused, and 4) the rights of the accused individual to receive information about the complainant and the allegations if formal proceedings with sanctions may result. Even if a complainant does not want to pursue an investigation, under some circumstances the Title IX Compliance Coordinator may have an obligation to investigate, such as when there is a risk to the campus community if the accused remains on campus. The complainant should be made aware of this independent obligation to investigate the complaint.

(a) In order to provide a prompt, fair, and impartial investigation and resolution, any Formal Investigation of reports of sexual harassment and/or sexual violence shall incorporate the following standards:

1. The individual(s) accused of conduct violating the Policy on Sexual Harassment shall be provided a copy of the written request for Formal Investigation or otherwise given a full and complete written statement of the allegations, and a copy of the Policy on Sexual Harassment and Procedures for Responding to Reports of Sexual Harassment.
2. The individual(s) conducting the investigation shall be familiar with the Policy on Sexual Harassment and have training or experience in conducting the investigations. For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on issues related to domestic violence, dating violence, sexual assault and stalking, and on how to conduct an investigation and hearing process that protects the safety of the complainants and promotes accountability.

(b) If the alleged conduct is also the subject of a criminal investigation, the campus may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to this Policy. However, a campus may need to delay temporarily the fact-finding portion of a sexual harassment investigation while the police are gathering evidence. Once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the campus must promptly resume and complete its fact-finding for the sexual harassment investigation.

Comment [AP40]: This new language is required by the Office of Civil Rights, Department of Education “Dear Colleague Letter” 4/4/11.

Comment [AP41]: Per VAWA, proceedings must be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault and stalking, and on how to conduct an investigation and hearing process that protects the safety of the complainant and promotes accountability.

Comment [AP42]: This new language is required by the Office of Civil Rights, Department of Education “Dear Colleague Letter” 4/4/11.
(c) The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

(d) The investigator shall apply a preponderance of evidence standard in determining whether or not there has been a violation of this University Policy.

(e) Upon request, the complainant and the accused may each have a representative present when he or she is interviewed and at any subsequent proceeding or related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable University policy or collective bargaining agreement.

(f) At any time during the investigation, the investigator may recommend that interim protections or remedies for the complainant parties or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the Policy on Sexual Harassment.

(g) The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the request for formal investigation was filed. This deadline may be extended on approval by a designated University official.

(h) Generally, an investigation should result in a written report that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator as to whether this University policy has been violated. The report also may contain a recommendation for actions to resolve the complaint, including educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The report shall be submitted to a designated University official with authority to implement the actions necessary to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

(i) The complainant and the accused shall be simultaneously informed promptly in writing when the investigation is completed. The complainant shall be informed if there were findings made that the policy was or was not violated and of actions taken to resolve the complaint. If any, that are directly related to the complainant, such as an order that the accused not contact the complainant in writing off.

The outcome of any University disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault or stalking:

Comment [AP43]: VAWA indicates that the policy must state the standard of evidence but does not specify what standard must be used. The “preponderance of evidence” standard is recommended in the Office of Civil Rights, Department of Education “Dear Colleague Letter” 4/4/11. Note that the standard to determine whether there has been a violation of Policy is different from that required to impose discipline, which, under Senate Bylaws 336 and 337, is proof of “clear and convincing evidence.”

Comment [AP44]: Required by VAWA 20 U.S.C. 1092(f). The accused and the accuser are entitled to the same opportunities to have a support person/advisor of their choice at any proceeding or related meeting, not just for the interview.

Comment [AP45]: In this section, required by VAWA 20 U.S.C. 1092(f), the accuser and the accused must be simultaneously informed in writing of these four items (i, ii, iii, and iv).
ii. The University’s procedures for appealing the results of the proceeding;

iii. Any change to the results that occur prior to the time that such results become final; and

iv. When results become final.

(i) The complainant shall be informed if there were findings made that the Policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with University policies protecting individuals’ privacy, the complainant may generally be notified that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the accused.

(k) The complainant and the accused may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information. However, the report shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report in accordance with University policy.

D. Complaints or Grievances Involving Allegations of Sexual Harassment or Sexual Violence

An individual who believes he or she has been subjected to sexual harassment or sexual violence may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure listed in Appendix I: University Complaint Resolution and Grievance Procedures. Such complaint or grievance may be filed either instead of or in addition to making a report of sexual harassment to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints under this Policy. A complaint or grievance alleging sexual harassment or sexual violence must meet all the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing.

If a complaint or grievance alleging sexual harassment or sexual violence is filed in addition to a report made to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints under this Policy, the complaint or grievance shall be held in abeyance subject to the requirements of any applicable complaint resolution or grievance procedure, pending the outcome of the Early Resolution or Formal Investigation.

Comment [AP46]: This section is adapted from current text in APM - 035, Appendix A-2-B-4-h as required by VAWA.

Comment [AP47]: This text is current language adapted from APM - 035, Appendix A-2-C.
procedures. If the individual wishes to proceed with the complaint or grievance, the Early Resolution or Formal Investigation shall constitute the first step or steps of the applicable complaint resolution or grievance procedure.

An individual who has made a report of sexual harassment or sexual violence also may file a complaint or grievance alleging that the actions taken in response to the report of sexual harassment or sexual violence did not follow University policy. Such a complaint or grievance may not be filed to address a disciplinary sanction imposed upon the accused. Any complaint or grievance regarding the resolution of a report of sexual harassment or sexual violence under this procedure must be filed in a timely manner. The time period for filing begins on the date the individual was notified of the outcome of the sexual harassment or sexual violence investigation or other resolution process pursuant to this policy, and/or of the actions taken by the administration in response to the report of sexual harassment or sexual violence, whichever is later.

1. Once a complaint or grievance is filed, the following written notifications must be given to the complainant:

   (a) Notification about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

   (b) Notification to complainants about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement.

If the report to the University involves allegations of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus or any University location, the complainant shall be provided with a written explanation of rights and options.

bE. Remedies and Referral to Disciplinary Procedures

Findings of violations of the Policy on Sexual Harassment may be considered in determining remedies for individuals harmed by the sexual harassment or sexual violence and shall be referred to applicable local disciplinary procedures (Appendix II). Procedures under this policy shall be coordinated with applicable local complaint resolution, grievance, and disciplinary procedures to avoid duplication in the fact-finding process whenever possible. Violations of the policy may include engaging in sexual harassment or sexual violence, retaliating against a complainant reporting sexual harassment or sexual violence, violating interim procedures protections, and filing

Comment [AP48]: Per VAWA 20 U.S.C. 1092(f), once a complaint is filed, these written notifications in items (a) and (b) must be given to the complainant.

Comment [AP49]: FAQs are being developed to provide examples.

Comment [AP50]: This text is current language adapted from APM - 035, Appendix A-2-D.
intentionally false charges of sexual harassment or sexual violence. Investigative reports made pursuant to this policy may be used as evidence in subsequent complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

F. Privacy

The University shall protect the privacy of individuals involved in a report of sexual harassment or sexual violence to the extent required by law and University policy. A report of sexual harassment or sexual violence may result in the gathering of extremely sensitive information about individuals in the University community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment or sexual violence. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of sexual harassment or sexual violence may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report).

However, information in addition, when the offense involves a crime of violence or a non-forcible sex offense, the Family Educational Rights and Privacy Act permits disclosure to the complainant the final results of a disciplinary proceeding against the alleged accused, regardless of whether the University concluded that a violation was committed. Information regarding disciplinary action taken against the accused shall not be disclosed without the accused’s consent, unless permitted by law as noted above, or unless it is necessary to ensure compliance with the action or the safety of individuals.

G. Confidentiality of Reports of Sexual Harassment and Sexual Violence

Each location shall identify confidential resources with whom members of the University community can consult for advice and information regarding making a report of sexual harassment or sexual violence. These resources provide individuals who may be interested in bringing a report of sexual harassment or sexual violence with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. These resources shall be posted on the location’s website and prominently displayed in common areas. Confidential resources include campus ombudspersons and/or licensed counselors in employee assistance programs or student health services counseling centers. Individuals who consult with confidential resources shall be advised that their discussions in these settings are not considered reports of sexual harassment or sexual violence and that without additional action by the individual, the discussions will not result in any action by the University to resolve their concerns.
The locations shall notify the University community that certain University employees, such as the Title IX Compliance Coordinator (Sexual Harassment Officer), managers, supervisors, and other designated employees have an obligation to respond to reports of sexual harassment or sexual violence, even if the individual making the report requests that no action be taken. An individual's requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible.

**CH. Retention of Records Regarding Reports of Sexual Harassment and Sexual Violence**

The office of the Title IX Compliance Coordinator (Sexual Harassment Officer) is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with University records policies, generally five years after the date the complaint is resolved. Records may be maintained longer at the discretion of the Title IX Compliance Coordinator (Sexual Harassment Officer) in cases where the parties have a continuing affiliation with the University. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel.
VI. RELATED INFORMATION

- Violence Against Women Reauthorization Act (VAWA) of 2013
- Academic Personnel Manual (APM) Section 015, The Faculty Code of Conduct (referenced in Section III.D, footnote 1)
- Academic Personnel Manual (APM) Section 016, University Policy on Faculty Conduct and the Administration of Discipline (referenced in Section III.D, footnote 1)
- Academic Personnel Manual (APM) Section 035, Affirmative Action and Nondiscrimination in Employment (referenced in Section III.D, footnote 2)
- Academic Personnel Manual (APM) Section 150, Non-Senate Academic Appointees/Corrective Action and Dismissal
- Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters (referenced in Section III.D, footnote 2)
- Personnel Policies for Staff Members 12 (Nondiscrimination in Employment) (referenced in Section III.D, footnote 2)
- Policy on Student Conduct and Discipline
- Student-Related Policy Applying to Nondiscrimination on the Basis of Sex
- University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment (referenced in Section III.D, footnote 2)
- UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information
- University of California Policies Applying to Campus Activities, Organizations, and Students (referenced in Section III.D, footnote 2)

[NOTE: links to applicable State and Federal Law, as well as OCR “Dear Colleague” letter will be included]

VII. FREQUENTLY ASKED QUESTIONS

[to be developed]

VIII. REVISION HISTORY

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APPENDIX I: University Complaint Resolution and Grievance Procedures

Applicable complaint resolution and grievance procedures for members of the University community:

**Academic Personnel:**
- Members of the Academic Senate: Senate Bylaw 335
- Non-Senate Academic Appointees: APM - 140
- Exclusively Represented Academic Appointees: Applicable collective bargaining agreement

**Students:**
- Policies Applying to Campus Activities, Organizations and Students, Section 110.00

**Staff Personnel:**
- Senior Managers: PPSM II-70
- Managers and Senior Professionals, Salary Grades VIII and IX: PPSM 71
- Managers and Senior Professionals, Salary Grades I – VII; and Professional and Support Staff: PPSM 70
- Exclusively Represented Staff Personnel: Applicable collective bargaining agreement
- Lawrence Berkeley National Laboratory Employees: Applicable Laboratory policy

**All:**
- The University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy) and the University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints (Whistleblower Protection Policy).

Comment [AP57]: This section updates the current APM - 035, Appendix A-2, Appendix I.
Reviewing Retaliation Complaints (Whistleblower Protection Policy), which govern the reporting and investigation of violations of state or federal laws or regulations and University policy, including sexual harassment.
APPENDIX II: University Disciplinary Procedures

Applicable disciplinary action procedures if a report of sexual harassment or sexual violence results in a recommendation for disciplinary action:

A. The Faculty Code of Conduct (APM - 015) as approved by the Assembly of the Academic Senate and by The Regents outlines ethical and professional standards which University faculty are expected to observe. It also identifies various forms of unacceptable behavior which are applicable in cases of sexual harassment or sexual violence. Because the forms of unacceptable behavior listed in the Faculty Code of Conduct are interpreted to apply to sexual harassment or sexual violence, a violation of the University's Policy on Sexual Harassment and Sexual Violence constitutes a violation of the Faculty Code of Conduct. The University Policy on Faculty Conduct and the Administration of Discipline (APM - 016) outlines sanctions and disciplinary procedures for faculty.

B. Provisions of the policy on Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150) and collective bargaining agreements (applicable to exclusively represented academic appointees) provide for corrective action or dismissal for conduct which violates University policy.

C. The Policies Applying to Campus Activities, Organizations, and Students sets forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that may be imposed for violation of University policies or campus regulations.

D. Provisions of the Personnel Policies for Staff Members and the Lawrence Berkeley National Laboratory personnel policies (applicable to non-exclusively represented staff employees), and collective bargaining agreements (applicable to exclusively represented staff employees) prohibit conduct which violates University policy with respect to sexual harassment or sexual violence and provide for disciplinary action for violation of University policy.
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I. POLICY SUMMARY

The University of California is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community should be aware that the University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this policy on Sexual Harassment and Sexual Violence (hereafter referred to as Policy).
This Policy applies to the University of California campuses, the Lawrence Berkeley National Laboratory, the Medical Centers, and the Office of the President, and all auxiliary University locations.

II. DEFINITIONS

Consent as referenced in this Policy means:

1. Consent is informed. Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent to some form of sexual activity does not imply consent to other forms of sexual activity.

2. Consent is voluntary. It is given without coercion, force, threats, or intimidation; it is a positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

3. Consent is given when the person is not impaired or incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion, or has a mental disorder, developmental disability, or physical disability that would impair his/her understanding of the act.
   (a) Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep and blackouts.
   (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 factors to be considered include whether the accused knew, or a reasonable person in the position of the accused should have known, that the complainant was impaired or incapacitated.

Executive Officer: The University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agricultural and Natural Resources.

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person’s employment or education, unreasonably interferes with a person’s work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. Sexual harassment includes sexual violence. In the interest of preventing sexual harassment and sexual violence, the University will respond to reports of any such conduct.
Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, residents and interns, students, student employees (when acting within the course and scope of employment), and non-student or non-employee participants in University programs, such as vendors, contractors, visitors, and patients. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex. In determining whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Consistent with the University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Section 102.09, harassment of one student by another is defined as unwelcome conduct of a sexual nature 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.

**Sexual Violence** is defined as physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. This includes: sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

1. **Domestic Violence** is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has had a child or is having or has had a dating or engagement relationship.

2. **Dating Violence** is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

3. **Sexual Assault** occurs when physical sexual activity is intentionally engaged in without the consent of the other person. The conduct may include physical force, violence, threat, or intimidation; ignoring the objections of the other person; causing the other person’s intoxication or impairment through the use of drugs or alcohol; taking advantage of the other person’s incapacitation (including voluntary intoxication), state of intimidation, or other inability to consent.

4. **Stalking** is behavior in which a person repeatedly engages in a course of conduct directed at another specific person, that places that person in reasonable fear of his or her safety or the safety of a third person or persons.
III. POLICY TEXT

A. General
The University of California is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community should be aware that the University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy.

This Policy applies to the University of California campuses, the Lawrence Berkeley National Laboratory, the Medical Centers, and the Office of the President, including Agriculture and Natural Resources, and all auxiliary University locations.

B. Prohibited Acts
This Policy prohibits sexual harassment and sexual violence as defined in Section II of this Policy.

C. Consensual Relationships
This Policy covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the University community are subject to other University policies. For example, policies governing faculty-student relationships are detailed in The Faculty Code of Conduct. While romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence, subject to this Policy.

D. Gender Identity, Gender Expression, or Sexual Orientation Discrimination
Harassment that is not sexual in nature but is based on gender, gender identity, gender expression, sex-stereotyping, or sexual orientation also is prohibited by the University’s nondiscrimination policies if it denies or limits a person’s ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination.

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1 The Faculty Code of Conduct may be found in the Academic Personnel Manual (APM) Section 015.
based on gender, gender identity, gender expression, sex-stereotyping, or sexual orientation.

E. Retaliation
This Policy also prohibits retaliation against a person who reports sexual harassment or sexual violence, assists someone with a report of sexual harassment or sexual violence, or participates in any manner in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

F. Dissemination of the Policy, Educational Programs, and Employee Training
As part of the University’s commitment to providing a working and learning environment protected from sexual harassment and sexual violence, this Policy shall be disseminated widely to the University community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. The locations shall make educational materials available to all members of the University community to promote compliance with this Policy and familiarity with local reporting procedures. In addition, the locations shall designate University employees responsible for reporting sexual harassment and sexual violence and provide training to those designated employees. Generally, such persons include supervisors, managers, academic administrators, deans, department chairs, student advisors, graduate advisors, residence hall staff, coaches, law enforcement officers, student judicial affairs staff, counselors, and health center staff. Each location shall post a copy of this Policy in a prominent place on its website. (See Section V. Procedures)

G. Reporting of Sexual Harassment or Sexual Violence
Any member of the University community may report conduct that may constitute sexual harassment or sexual violence under this Policy to any supervisor, manager, or Title IX Officer. In addition, supervisors, managers, and other designated employees are responsible for taking whatever action is necessary to prevent and address sexual harassment or sexual violence and to report it promptly to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints. An individual also may file a complaint or grievance alleging sexual harassment or sexual violence under the applicable University complaint resolution or grievance procedure (Section V. Procedures; Appendix I: University Complaint Resolution and Grievance Procedures)
Complainants should be advised of reporting procedures, including written information about:

1. to whom the alleged offense should be reported;
2. options regarding reporting to law enforcement (both on-campus and local police), and to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses, or to decline to notify law enforcement authorities;
3. their rights and the University’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts; and
4. the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;

Locations shall identify and publish in their campus implementing procedures of this Policy, on- and off-campus resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services (Section V. Procedures).

H. Response to Reports of Sexual Harassment or Sexual Violence

The locations shall provide a prompt and effective response to reports of sexual harassment or sexual violence in accordance with Section V. Procedures. A prompt and effective response may include Early Resolution, Formal Investigation, and/or targeted training or educational programs.

Upon findings of sexual harassment or sexual violence, the University may offer remedies to the individual or individuals harmed by the harassment and/or violence consistent with applicable complaint resolution and grievance procedures (Appendix I: University Complaint Resolution and Grievance Procedures). Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions. Any member of the University community who is found to have engaged in sexual harassment or sexual violence is subject to disciplinary action up to and including dismissal in accordance with the applicable University disciplinary procedure (Appendix II: University Disciplinary Procedures) or other University policy. Generally, disciplinary action will be recommended when the conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs. Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment or sexual violence who knew about the incident and took no action to stop it or failed to report the prohibited act also may be subject to disciplinary action. Conduct by an employee that is sexual harassment or sexual violence or retaliation in violation of this Policy is considered to be outside the normal course and scope of employment.
J. Intentionally False Reports
Individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action under the applicable University disciplinary procedure (Appendix II: University Disciplinary Procedures). This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

K. Free Speech and Academic Freedom
As participants in a public university, the faculty and other academic appointees, staff, and students of the University of California enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This Policy is intended to protect members of the University community from discrimination, not to regulate protected speech. This Policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this Policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

L. Additional Enforcement Information
The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate complaints of unlawful harassment, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful harassment and sexual violence by students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC, DFEH or OCR listed in the telephone directory.

IV. COMPLIANCE / RESPONSIBILITIES
A. Implementation of the Policy
The Vice Provost – Academic Personnel, the Vice President – Student Affairs, and the Vice President – Human Resources are the Responsible Officers for this policy and have the authority to implement the policy and to develop procedures or other supplementary information to support the implementation of this policy. Responsible Officers may apply appropriate and consistent interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy.
The Executive Officer at each location is authorized to establish and is responsible for local procedures necessary to implement the policy.

**B. Revisions to the Policy**
The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Responsible Officers.

The Responsible Officers have the authority to initiate revisions to the policy, consistent with approval authorities and applicable Bylaws and Standing Orders of The Regents.

The Executive Vice President – Business Operations has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

**C. Approval of Actions**
Actions within this policy must be approved in accordance with local procedures. Executive Officers and Responsible Officers are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

**D. Compliance with the Policy**
The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established. Local procedures must be consistent with this policy.

The Responsible Officers are accountable for reviewing the administration of this policy. The Senior Vice President – Chief Compliance and Audit Officer will periodically audit and monitor compliance to this policy.

**E. Noncompliance with the Policy**
Noncompliance with the policy is managed in accordance with the Policy on Student Conduct and Discipline, Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters, and in accordance with University policies, including but not limited to, The Faculty Code of Conduct (APM - 015) and University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150) or, as applicable, collective bargaining agreements. Reference Section VI and Appendices I and II.
V. PROCEDURES
The Executive Officer at each location shall identify and publish in their local implementing procedures of this Policy on- and off- University-locations resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services.

A. Location Responsibilities
The locations shall, in accordance with state and federal law:

1. Offer sexual harassment and sexual violence training and education to all members of the University community and consistent with California Government Code 12950.1, provide sexual harassment training and education to each supervisory employee;

2. Add to existing education programs promoting awareness of rape and acquaintance rape the topics of domestic violence, dating violence, sexual assault, and stalking: Include in education programs specifically for incoming students and new employees the definition of consent, options for bystander intervention, and risk reduction awareness information;

3. Offer annual training on issues related to sexual violence, as defined in this Policy, for individuals conducting formal investigations of reports;

4. Provide all members of the University community with a process for reporting sexual harassment or sexual violence in accordance with the Policy; and

5. Provide for prompt and effective response to reports of sexual harassment in accordance with the Policy.

These procedures also cover reports of retaliation related to reports of sexual harassment or sexual violence. Any exceptions to these procedures must be approved by the Executive Officer at each location.

B. Local Sexual Harassment and Sexual Violence Resources

1. Title IX Compliance Coordinator (Sexual Harassment Officer)

Each location shall designate a Title IX Compliance Coordinator (Sexual Harassment Officer) whose responsibilities include, but may not be limited to, the duties listed below.

(a) Plan and manage the local sexual harassment and sexual violence education and training programs. The programs should include wide dissemination of this Policy to the University community; providing educational materials to promote compliance with the Policy and familiarity
with local reporting procedures; and training University employees responsible for reporting or responding to reports of sexual harassment.

(b) Develop and implement local procedures to provide for prompt and effective response to reports of sexual harassment or sexual violence in accordance with this Policy, and submit the local procedures to the applicable Responsible Officer for review and approval.

(c) Maintain records of reports of sexual harassment and sexual violence at the location and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate.

(d) Identify and address any patterns or systemic problems that arise during the review of sexual harassment and sexual violence complaints.

(e) Prepare and submit an annual report to the Vice President – Human Resources, for submission by the President to the Regents, on sexual harassment and sexual violence complaint activity during the preceding calendar year in a format specified by the Vice President – Human Resources.

2. Trained Sexual Harassment or Sexual Violence Advisors

Local procedures may designate trained individuals other than the Title IX Compliance Coordinator (Sexual Harassment Officer) to serve as additional resources for members of the University community who have questions or concerns regarding behavior that may be sexual harassment or sexual violence.

The names and contact information for the Title IX Compliance Coordinator (Sexual Harassment Officer) and any designated trained sexual harassment or sexual violence advisors shall be posted with the University's Policy on the location's website and be readily accessible to the University community.

C. Procedures for Reporting and Responding to Reports of Sexual Harassment or Sexual Violence

Reports of sexual harassment or sexual violence should be brought forward as soon as possible after the alleged conduct occurs. While there is no stated timeframe for reporting, prompt reporting will better enable the University to investigate the acts, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delay in reporting may impede the University’s ability to conduct an investigation and/or effect appropriate remedial actions. The University will respond to reports of sexual harassment or sexual violence to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.
All members of the University community are encouraged to contact the Title IX Compliance Coordinator (Sexual Harassment Officer) if they observe or encounter conduct that may be subject to the University’s Policy. This includes conduct by employees, students, or third parties. Reports of sexual harassment may be brought to the Title IX Compliance Coordinator (Sexual Harassment Officer), to a human resources coordinator, or to any manager, supervisor, or other designated employee responsible for responding to reports of sexual harassment. If the person to whom harassment normally would be reported is the individual accused of harassment, reports may be made to another manager, supervisor, human resources coordinator, or designated employee. Managers, supervisors, and designated employees shall be required to notify the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints when a report is received.

1. Making Reports of Sexual Harassment or Sexual Violence

For reports of sexual violence, including domestic violence, dating violence, sexual assault, or stalking, complainants should be advised of procedures to follow, including information in writing about:

(a) to whom the alleged offense should be reported.

(b) options regarding law enforcement and campus authorities, including notification of the complainant’s option to notify law enforcement authorities, including on-campus and local police; be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses; or to decline to notify such authorities.

(c) the rights of complainants and of the University’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts.

(d) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order.

(e) Written notification to students or employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

(f) Written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
If a student or employee reports to the University that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on- or off-campus or any University location, shall be provided with a written explanation of the student or employee’s rights and options.

2. Options for Resolution

Individuals making reports of sexual harassment or sexual violence shall be informed about options for resolving potential violations of the Policy. These options shall include procedures for Early Resolution, procedures for Formal Investigation, and filing complaints or grievances under applicable University complaint resolution or grievance procedures. Individuals making reports also shall be informed about policies applying to confidentiality of reports under this Policy (see G. below). Locations shall respond to the greatest extent possible to reports of sexual harassment and sexual violence brought anonymously or brought by third parties not directly involved in the asserted offenses. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Individuals bringing reports of sexual harassment and sexual violence shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the incident, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having made a report of sexual harassment or sexual violence in good faith, who assisted someone with a report of sexual harassment or sexual violence, or who participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment or sexual violence and will be subject to the same procedures.

3. Procedures for Early Resolution

The goal of Early Resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Locations are encouraged to utilize Early Resolution options when the parties desire to resolve the situation cooperatively and/or when a Formal Investigation is not likely to lead to a satisfactory outcome. Early Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution shall be flexible and encompass a full range of possible appropriate outcomes. Early Resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, or providing remedies for the individual
harmed by the offense. Early Resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively. Early Resolution may be appropriate for responding to anonymous reports and/or third party reports. Steps taken to encourage Early Resolution and agreements reached through Early Resolution efforts should be documented.

While the University encourages Early Resolution of a complaint, the University does not require that parties participate in Early Resolution prior to the University’s decision to initiate a formal investigation. Some reports of sexual harassment and sexual violence may not be appropriate for mediation (such as when the facts are in dispute in reports of serious misconduct, or when reports involve sexual violence or individuals with a pattern of inappropriate behavior or allege criminal acts such as stalking, sexual assault or physical assault) but may require a formal investigation at the discretion of the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints.

5. Procedures for Formal Investigation

In response to reports of sexual harassment or sexual violence in cases where Early Resolution is inappropriate or in cases where Early Resolution is unsuccessful, the location may conduct a Formal Investigation. In such cases, the individual making the report shall be encouraged to file a written request for Formal Investigation. The wishes of the individual making the request shall be considered, but are not determinative, in the decision to initiate a Formal Investigation of a report of sexual harassment or sexual violence. In cases where there is no written request, the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints, in consultation with the administration, may initiate a Formal Investigation after making a preliminary inquiry into the facts.

In cases where a complainant states he or she does not want to pursue a Formal Investigation, the Title IX Compliance Coordinator should inform the complainant that the ability to investigate may be limited. In determining whether to go forward with a Formal Investigation, the Title IX Compliance Coordinator may consider: 1) the seriousness of the allegation, 2) in the case of a student complainant, the age of the student, 3) whether there have been other complaints or reports against the accused, and 4) the rights of the accused individual to receive information about the complainant and the allegations if formal proceedings with sanctions may result. Even if a complainant does not want to pursue an investigation, under some circumstances, the Title IX Compliance Coordinator may have an obligation to investigate, such as when there is a risk to the campus community if the accused remains on campus. The complainant should be made aware of this independent obligation to investigate the complaint.
(a) In order to provide a prompt, fair, and impartial investigation and resolution, any Formal Investigation of reports of sexual harassment and/or sexual violence shall incorporate the following standards:

i. The individual(s) accused of conduct violating the Policy shall be provided a copy of the written request for Formal Investigation or otherwise given a full and complete written statement of the allegations, and a copy of the Policy.

ii. The individual(s) conducting the investigation shall be familiar with the Policy and have training or experience in conducting investigations. For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on issues related to sexual violence. Such training includes how to conduct an investigation and hearing process that protects the safety of the complainants and promotes accountability.

(b) If the alleged conduct is also the subject of a criminal investigation, the campus may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to this Policy. However, a campus may need to delay temporarily the fact-finding portion of a sexual harassment investigation while the police are gathering evidence. Once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the campus must promptly resume and complete its fact-finding for the sexual harassment investigation.

(c) The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

(d) The investigator shall apply a preponderance of evidence standard in determining whether or not there has been a violation of this University Policy.

(e) Upon request, the complainant and the accused may each have a representative present when he or she is interviewed, and at any subsequent proceeding or related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable University policy or collective bargaining agreement.

(f) At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative
working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of this Policy.

(g) The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the request for formal investigation was filed. This deadline may be extended on approval by a designated University official.

(h) Generally, an investigation should result in a written report that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator as to whether this University Policy has been violated. The report also may contain a recommendation for actions to resolve the complaint, including educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The report shall be submitted to a designated University official with authority to implement the actions necessary to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

(i) The complainant and the accused will be simultaneously informed in writing of:

i. The outcome of any University disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault or stalking;

ii. The University's procedures for appealing the results of the proceeding;

iii. Any change to the results that occur prior to the time that such results become final; and

iv. When results become final.

(j) The complainant shall be informed if there were findings made that the Policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with University policies protecting individuals' privacy, the complainant may generally be notified that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the accused.

(k) The complainant and the accused may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information. However, the report shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report in accordance with University policy.

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3 UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information.
D. Complaints or Grievances Involving Allegations of Sexual Harassment or Sexual Violence

An individual who believes he or she has been subjected to sexual harassment or sexual violence may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure listed in Appendix I: University Complaint Resolution and Grievance Procedures. Such complaint or grievance may be filed either instead of or in addition to making a report of sexual harassment to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints under this Policy. A complaint or grievance alleging sexual harassment or sexual violence must meet all the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing.

If a complaint or grievance alleging sexual harassment or sexual violence is filed in addition to a report made to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints under this Policy, the complaint or grievance shall be held in abeyance subject to the requirements of any applicable complaint resolution or grievance procedure, pending the outcome of the Early Resolution or Formal Investigation procedures. If the individual wishes to proceed with the complaint or grievance, the Early Resolution or Formal Investigation shall constitute the first step or steps of the applicable complaint resolution or grievance procedure.

An individual who has made a report of sexual harassment or sexual violence also may file a complaint or grievance alleging that the actions taken in response to the report of sexual harassment or sexual violence did not follow University Policy. Such a complaint or grievance may not be filed to address a disciplinary sanction imposed upon the accused. Any complaint or grievance regarding the resolution of a report of sexual harassment or sexual violence under this procedure must be filed in a timely manner. The time period for filing begins on the date the individual was notified of the outcome of the sexual harassment or sexual violence investigation or other resolution process pursuant to this Policy, and/or of the actions taken by the administration in response to the report of sexual harassment or sexual violence, whichever is later.

1. Once a complaint or grievance is filed, the following written notifications must be given to the complainant:

   (a) Notification about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

   (b) Notification to complainants about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement.
If the report to the University involves allegations of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus or any University location, the complainant shall be provided with a written explanation of rights and options.

E. Remedies and Referral to Disciplinary Procedures
Findings of violations of the Policy may be considered in determining remedies for individuals harmed by the sexual harassment or sexual violence and shall be referred to applicable local disciplinary procedures (Appendix II). Procedures under this Policy shall be coordinated with applicable local complaint resolution, grievance, and disciplinary procedures to avoid duplication in the fact-finding process whenever possible. Violations of the Policy may include engaging in sexual harassment or sexual violence, retaliating against a complainant reporting sexual harassment or sexual violence, violating interim protections, and filing intentionally false charges of sexual harassment or sexual violence. Investigative reports made pursuant to this Policy may be used as evidence in subsequent complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

F. Privacy
The University shall protect the privacy of individuals involved in a report of sexual harassment or sexual violence to the extent permitted by law and University Policy. A report of sexual harassment or sexual violence may result in the gathering of extremely sensitive information about individuals in the University community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment or sexual violence. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of sexual harassment or sexual violence may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). In addition, when the offense involves a crime of violence or a non-forcible sex offense, the Family Educational Rights and Privacy Act permits disclosure to the complainant the final results of a disciplinary proceeding against the alleged accused, regardless of whether the University concluded that a violation was committed. Information regarding disciplinary action taken against the accused shall not be disclosed without the accused’s consent, unless permitted by law as noted above, or unless it is necessary to ensure compliance with the action or the safety of individuals.

G. Confidentiality of Reports of Sexual Harassment and Sexual Violence
Each location shall identify confidential resources with whom members of the University community can consult for advice and information regarding making a report of sexual harassment or sexual violence. These resources provide individuals who may be interested in bringing a report of sexual harassment or sexual violence with a safe place to discuss their concerns and learn about the procedures and potential outcomes
involved. These resources shall be posted on the location’s website and prominently displayed in common areas. Confidential resources include campus ombudspersons and/or licensed counselors in employee assistance programs or student counseling centers. Individuals who consult with confidential resources shall be advised that their discussions in these settings are not considered reports of sexual harassment or sexual violence and that without additional action by the individual, the discussions will not result in any action by the University to resolve their concerns.

The locations shall notify the University community that certain University employees, such as the Title IX Compliance Coordinator (Sexual Harassment Officer), managers, supervisors, and other designated employees have an obligation to respond to reports of sexual harassment or sexual violence, even if the individual making the report requests that no action be taken. An individual’s requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University’s legal obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible.

**H. Retention of Records Regarding Reports of Sexual Harassment and Sexual Violence**

The office of the Title IX Compliance Coordinator (Sexual Harassment Officer) is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with University records policies, generally five years after the date the complaint is resolved. Records may be maintained longer at the discretion of the Title IX Compliance Coordinator (Sexual Harassment Officer) in cases where the parties have a continuing affiliation with the University. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel.
VI. RELATED INFORMATION

- Violence Against Women Reauthorization Act (VAWA) of 2013
- Academic Personnel Manual (APM) Section 015, The Faculty Code of Conduct (referenced in Section III.D, footnote 1)
- Academic Personnel Manual (APM) Section 016, University Policy on Faculty Conduct and the Administration of Discipline (referenced in Section III.D, footnote 1)
- Academic Personnel Manual (APM) Section 035, Affirmative Action and Nondiscrimination in Employment (referenced in Section III.D, footnote 2)
- Academic Personnel Manual (APM) Section 150, Non-Senate Academic Appointees/Corrective Action and Dismissal
- Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters (referenced in Section III.D, footnote 2)
- Personnel Policies for Staff Members 12 (Nondiscrimination in Employment) (referenced in Section III.D, footnote 2)
- Policy on Student Conduct and Discipline
- Student-Related Policy Applying to Nondiscrimination on the Basis of Sex
- University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment (referenced in Section III.D, footnote 2)
- UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information
- University of California Policies Applying to Campus Activities, Organizations, and Students (referenced in Section III.D, footnote 2)

[NOTE: links to applicable State and Federal Law, as well as OCR “Dear Colleague” letter will be included]

VII. FREQUENTLY ASKED QUESTIONS

[to be developed]

VIII. REVISION HISTORY

[10/28/2013]
APPENDIX I: University Complaint Resolution and Grievance Procedures

Applicable complaint resolution and grievance procedures for members of the University community:

**Academic Personnel:**
- Members of the Academic Senate: Senate Bylaw 335
- Non-Senate Academic Appointees: APM - 140
- Exclusively Represented Academic Appointees: Applicable collective bargaining agreement

**Students:**
- Policies Applying to Campus Activities, Organizations and Students, Section 110.00

**Staff Personnel:**
- Senior Managers: PPSM II-70
- Managers and Senior Professionals, Salary Grades VIII and IX: PPSM 71
- Managers and Senior Professionals, Salary Grades I – VII; and Professional and Support Staff: PPSM 70
- Exclusively Represented Staff Personnel: Applicable collective bargaining agreement
- Lawrence Berkeley National Laboratory Employees: Applicable Laboratory policy

**All:**

The *University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy)* and the *University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints (Whistleblower Protection Policy)*, which govern the reporting and investigation of violations of state or federal laws or regulations and University policy, including sexual harassment.
APPENDIX II: University Disciplinary Procedures

Applicable disciplinary action procedures if a report of sexual harassment or sexual violence results in a recommendation for disciplinary action:

A. *The Faculty Code of Conduct (APM - 015)* as approved by the Assembly of the Academic Senate and by The Regents outlines ethical and professional standards which University faculty are expected to observe. It also identifies various forms of unacceptable behavior which are applicable in cases of sexual harassment or sexual violence. Because the forms of unacceptable behavior listed in *The Faculty Code of Conduct* are interpreted to apply to sexual harassment or sexual violence, a violation of the University’s *Policy on Sexual Harassment and Sexual Violence* constitutes a violation of the *Faculty Code of Conduct*. The *University Policy on Faculty Conduct and the Administration of Discipline (APM - 016)*, as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.

B. Provisions of the policy on *Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150)* (applicable to non-exclusively represented academic appointees) and collective bargaining agreements (applicable to exclusively represented academic appointees) provide for corrective action or dismissal for conduct which violates University policy.

C. The *Policies Applying to Campus Activities, Organizations, and Students* sets forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that may be imposed for violation of University policies or campus procedures.

D. Provisions of the *Personnel Policies for Staff Members*, and the Lawrence Berkeley National Laboratory personnel policies (applicable to non-exclusively represented staff employees), and collective bargaining agreements (applicable to exclusively represented staff employees) prohibit conduct which violates University policy with respect to sexual harassment or sexual violence and provide for disciplinary action for violation of University policy.
MODEL COMMUNICATION

The University invites comments on Proposed Revised University of California Policy on Sexual Harassment and Academic Personnel Manual (APM) Section 035, (APM- 035), Appendices A-1 and A-2, as described below:

The proposal implements policy requirements mandated by the Violence Against Women Reauthorization Act (VAWA 2013) to include within UC policy several provisions addressing domestic and sexual violence. The UC Policy on Sexual Harassment is a systemwide, Presidential policy that applies to all University employees, which includes all faculty and other academic appointees, students, and staff.

The proposal is located on the UCOP Academic Personnel website, “Policies under review”, under the “Systemwide Review” tab at http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html. It also may be viewed at (e.g., the campus Academic Personnel Office).

If you have any questions or if you wish to comment, please contact _______________ at ___________________, no later than ________________ 2014.
UNIVERSITY OF CALIFORNIA  
UNIVERSITY COMMITTEE ON FACULTY WELFARE  

Notice of Meeting  
Friday, October 11, 2013  
9:30 a.m. – 3:30 p.m.  
UC Office of the President – Room 5320  
1111 Franklin Street, Oakland  
Phone (Academic Senate): 510-987-9143  
Fax: 510-763-0309  
http://www.universityofcalifornia.edu/senate

Teleconference Participants, Please Dial:  
1-866-740-1260  
Code: 9870155 (#)

SharePoint url:  
https://sp2010.ucop.edu/sites/senate/ucfw/default.aspx

**AGENDA***

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<td>Discussion</td>
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<td>Action</td>
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<td>• Mary Gilly, Academic Council Vice Chair</td>
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<td>Information/</td>
<td>V. Report: UCFW Health Care Task Force (HCTF)</td>
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<td>Discussion</td>
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<tr>
<td>11:30-12</td>
<td></td>
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<tr>
<td>Information/</td>
<td>VI. Report: UCFW Task Force on Investment and Retirement (TFIR)</td>
<td>See email of Sept 30</td>
</tr>
<tr>
<td>Discussion</td>
<td>• Jim Chalfant, TFIR Chair</td>
<td></td>
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<tr>
<td>12-12:30</td>
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<tr>
<td><strong>working lunch</strong></td>
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<tr>
<td>Discussion</td>
<td>VII. Consultation with UCOP – CFO Division</td>
<td>See email of Sept 17</td>
</tr>
<tr>
<td>12:30-1:30</td>
<td>1. MOP Changes</td>
<td></td>
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<tr>
<td></td>
<td>• Sandra Kim, Executive Director, Capital Markets Finance</td>
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</tbody>
</table>

*This Agenda may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited.*
• Ruth Assily, Director, Office of Loan Programs
2. Composite Benefit Rates
• TBD

Discussion
1:30-2
VIII. Re-Bid Review
http://www.atyourservice.ucop.edu/oe/medical/
• Dwaine Duckett, Vice President, Human Resources
• Cheryl Lloyd, Interim Chief Risk Officer

Discussion
2-2:30
IX. UCRP Funding Status
• Gary Schlimgen, Executive Director, Pension and Retirement Programs, Human Resources

Discussion
2:30-3
X. Total Remuneration
• Susan Carlson, Vice Provost, Academic Personnel
• Dennis Larsen, Executive Director, Compensation Programs and Strategy, Human Resources

Information/Discussion
3-3:30
XI. Consultation with UCOP – Academic Personnel
• Susan Carlson, Vice Provost
1. Expanded “Stop the Clock” Eligibility
2. Salary Equity Remediation Plans
3. Upcoming APM Reviews
1 (pp 1-7)

Discussion
As available
XII. New Issues for Discussion

Agenda Enclosures:
1. DRAFT APM 133 (“Stop the Clock”) (pp. 1-7)

Information Items:
A. Proposed NSF COI Changes (pp. 8-19)
B. Academic Senate SharePoint Manual (pp. 20-30)
C. Systemwide Guidelines for Academic Senate Committees
D. Approved minutes can be found at: http://www.universityofcalifornia.edu/senate/committees/ucfw/

Important Meeting Information
Location: The meeting will convene in Room 5320, University of California, Office of the President, 1111 Franklin Street, 5th Floor, Oakland. Directions and a map are located online at: http://www.ucop.edu/services/directions-franklin.html

Parking: Visitor parking is available at UCOP on the 12th Street side of the building. The rate is $11 per day if you enter the parking structure before 9:00a.m. Daily parking is also available at a number of lots in the vicinity of the building.

Expenses: Request for reimbursement of meeting expenses should be submitted with a local campus travel expense voucher or the Systemwide Academic Senate travel expense voucher at: Reimbursement Form (PDF file; fill-out on-line & print)

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University of California Office of the President
1111 Franklin Street 9th floor
Oakland, CA 94607-5200

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Alternates: If you are unable to attend this meeting, please ask your Divisional Senate office to find an alternate, and notify the committee analyst, Kenneth Feer: kenneth.feer@ucop.edu
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http://www.universityofcalifornia.edu/senate/links.html
# AGENDA*

<table>
<thead>
<tr>
<th>Action</th>
<th>Item</th>
<th>Enclosures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information/Discussion</td>
<td>I. Chair’s Announcements</td>
<td></td>
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<tr>
<td>9:30-9:55</td>
<td>• Dan Hare, UCFW Chair</td>
<td></td>
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<tr>
<td>Action</td>
<td>II. Consent Calendar</td>
<td>1 (pp 1-5)</td>
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<tr>
<td></td>
<td>1. October Minutes</td>
<td></td>
</tr>
<tr>
<td>Information/Discussion</td>
<td>III. Report: UCFW Task Force on Investment and Retirement (TFIR)</td>
<td>2 (pp 6-20)</td>
</tr>
<tr>
<td>10-10:30</td>
<td>• Jim Chalfant, TFIR Chair</td>
<td>3 (pp 21-27)</td>
</tr>
<tr>
<td>Discussion</td>
<td>IV. Divisional Reports and Concerns</td>
<td></td>
</tr>
<tr>
<td>10:30-11</td>
<td>• Members</td>
<td></td>
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<tr>
<td>Information/Discussion</td>
<td>V. Report: UCFW Health Care Task Force (HCTF)</td>
<td></td>
</tr>
<tr>
<td>11-12</td>
<td>• Bill Parker, HCTF Chair</td>
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</tr>
<tr>
<td>Information/Discussion</td>
<td>VI. Consultation with UCOP – Human Resources</td>
<td></td>
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<tr>
<td>12:30-1:30</td>
<td>• Dwaine Duckett, Vice President</td>
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<tr>
<td></td>
<td>1. UC Care Feedback</td>
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<td></td>
<td>2. Collecting H&amp;W Benefits Feedback</td>
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<tr>
<td>Discussion</td>
<td>VII. Further Discussion</td>
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<tr>
<td>1:30-2</td>
<td>• Members Only, Please</td>
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<tr>
<td>Information/Discussion</td>
<td>VIII. Consultation with UCOP – Academic Personnel</td>
<td>4 (p 28)</td>
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<tr>
<td>2-2:30</td>
<td>• Susan Carlson, Vice Provost</td>
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<tr>
<td></td>
<td>1. APM 133 “Stop the Clock” Feedback</td>
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</tr>
<tr>
<td>Discussion/Action</td>
<td>IX. Systemwide Review Items</td>
<td></td>
</tr>
<tr>
<td>2:30-3:30</td>
<td>1. <a href="https://sp2010.ucop.edu/sites/senate/ucfw/default.aspx">Systemwide review of APM 600</a> (Comments due November 25, 2013)</td>
<td></td>
</tr>
</tbody>
</table>
2. **Systemwide review of Senate Bylaw 55** (Comments due January 17, 2014)
3. **APM 670, 671, 025 – HSCP Conflict of Commitment Policies** (Comments due February 15, 2014)

Discussion

As Available

X. **Further Discussion and New Business**

*Members only, please*

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**Agenda Enclosures:**

1. DRAFT UCFW October 11, 2013 Minutes of Meeting (pp. 1-5)
2. Proposed Text: Pension Reform Act of 2014 (pp. 6-20)
3. OP OGC RE: Pension Reform Act of 2014 (pp. 21-27)
4. APM 133 Preliminary Feedback (pp. 28)

**Information Items:**

A. **Systemwide Guidelines for Academic Senate Committees**
B. Approved minutes can be found at: [http://www.universityofcalifornia.edu/senate/committees/ucfw/](http://www.universityofcalifornia.edu/senate/committees/ucfw/)

---

**Important Meeting Information**

**Location:** The meeting will convene in Room 11326, University of California, Office of the President, 1111 Franklin Street, 11th Floor, Oakland. Directions and a map are located online at: [http://www.ucop.edu/services/directions-franklin.html](http://www.ucop.edu/services/directions-franklin.html)

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UNIVERSITY OF CALIFORNIA ACADEMIC SENATE
UNIVERSITY COMMITTEE ON AFFIRMATIVE ACTION AND DIVERSITY

Notice of Meeting
Thursday, October 10, 2013
10:00 a.m. – 4:00 p.m.
UCOP, 1111 Franklin Street, Oakland – Room 11326
Primary Dial-In: 1-866-740-1260 | Passcode: 9879466
http://www.universityofcalifornia.edu/senate/

<table>
<thead>
<tr>
<th>Action</th>
<th>Item</th>
<th>Enclosures</th>
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</thead>
<tbody>
<tr>
<td>Information 10:00-10:25</td>
<td>I. Chair’s Report/Announcements/Updates – Chair Emily Roxworthy</td>
<td>1 (pp. 6-37)</td>
</tr>
<tr>
<td></td>
<td>• Introductions</td>
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<td></td>
<td>• September 25 Academic Council Meeting</td>
<td>2 (p. 38)</td>
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<tr>
<td></td>
<td>• October 25 UC ADVANCE PAID Roundtable (NSF-sponsored program designed to recruit, retain, and advance female faculty in the STEM fields)</td>
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<td></td>
<td>• Continuation of UCAAD liaison-role to BOARS (Board on Admissions and Relations with Schools) to provide a means for regular consultation between the two committees on issues related to student diversity (UCAAD volunteer needed to replace Emily who served in this capacity last year.)</td>
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<tr>
<td>Action 10:25-10:30</td>
<td>II. Consent Calendar</td>
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<td></td>
<td>• Approval of the Agenda</td>
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<td><strong>ACTION REQUESTED</strong>: Approve the agenda as noticed.</td>
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<tr>
<td>Information/Discussion 10:30-10:45</td>
<td>III. Overview of Committee Charge, Processes, Member Roles and Responsibilities, and Resources – Chair Roxworthy and Members</td>
<td>3 (pp. 39-41)</td>
</tr>
<tr>
<td></td>
<td>Chair Roxworthy will provide an overview of UCAAD’s charge and program review processes, and with Committee members, discuss individual roles, responsibilities, and resources.</td>
<td>4 (p. 42)</td>
</tr>
<tr>
<td>Discussion 10:45-11:00</td>
<td>IV. Review of 2012-13 UCAAD Annual Report – Chair Roxworthy and Members</td>
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<td></td>
<td>Chair Roxworthy will discuss with members last year’s Annual Report which summarizes the major objectives undertaken by UCAAD and highlights the Committee’s major accomplishments and disposition of various issues from 2012-13.</td>
<td>5 (pp. 43-45)</td>
</tr>
</tbody>
</table>

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V. **Executive Session** (members only please)

Priority and Goal Setting for 2013-14

VI. **Announcements from the President’s Office** –

*Vice Provost Susan Carlson, Academic Personnel*

VII. **Update on UCAAD 2011 Analysis of UC Pay Equity by Sex and, among Men, Ethnicity, 2009-2011 and Review of the first drafts submitted by the Campus Plans on Campus Salary Equity Studies** – Chair Roxworthy and Vice Provost Susan Carlson, Academic Personnel

Last year, along with UCAP and UCFW, UCAAD reviewed the Pay Equity Study Plans submitted by the campuses. Overall, members expressed surprise at the lack of data analysis and implementation strategies in most of the plans. The Academic Council, having received similar messages from the other two committees, wrote a letter to the Vice Provost suggesting that a set of metrics be developed that would provide a consistent approach and allow for comparative analysis. Members will discuss the intersection of these campus remediation plans with this year’s Total Re-numeration Study.

**ACTION REQUESTED:** Determine next steps.

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VIII. **Consultation with the Academic Senate Leadership** –

*William Jacob, Academic Council Chair*

*Mary Gilly, Academic Council Vice Chair*

*Martha Winnacker, Academic Senate Executive Director*

*Todd Giedt, Associate Director (Introduction to SharePoint)*

Senate leaders will provide an overview of the policies, procedures, protocols, 2013-14 Senate priorities, and other generally helpful information for new committee members.

IX. **Report and Recommendations from the Final Report of Faculty Diversity Working Group** – Chair Roxworthy and Members

*The Faculty Diversity Work Group, a small body appointed by the President’s Climate Council, issued its final report and recommendations last year. Chair Roxworthy will discuss with members UCAAD’s support for the workgroup recommendations, and its call for special emphasis on particular items.*
X. UC-HSIs (Hispanic Serving Institutions) Initiative and Proposal to Establish a Regents Diversity Fellowship – Chair Roxworthy and Members

As proposed, the UC-HSI Initiative UCOP will incentivize UC faculty and campus departments to develop long-term relationships with HSIs, particularly faculty members and programs that are a good fit with particular UC graduate programs and faculty. Modeled after the recently launched UC-HBCU Initiative, UCOP will invite proposals from UC faculty members at each of the ten campuses who would like to host and immerse students from HSIs in UC research training internships during the summer and develop an ongoing project of collaboration and engagement with students and faculty from partnering HSIs. The goal is of this efforts is to help UC graduate programs mine talent and support student achievement at institutions that are less represented in UC admission pools, as well as support collaboration opportunities for UC faculty.

**ACTION REQUESTED**: Appoint a UCAAD liaison to CCGA to enhance graduate student diversity (including efforts to advance the UC-HSIs Initiative and Proposal to Establish a Regents Diversity Fellowship).

XI. Consultation with UCAP on Proposed Changes to APM 210-1.d and Preparation by UCAAD of a Senate-issued White Paper – Chair Roxworthy and Members

Last year, UCAAD and UCAP worked together to improve the efficacy of APM 210.1.d. This discussion was an outgrowth of complaints from several faculty members who argued that research in diversity is not given the same value as other types of research at UC. After extensive back-and-forth, the committees agreed on the language except for one specific aspect hence each committee submitted its own verbiage to the Academic Council. The Academic Council then reviewed both languages and was able to reach a consensus. The new language of APM 210.1-d was then forwarded to Provost Dorr for her consideration to send the new APM 210.1-d out for review by the divisions the coming year. UCAAD also felt strongly that the change to APM 210.1.d should be substantiated by a white paper that would underscore the importance of contributions to diversity. UCAP was approached by UCAAD to co-author such a paper, but declined. The committee agreed that UCAAD would continue this effort into next year.

**ACTION REQUESTED**: Determine next steps.
XII. Roundtable: Campus Updates – Committee Members

Members will share campus updates on diversity-related activities including anticipated issues and initiatives from their respective campus.

XIII. New Business

Agenda Enclosures:
1. Information: Academic Senate Briefing Prepared for UC President-designee Janet Napolitano
2. Information: October 25 UC ADVANCE PAID Roundtable
3. Information: 2012-13 UCAAD Roster
4. Background: Senate Bylaws: Standing Committees of the Academic Senate
5. Background: 2012-13 UCAAD Annual Report
7. Background: Review of the first drafts submitted by the Campus Plans on Campus Salary Equity Studies
8. Background: Senate recommendation calling for a new study of total remuneration for UC faculty
10. Information: Academic Senate Travel Policy and Procedures: Arranging/Booking Travel
11. Background: Report and Recommendations from the Final Report of the Faculty Diversity Working Group
12. Background: UC-HSIs (Hispanic Serving Institutions) Initiative and Proposal to Establish a Regents Diversity Fellowship
13. Background: Consultation with UCAP on Proposed Changes to APM 210-1.d and Preparation by UCAAD of a Senate-issued White Paper

UCAAD 2013-14 Remaining Meeting Schedule:

January 16, 2014 – Room 5320
April 18, 2014 – Room 5320
June 20, 2014 – Room 5320
<table>
<thead>
<tr>
<th>Issue</th>
<th>Date Received</th>
<th>Date of CFW Mtg.</th>
<th>Designated Reviewers</th>
<th>Action Required w/Response Deadline</th>
<th>Review Complete</th>
</tr>
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<tbody>
<tr>
<td><strong>COUNCIL ON FACULTY WELFARE ISSUES UNDER REVIEW</strong></td>
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<tr>
<td>1. UC Retirement Plan - Ongoing Issue</td>
<td></td>
<td>Status reports will be provided when available</td>
<td></td>
<td>CFW Chair reports at all meetings if information is available from UCFW or Senate Cabinet meetings.</td>
<td>Ongoing issue</td>
</tr>
<tr>
<td>2. Emeriti Issues from Subcommittee on Emeriti Affairs - Ongoing Issue</td>
<td></td>
<td>Status reports at all meetings.</td>
<td>Emeriti Subcom.</td>
<td>Status Reports may be provided at all meeting. Issues to consider: - Are there new issues with increase in retirements? - Office space and staff support issues for retired faculty - Recalls: Are there new issues and policy implications?</td>
<td>Ongoing issues</td>
</tr>
<tr>
<td>3. Faculty Housing (University Hills and ICHA Management) - Ongoing Issue</td>
<td></td>
<td>Status reports will be provided when available</td>
<td></td>
<td>Issues to consider: - Future development plans for faculty housing off &amp; on campus. - When University Hills reaches build-out, will ICHA’s role as developer change. If yes, how? - defer 2012-13</td>
<td>Ongoing issue</td>
</tr>
<tr>
<td>4. Campus Child Care - Ongoing Issue</td>
<td></td>
<td>Status reports will be provided when available</td>
<td></td>
<td>Gopi Meenakshisundaram will be CFW’s rep. for the Chancellor’s Advisory Com. on Child Care. Meetings: February 3, 2012, (Agenda and minutes are in CFW Status Report notebook.) June 8 meeting</td>
<td>Ongoing issue</td>
</tr>
<tr>
<td>5. OEOD’s Data - Ongoing Issue</td>
<td></td>
<td>AA&amp;D Subcom.</td>
<td></td>
<td>Gwen Kuhns Black provides CFW with data and reports when available.</td>
<td>Ongoing issue</td>
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<tr>
<td>6. Elect a Vice Chair for CFW - Ongoing Issue</td>
<td></td>
<td></td>
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<td>Vice Chair would attend Cabinet mtgs. when Chair is not available.</td>
<td>Ongoing issue</td>
</tr>
<tr>
<td>7. Parking and Transportation Services – Annual Report from Director Ron Fleming - Annual Report</td>
<td></td>
<td>Usually a Spring Quarter Meeting</td>
<td>-</td>
<td>Information Item – No action</td>
<td>Annual Report</td>
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<tr>
<td>8. UCI Librarian – invite new UCI Librarian, Lorelei Tanji - Brought Forward from last year</td>
<td></td>
<td></td>
<td>-</td>
<td>Invite new UCI Librarian to report.</td>
<td></td>
</tr>
<tr>
<td>9. Senate Membership for Clinical Professor - Brought forward from last year</td>
<td>10/25</td>
<td>-</td>
<td>1/10/12 deferred to 2/14/12</td>
<td>All Members</td>
<td>College of Medicine will be asked about its plans to improve morale for Clinical Professors. Meno sent to Dean Clayman, School of Medicine (11/15/11) Dean Clayman’s memo of response (12/27/11) - Will request additional information on the number of clinical faculty at SOM, w/ a breakdown by years of service. - Will consider eligibility criteria for Univ. Hills housing, as a possible new benefit for clinical faculty. - Ted Quilligan’s report to UCI Emeriti Assoc. provided data on retention. - CFW Memo to Chair (3/1712) – memo on hold</td>
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<tr>
<td>Issue</td>
<td>Date</td>
<td>Mtg. Date</td>
<td>Reviewers</td>
<td>Action Required w/ Response Deadline</td>
<td>Completed</td>
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<td>-Luisa reviewing COHS/SOM Faculty Bylaws and will be checking with Dan/CRJ. COHS’s Senate not equal to campus Senate.</td>
<td></td>
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<td>As of 3/20/12 - Issue is on hold. UCSF has an action for clinical faculty membership on the table. CFW will wait to see the outcome before moving forward with its proposal.</td>
<td>On Hold</td>
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<tr>
<td>10. ICHA Priority Sales List</td>
<td>?</td>
<td></td>
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<td>Shall we invite Chuck Hayward or Sales person? Moving Clinical Faculty from Tier 3 to Tier 2 – is that a feasible request? As of 3/20/12 - Issue is on hold. UCSF has an action for clinical faculty membership on the table. CFW will wait to see the outcome before moving forward with its concerns. See related Issue #9</td>
<td>On Hold</td>
</tr>
<tr>
<td>11. Memorial Resolutions</td>
<td>Ongoing CFW duty – see Irvine Bylaw 99</td>
<td></td>
<td></td>
<td>CFW’s bylaw includes a duty for requesting memorial resolutions from Dept. Chairs when a faculty member dies. When received, the Memorial Resolution will be published in the next Divisional Senate Assembly Agenda under Section 5. Special Orders – Consent Calendar. The document will also be forwarded to the UC Senate Office for publication.</td>
<td>Annual Responsibility</td>
</tr>
<tr>
<td>12. UCI Mental Health Initiative</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td></td>
<td>Mental Health Initiative formed 2012-13 and first chair training program was successful, Chair is Bob Mueller. Goal for 2013-14 is to continue training program for faculty chairs and get dedicated counseling person for faculty. Bob Moeller will attend December meeting with update</td>
<td></td>
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<tr>
<td>13. UC Healthcare Plans</td>
<td>Sept. 2013</td>
<td>10/08/13</td>
<td>All Members</td>
<td>UC Care rolled out for 2014. UC employees given no notice or information. Council will discuss the implications for the Irvine campus and register issues and complaints to be forwarded to Senate Chair.</td>
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<tr>
<td>14. Academic Freedom Guidelines</td>
<td>Sept. 2013</td>
<td>10/08/13 &amp; 11/12/13</td>
<td>AF Subcom</td>
<td>UCAF distributed draft guidelines for handling Academic Freedom issues. Council will review and vote on whether or not to implement for the Irvine campus. If approved, the guidelines will be forwarded with memo to Senate Cabinet for review and approval</td>
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<tr>
<td>15. Discrimination Complaint Resolution Options at UCI</td>
<td>10/28/13</td>
<td>11/12/13</td>
<td>All Members</td>
<td>Gwen Kuhns Black with give an overview of the discrimination complaint resolutions options at UCI – Information Item</td>
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<tr>
<td>16. Federal regulations for Affirmative Action</td>
<td>10/28/13</td>
<td>01/14/14</td>
<td>All Members</td>
<td>Gwen Kuhns Black will give an overview of the changes to the federal regulations for Affirmative Action, specifically related to protected veterans and individuals with disabilities, and the impact of these changes on UCI faculty.</td>
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**UCI SENATE ISSUES UNDER REVIEW**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Date</th>
<th>Mtg. Date</th>
<th>Reviewers</th>
<th>Action Required w/ Response Deadline</th>
<th>Completed</th>
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<tbody>
<tr>
<td>17. Smoke-Free Policy Proposal</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td></td>
<td>Smoke-Free Policy Proposal – Information Item Michelle Garfinkel and Bruce Blumberg will represent CFW on Chancellor’s committee which will work on implementation plan for UCI. Ramona Agrela and Joe DiMento to attend Feb. 12 CFW meeting.</td>
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Updated 12/10/2013
<table>
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<tr>
<th>Issue</th>
<th>Date</th>
<th>Mtg. Date</th>
<th>Reviewers</th>
<th>Action Required w/ Response Deadline</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>18. Chancellor’s advisory Committee on the Status of Staff (CACSS – Diversity Subcommittee)</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td>New Chancellor’s Advisory Committee. Gwen Kuhns Black, a CFW Consultant, is a member and will provide CFW w/ information.</td>
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<td>19. Campus Diversity Roundtable</td>
<td>Brought forward from last year</td>
<td>Monthly updates when available</td>
<td>Grace Tonner will represent CFW and will have the opportunity to report at CFW’s monthly meetings. Gwen Kuhns Black may also report.</td>
<td></td>
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<tr>
<td>20. Salary Equity Study</td>
<td>11/07/13</td>
<td>11/12/13, 01/14/13</td>
<td>Salary Equity Subcom</td>
<td>Provost has requested a salary equity study for the campus. CFW will provide quarterly status reports thru completion</td>
<td></td>
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**UNIVERSITYWIDE SENATE ISSUES UNDER REVIEW**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Date</th>
<th>Mtg. Date</th>
<th>Reviewers</th>
<th>Action Required w/ Response Deadline</th>
<th>Completed</th>
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</thead>
<tbody>
<tr>
<td>22. UC Review of Proposed Amendments to Senate Bylaw 55</td>
<td>10/18/13</td>
<td>12/10/13</td>
<td>FW Subcom</td>
<td>Review and comment to Cabinet by December 17, 2013.</td>
<td></td>
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<tr>
<td>25. UC Review of APM 35, Appendices A-1, &amp; A-2</td>
<td>11/06/13</td>
<td>12/10/13</td>
<td>AAD Subcom</td>
<td>Review and comment to Cabinet by January 19, 2014. Kirsten Quanbeck will attend December meeting to provide context and background</td>
<td></td>
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</table>

**OTHER BUSINESS THAT REQUIRES ACTION**

None
November 15, 2013

PETER KRAPP, CHAIR  
ACADEMIC SENATE – IRVINE DIVISION

RE: Systemwide “Final” Review of APM 600

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) reviewed the proposed amendments to APM 600 for “final” review at its November 12, 2013 meeting. The proposed revisions were originally submitted during the 2012-13AY in response to campus requests to update the APM, correct updated delegations of authority, to make technical corrections identified in past reviews, and to make the series congruent with the overall APM style and format. The “final” review is responsive to the comments submitted by each division and the request for a review document with track changes as the revisions span multiple sections to facilitate a more comprehensive review process.

Members found most of the proposed changes to be reasonable. There are two specific areas the Council offers for the Senate Cabinet’s consideration:

Addition of Link to Sabbatical Section
In Section 510-16.d. Effect of Sabbatical Leave on Transfer Date, members noted faculty unfamiliar with the Academic Personnel Manual may be unaware of a separate section of the APM covering sabbaticals and credits. Therefore the Council suggests including a link in this section to the APM that covers sabbaticals.

One Step Restriction for Recruiting Campus
The Council recommends the salary and intra-campus constraints be removed. Section 510-18.c. limits the recruiting campus to offering no more than one step above the transferee’s current step and salary. Although CFW members are aware of the historical context of this restriction, they feel it is no longer relevant and places not only the recruiting campus but also the UC system at a huge disadvantage when competing with schools outside the system.

CFW appreciates the opportunity to comment.

Jean-Daniel Saphores, Chair  
Council on Faculty Welfare, Diversity, and Academic Freedom

c: William Molzon, Senate Chair-Elect  
Luisa Crespo, Executive Director  
Shira Long, Senate Analyst
November 19, 2013

PETER KRAPP, CHAIR
ACADEMIC SENATE – IRVINE DIVISION

RE: DIVISIONAL RESPONSE TO MORENO REPORT ON THE UC RESPONSE TO REPORTS ON BIAS & DISCRIMINATION AFFECTING FACULTY

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) reviewed the Moreno Report regarding acts of bias and discrimination involving faculty at UC Los Angeles at its November 12, 2013 meeting. The report was in response to concerns raised about acts of bias and discrimination over recent years at the UC Los Angeles campus and is inclusive of several months of investigation regarding the campus policies, procedures, and mechanisms for responding to incidents of perceived bias, discrimination, and intolerance at UC Los Angeles involving faculty of color.

Members found the report to be an appropriate first step but lacking in strong recommendations. The Council felt further steps should be considered outside of creating an officer to streamline the investigative process and a statement of intent to hire additional minorities to diversify the campus.

On the UC Irvine campus, issues and complaints relating to discrimination, bias, and harassment are handled through the Office of Equal Opportunity and Diversity (OEOD). The office handles discrimination complaints from all UCI constituents including faculty, staff, students, and patients. Additionally, any complaints directed to other departments are redirected to OEOD for processing. OEOD has three professionally trained full-time investigators on staff, offering both an early resolution and formal investigation process. Details regarding the complaint procedures can be found at http://www.oecd.uci.edu/files/pdf/procedpage.pdf. The timeline for formal investigations is 60 business days.

OEOD consults the Academic Senate as appropriate whenever there are policy updates or new policies are implemented. Annual reports are posted to the OEOD website as well as more detailed record keeping to monitor for occurrences such as names repeatedly submitted for complaints.

The Council has found the UC Irvine process for handling complaints to be highly effective and would suggest UC Los Angeles, if looking to adopt a change, create a similar system.
CFW appreciates the opportunity to comment. If more detailed information regarding the investigative process is needed, the Council would be happy to work with OEOD to produce a more comprehensive report.

Sincerely,

Jean-Daniel Saphores, Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

c: William Molzon, Senate Chair-Elect
   Luisa Crespo, Executive Director
   Shira Long, Senate Analyst