

Committee on Privilege and Tenure Annual Report 2015-16

To: Academic Senate, Santa Cruz Division

Grievances

Six grievances were filed with the committee during the 2015-16 academic year, and one during the summer of 2016. Four of the grievances have been dealt with; review of the remaining three is ongoing, and will be completed during the 2016-17 academic year.

Charges

Charges were presented by the administration against two members of the faculty this year. The Charges Committee reviewed the cases and returned with recommendations for discipline. For one of the cases a hearing was scheduled but not held because of early resolution; for the second case a hearing has yet to be scheduled but will most likely occur in the fall.

Updated Presidential Policy on Sexual Violence and Sexual Harassment

In the fall of 2015, the Committee on Privilege and Tenure (P&T) reviewed the proposed revised Presidential Policy on Sexual Violence and Sexual Harassment. The chief concern of the committee was vagueness in the language used to describe voyeurism. It was unclear in the document if voyeurism constituted assault, or what the ramifications for voyeurism should be. It was clear to P&T that this type of behavior constitutes sexual harassment, though this was not clearly defined. P&T proposed that this prohibited activity and its legal ramifications be more clearly classified in the final document.

UCSC Disciplinary Process

This year the committee reviewed the February 17, 2016 report of the Joint Administration-Academic Senate Committee on Faculty Discipline. The report related to disciplinary proceedings for faculty respondents in cases alleging sexual violence, sexual assault, or sexual harassment pursuant to the recently adopted University of California Policy on Sexual Violence and Sexual Harassment. While the report was useful in highlighting general issues of outdated policy applied during the discipline process, members thought that the report fell short of proposing adequate remedies. The committee was primarily concerned with how transparency concerning the process might be enhanced on this campus.

Although the report emphasizes the importance of reducing the amount of duplicative investigations by different parties, it did not give clear recommendations regarding how such reduction can be accomplished.

Second, P&T had concerns regarding the “3-year rule” and the role of department chair as the point at which the administration (in the person of the chancellor) is to be deemed to have known about an allegation of faculty misconduct. Policy dictates that any suspected SVSH misconduct must be immediately reported to a department chair by any responsible employee who becomes aware of it. In the case of other kinds of faculty misconduct, however, our own campus policy does not seem to involve the department chair at all by P&T’s reading of CAPM 002.015 E.1.

The designation of all faculty as “responsible employees” who would be mandatory reporters is troublesome. The effect is that nearly everyone that a potential claimant might want to confide in or seek counsel from are made unavailable for confidential advice.

Lastly, the report focused mostly on the need for education and transparency rather than changes in policy; more clarity is needed.

Title IX Training

During the winter quarter P&T members participated in a Title IX training led by Tracey Tsugawa, Title IX Officer for UCSC.

Respectfully submitted;

COMMITTEE ON PRIVILEGE AND TENURE

Maureen Callanan

Josh Deutsch

Shigeko Okamoto

Alex Pang

Larry Polansky (*W & S*)

Carl Walsh

Jorge Hankamer, Chair

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