

Office of the Secretary and Chief of Staff

TO MEMBERS OF THE COMPLIANCE AND AUDIT COMMITTEE:

DISCUSSION ITEM

For Meeting of September 26, 2018

UPDATE ON ACADEMIC SENATE RESPONSE TO THE STATE AUDITOR'S REPORT ON SEXUAL HARASSMENT CASES AT THE UNIVERSITY OF CALIFORNIA

In the California State Auditor's report on *The University of California Office of the President: It Must Take Additional Steps to Address Long-Standing Issues with Its Response to Sexual Harassment Complaints* issued in June 2018, the State Auditor (CSA) recommended that the Board of Regents ensure that the Privilege and Tenure procedures of the Academic Senate pertaining to sexual violence/sexual harassment violations of the Faculty Code of Conduct be conducted in conformance with exact time frames. The specific recommendations of the CSA are that disciplinary hearings be scheduled to begin within 60 calendar days of when charges are filed by the Chancellor, and that the hearing committee issue its recommendation to the Chancellor within 30 working days of the conclusion of the hearing.

The Academic Senate accepts this recommendation. See the attached letters from Chair Kieffer to Academic Senate Chair White and Vice Chair May (Attachment 1) and Chair White's response to Chair Kieffer (Attachment 2). This comports with the Academic Senate's explicit desire to expedite the privilege and tenure process, commensurate with providing just resolution for the complainant and respondent. The Academic Senate has empaneled an ad hoc committee, including leadership of the University Committee on Privilege and Tenure and the University Committee on Rules and Jurisdiction, to develop a proposal to further define its bylaws to incorporate these recommendations, along with others from the CSA's report.

This proposal will be reviewed by these committees, as well as campus divisions of the Academic Senate for action by the Academic Council and the Academic Assembly. Changes to the Senate bylaws and procedures will be completed in accordance with deadlines for implementation set by the CSA. Additionally, following Chair Kieffer's request, the Academic Senate will provide the Regents with periodic updates on its progress.

(Attachments)



THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

GEORGE DAVID KIEFFER
Chair, Board of Regents

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June 21, 2018

CHAIR SHANE WHITE
VICE CHAIR ROBERT MAY
SYSTEMWIDE ACADEMIC SENATE

Dear Chair White and Vice Chair May:

Today, the California State Auditor (CSA) released its audit report entitled, "*The University of California Office of the President: It Must Take Additional Steps to Address Long-Standing Issues With Its Response to Sexual Harassment Complaints.*" The report documents the CSA's review of the University of California's handling of sexual violence and sexual harassment complaints against faculty and staff by students between 2007 and 2016.

In addition to making several recommendations to the Office of the President, the CSA has made recommendations to the Regents to achieve prompt resolution of sexual harassment complaints against faculty respondents. Specifically, the CSA recommends that the Regents ensure that the Academic Senate further defines its bylaws with written requirements for the committee that specify exact time frames within which a disciplinary hearing before the Privilege and Tenure Committee is scheduled, as well as the time frame by which the hearing committee issues its recommendation to the Chancellor. The CSA recommends that the disciplinary hearing be scheduled to begin within 60 calendar days from the date the Chancellor files charges with the committee unless the committee chair extends this time frame for good cause, which the written requirements should define. It also recommends that the hearing committee issue its recommendation to the Chancellor within 30 calendar days of concluding the hearing, and that the written requirements should define when a hearing is considered concluded.

I ask that the Academic Senate, as soon as possible, begin the process to implement these recommendations by July 2019, and provide periodic updates to the Regents on its progress.

Respectfully,

A handwritten signature in blue ink, appearing to read "George Kieffer".

George Kieffer
Chair, UC Board of Regents

cc: President Janet Napolitano
Provost and Executive Vice President Michael Brown
Executive Vice President and Chief of Staff Rachael Nava
Senior Vice President and Chief Compliance and Audit Officer Alex Bustamante
Systemwide Title IX Officer Suzanne Taylor
Vice Provost for Academic Personnel and Programs Susan Carlson



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Chair of the Assembly of the Academic Senate
 Faculty Representative to the Regents
 University of California
 1111 Franklin Street, 12th Floor
 Oakland, California 94607-5200

July 13, 2018

**GEORGE KIEFFER, CHAIR
 UNIVERSITY OF CALIFORNIA BOARD OF REGENTS**

Re: Academic Senate Implementation of California State Auditor Recommendations on Sexual Harassment Complaints

Dear George:

At its June 27, 2018 meeting, the Academic Council reviewed the California State Auditor (CSA) report on UC's responses to sexual harassment complaints entitled, *The University of California Office of the President: It Must Take Additional Steps to Address Long-Standing Issues with Its Response to Sexual Harassment Complaints*.

Council also reviewed your June 21, 2018 letter asking the Academic Senate to implement by July 2019 the CSA's recommendation that Academic Senate bylaws be further defined to specify timeframes for scheduling a disciplinary hearing before the Senate Privilege and Tenure (P&T) Committee and for issuing a P&T recommendation to the Chancellor.

The Academic Council unanimously supported enacting the CSA recommendations for achieving prompt resolution of sexual harassment complaints and has already asked the University Committee on Privilege and Tenure (UCPT) and the University Committee on Rules and Jurisdiction (UCRJ) to examine the recommendations on Council's behalf. Specifically, Council asked those committees to consider a bylaw change and/or the development of a guidance document for campus P&T committees which would also include a checklist for each step of the P&T hearing process, as well as a simple visual representation of the overall complaint, investigation, and disciplinary process that would be available to all members of the University community.

I fully expect the Academic Senate to take substantive action and meet the July 2019 deadline. Vice Chair May and I will be pleased to provide you and the Regents with periodic updates as you requested. Please do not hesitate to contact me if you have additional questions.

Sincerely,

Shane N. White, Chair
Academic Council

Cc: President Napolitano
Academic Council
Senate Director Baxter
Senate Executive Directors



THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

GEORGE DAVID KIEFFER
Chair, Board of Regents

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June 21, 2018

CHAIR SHANE WHITE
VICE CHAIR ROBERT MAY
SYSTEMWIDE ACADEMIC SENATE

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In addition to making several recommendations to the Office of the President, the CSA has made recommendations to the Regents to achieve prompt resolution of sexual harassment complaints against faculty respondents. Specifically, the CSA recommends that the Regents ensure that the Academic Senate further defines its bylaws with written requirements for the committee that specify exact time frames within which a disciplinary hearing before the Privilege and Tenure Committee is scheduled, as well as the time frame by which the hearing committee issues its recommendation to the Chancellor. The CSA recommends that the disciplinary hearing be scheduled to begin within 60 calendar days from the date the Chancellor files charges with the committee unless the committee chair extends this time frame for good cause, which the written requirements should define. It also recommends that the hearing committee issue its recommendation to the Chancellor within 30 calendar days of concluding the hearing, and that the written requirements should define when a hearing is considered concluded.

I ask that the Academic Senate, as soon as possible, begin the process to implement these recommendations by July 2019, and provide periodic updates to the Regents on its progress.

Respectfully,

George Kieffer
Chair, UC Board of Regents

cc: President Janet Napolitano
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