

June 4, 2019

To Suzanne Taylor, Director of the UC Systemwide Title IX Office:

As members of the inaugural UC Title IX Student Advisory Board, we are honored to present our recommendations regarding system-wide policies, prevention, and education surrounding sexual violence and sexual harassment. These recommendations were prepared in conjunction with the UC System-wide Title IX Office, drawing on extensive feedback from students across the system.

The Board was initially formed in January 2018 to give students a greater role in the system-wide Title IX processes. Our mission is to elevate student voices in the pursuit of preventing and responding to sexual violence and sexual harassment (SVSH). The Board engages with UC students and campus stakeholders to understand their perspectives, provides critical feedback to UCOP, and communicates changes to Title IX policies and processes to students. We value survivor-centered and trauma-informed practices, inclusion, and transparency.

Over the last year, the Board has collaborated with the UC Office of the President (UCOP), campus stakeholders, and students to provide feedback on crucial changes to system-wide Title IX policies and adjudication processes. In so doing, the Board has identified several areas for improvement. We created these recommendations through extensive research, student outreach, and consultation with staff and administrators. During this consultation process, Board members sought input from student groups such as Associated Students Government, Graduate Assemblies, Resident Housing Associations, Gender Equity Centers, and community groups, in addition to campus CARE, Title IX, and Student Affairs offices. During winter quarter 2019, the Board administered a system-wide survey to solicit broader feedback on the recommendations. The Board then reviewed survey responses in collaboration with the UC System-wide Title IX Office, who identified on-going institutional efforts related to the recommendations and provided feedback regarding the feasibility of implementation.

This document contains the complete list of recommendations compiled by the Board, but are listed in no particular order. The recommendations are organized into four sections by topic area: (1) Values; (2) Funding Imperatives; (3) Training; (4) Data Collection. The document begins with an executive summary listing each recommendation in condensed form, followed by an extended discussion of each recommendation highlighting projected timelines, feasibility issues, and in-progress implementation efforts by UCOP. To increase visibility and transparency, the Board is working with UCOP to create a website containing updates on each recommendation.

The Board greatly appreciates all engagement from student community members during this process, and we encourage students to continue this engagement by reaching out to the outgoing or incoming Title IX Student Advisory Board representative from their campus.

Sincerely,  
UC Title IX Student Advisory Board

## UC Title IX Student Advisory Board 2018 -2019

**Sophie Bandarkar**

UC Berkeley  
Undergraduate Representative  
[sophiebandarkar@berkeley.edu](mailto:sophiebandarkar@berkeley.edu)

**Victoria Cheng**

UC Berkeley  
Graduate Representative  
[chengv@berkeley.edu](mailto:chengv@berkeley.edu)

**Claire Chevallier**

UC Davis  
Undergraduate Representative  
[cmchevallier@ucdavis.edu](mailto:cmchevallier@ucdavis.edu)

**Jessa Rae Growing Thunder**

UC Davis  
Graduate Representative  
[jrgrowingthunder@ucdavis.edu](mailto:jrgrowingthunder@ucdavis.edu)

**Shweta Karkee**

UC Irvine  
Undergraduate Representative  
[skarkee@uci.edu](mailto:skarkee@uci.edu)

**Matt Barno**

UC Irvine  
Graduate Representative  
[mbarno@uci.edu](mailto:mbarno@uci.edu)

**Leann Pham**

UC Los Angeles  
Undergraduate Representative  
[leannp@g.ucla.edu](mailto:leannp@g.ucla.edu)

**Sunney Poyner**

UC Los Angeles  
Graduate Representative  
[poyner2019@lawnet.ucla.edu](mailto:poyner2019@lawnet.ucla.edu)

**Carlo Vasquez**

UC Merced  
Undergraduate Representative  
[cvasquez24@ucmerced.edu](mailto:cvasquez24@ucmerced.edu)

**Alexandria Pabst**

UC Merced  
Graduate Representative  
[apabst@ucmerced.edu](mailto:apabst@ucmerced.edu)

**Carisha Moore**

UC Riverside  
Undergraduate Representative  
[cmoor017@ucr.edu](mailto:cmoor017@ucr.edu)

**Annie Park**

UC San Diego  
Undergraduate Representative  
[alp041@ucsd.edu](mailto:alp041@ucsd.edu)

**Hayley Weddle**

UC San Diego  
Graduate Representative  
[hrweddle@ucsd.edu](mailto:hrweddle@ucsd.edu)

**Danielle Fasani**

UC San Francisco  
Graduate Representative  
[danielle.fasani@ucsf.edu](mailto:danielle.fasani@ucsf.edu)

**Gianna Pauline Passalaqua**

UC Santa Cruz  
Undergraduate Representative  
[gppassal@ucsc.edu](mailto:gppassal@ucsc.edu)

**Alison Hanson**

UC Santa Cruz  
Graduate Representative  
[akhanson@ucsc.edu](mailto:akhanson@ucsc.edu)

**Executive Summary:**  
**UC Title IX Student Advisory Board Recommendations**

***Values***

1. The Board recommends that the UC develop more resources to help clarify Title IX processes and policies, including reporting flowcharts and policy summaries, to empower students in deciding whether and how to engage with the Title IX process.
2. The Board recommends that the university take a proactive approach to releasing summary statements on the conclusion of an adjudication process for high-profile cases and cases in which the university is the subject of a federal Title IX investigation.
3. The Board maintains the importance of accessibility of policy documents, processes, and any resources pertaining to SVSH to ensure all people can equally access the information regardless of physical or non-physical disability status.
4. The Board recommends that the University's Responsible Employee policy be clarified and considered for revision as it pertains to student-workers. We recommend further guidance and training on when student workers are serving "in the course of employment."
5. The Board recommends UC campuses strongly urge all professors and lecturers to include a note in their course syllabi that defines their responsible employee obligations and provides contact information of SVSH and reporting resources on campus.
6. The Board recommends Title IX Offices promote their visibility on campus, particularly to diverse student populations.
7. The Board recommends that UC campuses strongly urge their Title IX and CARE offices to include student representatives on hiring committees for their staff.
8. The Board recommends that future revisions of the SVSH policy include more robust understandings of power and authority as integral to the definitions of consent and sexual assault.

***Funding Imperatives***

9. The Board strongly supports the work of CARE, and we recommend that additional resources and advocates are allocated as per individual CARE office requests to adequately serve all survivors.
10. The Board recommends that campus Title IX offices be provided resources to assess investigation procedures, office staffing and capacity, and prevention education programs. Following the assessment, we recommend that UCOP and/or campus officials commit to providing resources to each Title IX office pursuant to the assessment findings.

### ***Training***

11. The Board recommends establishing a standardized, trauma-informed, “just in time” training for people involved in the adjudication of SVSH cases, including Student Conduct officers, appeals bodies, and faculty on the Privilege and Tenure committee.
12. The Board recommends that mandatory online training programs be regularly updated and improved based on student feedback.

### ***Data Collection***

13. The Board recommends standardized data collection from all UC Title IX offices regarding complainants’ and respondents’ university affiliation, tenure status, gender identity, race/ethnicity, socioeconomic status, the length of time between report and conclusion, respondent/complainant status, and type of SVSH.
14. The Board recommends that all campus Title IX offices conduct post-investigatory surveys with all Title IX parties to assess the University’s response to complaints, the performance of the investigatory body, equity in the process, and consistency in sanctioning.
15. The Board encourages any groups engaged in collecting campus climate data (e.g. survey, focus group, etc.) on UC campuses to consider including questions regarding sexual violence and sexual harassment.
16. The Board recommends that the UC conduct research on (1) average sanctions for substantiated cases of sexual assault, sexual harassment, and other prohibited conduct and (2) the effects of mandatory minimum sanctions in order to explore whether more effective means than mandatory minimums may be used to address consistency, equity, and inadequate sanctioning.

## UC Title IX Student Advisory Board Recommendations

### *Values*

- 1. The Board acknowledges that the Sexual Violence and Sexual Harassment (SVSH) Policy is difficult to understand and intimidating for students. Given the feedback and questions we've received from students, we recommend that the UC develop more resources to help clarify Title IX processes and policies, including reporting flowcharts and policy summaries. Clarity in processes will help set adequate expectations, and will empower students to make a more informed decision about engaging with Title IX.**

The Board has provided feedback on UC's SVSH Policy and Appendix E revisions during our term over the last year, and through this collaboration UC has demonstrated a commitment to developing materials that will help students understand these new processes. The reporting flowcharts (e.g. [the student adjudication model](#)) are helpful to concisely see how the investigation process works; however, we recommend that the flowcharts clarify which parts of the process are housed under Title IX, Student Conduct, Human Resources, or the Academic Senate. These flowcharts should be updated with any revisions to Appendix E and staff and faculty adjudication frameworks. Additionally, because the SVSH policy is quite lengthy and contains legal jargon, we recommend a 1 page summary of the policy be written for quick reference. Finally, we suggest that with any policy or procedural changes, the Systemwide Title IX Office provide clear public communications about the reasons behind such changes. The [op-ed](#) written by the University's systemwide Title IX Director, Suzanne Taylor, regarding revisions to the student adjudication process should serve as a model.

- 2. The Board acknowledges that transparency is a crucial first step to fostering trust in the Title IX process and promoting accountability for the Title IX office. Given concerns on many of our campuses regarding high-profile faculty cases, we recommend that the university take a proactive approach to releasing summary statements on the conclusion of an adjudication process for high-profile cases as well as when the university is the subject of a federal Title IX investigation. We believe it is possible to publish public statements in a trauma-informed manner and without violating due process.**

Currently, the university applies carefully developed standards alongside Campus Counsel to release information following a request. The Board appreciates this work, but would like to recommend a more proactive approach to informing campuses about high-profile cases. We anticipate summary statements would apply in cases including those involving faculty, upper-level administration, doctors, or groups (e.g. athletics, Greek organizations, or academic departments) who have been found to be in violation of the SVSH policy, because these situations garner media attention and broad concern among the campus public. Of course, statements should be trauma-informed, in that they should only be published with the agreement of both parties and will not give any identifying information of complainants, including role on campus. Complainant confidentiality and safety should be of utmost priority. Transparency in these cases is critical to maintain trust in the Title IX

process. We recommend [UCLA's Public Accountability Reports](#) as a model to be explored for all campuses across the UC system.

3. **The Board maintains the importance of accessibility of policy documents, processes, and any resources pertaining to SVSH to ensure all people can equally access the information regardless of physical or non-physical disability status.** The Board recommends that the UC Title IX Office continue to take steps to expand the accessibility of Title IX services to all UC students with disabilities. We appreciate the steps that the Office has taken thus far, including distributing Not On Your Radar to Title IX Officers and making all Title IX policies accessible to screen readers, and suggest continued efforts to expand accessibility, such as: 1) establishing an Accessibility Officer within the UC Title IX Office; 2) creating or adopting accessibility guidelines for communication with students that occurs in-person or on the phone, including for students with auditory disabilities; 3) conducting an audit of current Title IX general practices for accessibility; and 4) designating a confidential resource within offices that handle disability accommodation on each campus.
4. **The Board recommends that the University's Responsible Employee policy be clarified and considered for revision as it pertains to student-workers.** We acknowledge that the University is legally obligated to respond to information about sexual violence and sexual harassment (SVSH) that is received by "responsible employees" of the University in the course of their employment. We also understand that mandated reporting by "responsible employees" to campus Title IX offices enables the University to meet these legal obligations. However, the Board would like to elevate student concerns and discontent with their responsible employee obligations.

We are sensitive to concerns that reporting SVSH to campus Title IX offices without a survivor's consent undermines the survivor's autonomy over how the SVSH incident will be addressed. Mandatory reporting requirements therefore can have an overall chilling effect on SVSH disclosure, with students hesitating to discuss SVSH with non-confidential University employees out of a fear of losing control over the consequences of such a disclosure. Research on mandatory reporting requirements has produced mixed findings, though one recent peer-reviewed study of mandatory reporting requirements at 150 U.S. college campuses suggests that these requirements decrease student disclosures and have negative consequences (e.g. [Holland, Cortina, and Freyd, 2018](#)).

We are concerned that the University's current mandatory reporting requirements for graduate students and other student-workers are overly broad and exceed that which is currently required under law. A "responsible employee" is defined in OCR guidance as "any employee who has authority to take action to redress the harassment, who has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees, or an individual who a student could reasonably believe has this authority or responsibility" (Revised Sexual Harassment Guidance, 2001, p.13). There are clear examples of when student-workers would be considered "responsible employees" under this definition, such as when they provide teaching assistance to a class or serve as resident advisors in campus dormitories. However, there are many other situations in which student-workers are not serving as "responsible employees" of the University and yet can still receive

information about SVSH on campus. Examples include private disclosures between graduate students at a social function, or SVSH witnessed by a resident advisor while they are attending class.

**Through the Board's conversations with students, we have identified that it is unclear to graduate students and other student-workers when they are considered "responsible employees" of the University.** Currently, the University's "FAQ" on "responsible employee" obligations states that student-workers are required to report SVSH information that they receive "while they are working":

<http://sexualviolence.universityofcalifornia.edu/faq/responsible-employee.html>. However, it is not always clear to student workers when they are serving in the capacity of their employment, and hence when these obligations would be triggered. The boundaries between roles as an employee, student, trainee, or researcher are often not clear in practice. The phrasing of the policy does not make clear whether student-workers are required to report all SVSH information they receive while on the University's payroll, or whether they are only obligated to report SVSH information received or witnessed in the course of performing their job duties. It is unclear whether disclosures made inadvertently (e.g. within the pedagogical purposes of a course) need to be reported to Title IX, as this is a very different situation than a student actively disclosing to a Responsible Employee in order to seek assistance and resources. This unnecessary ambiguity has produced considerable confusion among student-workers in general and graduate students in particular, who are often employed by the University for the entire academic year.

**UCOP has stated their commitment to developing further guidance and training on responsible employee obligations as they apply to student-workers, and the Board welcomes collaborating further on this initiative.** Campus Title IX officers have given conflicting information to Board members about hypothetical circumstances that might trigger a student-worker's mandatory reporting obligations. We hope that UCOP's further guidance and training will help unify interpretations and applications of the policy.

The Board has identified that the ambiguities in roles places burdens on student employees, and we acknowledge students' discontent with the current policy. We initially suggested that the University conduct an audit of (1) existing research on the effects on mandated reporting by student-workers on college campuses and (2) best practices regarding mandatory reporting by "responsible employees," including who is reasonably perceived as having authority to redress or an independent duty to report misconduct in accordance with OCR guidance. However, in conversation with UCOP and campus CARE offices, the Board has learned that students often consider graduate students and other student employees to be a resource for accessing Title IX processes. Due to concerns about legal and other considerations, UCOP has decided to maintain the current policy. We look forward to the Board continuing conversations about mandated reporting obligations with UCOP.

Reference:

Holland, K. J., Cortina, L. M., & Freyd, J. J. (2018). Compelled disclosure of college sexual assault. *American Psychologist*, 73(3), 256-268. doi:<http://dx.doi.org/10.1037/amp0000186>

5. **The Board recommends UC campuses strongly urge all professors and lecturers to include a note in their course syllabi that defines their responsible employee obligations and provides contact information of SVSH and reporting resources on campus.** In order to minimize the number of non-consensual reports made by responsible employees, students must be better educated about the Responsible Employee policy. Notably, some campuses already have template language available to professors to include in their syllabi. We believe it may be beneficial to have a system-wide template available for consistency across campuses. We acknowledge that this procedure cannot be mandated by any entity; however, the Board recommends these procedures can be implemented by having campus administrators, including UCOP, recommend this practice to professors and lecturers. We also recommend professors and lecturers briefly explain their role as responsible employees in person to their students. The suggested syllabi textnotes have been kept brief to limit the risk of triggering readers and listeners.

Suggested syllabi template text:

*“The classroom, lab, and workplace should be safe and inclusive environments for everyone. Title IX prohibits gender discrimination on campus, including sexual violence. If you have experienced sexual harassment or sexual violence, you can receive confidential support from the Center for Advocacy Resources and Education (CARE) office [local contact information] or (campus counseling services) [local contact information]. You can also report gender discrimination directly to the University’s Title IX Office [local contact information]. Faculty can assist you in making a report or accessing resources as needed.*

*Please note all professors, lecturers, and teaching assistants are considered Responsible Employees under the UC Sexual Violence and Sexual Harassment policy. This means they must notify the Title IX office following a disclosure of sexual violence or sexual harassment. For more information about mandated reporting, visit (link)”*

Suggested in-person announcement:

*“I would like to make sure you’re all aware I am a responsible employee, which means I am required by the university to report any disclosures that involve sexual violence or sexual harassment to the university’s Title IX office. More information about this policy as well as resources related to sexual violence and sexual harassment can be found in your course syllabus.”*

6. **The Board recommends Title IX Offices promote their visibility on campus.** While we recognize Title IX representatives are often loaded with busy schedules, we suggest the Title IX Offices operate in accordance with other organizations who interact frequently with students through participating in campus events, tabling, etc. and thus establish a better in-person and marketed presence to a diverse range of students outside of the physical Title IX office. Involving themselves more directly in student affairs and better raising awareness about Title IX on campus would ensure more students are informed of reporting options and would give Title IX a “friendlier face.”

As appropriate, the Title IX office should have a front desk or first point of contact to ensure a more trauma-informed process for those who go to the office to make a report or meet with investigators. We recognize the confidentiality, security and safety reasons that might make Title IX offices remote or difficult to access; however, this should not come at the expense of ensuring a trauma-informed contact and response.

- 7. The Board recommends that UC campuses strongly urge their Title IX and CARE offices to include student representatives on hiring committees for their staff.** Our goal is to ensure that students' concerns and ideas are included in decision-making related to hiring for these offices whose primary purpose is to create a safe campus environment. The Board recommends that student representatives (chosen by undergraduate and graduate student leaders) serve as members on the hiring committees for Title IX and CARE staff, including Directors, Investigators, Officers, and Advocates. The Board also recommends that Title IX and CARE offices consider incorporating student open forums into interview processes. Such opportunities are common for final round candidates for other student-oriented positions on UC campuses.

UCOP has indicated that they do not have the authority to dictate how campus hiring is conducted, so they will share this suggestion with Title IX and CARE offices.

- 8. The Board recommends that future revisions of the SVSH policy include power and authority as integral to the definitions of consent and sexual assault. In particular, we would like to see language that incorporates “coercion or compulsion rooted in a relationship of authority between the respondent and complainant” as a separate aggravating circumstance of sexual assault.** We acknowledge this is a particular concern for graduate students who may depend on faculty advisors and principal investigators for funding, professional development, progressing through their programs, and future career prospects.

**We would also like to see language that incorporates CARE’s definition of consent, which requires that it be enthusiastic, affirmative, and unambiguous.** Incorporating this definition in the SVSH policy would standardize the definition of consent across all University entities. Additionally, we would like to see language that explicitly states consent cannot be obtained through implied use of authority or manipulation.

**Finally, we would like to see language that broadens the definition of an “intimate body part” to include mouth and thigh when touched without consent for the purposes of sexual gratification.** We are particularly concerned about such conduct when engaged in by a person in a position of authority, given that one-time actions may not constitute sexual harassment.

## *Funding Imperatives*

9. **The Board recognizes and deeply values the important work CARE does to serve survivors on campus and prevent SVSH through education and trainings. We recommend that additional resources and advocates are allocated as per individual CARE office requests to adequately serve all survivors.** Many campus CARE offices have expressed being overbooked and understaffed. We acknowledge that funding allocations are determined by individual campuses; however, we recommend that UCOP issue a statement of support that all campuses allocate funding for their CARE programs as requested. Campuses should fund CARE programs for features including, but not limited to:
- a. Employing enough CARE advocates to meet the demands of the campus.
  - b. Providing aftercare programs for clients, such as survivor space workshops, healing activities, and supplemental counseling services, etc.
  - c. Ensuring CARE has the means to serve a diverse student population.
  - d. Employing both Undergraduate and Graduate/Professional Student interns/workers in all CARE offices.

The Systemwide Title IX office and Student Affairs are in the process of assessing the adequacy of resources at each campus, and the Board supports this project. We look forward to collaborating on how to address findings in the assessment.

10. **The Board recommends that campus Title IX offices be provided resources to assess investigation procedures, office staffing and capacity, and prevention education programs. Following the assessment, we recommend that UCOP and/or campus officials commit to providing resources to each Title IX office pursuant to the assessment findings, such as funding to hire new staff, train existing staff in SVSH cases, and/or develop new educational programs and trainings.** We believe the work Title IX offices do is indispensable and absolutely vital for addressing SVSH on UC campuses, but many of them are understaffed and under-supported considering the volume of cases they receive. The UCOP Title IX office's recently-completed strategic plan identified their commitment to ensuring that all campus Title IX offices have adequate resources to fulfill their missions, and UCOP will collaborate with the Office of Ethics, Compliance, and Audit Services to conduct a review during Fall 2019. The Board requests that each campus' Title IX office is given the funding and guidance to assess the following:
- a. Average length of investigations, and particularly to ensure that the extended timeline in the 2018 policy revisions does not result in increasing the average length of all investigations.
  - b. Adequacy of staffing: the Board encourages the employment of specialist investigators, hearing officers, and advocates whose main area of focus and expertise is in SVSH cases.
  - c. Quality of existing educational programs regarding policy and procedures.
  - d. Frequency and quality of trainings offered by the office, including implementing new "just-in-time" trainings in accordance with Recommendation 11 below.

## *Training*

11. **The Board recommends establishing a standardized, trauma-informed, “just in time” training for people involved in the adjudication of SVSH cases, including Student Conduct officers, appeals bodies, and faculty on the Privilege and Tenure committee.** The SVSH policy already maintains that all locations must provide regular training on trauma-informed practices to Title IX staff members, and the system-wide Title IX office offers these on an annual basis. The Board encourages these efforts, and also recognizes the importance of timing. “Just in time” trainings would be provided to Title IX staff and contracted employees immediately preceding their involvement in a pending adjudication or appeals process. These trainings would help ensure that all administrative staff, appeal bodies, and faculty involved in adjudication procedures have received proper, trauma-informed training, especially when documentation of prior trainings is not available. As there have been many changes to the UC Policy on SVSH and adjudication frameworks over the past year, with more changes expected when federal guidelines are released, just in time trainings will ensure all people involved in adjudication are informed of the most recent iterations of policy. Timely trainings would improve practices in accordance with University SVSH policy and would build more trust in the process among all campus stakeholders. This would also ensure that outside contractors have received documented training that meets university standards. We recommend providing these trainings in-person.

In this manner, University employees and contracted personnel who participate in appeal hearings will receive trauma-informed training while maintaining neutrality. The Board feels strongly that all participants must be treated with empathy and compassion during the investigation process. Many complainants have indicated to the Board that investigators have behaved coldly and impartially during interviews, which not only might violate the policy in terms of neutrality, but also makes an already traumatizing experience more unpleasant.

**Additionally, as all Title IX staff and investigators already receive regular and ongoing trauma-informed training, the Board looks forward to continuing to work with the system-wide Title IX office to develop trauma-informed training guidelines and continuing education expectations for Title IX staff.** We suggest that these trainings be publicly documented so complainants and respondents are better informed about Title IX staff training and compliance.

12. **The Board recommends that mandatory online training programs be regularly updated and improved with student feedback, as this is the primary (and often only) form of SVSH training students, staff, and faculty receive on campus.** The Board has received consistent feedback from staff, students, and faculty that the current online training is inadequate and does not fulfill its intended purpose of education and prevention. The training is easy to click through without watching the videos or giving adequate attention, and the assessment questions are often obvious and overly simplistic. We are concerned this sends the message that the University does not take SVSH training seriously. While the online program meets the federal requirement for providing training to all constituents, we encourage the University to exceed the minimum federal requirements by providing a more comprehensive and nuanced online training program. The SVSH training program should be

comparable to and evaluated alongside other mandated training requirements, such as IRB, ethics compliance, and cyber security trainings.

**For graduate students, the training currently focuses on the obligations of a responsible employee and overemphasizes their role as staff rather than as students. The graduate student training should include an increased focus on available resources and support for graduate students experiencing sexual violence or sexual harassment.**

UCOP is working with the University's online vendor to update the training modules in accordance with state and federal laws, as well as feedback from undergraduate and graduate students including this Board. The University takes student feedback very seriously and is committed to implementing this feedback in the updated modules. We also recommend that the University provide more oversight to ensure all campuses are complying with the SVSH Policy mandate that trainings are provided annually, including for staff and faculty. Additional trainings or updates for students, staff, and faculty should be mandated every time there is an approved revision to the SVSH Policy.

## *Data Collection*

- 13. The Board acknowledges the importance of consistent data collection to help ensure equity and consistency in Title IX processes. The UC Title IX office has been collecting complaint data since the office was created, and the Board applauds these data collection efforts. Understanding the scope of sexual violence and the communities who are impacted is crucial for improving university responses and prevention efforts. We recommend standardized data collection from all UC Title IX offices regarding complainants' and respondents' university affiliation, tenure status, gender identity, race/ethnicity, socioeconomic status, the length of time between report and conclusion, respondent/complainant status, and type of SVSH. This data should remain confidential or anonymized to ensure privacy is protected for all parties.**

Standardized data collection across the UC would encourage and improve prevention and education efforts targeted toward specific at-risk communities. As a model for reference, UCLA's public accountability report gives data that is easily viewable in charts with some demographic information: <https://ucla.app.box.com/s/w9dohh0jgfc389z81c3wru1lfy5hwz8>

- 14. The Board recommends that all campus Title IX offices conduct post-investigatory surveys with all Title IX parties to assess the University's response to complaints, the performance of the investigatory body, equity in the process, and consistency in sanctioning. The survey should allow student complainants and respondents to provide anonymous feedback to the University about their experiences with the Title IX process.**

Gathering student feedback is critical to ensuring that the Title IX process is working effectively to address student needs and concerns. This survey should focus on the elements identified by the procedural justice literature as central to promoting perceptions of legitimacy in adjudicative processes, such as honesty, ethicality, and impartiality on the part of decision-makers (see Blader & Tyler 2003; Tyler, 2006a, 2006b). The University should also consult with campus CARE offices to ensure that surveys are trauma-informed in their language and methods. Confidential survey results should then be shared with both campus Title IX offices and the Board in order to promote better understanding of student perceptions of Title IX and to facilitate adjustments to Title IX procedures that might enhance procedural fairness and perceptions of legitimacy. These surveys are a crucial measure of accountability for ensuring Title IX investigators, hearing officers, and adjudicatory bodies are enhancing equity and using trauma-informed practices consistent with their training.

### References:

- Blader, Steven L., and Tom R. Tyler. 2003. A four-component model of procedural justice: Defining the meaning of a "fair" process. *Personality and Social Psychology Bulletin*, 29(6): 747-758.
- Tyler, Tom R. 2006a. *Why people obey the law*. Princeton University Press.
- Tyler, Tom R. 2006b. Psychological perspectives on legitimacy and legitimation. *Annual Review of Psychology*, 57: 375-400.

15. **In order to make steadfast improvement in SVSH prevention efforts, we need to develop a better understanding of the scope of issues on campus. This can be done through system-wide campus climate research. The Board encourages any groups engaged in collecting campus climate data (e.g. survey, focus group, etc.) on UC campuses to consider whether or not including questions regarding sexual violence and sexual harassment is appropriate.** We request that those groups consult with the CARE office, Title IX office, and/or the Board to determine what questions to include and how to phrase.

The Board welcomes continuing conversation with UCOP, Title IX offices, and CARE offices about a system-wide climate survey. The MyVoice Survey (conducted at UC Berkeley in 2018) serves as a good model for a system-wide climate survey regarding SVSH:

[http://myvoice.berkeley.edu/lib/img/pdf/MyVoice\\_Final\\_Report\\_Publish.pdf](http://myvoice.berkeley.edu/lib/img/pdf/MyVoice_Final_Report_Publish.pdf),

<http://myvoice.berkeley.edu/>

16. **The Board recommends that the UC conduct research on (1) average sanctions for substantiated cases of sexual assault, sexual harassment, and other prohibited conduct and (2) the effects of mandatory minimum sanctions. We ask that the Board be involved in the review of the data to ensure a fair and transparent process. The data must be collected as objectively as possible, and the data collection process must respect the confidentiality of those involved in Title IX investigations. Through this research, we expect the University to explore whether more effective means than mandatory minimums may be used to address consistency problems and inadequate sanctioning.**

The Board is concerned that mandatory minimums may have a chilling effect on reporting, especially in cases of relationship violence or cases in which the complainant and respondent are part of the same social or academic community. The Board is also concerned that there may be disproportionate sanctioning for respondents of color found in violation of the SVSH Policy. Research has shown that, in general, respondents of color and members of other marginalized groups face disproportionately high sanctions for SVSH violations. The University must evaluate whether respondents are receiving equivalent sanctioning regardless of tenure, racial/ethnic, or class status. Finally, the Board is also concerned that mandatory minimums place the emphasis of resolving SVSH on punishment, rather than rehabilitation. In the University's review, we expect that education and rehabilitation will be considered alongside sanctioning to enhance longer-term prevention and education.

We understand that the System-wide Title IX Office has been proactive in gathering feedback on minimum sanctions from key campus stakeholders such as CARE, Respondent Services Coordinators, campus Title IX officers, and Student Conduct directors. We also appreciate that the system-wide Title IX Office is currently engaged in collecting and analyzing data on sanctions to ensure consistency across cases. We ask that the Board continue to be involved in the evaluation of these data to ensure that the System-wide Title IX Office remains focused on potential chilling effects and disproportionalities in sanctioning.

Finally, in light of the California State Auditor's findings, we acknowledge that inconsistency in sanctioning is also a problem in faculty and staff adjudication models, not only for students. **We support initiatives within the Academic Senate to address inconsistent and disproportionate sanctioning for faculty. The Board recommends that the university administration work with Academic Senate to establish and implement standard sanctioning guidelines for staff and faculty found in violation of the SVSH Policy.** Faculty with tenure should be held to similar expectations and sanctions with regards to SVSH as administrative staff and untenured faculty without it being a violation of their due process rights. We also support initiatives within the Academic senate to hold faculty to the same evidentiary standard – preponderance of the evidence – as students; this is particularly important should proposed federal Title IX guidelines that require universities to use a consistent evidentiary standard across all processes be implemented.