



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

March 12, 2019

ROBERT MAY
Chair, Academic Council

Subject: Proposed Revisions to Investigation and Adjudication Frameworks for Senate and Non-Senate Faculty and for Staff and Non-Faculty Academic Personnel under the Presidential Sexual Violence and Sexual Harassment (SVSH) Policy

Dear Robert,

On February 25, 2019, the Divisional Council (DIVCO) of the Berkeley Division considered the proposal cited in the subject line, informed by commentary of our divisional committees on Diversity, Equity and Campus Climate (DECC), Faculty Welfare (FWEL), and Privilege and Tenure (P&T). We strongly object to this proposed revision.

In December 2018, in its commentary concerning proposed revisions to the UC SVSH policy, DIVCO expressed concern about the "degree of discretion and authority vested in the Title IX office." We view the proposed revision to the SVSH investigation and adjudication framework as another expansion of the Title IX office's authority—without any rationale or justification provided—and one that comes at the expense of faculty authority.

The peer review committees empaneled on each campus provide a faculty voice in advising campus administration on disciplinary measures agreed upon as part of the adjudication process. Under the proposal, the chancellor, or her or his designee, would be required to consult with the Title IX officer in addition to consultation with the peer review committee. The nature, purpose, or scope of the consultation is not defined, but we question its necessity given the charge of the peer review committee. DIVCO is dismayed by this abrogation of the faculty role in the adjudicative process.

Furthermore, we believe that the proposal will result in the Title IX officer serving as an investigator and then in an adjudicative role as well. Additionally, if the case is referred to P&T, the Title IX officer may be called to testify regarding the investigation. We find this conflation of roles to be wholly inappropriate.

In sum, DIVCO declines to endorse the proposal.

Sincerely,



Barbara Spackman

Chair, Berkeley Division of the Academic Senate

Cecchetti Professor of Italian Studies and Professor of Comparative Literature

cc: David Ahn, Chair, Committee on Diversity, Equity and Campus Climate
Terrence Hendershott, Kenneth Polse, and Sheldon Zedeck, Co-chairs,
Committee on Faculty Welfare
Marianne Constable, Chair, Committee on Privilege and Tenure
Andrea Green Rush, Executive Director staffing the Committee on Privilege and
Tenure
Sumali Tuchrello, Senate Analyst, Committee on Faculty Welfare
Linda Corley, Senate Analyst, Committee on Diversity, Equity and Campus
Climate