



BERKELEY ASTRONOMY DEPARTMENT

BERKELEY, CALIFORNIA 94720-3411
FAX (510) 642-3411

19 October 2015

Dear Vice Provost Broughton and Executive Vice Chancellor and Provost Steele,

Enclosed is a summary of some of our suggestions for policy changes regarding the handling of sexual harassment cases at UC Berkeley, based on our experiences in the Geoff Marcy case. Our suggestions are focused on cases of harassment by faculty, not student on student cases (which may have other issues we are less cognizant of).

1. We recommend that the Department Equity Officer be given official standing in the handling of sexual harassment cases analogous to that of the chair. This ensures that there is not a single point failure in the process (the chair) and that someone expressly chosen on the basis of their commitment to equity and care in handling of sexual harassment cases is involved in all aspects of the process.
2. Once the title IX office has made a finding of 'responsibility,' we believe that the administration should notify the department chair and equity officer in the relevant department. The administration should also consult with both the chair and the equity officer regarding punitive action. The relevant department officials may have additional context beyond that in the cases at hand relevant to the punishment decision (e.g., cases that came to the department's notice but that did not make it to the title IX office).
3. The current policy for communicating the outcome of title IX findings and punishments is very problematic. If someone has been found in violation of UC sexual harassment policy, and punished accordingly, it is necessary for their faculty colleagues to know, along with other members of the department community (students, postdocs, staff). Making this information public sends a clear message that it is unacceptable. By maintaining secrecy, the current policy sends a message (intentional or not) that the University is trying to safeguard the interests of the faculty involved at the expense of the rest of the community. We recommend a change in policy whereby the relevant department should hold a faculty meeting to discuss the outcome of title IX investigations and the resulting punishments. The administration, faculty, and postdoc, graduate student, and undergraduate student representatives should also determine how to convey the outcome to the affected community more broadly.
4. The University and Academic Senate should distinguish between how it handles cases of faculty misconduct involving academic fraud, freedom of expression, etc. and how it handles cases of sexual harassment, abuse of power, etc. In particular, we believe that there should be more discretion for the VP and EVCP to punish faculty for violations of UC sexual harassment policy without requiring a completely independent P&T committee evaluation of the case (which we understand would in many cases require the complainants to testify). Current safeguards prioritize the welfare of the accused faculty over that of the complainants and put additional burden on the complainants. There must be a better middle ground.



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5. There is a strong sense that we need to do more at the department level to ensure the welfare of our community. We were given the clear message from the title IX office that the department cannot have a separate reporting line of any kind for sexual harassment. We strongly recommend modifications to this policy. The perception among potential complainants [in particular, students] is that the barriers to reporting are too high at the title IX office and that the outcome is too uncertain. We need to have a way of handling reports at the department level as well, even if it is of necessity somewhat more informal (perhaps the Department Equity Office can have a status that enables them to maintain anonymity and need not report cases to the title IX office if the complainants prefer not to do so). In this context, it would also be valuable for department chairs to receive clear instructions from the administration regarding what actions, if any, the Chair can unilaterally take if there are significant concerns about faculty sexual harassment/misconduct.
6. The three-year statute of limitations for disciplinary action based on violations of the Faculty Code of Conduct is very problematic in cases of sexual harassment. Undergraduates are at UCB for 4-5 years and rely on recommendation letters for several more years. Graduate students are at UCB for ~5-7 years and typically rely on recommendation letters for many more years.
7. We recommend that the process for evaluating and changing the current policies include representation for postdocs, graduate students, and undergraduates. Having the Academic Senate setting the process for policing faculty on sexual harassment issues represents a conflict of interest that could favor the accused (faculty) over the victims.

Please let us know if you have any questions about the above suggestions or would like to discuss aspects of this in more detail. Thank you very much for your efforts to improve the handling of sexual harassment cases in UC.

Sincerely,

Eugene Chiang, Mariska Kriek, Chung-Pei Ma, Aaron Parsons, Eliot Quataert