



Michael V. Drake, MD
President

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universityofcalifornia.edu

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CHANCELLORS
LAWRENCE BERKELEY NATIONAL LABORATORY DIRECTOR
VICE PRESIDENT–AGRICULTURE AND NATURAL RESOURCES

RE: Revised SVSH Investigation and Adjudication Framework for Senate and Non-Senate Faculty and Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel

Dear Colleagues:

Last August, the University issued several interim policies to comply with the U.S. Department of Education’s Title IX regulations on sexual harassment. On March 8, 2021, President Biden signed an Executive Order directing the Department to review the regulations for consistency with the policies of the Biden-Harris Administration. I anticipate that this will result in the Department issuing improved regulations, but that this will take time. In the meantime, UC must continue working to mitigate harm from the existing regulations.

Revisions to SVSH Investigation and Adjudication Frameworks for Faculty and Staff

To that end, today I issue revised versions of two policies, the Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Senate and Non-Senate Faculty (“Faculty Framework”) and Sexual Violence and Sexual Harassment Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel (“Staff Framework”).

A particular concern with the existing regulations is that they require the University to convene live hearings and provide appeals for cases with employee respondents. Because faculty and many staff already have the right to a hearing at the disciplinary stage under other policies, these additional requirements mean it could be more difficult and take longer to hold employees accountable for conduct covered by the regulations than other types of misconduct.

The framework revisions I issue today implement a provision in the regulations that allows us to carve this live hearing requirement out of the Title IX process when allegations arise from programs that are not “postsecondary educational institutions,” as defined in the regulations, even if they are part of the University. After careful consideration, UC determined this provision allows us to resolve limited categories of allegations against employees without a Title IX hearing. Specifically, this includes allegations that arise from: the provision of patient care to the complainant or a person in the complainant’s charge; a program or activity for the benefit of minors, including

elementary and secondary schools, if the complainant is such a beneficiary; a program or activity for the benefit of individuals with intellectual disabilities (such as the UC Davis [SEED Scholar Program](#)), if the complainant is such a beneficiary; a program or activity of Lawrence Berkeley National Laboratory or of the UCOP division of Agriculture and Natural Resources; or a service or function of the UC Police Department. Note that these cases will still have a thorough Title IX investigation in which both parties have extensive rights, and an appeal option.

Revisions to Academic Senate Bylaws

To further address the possibility of two separate fact-finding hearings in cases under the Sexual Violence and Sexual Harassment (SVSH) Policy, the Academic Senate recently made an important amendment to the Senate Bylaws. This amendment limits the scope of Privilege and Tenure (P&T) hearings for cases that have already been through a Title IX hearing, reducing the likelihood of duplicative fact-finding hearings at both stages.

The Senate also recently revised its Bylaws to adopt the “preponderance of the evidence” standard in P&T hearings for alleged violations of the SVSH Policy. This critical change brings the University into compliance with a requirement in the Title IX regulations that schools use a single evidentiary standard for all categories of respondents. As importantly, it aligns with the principles of fairness and equity so fundamental to the UC system.

I note that both revisions passed with overwhelming support from both the Academic Council and the Assembly and that the Senate also supported the framework revisions I circulate today. I appreciate the Senate’s care and partnership.

For your convenience, I share the revised frameworks both with tracking that shows the changes to the final “clean” form. The policies are posted online at <https://ucop.edu/title-ix/resources/index.html>.

Please contact Suzanne Taylor, Director of the Systemwide Title IX Office, with any questions.

Sincerely,



Michael V. Drake, MD
President

Attachments:

Interim SVSH Investigation and Adjudication Framework for Senate and Non-Senate Faculty (tracked and clean)

Interim SVSH Investigation and Adjudication Framework for Staff and Non-Faculty Academic Personnel (tracked and clean)

cc: Division Leaders
Medical Center Chief Executive Officers

Academic Senate Chair Gauvain
Academic Senate Vice Chair Horwitz
Vice President and Vice Provost Gullatt
Interim Vice President Lloyd
Vice Provost Carlson
Chief of Staff Kao
Deputy General Counsel Woodall
Director Taylor
Executive Director Baxter
Acting Director Heng
Ethics, Compliance & Audit Services Chief of Staff Levintov
Title IX Officers
Universitywide Policy Office