

October 26, 2015

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Re: Draft Presidential Policy on Sexual Violence and Harassment

Dear Dan,

The San Francisco Division of the Academic Senate has reviewed the revised draft of the proposed Presidential Policy on Sexual Violence and Harassment. In general, the working group should be commended on a draft that meets the requirements of the federal Violence Against Women Act (VAWA), which takes effect on July 1 2015; it also addresses many of the criticisms of the earlier version of the Policy by the Academic Senate. However, members of UCSF's Equal Opportunity Committee (EQOP) and Graduate Council feel that the policy could be improved – mainly in the clarification of certain definitions contained in the policy. These include the definitions of a *Confidential Resource*, a *Responsible Employee*, and the various types of harassment outlined in the Policy:

Mandatory Reporting

EQOP made a general comment that mandatory reporting may not necessarily improve compliance, as this is more of an issue of University culture. That being said, it seems appropriate to include mandatory reporting for faculty as they are in supervisory positions. Indeed, faculty in the health professions and K-12 education are already familiar with the concept of mandatory reporting for other issues such as suspected child and elder abuse. However, some stakeholders feel strongly that mandatory reporting is not a good idea in the sexual assault arena, and current evidence regarding the impact of mandatory reporting in this area should be reviewed to provide guidance. EQOP also recommends regular evaluations on the implementation and impact of the Policy.

Confidential Resources

The Policy defines those University employees as “confidential resources” as those who can provide confidential consultation in their professional capacity, and are exempted from reporting to the Title IX office (but must still comply with the UC CANRA and reporting obligations under the Clery Act). These individuals include: 1) CARE advocates; 2) Ombuds; 3) licensed counselors in employee assistance programs; 4) licensed counselors in student counseling centers; 5) any persons with a professional license requiring confidentiality (excluding campus legal counsel); and 6) *any health sciences center employees with a professional license requiring confidentiality, or someone who is supervised by such a person*. Given the large number of employees with professional licenses requiring confidentiality at UCSF and other health

sciences campuses, UCSF's Graduate Council feels that this definition would benefit from a description of any circumstances under which an employee with a professional license requiring confidentiality would not constitute a confidential resource for the purposes of this policy.

#### Responsible Employees

The new Policy adds a definition on "responsible employees." In short, these responsible employees (who are not confidential resources), and receives information about possible sexual violence or sexual harassment involving an undergraduate student are required to promptly notify the Title IX Officer or designee. Given that UCSF does not enroll any undergraduate students, the UCSF Graduate Council recommends that we recommend that the definition of responsible employee include any University employee who is not a confidential resource and who receives information about possible sexual violence and sexual harassment involving *any* student, including graduate students.

#### Types of Harassment

EQOP also suggests elements that might be added to the different types of harassment defined in the policy:

- *Relationship Violence* [Section II (B)(1)(b)]: Dating violence is often more than just about bodily injury. It might be wise to consider including the terms "physical, sexual or psychological harm including substantial emotional distress."
- *Sexual Harassment* [Section II (B)(2)(a)]: EQOP asks if repeatedly asking someone for a date be automatically considered "of a sexual nature," or would this fall under general harassment? This section does not address advances that may not be overtly sexual, yet could still fall under the term "sexual harassment."
- *Sex Discrimination* [Section II (C)(1)]: The placement of this item is incongruous. It should be a numbered item on the list of prohibited conduct.

Finally, EQOP commends the task force for the inclusion of the policy in the Spanish and Chinese languages, but recommends that campuses be given sufficient resources to offer the Policy in additional languages. On that point, EQOP members noted that a correction is needed for the Chinese translation of "Chinese Version, Please click here." In particular, "中國版本" should be replaced by "中文版本".

The Academic Senate appreciates the opportunity to review this important Presidential Policy. If you have any specific questions on the comments provided, please do not hesitate to contact me.

Sincerely,



Ruth Greenblatt, MD  
2015-2017 Chair  
UCSF Academic Senate

CC: Systemwide Academic Senate Executive Director Hilary Baxter

Encl. (2)

October 22, 2015

Ruth Greenblatt, MD  
UCSF Academic Senate  
500 Parnassus Avenue  
San Francisco, CA 94143

Re: The University of California's Presidential Policy on Sexual Violence and Sexual Harassment

Dear Chair Greenblatt:

The UCSF Academic Senate Committee on Equal Opportunity (EQOP) reviewed the revised final draft of the University of California's Presidential Policy on Sexual Violence and Sexual Harassment. EQOP appreciates this opportunity to review the policy and respectfully submits the following comments.

**General Comments**

- EQOP applauds the inclusion of the policy in Spanish and Chinese languages and recommends that campuses be given the resources in order to offer the policy in additional languages to meet the needs of their constituents.
- There is a concern that mandatory reporting will not necessarily improve compliance as this is more of an issue of University culture. That being said, it seems appropriate to include mandatory reporting for faculty as they are in supervisory positions. Faculty in health professions and K-12 education are already familiar with the concept of mandatory reporting for other issues such as suspected child and elder abuse; however, some stakeholders feel strongly that mandatory reporting is not a good idea in the sexual assault arena. It would be useful to review current evidence regarding the impact of mandatory reporting and have experts on this issue provide guidance. We also recommend regular evaluations on implementation and impact of the policy.

**Mandatory Reporting** [Section II (C)(6)]

EQOP recommends that there not be different requirements depending on type of student, namely undergraduate and graduate. There is a power differential in all cases, and the concern is that when requirements differ, the likelihood of taking appropriate action decreases. Current UCSF language posted publicly is as follows: "You should feel free to talk to a trusted friend or colleague. Keep in mind that managers, supervisors and certain employees such as faculty and principal investigators are required to report to the Title IX officer (sexual harassment officer)." This [site](#) also provides an avenue for anonymous reporting.

**Relationship Violence** [Section II (B)(1)(b)]

Dating violence is often more than just about bodily injury. Consider including these terms "physical, sexual or psychological harm including substantial emotional distress."

**Sexual Harassment** [Section II (B)(2)(a)]

Would repeatedly asking someone for a date be automatically considered "of a sexual nature," or would this fall under general harassment? This section does not address advances that may not be overtly sexual, yet could still fall under the term "sexual harassment."

**Note on Sex Discrimination** [Section II (C)(1)]

The placement of this item is incongruous. It should be a numbered item on the list of prohibited conduct.

**Other Definitions** [Section II (C)]

The list of definitions (including Confidential Resources, Complainant, Location, Preponderance Evidence, Respondent, and Responsible Employee) should be made available at the beginning of Section II, since these terms are mentioned in Section II (A) and Section II (B).

**Language Translation** [Page 1]

Correction is needed for the Chinese translation of "Chinese Version, Please click here." 中國版本 should be replaced by 中文版本.

Thank you again for the opportunity to opine.

Sincerely,



**Janice Tsoh, PhD**

Chair, UCSF Academic Senate Committee on Equal Opportunity

October 16, 2015

Ruth Greenblatt, MD  
UCSF Academic Senate  
500 Parnassus Avenue  
San Francisco, CA 94143

Re: The University of California's Presidential Policy on Sexual Violence and Sexual Harassment

Dear Dr. Greenblatt:

The Graduate Council of the San Francisco Division of the University of California Academic Senate reviewed and discussed the revised final draft of the University of California's Presidential Policy on Sexual Violence and Sexual Harassment. The UCSF Graduate Council appreciates this opportunity to review the policy and respectfully submits the following comments.

***Confidential Resource***

The current revised draft adds the definition of confidential resources. Any employees with a professional license requiring confidentiality (excluding campus legal counsel), or someone who is supervised by such, and any health sciences center employees with a professional license requiring confidentiality, or someone who is supervised by such a person can provide confidential consultation in their professional capacity. Confidential consultation exempts these individuals from reporting to the Title IX office.

The University of California San Francisco is the only campus in the University of California system exclusively dedicated health sciences. Many of the employees at UCSF have a professional license requiring confidentiality. The revised final draft does not specify if there are circumstances under which a person with a professional license requiring confidentiality would not be exempt from reporting to the Title IX office.

To ensure that employees at the University of California San Francisco understand reporting requirements, we recommend a description of the circumstances under which an employee with a professional license requiring confidentiality would not constitute a confidential resource for the purposes of this policy.

***Responsible Employee***

The revised draft also adds the definition of responsible employee. Any University employee who is not a confidential resource and who receives information about possible sexual violence or sexual harassment involving an undergraduate student must promptly notify the Title IX Officer or designee.

The University of California San Francisco neither offers undergraduate courses nor enrolls undergraduate students. The revised final draft does not specify if any University employee who is not a confidential resource and who receives information about possible sexual violence or sexual harassment involving a graduate student must promptly notify the Title IX Officer or designee.

To ensure that the University of California creates and maintains a community free of sexual violence and sexual harassment for every individual, including graduate students, we recommend that the definition of responsible employee include any University employee who is not a confidential resource and who receives information about possible sexual violence and sexual harassment involving any student.

Sincerely,

Jason Rock PhD, Chair  
Graduate Council