



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

March 8, 2016

JANET S. BROUGHTON
VICE PROVOST FOR THE FACULTY

Subject: Improving Faculty Compliance with Sexual Harassment Prevention Training

Dear Janet,

On March 7, 2016, Divisional Council (DIVCO) took up the question of how the campus might best improve faculty compliance with mandated sexual harassment prevention training. In advance of this discussion, I asked the Committee on Diversity, Equity, and Campus Climate (DECC) to consider the issue and I also circulated, with his permission, Dean Lyons's memorandum on how the Haas School has sought to tackle this problem. At the DIVCO meeting, the Chair of DECC made an oral report on that committee's deliberations.

I regret to report that no consensus emerged at DIVCO. Although there was universal recognition of the importance of combatting and preventing sexual harassment, the issue of ensuring faculty compliance with the mandated training proved contentious.

Although Haas's efforts were lauded, it was noted that because other units lacked the resources that Haas has, campus-wide adoption of its approach could not be a universal solution.

Many members of DIVCO felt that the poor quality of the online training played a significant role in faculty non-compliance.

The Chair of DECC reported that the committee had considered two possible consequences for non-compliance: loss of library privileges and being ineligible for merit review. At DIVCO, a view was expressed that loss of library privileges would have differential effects depending on a faculty member's discipline. Although extending loss of privileges to electronic sources was proposed, concerns were raised that (i) this might prove problematic if doing so necessarily entailed blocking access to other sites and resources (*e.g.*, sites for reporting grades, being able to access email); (ii) even narrow blocking of access to electronic library resources may not be a sufficient deterrent in some disciplines (although not mentioned explicitly in the meeting, I would also add that in many disciplines the ability to access preprints, reprints hosted by the

author, or even “pirate” sites could limit the effectiveness of this strategy); and (iii) implementation might require a non-trivial use of staff time (and thus money).

Although some members of DIVCO were supportive of the idea that one would be “merit ineligible” if one was out of compliance, noting that this would be similar to how we insure compliance with APM 025, others members expressed reservations. Principally, three concerns were raised: (i) checking that a candidate for merit review was in compliance would impose an additional and costly burden on administrative support staff; (ii) ensuring compliance could slow down the review process; and (iii) a fear that “false positives” would lead some faculty who were, in fact, in compliance being blocked from a merit review (unless they unnecessarily repeated the training).

Suggestions that “carrots” be considered, in particular friendly competition among units, rewards for units with the highest rates of compliance, or rewards for individual faculty for compliance garnered little support.

There was some receptivity to the idea that, for units with especially weak compliance, there be required in-person training at a faculty meeting, with measures taken to ensure attendance by those faculty not in compliance.

In the end, DIVCO supported the following steps:

1. Collect data on which units have high compliance rates and which low, and what actions, if any, the former have taken to effect high compliance.
2. To examine the data from our sister campuses to see which campuses have high compliance rates and which low, and what actions, if any, the former have taken to effect high compliance.

Sincerely,



Benjamin Hermalin
Chair, Berkeley Division of the Academic Senate
Schneider Distinguished Professor of Finance & Professor of Economics

Cc: Donna Jones, Chair, Committee on Diversity, Equity, and Campus Climate
Diane Sprouse, Senate Analyst, Committee on Diversity, Equity, and Campus Climate