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April 18, 2016

JOINT COMMITTEE OF THE ADMINISTRATION AND SENATE

Dear Colleagues:

Thank you for your review of the University's processes and procedures for handling cases of sexual harassment and sexual violence involving faculty, and for your recommendations. I have reviewed your recommendations carefully, and I appreciate the time and focus you have invested in this important matter.

While UC has made progress over the past year and a half on faculty sexual harassment cases, several cases that have recently come to light make clear that we have much more work to do. Our goals should be threefold: foster a culture of safety and respect on all our campuses; provide clarity, fairness, and timeliness when investigations are undertaken; and ensure that any sanctions are commensurate with the seriousness of substantiated complaints.

The Joint Committee Report makes several important recommendations that advance these goals. Accordingly, I am taking immediate action to implement the following:

- Undertake the necessary steps to revise the Academic Personnel Manual to eliminate the 10-day deadline for filing charges after placing a faculty respondent on involuntary paid leave;
- Require the Title IX officers at each campus to inform the Chancellor whenever the Title IX office begins an investigation of a faculty respondent;
- Require Academic Personnel and Academic Affairs offices to retain indefinitely records of discipline imposed on faculty and early resolution agreements. The records should be maintained in a manner that enables academic administrators to determine whether a faculty member accused of sexual violence or sexual harassment has previously been disciplined or agreed to an early resolution in a sexual violence or sexual harassment case;
- Designate at each campus at least one confidential resource for faculty, other academic appointees, and graduate students, who is exempt from reporting and has appropriate insights into the unique demands, opportunities, and

risks of mentor relationships and academic careers. This will mirror the confidential advocate position that has been established for students on each campus.

The recommendations as submitted, however, do not yet adequately address other important issues involving the process for investigation, adjudication, and sanctions for faculty sexual violence and sexual harassment cases. In particular, the recommendations do not provide sufficient improvements to ensure that: (1) the investigations in these cases are efficient, effective, and timely, both for the complainant and respondent; (2) the sanctions are proportionate to the seriousness of any substantiated conduct; and (3) cases are handled consistently across all UC campuses.

Accordingly, I am requesting the Joint Committee reconvene and provide specific recommendations in six key areas:

- Develop a methodology to provide for a single investigation in sexual harassment and sexual violence cases involving faculty, so there are not multiple investigations of the same incident conducted by the Title IX office and the academic personnel office.
- Establish clear time frames for the resolution of both the investigation and adjudication stages, such that the investigation takes no longer than three months and the adjudication takes no longer than two months unless there are exceptional circumstances.
- Clarify the relationship between the Title IX offices and the Committees on Privilege and Tenure (or their equivalents) so that cases can be more readily brought to conclusion.
- Develop structures and support so that Committees on Privilege and Tenure (or their equivalents) have the capacity to meet throughout the year to curtail undue delays in the adjudication of faculty sexual violence or sexual harassment cases.
- Reconsider the three-year rule to, at a minimum, provide for a good cause exception when a department chair or other official clearly fails in his or her responsibility to inform the Title IX office of a potential violation of the Sexual Violence and Sexual Harassment Policy.
- Require each campus to develop a Peer Review Committee, similar to the Systemwide Peer Review Committee, to review and recommend proposed discipline and to make final decisions regarding early resolutions in faculty sexual violence and sexual harassment cases.

Please return your additional recommendations to me by July 31, 2016. I greatly appreciate the hard work you have already performed, and I know developing

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recommendations for the measures delineated above will require additional careful consideration and deliberation. Given the seriousness of these cases and the shortcomings that have been identified with existing processes and policies, however, this work is crucial. We must develop and implement policies and procedures that enable the University to respond effectively to reports of faculty sexual harassment and sexual violence and to deal with substantiated cases firmly, fairly, and promptly, just as we are doing with cases involving students and staff.

Thank you for your continued work on this important issue. I look forward to receiving your revised recommendations.

Yours very truly,

  
Janet Napolitano  
President

cc: Chancellors  
Provost Dorr  
Vice Provost Carlson