January 23, 2015

VICE PRESIDENT DUCKETT
VICE PROVOST CARLSON
VICE PRESIDENT SAKAKI

SUBJECT: Updated Presidential Policy on Sexual Harassment and Sexual Violence

On February 25, 2014, the University of California issued a revised Presidential Policy on Sexual Harassment and Sexual Violence that updated the University’s policy on preventing and responding to allegations of sexual misconduct on our campuses. The new policy also brought the University into compliance with the requirements of the Violence Against Women Act (VAWA) that was reauthorized by President Obama in 2013.

As you are aware, the revised policy was vetted with several audiences including senior campus academic and administrative leaders, faculty, other academic appointees, staff, and students. Critical issues and comments received were incorporated and inclusion of other suggestions/comments was postponed pending issuance of the final regulations by the Department of Education, which were due in Fall 2014.

Final regulations were issued on October 20, 2014 and will become effective July 1, 2015. Immediately, a working committee comprised of representatives from Student Affairs, Academic Personnel and Programs, Human Resources, Office of General Counsel, Communications, Title IX, CARE Advocates, and Compliance evaluated the regulations and reviewed the revised policy. The goals of the committee’s work—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 initial vetting as promised by President Napolitano;

3. 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,

4. Improve accessibility and readability by the broader University community including students, parents and community members.
After a concerted effort by the working committee throughout the Fall 2014, the University’s Policy on Sexual Harassment and Sexual Violence 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.

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 hoping to utilize this training to incorporate VAWA and SVSA)
- Consideration was given to policy language to make the policy clearer and in plain language to address comments received from reviewers during the initial vetting that the policy was difficult to understand
- Provides that complainants and respondents may appeal an investigation process that alleges violation of this policy (stated in initial policy as well)
- Updates in policy terminology as required by VAWA
- Clarifies appropriate paths for reporting incidents
- Updates definition of consent and adds additional definitions to improve readability, consistency and understanding
- Includes “amnesty” provision for reporting (De Leon)
- Incorporates “abuse” as included in domestic violence or sexual violence. It is included to strengthen a cause that complainants often raise in allegations.
- 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 that is non-sexual in nature will be 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 policy development process. I look forward to comments received by your office and the discussion of them as we finalize the policy for the President’s signature in time for compliance with the VAWA Reauthorization Act by July 1, 2015.

Sincerely,

[Signature]

Sheryl Vacca
Senior Vice President
Chief Compliance and Audit Officer

Enclosure

cc Provost and Executive Vice President Dorr
Executive Vice President Brostrom
Chief of Staff Grossman