



The University of California

It Must Take Additional Steps to Address Long-Standing Issues With Its Response to Sexual Harassment Complaints

Report 2017-125



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sexual harassment policy, the role of the campus coordinators is to coordinate with decision makers to ensure that the university imposes appropriate discipline on all respondents found to have violated its policy, regardless of whether the respondents are faculty or staff members. Similarly, the university campus coordinators could act as a safeguard, ensuring that campuses have valid reasons for imposing discipline that deviates from the systemwide practice.

Recommendations

To achieve prompt resolution of sexual harassment complaints against faculty respondents, the Regents should ensure that the Academic Senate further defines its bylaws with written requirements for the tenure committee that specify exact time frames for completing the phases of the disciplinary process. The following changes should take effect by July 2019:

- Require that a hearing be scheduled to begin within 60 calendar days from the date the chancellor files charges with the tenure committee unless the committee chair extends this time frame for good cause, which the written requirements should define.
- Require that the tenure committee issue a recommendation within 30 calendar days of concluding the hearing. The written requirements should define when a hearing is considered concluded.

To ensure prompt resolution of sexual harassment complaints against faculty respondents, the Office of the President should do the following:

- Amend the appropriate policies to require that the chancellor or designee issue a final decision about discipline within 14 calendar days following receipt of the tenure committee's recommendation. This change should take effect by July 2019.
- After the Academic Senate develops written requirements to specify exact time frames, complete an annual review of all cases involving Senate faculty to determine the length of time the adjudication process lasted. If an adjudication process takes longer than the time frames specified, the Office of the President should work with the Regents and the Academic Senate to develop further measures to enforce a more prompt adjudication process. The Office of the President should complete its first review by October 2020.

To ensure that the campuses impose appropriate disciplinary sanctions and to determine whether any additional remedies need to be provided, the Office of the President should modify university policy to ensure that campus coordinators consult on the appropriateness of the discipline for respondents found to have violated university policy. This policy change should take effect by July 2019.

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May 31, 2018

Dear State Auditor Howle:

I write regarding your draft audit report on the University of California's response to sexual harassment and sexual violence (SVSH) complaints. UC shares your commitment to combatting and preventing SVSH, as demonstrated by the many proactive changes and improvements we have made throughout our University system since I arrived in 2013.

UC accepts all of the recommendations made to the University of California Office of the President and is committed to implementing them, as they further reinforce and improve our Title IX policies and procedures. I am pleased that the audit found no instances of punitive settlement agreements, and that settlement agreements are reasonable and not intended to restrict the opportunities of students who bring legal challenges against the University. I understand it was these concerns that gave rise to the legislative request for the audit, and I am gratified CSA's conclusions underscore our strong commitment to protecting our community from retaliation.

I would like to highlight some crucial context for the audit report:

- **UC has made recent, significant improvements not yet in place during the period of CSA's review.** UC issued a robust systemwide SVSH policy in 2016 that defined prohibited behavior, set forth the University's prevention and response obligations, and established the authority of the Title IX coordinators. As CSA recommends, we will soon revise this policy to ensure that it better reflects best practices. The University later adopted systemwide procedures for investigating and adjudicating SVSH reports for student respondents in 2016 and for faculty and staff respondents in 2017. The timeliness of investigations, transparency of outcomes and consistency of discipline are among the critical issues UC took the initiative to address. These major procedural changes were not yet in place during most of the timeframe that CSA analyzed. The improvements and progress in the 2017 procedures for faculty and staff respondents, in particular, are not reflected in the data reviewed during the audit.

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- **In its efforts UC has been, and must continue to be, mindful of the University's shared governance system.** We value our consultative relationship with the University's Academic Senate, which has its own faculty code of conduct and bylaws. Although UC adopted a framework establishing timelines and procedures for some parts of the faculty disciplinary process, Privilege and Tenure proceedings – and any associated timeframes – are governed by the faculty bylaws and associated procedures, which can only be changed by the Academic Senate. We have sought to fully engage the Senate in our SVSH efforts, including through the Joint Committee of the Administration and Academic Senate in 2015. More recently, I asked the Senate to provide recommendations on how to define a reasonably prompt timeframe to complete the Privilege and Tenure process. Such a timeframe would address the concerns previously identified by my office, which are now echoed in CSA's findings.
- **Better University procedures and more resources have led to an encouraging rise in the number of SVSH complaints.** I am pleased your audit recognized that UC's improvements have resulted in increased reporting. Campuses have significantly improved their ability to track the complaints they receive. We believe more people have come forward with concerns because of our systemwide improvements: mandatory education and training for employees and students, additional Title IX staff on each campus, and a more robust SVSH policy that requires "responsible employees" to notify their Title IX offices of any complaints. The increased number of reports also reflects the campus communities' greater trust in the Title IX offices, trust essential for their continued successful operations and earned through their significant work.
- **The creation of a systemwide Title IX office marks an important step toward further strength and consistency.** My office established the first systemwide Title IX coordinator position in February 2017 and directed that campus Title IX officers report to this office, as well as to their campus leadership. The office is in charge of implementing the SVSH policy and related procedures and best practices across UC campuses. In a very short time, this office has provided strong guidance enabling UC to develop fundamental systemwide procedures, streamline processes, clarify policy and improve consistency. We intend to continue that progress through this critical component of UC's response to SVSH, and CSA's recommendation for a strategic plan will help provide this office a clear direction for its future efforts.

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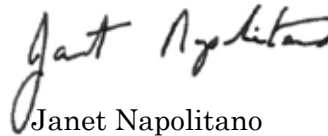
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- **UC has taken many other measures to strengthen its efforts to combat SVSH in our community.** In addition to the improvements described above, UC has taken many additional proactive steps since 2014, including requiring each campus to have both a confidential advocacy office to support individuals who have experienced SVSH, and a respondent services coordinator to assist students alleged to have engaged in SVSH. We have implemented mandatory systemwide SVSH education for students, faculty, and staff, and have established a response team on each campus to ensure responses to all reports are prompt, equitable, and trauma-informed. We have formed a systemwide peer review committee to assess and approve all sanctions that involve a senior University leader, appointed a committee to recommend improvements in responding to SVSH complaints against staff, and established a student advisory board to advise the systemwide Title IX office on prevention and response.

UC understands the need for a strong stance against sexual violence and sexual harassment, meaningful efforts at prevention, and fair and timely processes for addressing complaints. To that end, the University has made great, proactive strides in improving its response to SVSH issues. We appreciate the time CSA has taken to identify ways for us to build upon our momentum and progress. We will continue to uphold our commitment to ensure a safe and secure environment for all members of the UC community.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Janet Napolitano". The signature is fluid and cursive, with the first name "Janet" and last name "Napolitano" clearly distinguishable.

Janet Napolitano
President