



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

February 12, 2021

**MICHAEL DRAKE, PRESIDENT
UNIVERSITY OF CALIFORNIA**

Re: Assembly Approval of Revision to Academic Senate Bylaw 336

Dear President Drake,

At its February 10, 2021 meeting, following a systemwide Senate review, the Assembly of the Academic Senate approved an amendment to Academic Senate Bylaw 336.F.8,¹ calling for the use of the “preponderance of evidence” standard in P&T hearings for cases of alleged violation of the University’s Policy on Sexual Violence and Sexual Harassment (SVSH). The motion to approve the amendment passed in a vote of 53 in favor and one opposed, with one abstention. The Academic Council approved the amendment unanimously at its January 27, 2021 meeting.

The revision adjusts prior language in Senate Bylaw 336.F.8 permitting Senate Privilege and Tenure proceedings to use the “clear and convincing” evidentiary standard for cases involving SVSH. As you know, in August 2020, new federal Title IX regulations took effect detailing how UC must respond to certain complaints of sexual misconduct. The regulations require the use of a single evidentiary standard in all cases, regardless of the respondent’s identity (student, staff, or faculty). California state law also requires UC to use the “preponderance” standard in SVSH matters involving students.

In addition to the practical matter of aligning Bylaw 336 with state and federal law, the revision supports and advances equity across the UC community, a particularly relevant and timely consideration in the context of current national conversations about how social structures may embed privileges for certain groups and include barriers to equity and fairness.

Finally, the University Committee on Privilege and Tenure (UCPT) continues to discuss the structure of Senate Privilege and Tenure hearings under the new Title IX regulations and the role of P&T hearings in relation to the Title IX hearing. UCPT and Senate leadership look forward to working with the campuses and the Systemwide Title IX office on these important matters.

Please do not hesitate to contact me if you have additional questions.

¹ <https://senate.universityofcalifornia.edu/files/assembly/assembly-2-10-21-agenda.pdf>

Sincerely,

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

Mary Gauvain, Chair
Academic Council

Cc: Assembly of the Academic Senate
Provost Brown
Vice Provost Carlson
Title IX Coordinator Taylor
Chief of Staff Kao
Senate Directors
Senate Executive Director Baxter