

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
OFFICE OF ETHICS, COMPLIANCE AND AUDIT SERVICES



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September 30, 2015

**VICE PRESIDENT DUCKETT
VICE PROVOST CARLSON
VICE PRESIDENT SAKAKI**

SUBJECT: Updated Presidential Policy on Sexual Violence and Sexual Harassment

I am attaching a revised final draft of the University of California's Presidential Policy on Sexual Violence and Sexual Harassment (formerly Sexual Harassment and Sexual Violence). After a concerted effort by the Policy Work Group throughout this past summer, this Policy is now ready for systemwide review and vetting. We would like to have this policy disseminated to your respective representative groups, i.e. senior campus leaders, faculty, other academic appointees, staff, and students. **Comments on the draft Policy are due no later than October 31, 2015.**

Background: In February 2015, the University of California circulated for review a draft revised Presidential Policy on Sexual Harassment and Sexual Violence that brought the University into compliance with the requirements of the Violence Against Women Act (VAWA) that was reauthorized by President Obama in 2013. In addition, this proposed revision updated the University's Policy and Procedures on preventing and responding to sexual violence and sexual assault to reflect the recommendations of the *President's Task Force on Preventing and Responding to Sexual Violence and Sexual Assault*.

The revised February 2015 draft policy was vetted with several audiences including faculty, staff and students. We received significant feedback on the February 2015 draft and as a result the President issued an interim policy asking the Policy Work Group to review the comments received—especially those from the Academic Senate and faculty representatives. Consequently, on June 25, 2015, the University of California issued a revised Interim Presidential Policy on Sexual Harassment and Sexual Violence. The President directed that a final Policy be ready for approval by January 2016.

Current Status: Over the summer, the Policy Work Group comprised of representatives from Student Affairs, Academic Personnel and Programs, Human Resources, Office of General Counsel, Title IX, and Compliance evaluated the regulations and reviewed the revised policy and comments received. The Policy Work Group was augmented with additional representatives chosen from the Academic Senate and the office of Academic Personnel and Programs. The goals of the Policy Work Group's efforts—staffed by my office--were to:

1. Incorporate the final regulations and requirements of VAWA into UC's policy;
2. Address outstanding issues/questions from the previous Policy and Interim Policy as promised by President Napolitano;

3. Review comments received during the vetting process for the February and June versions of the policy and incorporate where necessary.
4. Assure the Policy was consistent with the efforts and requirements of the President's Task Force on Preventing and Responding to Sexual Violence and Sexual Assault (SVSA); and,
5. Improve accessibility and readability by the broader University community including students, parents and community members.

After a concerted effort over the summer, the University's Policy on Sexual Violence and Sexual Harassment is now ready for its final review and vetting. We would like to have this policy disseminated to your respective representative groups, i.e. senior campus leaders, faculty, other academic appointees, staff, and students. **Comments are due no later than October 31, 2015 (as agreed by Academic Senate Leadership and Office of Academic Personnel and Programs).** This timeframe will allow us to review the comments received and complete the final policy for the President by the January 2016 deadline.

The current revised draft (attached) has the following key revisions:

- Incorporates any new VAWA regulations and recent legislation requirements.
- Incorporates recommendations of the California State Auditor Audit Findings and President's Task Force on SVSA to require mandatory education for faculty, other academic appointees, staff, and students. (Mandatory sexual harassment and prevention education for faculty is already required and we are planning to utilize this training to incorporate VAWA requirements and University SVSA Task Force changes).
- Reorganization of the Policy for clarity.
- Updates the definition of consent and adds additional definitions to improve readability, consistency and understanding
- Includes "amnesty" provision for reporting as per California Statute for students and applies the amnesty possibility for faculty and staff.
- Clarifies that the policy addresses only "sexual harassment" as required by VAWA. (Other forms of harassment, i.e., that are non-sexual in nature, including non-sexual hostility and stalking is covered in other policies).
- Complies with the President's directive to disclose disciplinary actions to complainants.

I am pleased to present this draft policy to your offices for vetting as required by our Presidential policy development process. Please be sure all comments are received by **October 31, 2015** so we can finalize the policy for the President's signature by January 2016.

Sincerely,



Sheryl Vacca
Senior Vice President
Chief Compliance and Audit Officer

Attachment

cc Provost and Executive Vice President Dorr
Chief Operating Officer Nava
Chief of Staff Grossman