

An Open Letter of Concern

Regarding the UC System's Office of the President's Presidential Task Force on Preventing and Responding to Sexual Violence and Sexual Assault

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Introduction

This letter addresses concerns of students across the UC system (the UC) regarding the efforts by the UC Office of the President (UCOP) to address the pervasive, urgent, and high priority issue of sexual violence and sexual assault on college campuses. This letter summarizes the work of the UCOP Task Force on Preventing and Responding to Sexual Violence and Sexual Assault (the Task Force) and Sexual Violence to date.¹ It then highlights previously raised issues with the Task Force that remain unaddressed as of 2016 March. This letter then suggests simple, low- or no-cost Necessary Changes that, if made, would significantly improve the Task Force's inclusion of critically-needed student perspectives. Because of the issues outlined in the below Summary, it is imperative that Necessary Changes be made to the Task Force, so that it includes the input and perspectives of those students most significantly impacted by Sexual Violence in the UC, ultimately resulting in tangible, measurable, clear, specific, and time-bound outcomes.

Sexual Violence is a complicated, traumatic, and controversial issue, which impacts the whole of society. Consequently, there are multiple community stakeholders interested in improving the UC's policies on Sexual Violence, to ensure Sexual Violence occurs as infrequently as is humanly possible. However, Sexual Violence disproportionately impacts women, graduate students, first-generation university students, students of color, members of the

¹ See UCOP's "Ethics, Compliance, and Audit Services" page for the official summary of the Task Force: <http://www.ucop.edu/ethics-compliance-audit-services/compliance/SVSA.html>

See also the following official Task Force reports to date, listed chronologically below:

- 2014 September "Initial Report to the President":
<http://www.ucop.edu/ethics-compliance-audit-services/files/compliance/SVSA-TF-report.pdf>
- 2015 January "Report to the President...Phase II, January Milestones"
<http://www.ucop.edu/ethics-compliance-audit-services/files/compliance/SVSA-jan-report.pdf>
- 2015 June "Report to the President...July Milestones"
<http://www.ucop.edu/ethics-compliance-audit-services/files/compliance/SVSA-jan-report.pdf>

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LGBTQ+ community, and other historically colonized, marginalized, and underrepresented populations.

Summary of the Task Force and Concerns to Date

Since its 2014 June creation, the UCOP Task Force has made some progress in improving Sexual Violence policies, and the Task Force has attempted to include some student perspectives. As of early 2016, the Task Force includes 4 Student Members, who apply to and rotate into the Task Force at the beginning of each UC academic year. In 2014, in order to increase the number of students participating in the Sexual Violence policy reform process, the Task Force added a Student Advisory Work Group (the Work Group) that meets 2-3 times in person per UC academic year, and which is open to almost all students who apply. Additionally, as of late 2015, the Task Force now also receives input from a Joint Committee on Faculty-Student Misconduct (the Joint Committee) to specifically address the pervasive sexual violence perpetrated by faculty against students, especially graduate students and research assistants, as highlighted by the 2015 October revelations about Geoff Marcy at UC, Berkeley.²

In late 2015, an initial draft of a revised systemwide compliance document was sent via email to most UC students, and the Work Group met in person to provide feedback on this document, as well as on the status of UC Sexual Violence policies in general.³ By the end of 2015, an updated UCOP systemwide compliance document was created, which ostensibly incorporated input from the Task Force's Student Members, and its sub-groups, including the Work Group and Joint Committee.⁴ As of 2016 January, the new policy has officially taken effect.⁵

The updated policy incorporated important new language, complied with new regulations per the Violence Against Women Act 2013 re-authorization, and addressed some concerns raised by students' political activism. Part of the intent of both the new legislation and the updated policies was to address the re-traumatization and legal discrimination many students suffer at the hands of administrators and educators in the UC and elsewhere.

Despite best intentions and new revisions to Sexual Violence policy, however, the process and outcomes of Sexual Violence policy revisions remain problematic, and the document remains largely a legal compliance document, rather than an effective tool to empower those most impacted by Sexual Violence. This is evidenced through the overall lack of incorporation of student input on the newly revised Sexual Violence policies. This is further evidenced by an

² UCOP: Memo re: Sexual Violence Following Marcy Allegations

<https://drive.google.com/file/d/0BzXKli6oolGRS1R2YXpSOTVFaTA/view>

³ UCOP: Sexual Violence Policy Draft, reviewed in-person by the Work Group on Saturday, October 10, 2015 <https://drive.google.com/file/d/0BzXKli6oolGRclJmS1VvX3RrZzUwbGiqZ1hoMFF5V3NqQTE0/view>

⁴ UCOP: Sexual Violence Policy, finalized December 18, 2016

<https://drive.google.com/file/d/0BzXKli6oolGRTFZfTkhpRGR0OVU/view>

⁵ UCOP: "UC Implements new model addressing campus sexual violence and sexual harassment."

<http://link.ucop.edu/2016/01/11/uc-implements-new-model-addressing-campus-sexual-violence-and-sexual-harassment/>

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ongoing series of student and laborer actions and letters expressing concerns about the Sexual Violence policies and revisions processes.

In 2013 Winter Quarter, a UC, Berkeley campaign named “6,000 In Solidarity” highlighted the vast numbers of students across universities that research indicates will experience Sexual Violence during their studies.⁶ In 2014 Fall Quarter, the UC Student Association (UCSA) decided that their annual UC-wide campaign would focus on the issue of Sexual Violence.⁷ In 2015 January, UCSA began a systemwide petition calling on, among other things, increased funding and transparency for Sexual Violence policies and revisions, as well as a focus on mandatory, peer education system led by self-identified survivors.⁸

In 2015 May, UC Santa Barbara self-identified survivors led students in protest of administrative mishandling and re-traumatization of survivors, ending only after a 13-hour occupation of the Chancellor's office resulted in the Chancellor's signature on several UCSB-specific demands.⁹ As of early 2016, many of those demands remain unfulfilled. Additionally, in 2015 May, the UC, Berkeley Graduate Assembly released a White Paper identifying critical needs and current issues regarding sexual violence perpetrated against graduate and professional students. This recommended a minimum adherence to national best practices for Sexual Violence prevention, including but not limited to “three mandatory, in-person, small group sessions.”¹⁰

In 2015 December, several Student Representatives to the Work Group drafted and sent to key UCOP staff a letter of concern about the Work Group, which identified issues with the Work Group's organization, communication, and outcome measurement, as well the Task Force's resources and systems to include students' voices.¹¹

By 2016 January, multiple actions had been taken by the two unions that represent students and/or researchers who work the closest with faculty: UAW2865, which represents Teaching Assistants (TAs), readers, tutors, and other Academic Student Employees (ASEs); and UAW5810, which represents post-doctoral researchers. In 2015 October, UAW 2865 requested to be on the Joint Committee, but UCOP did not respond. In 2015 November, UAW 5810 and

⁶ UC Berkeley CalSERVE, “6000 In Solidarity,” 2013 March.

- <http://calserve.org/6000-in-solidarity/>

⁷ UCSA: “About UConsent,” 2015 January.

- <http://ucsa.org/uconsent-3/>

⁸ UCSA: “Petition - Take Action Against Sexual Assault!” 2015 March.

- <http://ucsa.org/petition-i-take-action-against-sexual-assault/>

⁹ nowUCsb: “Sexual Violence Media Coverage Links,” 2015 October.

- <https://drive.google.com/open?id=1cq0biwrm--JdseBal3Ykt2s0FBNcq3At4WieGDEZQrxQ>

See also the original signed 13 Demands, 2015 May.

- <https://drive.google.com/open?id=0BzXKli6oolGRMnJURV9xTzJjZnc>

See also the grammatically, not substantively, updated demands, 2015 October.

- <https://drive.google.com/open?id=0BzXKli6oolGRS0dMVzgyQnJpUEk>

¹⁰ UC, Berkeley Graduate Assembly: “Advocacy Agenda 2014-2015, Sexual Violence Response and Prevention,” 2015 May.

- <https://drive.google.com/file/d/0BzXKli6oolGRbDZMUFWeGJiR0k/view>

¹¹ Student Representatives of the Work Group Letter to UCOP, 2015 December.

- <https://drive.google.com/file/d/0BzXKli6oolGRfJ4d0p4c0tzNGs/view>

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2865 sent their own joint letter of concern to UCOP, citing "gross mishandling of sexual harassment and assault," and the exclusion of "both UAW 2865...and UAW 5810...from these committees."¹² UCOP responded by stating that union members would not be invited specifically, though graduate students and post-doctoral researchers were invited for the first time. Additionally in 2015 December, both unions created a joint systemwide petition calling on UCOP to "implement real and immediate changes to eradicate" Sexual Violence, specifically highlighting the "recent Geoff Marcy case at UC Berkeley."¹³ Additionally in 2016 January, UAW 5810 contacted the Task Force's lead Sheryl Vacca, specifically addressing the Joint Committee's work and stating, among other issues, that "it is unclear how these meetings will incorporate input from concerned post-doctoral scholars."¹⁴

Persistent Issues with the Task Force

Despite steps in the right direction, the Task Force continues to fail to communicate effectively with UC students, the general public, and even its own Student Members and Student Representatives. Because the Task Force is not yet adequately including the voices of the students most impacted by Sexual Violence, it has thus far failed to prioritize certain issues, leaving students at continued risk.

Poor Communication and Accessibility for Student Members

The inclusion of Student Members on the Task Force was a very important step in incorporating students' voices. However, it is impossible for only four Student Members to represent the broad range of concerns facing both undergraduate and graduate UC students, and to adequately respond to and communicate with students across the UC's ten campuses. The existing Student Members are not adequately available to UC students or their other communities, despite all of their dedicated work on reforming the UC's Sexual Violence policies. Assisting high-level administrators with legally and ethically complex work burdens Student Members with non-academic work, compounding their already-rigorous academic workloads. Additionally, Sexual Violence work may put students at risk of increased mental, emotional, and sometimes even physical danger.

More Student Members, and more diversity amongst Student Members, on the Task Force would partly remedy these issues. It is critical to consider the accessibility of the Task Force positions as the current system imposes undue barriers for many students from marginalized groups. These marginalized students are more likely to be impacted by Sexual Violence, and therefore their voices especially must be included on the Task Force.

¹² UAW5810 and UAW2865, letter to UCOP, 2016 January.

- <https://drive.google.com/file/d/0BzXKli6oolGRckd4UFZ4dXFqYTg/view>

¹³ UAW5810 and UAW2865, Change.org petition, 2016 January.

- <https://www.change.org/p/tell-janet-napolitano-end-sexual-harassment-and-assault-at-uc>

¹⁴ UAW5810 "re: Comments on Joint Committee Regarding UC Sexual Harassment Policy," 2016 January.

- <https://drive.google.com/file/d/0BzXKli6oolGRLUdiWF9GWkEySkE/view>

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As Student Members are the voices of UC students on the task force, it is critical that all students be able to communicate concerns to the Student Members. An e-communication system that is publicly accessible and easy to navigate must clarify how UC students may contact the Student Members, while simultaneously protecting Student Members' privacy. Student Members should routinely and publicly reach out to and visit each campus on a predictable schedule. Student Members should be compensated financially for their labor, in order to improve their efficacy, and to create opportunities that do not currently exist for lower-income students to serve in these roles. Tuition and fee waivers, and/or stipends or honoraria, are a low cost way to increase accessibility for future Student Members.

Poor Communication and Accessibility for Student Representatives

Currently, the Student Work Group accepts all UC students who apply, except for those who are in poor academic standing. While academic concerns are certainly important in any university committee, Sexual Violence often degrades a survivor's ability to perform academically, and so the Work Group should better accommodate such students. Furthermore, admission to the Work Group should be assessed in a way that is more comprehensive than only considering a student's academic standing. Better screening of Student Representatives will improve the efficiency of the meetings by including a mix of experienced, as well as new, students invested in the issue of Sexual Violence.

Work Group meetings have sometimes been poorly-attended, partly due to email notifications of upcoming meetings that are emailed to students without adequate time to make travel arrangements. In addition to students' stressful and busy schedules, arranging travel and/or accommodation can be expensive and difficult, especially for students with lower incomes, who are survivors, or who are politically active in other areas beyond Sexual Violence. Clearer communication and more time to prepare can improve the Work Group process for all parties involved. Additionally, a faster reimbursement system, or a financial system which does not require Student Representatives to pay out-of-pocket fees in order to serve on the Work Group, would also improve the process by increasing accessibility and attendance.

Inadequate Resources for UCOP Staff Tasked with Coordinating Student Inclusion

Just like it is unfair and impractical for students to be expected to serve without adequate resources to accomplish their tasks, so too is it unfair and impractical to under-resource UCOP staff when they must coordinate the inclusion of students systemwide. Presently, Eric Heng, Assistant Director in Student Services, and Sylvia Jiang, General Analyst for the Office of Compliance and Ethics, are the two UCOP staff tasked with coordinating the Student Work Group and Joint Committee. Despite their best efforts, these two staff members' primary labor is not facilitating student inclusion. Two staff members working only part-time on coordinating student inclusion are insufficient to perform this critical and significantly time-consuming labor.

Coordinating a Student Work group of over 100 students, as well as the Joint Committee is a full time job that requires adequate financial, material, and human resources to be performed. Because the above staff members are overworked, another, full-time equivalent (FTE) staff

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member focused entirely on coordinating student inclusion should be hired, and/or some of their other tasks should be reallocated to other staff members so they have more time and attention for the Work Group and Joint Committee. Having adequate staff members whose labor is entirely dedicated to this inclusion should yield both a greater quantity and a higher quality of student participation.

Lack of Clarity Regarding the Joint Committee and Focus on Faculty Sexual Violence

The Joint Committee was created in late 2015 after the behavior of Geoff Marcy at UC Berkeley was exposed publicly. While UCOP appears to be addressing the issue of faculty perpetration of Sexual Violence, students need a proactive, not a reactive, approach to sexual violence. Thus far UCOP has not effectively considered the needs of graduate students and other populations who work closely with faculty, and are therefore especially vulnerable to violence perpetrated by those with academic privilege.

If the UC truly wants to become “the national leader in prevention and response to sexual violence” and sexual assault, then these issues must not be addressed only when they become a public scandal.¹⁵ Many aspects of the UC's current and recently-updated policies on Sexual Violence, both for systemwide compliance and for local campus-specific implementation, remain unclear regarding these University populations.

Current policies fail to clearly and specifically document how, and in what capacity, a graduate student may respond to sexual violence, given the fact that a graduate student may not only be a student, but also: a TA; a Graduate Student Researcher; a course's instructor of record; another type of employee of the UC; an employee of a faculty member; an employee of a research institute; and/or an international scholar with a complex legal and/or immigration status.

Additionally, there is not enough specific attention given to dating, interpersonal, and domestic violence for graduate students, or attention given to the complex situation of graduate students with families and dependents experiencing Sexual Violence. Barriers often facing undocumented students and graduate students of color, both of whom are populations disproportionately impacted by Sexual Violence, is another area where current policies are inadequate.

The case of Geoff Marcy may usher in both more focus and a comprehensive policy on issues related to faculty Sexual Violence, and will create a stronger focus on the needs of populations that remain underserved by the current policies. It is possible for this case to become an opportunity for UCOP to demonstrate its dedication to comprehensively responding to and preventing Sexual Violence in a way that prioritizes the agency and needs of survivors and students. For this to happen, the UC must recognize the continued exposure to Sexual Violence faced by many graduate students, post-doctoral researchers, and others who work closely with faculty.

¹⁵ <http://www.ucop.edu/ethics-compliance-audit-services/compliance/SVSA.html>

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Prioritizing the UC's Corporate Image Over Student Safety

Lastly, UC students and the general public have never been adequately informed about how the UC is mitigating potential conflicts of interest on the Task Force and its sub-groups. Student activists across the country have sought accountability and transparency by the high-level administrators revising systemwide policies on Sexual Violence, ostensibly with the priority being student safety. UC students also seek to understand how those with so much power to determine student safety have been separated from those tasked with University marketing.

It is understandable that increased reporting of, and attention to, Sexual Violence in the UC may negatively impact the UC's corporate image as a safe, welcoming, and supporting environment that is conducive to learning and education. Greater numbers of student representatives in high-level positions will help protect student interests and maintain student safety, as student representatives are not accountable to those who prioritize protecting the UC's corporate brand. Additionally, the specific measurable outcomes, review processes, and UCOP individuals and divisions responsible for revising and publicizing Sexual Violence policies and statistics should be clarified, so that the prioritization of student safety is enforceable.

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Necessary Changes to the Task Force and its Sub-Groups

As outlined above, the current UCOP systems and actions to address Sexual Violence are insufficient. Because the UC is branding itself as “the national leader in prevention and response to sexual violence and sexual assault,”¹⁶ because the UC has the potential to significantly impact both the policies of other universities and even some elected governments, and because the UC now has a basic structure in place to incorporate critical student perspectives into the reforms of Sexual Violence policies, the students and activists of the UC system demand the following reforms to this UCOP Task Force.

1. Student Members on the Task Force

- a. There should be at least one student per UC campus on the Task Force itself, for a total of at least ten Student Members.
- b. There should be more than one graduate student on the Task Force.
- c. Student Members should be compensated for their labor on the Task Force in order to reduce barriers to access for lower-income or otherwise marginalized students. This compensation could be a stipend paid in advance for travel and lodging accommodations, as well as to compensate students for their time. Ideally it should include some form of tuition and/or fee waiver, and compensation must not be provided as a reimbursement after students pay out-of-pocket.
- d. There should be formal inclusion of TAs' and post-doctoral researchers' perspectives on the Task Force. There should be at least one UAW2865 representative and at least one UAW5810 representative on the Task Force.

2. Task Force Communications Systems

- a. The emails of the Student Members of the Task Force should be publicly available and visibly publicized in order to facilitate communications between other students and the Student Members. These emails should not be the private emails of the UC students who are Student Members, in order to maintain the privacy and safety of Student Members. At no cost, UCOP could create and publicly list the email addresses for each Student Member.
- b. Schedules with at least quarterly, and ideally yearly, meetings for the Task Force, Work Group, and Joint Committee should be routinely pushed out to all involved parties, including both systemwide and campus-specific activists and Student Affairs personnel.
- c. Emails regarding travel arrangements and reminders for upcoming meetings should be sent to students on the Task Force, Work Group, and Joint Committee no later than 2 full business weeks (10 UC business days) before said meeting.
- d. UCOP should provide to students and activists quarterly updates of the contact lists for staff and students on the Task Force, Work Group, and Joint Committee. Spreadsheets sent once at the beginning of the UC Academic Year are inadequate. It would be a no-cost solution to create accurate, up-to-date Google Groups,

¹⁶ See UCOP's “Ethics, Compliance, and Audit Services” page for the official summary of the Task Force:

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importable contacts files, and other email listservs that all students involved in this work can easily access and use for better communication.

- e. For UCOP staff, in addition to email addresses, telephone numbers and relevant office hours should be made available to all involved students and activists.
- f. In addition to the reports made by the Task Force, transparent descriptions and updates of the process, in easy-to-understand English, Spanish, and Mandarin, should be provided to both involved students and activists, as well as the general public. It would be low- or no-cost to create, publish and distribute via email and on multiple social media outlets a quarterly or monthly 1-2 page FAQ sheet or similar update that summarizes and hyperlinks the Task Force's reports, as well as how those reports and progress were created.

3. UCOP-to-Student Coordination and Communication

- a. Increase the percentage of labor that Eric Heng and Sarah Donnelly are required in their job descriptions to allocate to supporting students and facilitating their participation in the Sexual Violence policy revisions process.
- b. Hire, or specify one existing UCOP employee, as a Full Time Equivalent employee dedicated entirely to supporting students and facilitating their inclusion in the Sexual Violence policy revisions process.
- c. Create a permanent, compensated student position, possible as an Internship or Fellowship, working within either UCOP's Division of Ethics, Compliance and Audit Services, or within UCOP's Division of Student Affairs, which focuses entirely on reaching out to and including in Sexual Violence policy revisions those populations most disproportionately impacted by university sexual violence, specifically: women; members of the LGBTQ+ community; students of color; first-generation students; members of the Greek community; athletes; graduate students.
- d. Guarantee that within 5 UC business days, a reply to UC students requesting information or contacting a UCOP staff member regarding Sexual Violence policy revisions.

4. Faculty on the Joint Committee

- a. In a public and transparent process which requires oversight from the Student Members of the Task Force or another student group, thoroughly screen the Chair of the Joint Committee to ensure that their past behavior, academic work, research, and professional conduct qualifies them to serve in this position of privilege and power.
- b. Additionally, ensure that faculty involved in the Joint Committee are prioritizing ending sexual violence against students. Student Members should have the power to review the past work and conduct of key faculty, and choose whether or not to remove them from the Joint Committee.

5. Measurable, Time-bound Outcomes and Expectations

- a. In the written documentation creating and defining the purposes of the Task Force's sub-groups of the Work Group and Joint Committee, as well as any future sub-groups, specify the following:

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- i. **The format for which student input** will be taken into account in each sub-group. Possible examples include, but are not limited to:
 1. "Students in the Work Group will meet in-person at least once per quarter, in order to provide oral feedback. This feedback will be documented by UCOP Task Force staff and Student Members for later incorporation into the Sexual Violence policies being discussed;" or,
 2. "Students will, upon receipt of a policy draft, provide input via a reply email within 10 UC business days, and after the following 10 UC business days, students will receive the another policy draft with their input incorporated. If student input is not incorporated, UCOP will provide an explanation of why not."
- ii. **How the content of student input** will be evaluated and considered for incorporation into Sexual Violence policies.
 1. Specify which UCOP divisions, positions, and specific employees will have final say over revisions to the Sexual Violence policies including student input.
 2. Specify what qualifies student input as worthy of incorporation into Sexual Violence policies, as well as what disqualifies student input as worthy of incorporation.
- b. In each Task Force Report to the President, and in each report from its sub-groups, specify a due date of the next revision to be made to a specific section or document on Sexual Violence policy. Include this information on the above suggested quarterly or monthly 1-2 page FAQ sheet or similar update.
- c. Furthermore, by June 30th of each year, publicize an annual timeframe for the upcoming UC academic year, with specific policy issues, actions, and revisions to be conducted each month.