



Mary Croughan
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*Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200*

January 20, 2009

**INTERIM PROVOST ROBERT GREY
UNIVERSITY OF CALIFORNIA**

Re: Sexual Harassment Prevention Training

Dear Bob:

As you requested in your letter of October 20, 2008, the Academic Senate has reviewed the list of possible administrative sanctions to ensure compliance with the state's requirement that supervisors, including all faculty members, be offered sexual harassment prevention training. Three divisions and five standing committees of the Academic Senate submitted comments. In addition, we received a personal letter from Professor Yale Braunstein, who serves on UCFW and is chair of the Berkeley Division's Committee on Faculty Welfare (however, the division did not comment).

The Academic Council discussed the proposed sanctions at its December 17 meeting but did not take a position since there was a wide range of opinion among the responses. Instead, Council requested that I forward all of the comments to you in the hope that you and Sheryl Vacca will carefully evaluate the thoughtful suggestions they contain. Some committees and divisions ranked the options and/or explained their rationale for preferring certain measures and disapproving others. Others declined to participate in this exercise, instead explaining their preferences for alternative approaches. These alternative approaches included: shifting focus from 100% individual compliance to a high percentage of compliance within individual departments (UCSD); asking faculty who prepare annual disclosure reports to include their compliance activity in those reports (UCSF); an emphasis on in-person training rather than online training (UCSF, UCSD, UCEP, UCPB); and a focus on encouraging compliance rather than punishing non-compliance (UCSF, UCPB).

Several reviews noted that the sanctions for non-compliance with the two-hour training requirement are disproportionate to the violation, and in some cases more severe than the penalties for actually engaging in sexual harassment (UCLA, UCSF, UCPB, Braunstein). Reviewers also raised the grave possibility that some measures—removing supervisory authority, freezing departmental budgets, and denying internet access—could impinge on academic freedom (UCSF, UCAF). UCSD requested clarification on the threshold for compliance that is legally required of the University and expressed concern about the administrative expense incurred in trying to achieve 100% compliance. Respondents also were concerned that enforcement measures be consistent across campuses. Finally,

several reviewers commented on the inadequacy of the online training and offered suggestions for improvement (UCSF, UCEP, UCPB).

In general, respondents preferred measures that penalize only the non-compliant faculty member, and not his or her students, colleagues, staff, or department. Those who ranked the proposed sanctions expressed their preferences as follows: (1) removal of all supervisory responsibilities (UCLA, UCAP); (2) delay of merits and promotions (UCEP, UCPB); and (3) reporting the names of non-compliant faculty to Chancellors, EVCs, Deans, and the Regents (UCLA, UCSD, UCAP). Two reviews (UCSF, UCAF) noted that the consequences of reporting are unclear, and UCSF argued that non-compliance should be handled at the departmental level. None of the reviews favored freezing the budgets of non-compliant faculty members' departments or denying internet access. Respondents also disagreed about the potential effectiveness of the various measures. In addition, UCSD noted its preference for mechanisms designed to achieve voluntary compliance.

Finally, Professor Braunstein suggested that if such severe sanctions are to be considered, the issue of whether all faculty members are supervisors should be revisited. He argued: 1) faculty who do not supervise graduate students should not be subject to the training requirements; 2) the University does not classify graduate students as employees for other purposes; and 3) faculty do not have the authority to hire or discharge GSRs or GSIs; that authority rests with department chairs or deans.

Please do not hesitate to contact me if you have any questions regarding Council's comments.

Sincerely,

A handwritten signature in cursive script that reads "Mary Croughan".

Mary Croughan, Chair
Academic Council

Copy: Sheryl Vacca, SVP Compliance and Audit
Charles Robinson, Vice President and General Counsel
Linda Fabbri, Executive Director-Administration, Academic Affairs
John Sandbrook, Interim Chief of Staff, President's Office
Academic Council
Martha Winnacker, Senate Director

MW



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December 3, 2008

Mary Croughan, Chair
Academic Senate
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RECEIVED

DEC - 5 2008

ACADEMIC COUNCIL

RE: Proposed Sexual Harassment Prevention Training Penalties

Dear Mary:

Unfortunately I had to miss the discussion of Provost's Grey's letter on sexual harassment prevention training at the November UCFW meeting. I am writing to address three areas—whether faculty are supervisors, whether the proposed penalties are appropriate, and the process used to discuss these issues. Academic Senate Executive Director Winnacker and UCFW Chair Henry have provided me with useful background information, but I want to make it clear that the following views are my own.

Faculty as supervisors

I realize some consider the question of whether faculty are "supervisors" under the law to be a settled issue, but I think now that serious penalties are being discussed this decision should be revisited. The legal definition of a supervisor is in **Section 12926(r)** of the Government Code:

(r) "Supervisor" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

I realize it may be administratively convenient to seek to classify all faculty together and to apply the training requirements to everyone, but that seems to fly in the face of the law for at least three reasons:

1. Some faculty do not supervise any employed graduate students (GSIs, GSRs, etc.) and these faculty should not be subject to the training requirements.

2. The University has maintained in other debates and situation that graduate students, irrespective of their form of support, are not employees under relevant law. Do we really want to revisit that question?
3. In almost all situations of which I am aware, faculty do not have the "the authority to hire..." or discharge employees. That authority is reserved to department chairs and deans.

Proposed penalties

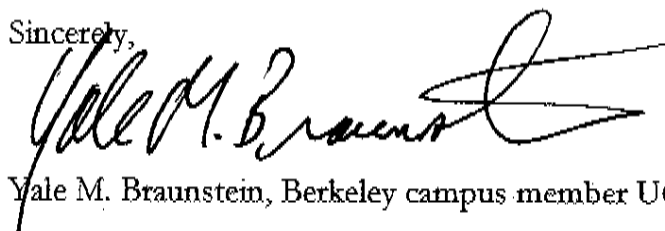
Provost Grey's letter of October 20, 2008, asks for comments about a range of penalties to be imposed on faculty who fail to take the prescribed training. I want to argue strongly that we should resist participating in this exercise. Instead we should request that the Provost's office rethink its entire approach to sexual harassment as well as to harassment prevention training. The university's track record in the area of harassment is not admirable. More than one of my colleagues has made the argument that if any of these punishments becomes the norm, we shall be in the absurd situation where the penalty for not taking the training course will be greater than that which has been imposed for actually harassing someone. Imagine the press coverage on this state of affairs.

Review process

The recent actions at the Irvine campus, at least as reported in the *CHE*, make it clear that the various campuses will approach the enforcement problem in different ways. This is just one factor that argues for a review process that includes reviews by the campuses. Other factors that also justify campus-level reviews include the need to have faculty support for any action in this area and, at least, the appearance of due process in the adoption of penalties. To put it clearly, I do not accept the argument that what is being proposed is "administrative actions as an alternative to discipline". These penalties are the result of disciplinary sanctions, clear and simple.

Thank you for your consideration.

Sincerely,



Yale M. Braunstein, Berkeley campus member UCFW

CC: Helen Henry, UCFW chair

Martha Winnacker, Executive Director,--Academic Senate



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December 10, 2008

Mary Croughan
Chair of the Academic Council
University of California Academic Senate

In Re: Required Sexual Harassment Training for Faculty

Dear Mary,

Thank you for the opportunity to review and opine upon the letter from Interim Provost Robert Grey (October 20, 2008, "Required Sexual Harassment Training for Faculty"). Due to the prompt turn-around time, I was unable to distribute it to the various committees of the UCLA Senate Division, as is our custom. However, the Executive Board was able to review the document. This letter encapsulates the Board's view; the Board is authorized to speak for the Division on such matters.

The Board recognizes that sexual harassment is a serious problem in the University of California and applauds the administration's goal of eliminating it from our campuses. The Board raised a serious question, however, with regard to the severity of actions for noncompliance with the training as opposed to the severity of sanctions for instances of actual sexual harassment. The Board would like for me to use this opportunity to express its strong view that a systemic review of sanctions of perpetrators of sexual harassment be conducted and made available to the faculty. It appears that the proposed sanctions for training noncompliance are greater than the sanctions that are imposed, in practice, on those who were found to have actually committed harassment. If this is indeed the case, the promulgation of these proposed sanctions for noncompliance with training would lead to a heightened sense of cynicism and disrespect among faculty.

The Board strongly recommends that only two of the actions proposed by Interim Provost Grey be considered as options by the administration. The first is the removal of all supervisory responsibilities (with amended language to include staff and students). It would be a perverse outcome if a faculty member who is considered unqualified to have RAs and TAs was allowed to have responsibilities over staff and students. The second is reporting the names of non-compliant faculty to the Chancellors, EVCs, Deans, and the Regents. The remaining actions are not germane to the problem of sexual harassment, and should therefore be removed from consideration.

Finally, the Board stressed its dismay at the inadequacy of the online training. The online training may well be the easiest way to comply with public policy, but it surely is not the most effective means of curtailing instances of sexual harassment. Although most concur that some helpful information can be gleaned from the training, all agree that a two hour training that one successfully completes regardless of the correctness of responses is an affront to an educational institution such as UC. Moreover, there are highly competent campus-based trainings (UCLA's sexual harassment officer offers one) that are well received. The Board would like the UC to consider making podcasts of those trainings available, and to allow viewing them to count toward the training requirement. Any such mandatory training should not be required every two years, but every five.

Thank you again for the opportunity to review this important matter. Please do not hesitate to contact me if I can be of further service.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Goldstein", with a stylized flourish at the end.

Michael Goldstein
UCLA Academic Senate Chair

Cc: Martha Kendall Winnacker, Systemwide Senate Executive Director
Jaime R. Balboa, UCLA Academic Senate CAO



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December 11, 2008

Professor Mary Croughan
Chair, Academic Senate
University of California
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SUBJECT: Possible Compliance Measures for Sexual Harassment Prevention Training

Dear Chair Croughan:

In response to your request, the San Diego Divisional Senate Council discussed the possible compliance measures for faculty proposed by Interim Provost Grey in his letter of October 20, 2008.

First, members asked a fundamentally important question: what threshold for compliance is legally required of the University? If the University offers the training, and makes good faith efforts to ensure that all supervisors receive the training, does the University's liability increase if compliance is not at 100%? Section 12950.1(d) does not seem to support the idea that 100% compliance is necessary: "...a claim that the training and education required by this section did not reach a particular individual or individuals shall not in and of itself result in the liability of any employer to any present or former employee or applicant in any action alleging sexual harassment". Thus, by most measures, compliance levels in the range of 90-95% would represent excellent distribution of training, and would appear to meet the requirements of state law. Similarly, even if 100% compliance were to be achieved, the law is also quite clear that this would fail to protect the University from claims resulting from sexual harassment.

Second, in these times of budgetary duress, Council members were concerned about the administrative expense required in trying to achieve 100% compliance, expenses that would be borne both at the systemwide level and also at the local campus level. Keeping track systematically of the occasional faculty member who misses an annual training session, possibly due to illness or medical appointments, sabbatical leave, or travel associated with research/teaching activities, ensures that 100% compliance at any one time is essentially impossible to achieve. Attempting to do so is likely to waste dollars that would otherwise be available for the educational mission of UC.

Council members expressed concern about the approach represented by the suggested compliance measures, voicing an overwhelming and strong preference for mechanisms designed to achieve voluntary compliance, especially through department chairs or comparable administrative leaders. The fourth and fifth suggestions (freezing budgets of departments with non-compliant faculty and denying internet access) were seen as potentially grievable actions, and met with uniform opposition and, in fact, derision. If administrative measures are put in place, Council members agreed that the order in which such measures would be used should be specified at the systemwide level to avoid inconsistent enforcement choices by individual campuses (also potentially grievable).

Some Council members suggested that the compliance measures could be used in the following order:

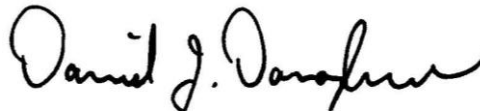
- Reporting the names of non-compliant faculty to Chancellors, EVCs, Deans, and Regents
- Delaying implementation of merit increases or promotions without changing the effective date (i.e., once training is received the merit increase or promotion would be retroactive)
- Removal of supervisory responsibilities over TAs, RAs, and postdoctoral scholars

However, other Council members were of the opinion that the latter two options might also result in grievable actions. Thus, we are left with the option of “Reporting the names of non-compliant faculty to Chancellors, EVCs, Deans, and Regents,” as really the sole option. In these cases, since the reporting would likely occur initially at the Departmental level, the suggestion was raised that the Department Chair or EVC arrange personalized small group training sessions, which would then satisfy the requirement, and perhaps remove the possibility of intransigent situations arising with no resolution. This also raises the point that the Department Chairs, through their own example and attitude, can have an enormous influence upon the perceived benefit of sexual harassment prevention training, and in the event that departmental compliance (again accepting 90-95% compliance as excellent) falls short, this would require a different remedy than discussed in the proposed sanctions directed against individual faculty members. Also, requiring a minimal threshold of departmental compliance would vastly simplify the reporting requirement.

Our informal consensus is that faculty of all disciplines and backgrounds are today much more in touch with the issues raised by sexual harassment prevention training than they were 10 or 20 years ago. While not to minimize its potential importance, of all the problems facing the University of California at present, attempting to enforce an absolute level of 100% compliance among a faculty already well-informed, educated, and progressive, would arguably be a misguided and overly compulsive exercise.

Two final cautions were given. The information provided by any training needs to be accurate, otherwise the purpose of the training is undermined. Any of proposed administrative sanctions will harm the University’s missions of teaching and research in the long run.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. Donoghue". The signature is fluid and cursive, with the first name "Daniel" being the most prominent.

Daniel J. Donoghue, Chair
Academic Senate, San Diego Division

cc: W. Hodgkiss



Academic Senate
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David Gardner, MD, Chair
Elena Fuentes-Afflick, MD, MPH, Vice Chair
Mary J. Malloy, MD, Secretary
Jean Olson, MD, Parliamentarian

December 9, 2008

Martha Kendall Winnacker, JD
Executive Director, Academic Senate
University of California Office of the President
1111 Franklin St., 12th Floor
Oakland, CA 94106

Re: Review of Administrative Actions for Failing to Comply with Sexual
Harassment Prevention Training

Dear Executive Director Winnacker:

The UCSF Academic Senate Executive Committee reviewed the letter from Interim Provost and Executive Vice President Robert Grey to Academic Council Chair Mary Croughan, dated October 20, 2008.

The faculty members who reviewed the documents were quite concerned about the punitive nature of the administrative actions suggested by Provost Grey. They suggested that further investigation is needed to establish the precedent and legality of the proposed penalties. They identified potential threats to academic freedom and freedom of speech that could occur if faculty members' ability to teach and conduct their research were impeded by these punishments, as would likely happen if supervisory responsibilities or internet privileges were withdrawn, or if budgets were frozen. It is unclear what the consequences of reporting names of non-compliant faculty to administrators would be. They recommended that non-compliance should be handled at the departmental level and that department chairs should work with faculty to assure compliance with state law. They also suggested that faculty could report their compliance or lack of compliance in annual disclosure reports.

Faculty members were happy, however, to know that the content deficiencies in the online program are being addressed. The program should be shortened, and the course content and subsequent requirements should be geared to the level of intelligence of faculty members at the University of California.

Thank you for the opportunity to review and discuss these proposed administrative actions. If you have further questions, please contact me at dgardner@diabetes.ucsf.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "David Gardner", is written over a horizontal line.

David Gardner, MD
Chair, UCSF Academic Senate



UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAFP)
Patrick Fox, Chair
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December 9, 2006

**MARY CROUGHAN, CHAIR
ACADEMIC SENATE**

RE: SEXUAL HARASSMENT PREVENTION TRAINING COMPLIANCE

Dear Mary,

UCAF has reviewed Provost Grey's letter regarding sexual harassment prevention training compliance and determined that there are some academic freedom concerns with the proposal. UCAF has the following comments about the proposed penalties:

Removal of supervisory responsibilities over TAs, RAs and Postdocs: Removing the supervisory role of the person brings the whole matter into compliance since only supervisors are required to take this training. If the student-professor relationship in the classroom does not fall under the definition of "supervisor" it is possible for a faculty member to teach and conduct research without supervising any other persons. There may be potential threats to academic freedom if faculty's ability to teach and conduct research were impeded by the removal of supervisory responsibilities.

Delaying implementation of merit increases or promotions without changing the effective date: Delaying merits/promotions would be the most effective compliance mechanism.

Reporting the names of non-compliant faculty to Chancellors, EVCs, Deans and Regents: It is unclear what the consequences of reporting names of non-compliant faculty to administrators would be.

Freezing budgets of departments with non-compliant faculty: This action is not supported because it would reach beyond the individual concerned. There is a potential threat to academic freedom if faculty's ability to teach and conduct research were impeded by the freezing of the department budget.

Denying Internet access: There are both pros and cons with respect to this penalty. While some members indicated that denying Internet access would be acceptable, it was also felt that this is a potential threat to academic freedom because faculty ability to teach and conduct research may be impeded by the denial of Internet privileges.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patrick Fox".

Patrick Fox, Chair
UCAF



UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
Steven Plaxe, Chair
splaxe@ucsd.edu

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December 9, 2008

MARY CROUGHAN, CHAIR
ACADEMIC COUNCIL

Re: Sexual Harassment Prevention Training Compliance

Dear Mary,

UCAP has reviewed Provost Grey's letter regarding sexual harassment prevention training compliance and determined that the committee has an interest in this matter, given the proposed penalties. UCAP has the following comments:

Removal of supervisory responsibilities over TAs, RAs and Postdocs: While the removal of supervisory responsibilities is most directly related to the offense of not taking sexual harassment prevention training, it may end up punishing the TAs, RAs and Postdocs.

Delaying implementation of merit increases or promotions without changing the effective date: UCAP agrees that although the suspension of merit or promotion is not directly related to the offense, this sanction has the benefit of getting the attention of and only affecting the offender. The effectiveness of this penalty may be limited in the situation where the faculty has received a recent merit/promotion and is not due for another one for the next 2 to 5 years.

Reporting the names of non-compliant faculty to Chancellors, EVCs, Deans and Regents: This sanction would permit some additional local influence to be applied to encourage compliance.

Freezing budgets of departments with non-compliant faculty: This is not a good option because it penalizes compliant faculty in the department.

Denying Internet access: UCAP members identified both pros and cons with respect to this penalty. If ample warning about the impending inaccessibility of the Internet is provided, it may force the faculty member to take the training. This might be a more effective penalty than withholding merit review depending on the timing. A negative is that denying access to the Internet would interfere with the faculty member's work, thereby harming many others.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Plaxe".

Steven Plaxe, Chair
UCAP



UNIVERSITY COMMITTEE ON EDUCATIONAL POLICY (UCEP)
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November 6, 2008

MARY CROUGHAN, CHAIR
ACADEMIC COUNCIL

Re: Sexual Harassment Prevention Training Compliance

Dear Mary,

UCEP discussed at some length on November 3 the memo from Provost Grey regarding means of improving faculty compliance with the state-mandated sexual harassment prevention training. Because this memo focuses on the ‘stick’ portion of the ‘carrot or stick’ approach to eliciting desired behavior, we will begin with the list of possible actions designed to ‘encourage’ compliance through penalties. UCEP was universally opposed to the options that amount to collective punishment for the sins of the few: removal of supervisory responsibilities and freezing budgets. Denying access to the internet, the very medium by which we are to comply with the mandate, does not seem very logical, nor possible. As for reporting names of non-compliant faculty, some UCEP members wondered if the list of officials should include the ‘vice principal’ and ‘detention’ might be added to the list. From our perspective, if a stick is to be used, the delaying of merits and promotions would be the fairest and most effective means.

On the carrot side of the equation, the committee felt that compliance would be more effectively achieved if the training did not at times ‘insult our intelligence’ and if the time required was in line with the benefit of the training. We felt that if the training is done intelligently and not necessarily in a ‘one size fits all’ mentality, then faculty would respond. On the other hand if this is perceived as just a means for the university to protect itself from litigation by going through the motions, then compliance will always be a problem.

The committee members’ personal experience has been that in-person sexual harassment prevention training is very effective in demonstrating the gravity and subtlety of this problem and is more beneficial than on-line sessions, but we recognize that such sessions come at high cost. With that in mind the committee felt that compliance could improve if the on-line modules: 1) functioned properly, 2) used real

case studies as examples, 3) did not legislate the length of time required to acquire the requisite knowledge and 4) included short videos that effectively communicate the nuances of harassment, the consequences to the victims and the need for all to be more aware of our actions and attitudes.

Sincerely,

Stephen R. McLean, Chair
UCEP



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
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December 2, 2008

**MARY CROUGHAN, CHAIR
ACADEMIC SENATE**

RE: Proposed Sexual Harassment Prevention Training Sanctions

Dear Mary,

At its November 14, 2008, meeting, the University Committee on Faculty Welfare (UCFW) discussed the proposed sanctions for faculty who do not take the state-mandated sexual harassment prevention training course. While some members remained unconvinced of both the necessity for and efficacy of such training, the committee accepts that this is a legal requirement issued by the state. Of the five proposed sanctions, a majority of the committee supports four, and we strongly opposes the fifth. In descending order, here is how the committee voted:

1. *Delay implementation of merit increases or promotions, without changing the effective date.* 10 yes, 1 no, 0 abstain: This action was seen to be effective, fair in that it is targeted at the individual causing the problem, and leaving no residual effects after the individual completes the required task.
2. *Report the names of non-compliant faculty to Chancellors, EVCs, Deans, and Regents.* 8 yes, 1 no, 2 abstain: Some thought this action might not be effective particularly with those who had not already willingly completed the training, but its relatively benign nature won it some support.
3. *Denying internet access.* 7 yes, 4 no, 0 abstain: The effectiveness of this action is limited by wide availability of access outside the university. Nevertheless, enough people might find it sufficiently inconvenient to compel compliance.
4. *Removal of supervisory responsibilities over TAs, RAs and Postdocs.* 6 yes, 3 no, 2 abstain: Those who voted against this were very strongly opposed to it as unacceptably intrusive on the basic functions of the faculty in the absence of any evidence of being unfit for these functions.
5. *Freezing budgets of departments with non-compliant faculty.* 1 yes, 10 no, 0 abstain: Those who voted no felt very strongly that it is unfair to punish an entire department for the actions of one of its members. This approach is contrary to the collegial nature of the governance of most departments and would not only be seen as grossly unfair but, because departments do not employ coercive measures, might also be ineffective.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Helen L. Henry". The signature is written in black ink and is positioned above the printed name.

Helen Henry, UCFW Chair

Copy: UCFW

Martha Winnacker, Executive Director, Academic Senate



UNIVERSITY COMMITTEE ON PLANNING AND BUDGET (UCPB)

Patricia A. Conrad, Chair

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December 11, 2008

MARY CROUGHAN, CHAIR

ACADEMIC COUNCIL

**Re: Proposed Sanctions for Faculty who Fail to Comply with Sexual Harassment
Prevention Training**

Dear Mary,

At its December 2008 meeting, the University Committee on Planning and Budget (UCPB) reviewed proposed sanctions for faculty members who fail to comply with the state-mandated sexual harassment prevention training of at least two hours once every two years. UCPB found most of the proposed sanctions to be incommensurate with the infraction. Only one of the five options presented seemed at all suitable for consideration. Several of the other proposed sanctions range from completely draconian to ineffectual.

Before considering the proposed sanctions specifically, UCPB would like to recommend that attention be given to improving the accessibility, content, and presentation of the online course, as well as making other options, including more interactive training courses, available to faculty. At least one campus offers the training in the form of an interactive dramatic performance. Creative alternatives like this might not only encourage more compliance but also be more effective teaching tools, particularly as faculty are required to take the same training every two years. UCPB members recounted that many faculty, including themselves, have attempted to take the training, but have faced technical difficulties, including broken or non-working links to the online modules and inadequate technical help. Other faculty have started the course, put it aside temporarily, only to come back to learn that they have to start again from the beginning. No sanctions should be imposed on faculty until these issues are resolved and accessibility to the training is improved.

Overall, UCPB believes that if sanctions are necessary the most fair and effective are those that punish only the individual faculty member rather than his or her students, colleagues, staff, and/or department. As such, the first and fourth proposed sanctions – “Removal of supervisory responsibilities over TAs, RAs and Postdocs,” and “freezing budgets of departments with non-compliant faculty” – are completely unacceptable and should be removed from consideration. We are dismayed to hear that the former is already in place on the Irvine campus and are

concerned about possible unintended consequences for lab supervisees, including graduate students and staff, who could be penalized by losing their positions under the supervisor's grant.

Following this logic, the second proposed sanction – “Delaying the implementation of COLAs, merit increases or promotions until training is received” – is the best option, as long as the effective date of the merit increase remains the same and the promotion is retroactive, because it focuses on the individual and does not impact others.

The suggestion of reporting the names of non-compliant faculty to chancellors, EVCs, deans and regents is also particularly draconian and likely to be ineffective. UCPB does not favor this option but would accept it only as a last resort after the following sequence of actions is taken: the faculty member is properly advised about non-compliance, reminded of the options available for completing the required training and given an opportunity to respond; it is determined that no exigent circumstances such as a family emergency or a technical issue is behind the failure to comply; and the department chair is notified who can provide encouragement and support if needed to assist the faculty in completing the training. There are many reasons other than obstinacy that may result in a lack of compliance.

We note that the suggested sanctions seem more suitable for faculty members who have engaged in sexual harassment, and we wonder whether they are actually harsher than the punishments that UC imposes for harassment itself. We have heard reports of faculty members found guilty of such behaviors facing relatively mild sanctions, at least in comparison to those suggested here for failure to take the two-hour training. If possible, UCPB would like to know how the suggested sanctions compare to actual punishments meted out to perpetrators of harassment within UC.

The issue of sexual harassment is not trivial. The training is a state requirement and the University has a lot at stake. All faculty have a supervisory role that requires them to be sensitive not only to their own behaviors but also to the behaviors of those they supervise, as well as to teach and learn conflict resolution skills. At the same time, sanctions for failing to take the training must be reasonable, commensurate with the infraction, and focused on the non-compliant individuals.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Patricia Conrad', with a stylized, flowing script.

Patricia Conrad
UCPB Chair

cc: UCPB
Martha Winnacker, Senate Executive Director