



SYSTEMWIDE TITLE IX OFFICE

OFFICE OF THE PRESIDENT  
1111 Franklin Street,  
Oakland, California 94607-5200

March 29, 2017

CHANCELLORS

Dear Colleagues:

As you know, President Napolitano, in her letter of May 12, 2016, instructed each location to:

Develop a campus Peer Review Committee, similar to the Systemwide Peer Review Committee, to review and advise the Chancellor on recommended discipline and regarding early/alternative resolutions in faculty SVSH cases.

The campus Peer Review Committee ("PRC") is intended to advise you in developing an appropriate resolution when a Title IX investigation has found that a faculty member has violated the UC Policy on Sexual Violence and Sexual Harassment ("SVSH Policy"). The goal of the PRC is to assist you in ensuring that discipline or other measures imposed in such cases are consistent, proportional, and designed to stop the violative conduct and prevent its recurrence.

Unlike the Systemwide Peer Review Committee, which is a decision-making body, your campus PRC is advisory only. You remain ultimately responsible for deciding what actions to take in response to the Title IX investigation finding, including what if any discipline to impose.

This letter provides guidance regarding your PRC, including its composition, the kinds of matters it should consider, suggested general protocols, and the training your PRC members should receive. Given that your PRC must be operational no later than July 1, 2017, this letter also sets forth a suggested timeline for steps toward implementation.

**Composition of the PRC**

Your PRC should be composed of faculty members with relevant experience in issues relevant to faculty discipline (e.g., previous experience on the Academic Senate's Privilege & Tenure Committee) and/or harassment or discrimination (e.g., previous experience as an equity advisor). You may also select administrators to sit on the PRC, provided they have no current role in faculty discipline decisions.

Particularly because the complainant may be a student or staff member, your PRC should include one or more faculty members or administrators who have appropriate insight into the

staff or student complainant's perspective.<sup>1</sup> Your Vice Chancellor of Student Affairs or someone with similar experience could fill this role, but does not need to if you can identify another PRC member who can effectively bring this expertise. Your campus counsel should be included in the PRC's deliberations and discussions, and should be available to provide legal advice to the PRC.

### **Matters Reviewed by the PRC**

Some campuses have asked which specific "faculty" titles are to be reviewed by the PRC. At a minimum, you must engage the PRC in cases where a Title IX investigation has found that a Senate faculty member has violated the SVSH Policy. You are encouraged to engage the PRC in cases where a Title IX investigation has found that a non-Senate faculty member has violated the SVSH Policy.

If you are considering using the PRC for cases involving represented non-Senate instructional appointees such as lecturers, you should notify UCOP and campus Labor Relations and the Office of General Counsel to address any potential collective bargaining obligations.

### **PRC Protocols**

You should develop protocols for how the PRC will operate. Generally, the PRC should convene as quickly as possible after you have received the Title IX investigation report, and the complainant and respondent have had an opportunity to submit a written response and request an in-person meeting with you or your designee.<sup>2</sup> The Title IX investigation report should form the factual basis for the PRC's deliberation; the PRC should not conduct any additional factual investigation.

Your protocols should have a method for identifying conflicts of interest, and guidelines for information sharing and confidentiality. In addition, your PRC protocols should set forth a structure for how PRC members will deliberate and provide feedback to you or your designee.

You must engage the PRC and file charges, if any, with the Privilege & Tenure Committee within two months (i.e., 40 business days) of receiving the final Title IX investigation report.<sup>3</sup> Extensions to this timeline may be granted only by you, upon a finding of good cause. Your protocols should set forth this general time frame, and other time limits as appropriate.

### **Training of PRC Members**

The PRC should receive regular training, which should be overseen by your Title IX officer and campus counsel as appropriate. The training should include but is not limited to: information about the SVSH Policy and related procedures; an explanation of the Title IX investigation process and the elements of a Title IX investigation report; a review of behavior

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<sup>1</sup> This perspective should include, for example, an understanding of how a power differential between a faculty member and a student could impact whether conduct was unwelcome.

<sup>2</sup> In accordance with the recommendations accepted by the President, the complainant and respondent have an opportunity to submit a written response to the Title IX report and meet with you or your designee. This opportunity exists regardless of whether the Title IX investigation found a violation of the SVSH Policy.

<sup>3</sup> Early resolutions or negotiated settlements can proceed concurrently within this two-month time period and continue throughout the grievance process up until the imposition of discipline.

prohibited under the SVSH Policy; a discussion of consent, including how a power differential may impact whether consent was given; the impact of trauma; permitted forms of discipline; historical data; and relevant factors that could be considered when assessing whether and what discipline to assess.

I will follow up directly with your Title IX officer to provide more specific guidance regarding PRC training.

**Timeframe for Implementation**

Your PRC should be fully trained and operational by no later than July 1, 2017. In order to meet this timeframe, you should have the composition of your PRC determined with PRC members appointed by no later than May 1, 2017. Your protocols should be fully developed by June 1, 2017.

I hope that this guidance is useful to you. Please do not hesitate to contact me directly if you have questions or if you think I can provide further guidance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen Salvaty', with a stylized, overlapping loop at the end.

Kathleen Salvaty  
Systemwide Title IX Coordinator  
Systemwide Title IX Office

cc: Provost and Executive Vice President Dorr  
Vice Provost Carlson  
Vice Provost/Vice Chancellor of Academic Affairs/Academic Personnel  
General Counsel and Vice President Robinson  
Campus Counsel  
Title IX Officers