

The Regents of the University of California

COMMITTEE ON EDUCATIONAL POLICY

July 16, 2014

The Committee on Educational Policy met on the above date at UCSF–Mission Bay Conference Center, San Francisco.

Members present: Regents Engelhorn, Gould, Island, Kieffer, Lansing, Lozano, Reiss, and Saifuddin; Ex officio members Napolitano and Varner; Advisory member Jacob; Staff Advisors Acker and Coyne

In attendance: Regents De La Peña, Makarechian, Ruiz, Sherman, Wachter, and Zettel, Regents-designate Davis, Gorman, and Oved, Faculty Representative Gilly, Interim Secretary and Chief of Staff Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Vacca, Chief Investment Officer Bachher, Provost Dorr, Senior Vice President Dooley, Vice Presidents Brown, Lenz, and Sakaki, Chancellors Block, Blumenthal, Dirks, Katehi, Khosla, Leland, Wilcox, and Yang, Interim Chancellors Gillman and Hawgood, and Recording Secretary McCarthy

The meeting convened at 3:05 p.m. with Committee Chair Reiss presiding.

1. APPROVAL OF MINUTES OF PREVIOUS MEETING

Upon motion duly made and seconded, the minutes of the meeting of May 14, 2014 were approved.

2. UPDATE ON THE TASK FORCE ON PREVENTING AND RESPONDING TO SEXUAL VIOLENCE AND SEXUAL ASSAULT

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Committee Chair Reiss emphasized the seriousness with which the Regents, President Napolitano, UC faculty, staff, students, and their families take this topic. The University's goal is to be the best in the nation in preventing and responding to sexual violence and sexual assault. Top UC faculty researchers were serving on the Task Force; UC would pilot new programs and conduct its own research on their effectiveness. Some campuses have enlisted well-known campus athletes to promote prevention efforts. Committee Chair Reiss particularly acknowledged the student survivors of sexual assault who have had the courage to come forward and turn a negative experience into a positive legacy.

Chief Compliance and Audit Officer Vacca, Chair of the Task Force on Preventing and Responding to Sexual Violence and Sexual Assault, expressed appreciation for the

Regents serving on the Task Force. She noted President Napolitano's foresight in making this issue a high priority.

Ms. Vacca explained that the Task Force would serve as a steering committee, with the charge from President Napolitano to develop recommendations to her and the Regents on ways in which UC could be the national leader in prevention of and response to sexual assault and sexual violence. The Task Force would focus initially on issues involving UC students, and later on issues involving staff and faculty. The goal is to examine UC's current processes and identify various ways to improve UC campuses' cultures around these issues. Students who are victims of sexual assault or sexual violence must be able to trust that the University's resources would provide the assistance they need. The Task Force would also emphasize development of strategies for prevention, both through existing programs and by examining best practices across the nation. Ms. Vacca stated that UC campuses already have some excellent response programs in place, some of which are modeled by other universities. The overall objectives of the Task Force were to identify ways in which practices can be more uniform across the UC system, to determine best practices through evidence-based research, to coordinate overall efforts, and to respond to the California Legislature, the June 2014 California State Auditor report "Sexual Harassment and Sexual Violence," and federal initiatives.

Ms. Vacca briefly discussed the Task Force's representative structure that would reach constituent groups across the University. Work groups were being established that would respond to the Task Force, and efforts were being made to receive as much feedback as possible. When recommendations were brought to the Regents, implementation costs would be addressed, along with possible methods of funding including through foundations and grants.

Regent-designate Davis commented on the composition of the Task Force and commended President Napolitano for her leadership on this issue. He expressed his view that primary responsibility for issues involving rape and other forms of forced sex would fall on city police departments, county sheriffs, and district attorneys, rather than the University. Since these public officials have the funding, training, and expertise to handle these crimes, they should be included in the discussions.

President Napolitano stated that she met with California Attorney General Kamala Harris the prior week to discuss bringing together the State's district attorneys and well as other relevant law enforcement personnel. She also raised the issue of involving traditional law enforcement with the heads of California State University and the California Community Colleges. The President acknowledged sensitivities involving off-campus law enforcement, but stated that traditional law enforcement, with its expertise in investigation and forensics, and the necessary resources, would be included in an appropriate way.

Committee Chair Reiss added that it would be appropriate to ask campus police chiefs about their plans to coordinate with local law enforcement.

Ms. Vacca introduced UC Berkeley Associate Chancellor Linda Williams, who emphasized the Task Force's commitment to making UC a national leader in combating sexual violence and sexual assault on college campuses. She cited some examples of relevant activities on the UC Berkeley campus. In August 2013, Chancellor Dirks appointed a Title IX Compliance Advisory Committee, including faculty, staff, and students. The Committee meets three times a year, reports to the Chancellor, and would produce annual reports. Subcommittees address issues around complaint response, education, and policies. A list of Frequently Asked Questions and a flowchart were being developed to help individuals navigate available campus resources. Best practices in survivor advocacy programs were being reviewed.

A bi-weekly, multidisciplinary working group is comprised of staff involved with Title IX compliance, student conduct, student housing, campus police, counseling, legal affairs, the dean of students, gender equity, communications, government and community relations, since this topic touches every facet of the campus.

Ms. Williams stated that Chancellor Dirks allocated resources to establish a sexual assault survivor advocate position, to provide a central and confidential resource to guide survivors of sexual assault through the complaint investigation and resolution processes. Student survivors of sexual assault have said that navigating campus resources can be very challenging, particularly during a time of duress. Ms. Williams added that best practices indicate that it could be beneficial to create a center to assist these students.

A UC Berkeley Police Department Survivor Resource Specialist is embedded in the campus police department to serve as a single point of contact for assistance in reporting a sexual assault, and obtaining counseling and other services. In April, the Berkeley campus, with student participation, launched a one-stop comprehensive website to help sexual assault survivors and those responding to allegations through the reporting processes.

UC Berkeley has also developed an interim sexual misconduct policy that was effective September 2013 as part of its Code of Student Conduct. As a result, survivors of sexual assault can be accompanied at hearings, can appeal hearing outcomes, can be accommodated if they wish to avoid the respondent while going through the hearing process, and have a right to view case information.

At UC Berkeley, training called empowerU involving awareness of issues about sexual assault is given to all new students; Bears that Care is a bystander intervention training. A science-based alcohol prevention training takes place annually. The campus was also assessing various compliance platforms for ensuring that students complete the training. Ms. Williams said that needs of various subgroups within the Berkeley campus should be considered as part of the effort to train students.

Ms. Williams reported that Chancellor Dirks would host a February 2015 national conference on awareness of campus sexual assault and sexual violence; President Napolitano would participate.

UC Davis Chief Compliance Officer and Title IX Officer Wendi Delmendo shared efforts of Title IX officers involving coordination, training, and awareness activities on UC campuses. Coordination, both within campuses and systemwide, is extremely important. Systemwide Title IX officers meet twice a year to share best practices. On individual campuses, efforts are coordinated through multidisciplinary case management teams, coordinating resources of campus police, sexual assault advocates, counselors, student conduct staff, and community agencies. UC Irvine's Campus Assault Resources and Education (CARE) team meets weekly and its practice of coordinating allegations and responses to complaints of sexual violence among various campus segments was recently recognized nationally as a best practice. UC San Diego uses a similar practice. At UC Davis, a case management team, including representatives from the Title IX office, human resources, academic affairs, student conduct, and the office of the campus counsel, meets twice a month to coordinate handling of allegations of sexual harassment and sexual violence. All campuses have campus community response teams developed under a systemwide grant from the United States Department of Justice Office on Violence Against Women to ensure that effective policies and practices are in place to respond to sexual violence. The Davis team, for example, includes campus police, administrators, campus and external advocates for victims, and campus counselors; the Davis team partners with local law enforcement from neighboring police jurisdictions and the district attorney's office. On most campuses, investigations are centrally coordinated through the Title IX office whose representatives either investigate complaints directly or supervise the work of the investigating offices.

The campuses have training programs for students, staff, and faculty in place and Ms. Delmendo anticipated that the Task Force would work to enhance those programs. All new students are required to take training in sexual violence prevention during orientation; some training is online and some in person. Committee Chair Reiss asked whether these programs were implemented recently. Ms. Delmendo responded that at UC Davis sexual violence prevention training had been given for the past four years.

Committee Chair Reiss commented that it is beneficial to know what programs have been in existence, but the Regents need to know what else needs to be done and what is missing from current programs. Ms. Vacca commented that often programs that are in existence are not known across the system, adding that some existing programs could be improved or replaced.

Regarding training in prevention of sexual assault and sexual violence, Ms. Delmendo remarked that ways to mandate the training could be improved. Some campuses place holds on the registrations of students who have not completed the training. Training has been required of incoming freshmen and transfer students; as a result of new regulations, it would also be required of incoming graduate and professional students this year. Many campuses also offer enhanced training to athletes, students in fraternities and sororities, and resident assistants. New students' first few weeks on campus are considered a high-risk time. Sexual violence prevention training is also offered, but not mandated, to staff and faculty, and has been incorporated into the sexual harassment prevention training

required of supervisory staff and faculty. Hearing officers and investigators are provided specialized training.

Ms. Delmendo discussed activities sponsored by Title IX campus offices to build awareness regarding prevention of sexual harassment and available student resources. At UCLA, a public service announcement video is shown in residence halls, at orientation, and online. On other campuses, relevant information is shown on digital screens in student activity and recreation facilities. Title IX offices partner with student government and advocacy groups, develop websites and social media campaigns, and host promotional events such as sexual assault awareness week and movie nights. Other ways to reach out to students effectively are being explored. Ms. Delmendo anticipated that, as awareness is increased, the number of reports of sexual assault would increase, which she thought would indicate the success of these efforts, rather than an increase in the number of sexual assaults.

UC Berkeley Director of the Center for Student Conduct and Assistant Dean of Students Hallie Hunt discussed coordination among student conduct officers across the UC system. Partnerships regarding investigations, response, and survivor support involve Title IX offices, campus police, counseling services, survivor advocacy groups, gender resource centers, residential life personnel, legal departments, and risk management offices. Student conduct officers play a key role in multidisciplinary campus committees convened to discuss cases, strategize investigations, and move cases through the investigation and adjudication processes. Regular, coordinated meetings include case coordination and management meetings, groups of concerned students, behavioral intervention teams, staff handling students' withdrawal for medical reasons, and Title IX advisory committees. Professional development training is conducted for staff, with specific training for those who participate on sexual assault hearing boards. Staff participate in certificate programs, and attend webinars and conferences on these topics. Advocacy and support groups such as Bay Area Women Against Rape are invited to hold discussions with staff. Student conduct officers assist in hosting other related trainings regarding issues such as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), training regarding alcohol and other drug use, bystander training, social justice, harassment, and discrimination.

Ms. Hallie explained that the main function of student conduct officers is to adjudicate cases based on the Student Code of Conduct. The standard of proof is the preponderance of evidence, meaning whether something more likely than not occurred. Many UC campuses have standalone sexual misconduct policies that dictate how these cases move through the student conduct process. Across the system, UC campuses are examining their current complaint resolution practices, procedures, and information resources, with the goal of streamlining and improving procedures to ensure that students are being served as well as possible.

UC Irvine Chief of Police Paul Henisey discussed training of campus police officers, recalling that six years ago a systemwide grant offered by the United States Department of Justice provided for coordinated community response teams, as well as training for

incoming students, student conduct officers, and all campus police officers. UC provided eight hours of training in sexual assault prevention, dating and domestic violence, and stalking to all UC police officers systemwide. This issue is so important to the campus community that UC campus police are provided more training than that offered to municipal police or county sheriffs. At UCI, campus police officers recently completed eight hours of training on the effects of trauma on survivors of sexual assault.

UC Berkeley Chief of Police Margo Bennett noted that all ten UC campuses participate in Title IX coordination meetings and report solid partnerships in these efforts with their campus police departments. Campus police participate in the interdisciplinary approach to sexual assault awareness, prevention, response, investigation, and recovery activities, in partnership with Title IX officers, risk management staff, the dean of students, student conduct staff, health services personnel, and others. UC Berkeley campus police recently partnered with UCB's recreational sports, parking and transportation, and health services staff to create a marketing campaign and bystander training program designed to address alcohol consumption, and to reduce alcohol-induced medical crises and opportunities for victimization. UC campus police chiefs have quarterly meetings and monthly conference calls to discuss campus events, participate in regular meetings with respective county law enforcement leaders, and develop relationships with local district attorneys and off-campus medical providers. Case coordination meetings focus on case reviews and create an environment for forward-thinking approaches in investigations and identifying additional resources for survivors if needed.

Ms. Bennett stated that Title IX and student conduct officers are involved at the beginning of criminal case investigations. It is not unusual for UC police departments and Title IX officers to cooperate as investigations unfold to reduce the number of times a survivor has to be interviewed and to coordinate the approach to the subject of the investigation. Local district attorneys are involved at the beginning of these types of investigations to ensure that the cases receive the most appropriate treatment. Advocacy resources well known to the district attorney's office are used; some UC campuses use on-campus advocates within the campus police department or the dean's office, and some use local area advocacy groups. Chancellor Dirks approved a grant to the Berkeley Fire Department so that its alcohol safety training programs could be used in UC Berkeley residence halls. Ms. Bennett noted that the Clery Act requires reporting of campus crime statistics, but that identifying campus security authorities (CSA) has become increasingly complex. Campus police are working with the Office of the President to streamline and centralize this reporting, so campus police can get information from CSAs more effectively and issue timely warnings to the campus community.

UCLA Chief of Police James Herren reported that all UC campus police departments have support mechanisms in place for sexual assault survivors. At UCLA, the Santa Monica Rape Treatment Center is nearby and is part of UCLA's health system. Survivors of sexual assault can be taken directly to the Rape Treatment Center to have forensic evidence gathered as needed for prosecution, and to receive crisis intervention therapy and long-term therapy. The Rape Treatment Center works closely with the district attorney's office and the Los Angeles County Police Department, and UCLA's

coordination with the Rape Treatment Center is considered a national model. Mr. Herren complimented the work of UCLA student Savannah Badalich in forming the program 7,000 in Solidarity. From the perspective of the UCLA campus police, this program is valuable in helping establish relationships that lead to an atmosphere of trust so that survivors would be more willing to report incidents of sexual assault and access available help.

Fourth-year UCLA student and Task Force undergraduate representative Savannah Badalich stated that she founded the campaign against sexual assault Student Wellness Commission 7,000 in Solidarity, which received the 2014 President's Award for Outstanding Student Leadership. The three undergraduate students on the Task Force were working to garner student comments from across the system and to create a student survey to receive feedback, concerns, and suggestions from survivors and their advocates. In April, Ms. Badalich attended the California Coalition Against Assault student summit, which focused on suggestions regarding response, resources, policy, and prevention for survivor advocates from all segments of California public higher education. These suggestions were compiled into a final report, which Ms. Badalich would use in her work with the Task Force. She expressed hope that the work of the Task Force would become a long-term initiative.

Chairman Varner expressed his expectation that UC would become a national leader in dealing with sexual assault and sexual violence properly and fairly, and affirmed the Regents' support for these important efforts. Committee Chair Reiss expressed her view that funding support would be a priority.

Regent Makarechian asked whether the University had the right to expel students in connection with incidents of sexual assault or sexual violence, or the right to perform background checks of student applicants. Ms. Hunt responded that students found responsible for such actions can be suspended from individual UC campuses or dismissed from the entire UC system. General Counsel Robinson said that he would look into the permissibility of background checks of applicants. Mr. Henisey commented that background checks are conducted for UC employees, but not for students. Ms. Bennett added that California Penal Code section 290 requires UC students who are sex offenders to register at their campuses, but that compliance with this requirement is up to the students.

Regent Lozano asked Ms. Vacca to advise the Regents about gaps in the University's response to sexual violence and assaults both on individual campuses and systemwide, including prioritizing recommendations and a timeline for meeting those objectives. Regent Lozano also asked that, once the Task Force makes its recommendations, a procedure for monitoring specific implementation of the recommendations be instituted. Committee Chair Reiss agreed and added an effort should be made to ensure that best practices from individual UC campuses could be carried out across the system. Ms. Vacca agreed that it would be most helpful to determine best practices.

The meeting adjourned at 4:00 p.m.

Attest:

Interim Secretary and Chief of Staff