

LOCAL 5810

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February 9, 2016

Ms. Janet Napolitano
President, University of California
University of California Office of the President
1111 Franklin Street
Oakland, California 94607

Re: Concerns Regarding the Joint Committee of the University of California Administration and the Academic Senate

Dear President Napolitano:

We are writing on behalf of the United Automobile, Aerospace and Agricultural Implement Workers of America, UAW Local 5810, the exclusive bargaining representative of over 6,000 postdoctoral scholars working throughout the University of California campuses, to express grave concerns with regard to the Joint Committee of the UC Administration and the Academic Senate (the "Committee"). According to your letter to the Regents of the University of California Chancellors, dated October 15, 2015, you tasked this Committee with developing recommendations on how best to handle cases of sexual violence, assault and harassment, involving faculty members. The focus was supposed to be changes to make the investigation and resolution of complaints less difficult.

As you know from our prior correspondence, the Union has requested to be involved in the Committee's review process for months, or at least be given an opportunity to offer our input based on experiences representing postdoctoral researchers through the sexual harassment complaint process. Despite being excluded repeatedly, and not being invited to the Committee Co-Chairs' meeting with undergraduate and graduate students, and postdoctoral researchers, we attended with the hope that the Co-Chairs would be receptive to comments and input from the Union and other participants.

After attending the Co-Chairs' meeting at UCOP on January 14, 2016, and observing Professor Dan Hare's conduct on that occasion, we have serious doubts about

his abilities to lead the Committee as a Co-Chair. Further, apart from the University's improper treatment toward the Union, we have concerns with regard to the Committee's process of collecting community input and presenting recommendations. We respectfully request an opportunity to meet with you to discuss our concerns and our recommendations for resolving them, which we describe further herein.

Professor Hare's Conduct and Approach to the Committee's Charge

Professor Hare's conduct during the Committee Co-Chairs' meeting with undergraduate and graduate students, and postdoctoral researchers, was hostile and reflected disdain for the committee's charge and a dismissive attitude toward sexual harassment complaints in general. To kick off the meeting that took place on January 14, 2016, at UCOP, Professor Hare criticized Chancellor Nicholas Dirks for his handling of the disciplinary actions against Geoff Marcy, at length. He then revealed his bias toward faculty members by insisting that despite the Committee's charge, "in his experience," the Academic Senate procedures are fair and did not require any changes, as they provided adequate protection for victims and consequences for faculty members. Professor Hare's remarks were offensive and disrespectful to all of the participants who took the time to meet with the Co-Chairs and provide input, and who clearly felt that the topic of discussion was an important one.

Professor Hare's dismissive attitude toward claims of sexual harassment against faculty members was ongoing throughout the meeting. An example of the offensive conduct by Professor Hare occurred when he attempted to mislead the participants regarding Academic Senate Bylaw 336(B)(4), which he referred to as "the 3-year rule." Bylaw 336(B)(4) provides, in part, that "[n]o disciplinary action may commence if more than three years have passed between the time when the Chancellor... knew or should have known about the alleged violation of the Code of Conduct..." As you yourself explicitly stated, this provision is a "statute of limitations" that could create barriers to taking justified disciplinary action against faculty since complaints "often involve conduct that occurred several years ago, as was the case in the Berkeley situation."

During the meeting, Professor Hare described the "3-year rule" as a rule that set forth a deadline for the University to investigate a claim and take action against an accused faculty member, rather than what it really is: protection for the accused perpetrator. Some participants, confused, responded that the timeline should be shorter than three years, which is precisely the response he hoped to elicit. This would give him grounds to recommend an *even shorter* statute of limitations for sexual harassment claims. He completely manipulated the discussion in a calculated manner to serve only his interests and the interest of faculty members. When some participants expressed

that the University should not excuse a faculty member of engaging in sex-related misconduct, simply because too much time had passed, Professor Hare rejected the comments, and falsely asserted that the provision was *not* a statute of limitations.

Professor Hare took every opportunity during the meeting to defend the current Academic Senate process and explain why the participants' comments were inaccurate or misguided. He continuously silenced the strong voices of student and postdoctoral representatives who had the courage to participate in the meeting and express their opinions. To change the University culture around sexual violence, assault and harassment, the University must take a strong stance against such misconduct, starting with the assignment of trustworthy leaders to facilitate this review process. As Professor Hare's continued involvement in the Committee as Co-Chair jeopardizes any progress, we request his prompt removal from the position.

The Committee's Inadequate Efforts to Elicit Input

We wish to express additional concerns with regard to the Committee's process for seeking stakeholder input, which resulted in the opposite: excluding input. To begin, the Committee only scheduled two stakeholder meetings involving undergraduate and graduate students, and postdoctoral researchers: one in Southern California on January 13, 2016, and one in Northern California at UCOP on January 14, 2016.

The Committee did not publicize the meetings. Dates and times for the Northern California and Southern California meetings were switched just one week before the meeting, thereby interfering with representatives' class and work schedules. The Committee hand-selected the representative postdoctoral researchers that could meet with the Committee, while rejecting others who specifically requested to participate. To make matters worse, the University did not send the participants information about the topics to be covered at the meeting until less than a week beforehand. Because of the lack of publicity regarding these meetings, the Committee did not benefit from the input of scores of students, academic student employees, and postdocs who have been impacted by the failures in the University's sexual harassment policies.

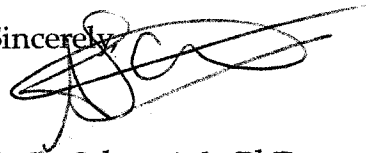
Despite these drawbacks, we are prepared to partner with the Committee to create a meaningful shift in both process and culture at the University. We are hopeful that this can begin with the adoption of the following recommendations.

- (1) The immediate removal of Professor Hare from the position of Co-Chair of the Joint Committee;

- (2) Broad call for public comments regarding recommendations on how best to handle cases of sexual violence, assault and harassment, involving faculty members; and
- (3) Appointment of a faculty member familiar with these issues, a track record in advocating for safety, equity and diversity on campus, and ready to take the concerns of affected groups seriously in reforming the University's policies as Co-Chair of the Committee, to replace Professor Hare.

We request an opportunity to meet with you at your earliest convenience to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read 'AS', written over the word 'Sincerely'.

Anke Schennink, PhD
President, UAW 5810