

September 13, 2021

To: Ladder Faculty and Lecturer SOE Series

From: June Betancourt, Director  
Academic Personnel

Re: Systemwide Review of Revised Presidential Policy on Sexual Violence and Sexual Harassment

The University of California Office of the President invites comments on proposed revisions to the Presidential Policy on Sexual Violence and Sexual Harassment. The proposed revisions are to: (i) comply with a new state law, Senate Bill (SB) 493, and (ii) better account for Prohibited Conduct in the clinical setting.

Senate Bill 493. UC must comply with SB 493 by January 1, 2022. The legislation was authored by former Senator Jackson of Santa Barbara and sponsored by Equal Rights Advocates and the Women's Foundation of California. It was motivated largely by concerns, which UC shares, about potential adverse effects of the U.S. Department of Education's 2020 amendments to the federal Title IX regulations. UC policies and implementing frameworks already codify most of SB 493's requirements. Some other requirements are met in practice but not currently written in policy. Implementing revisions to the SVSH Policy are therefore limited, and include:

- the addition of "sexual exploitation" as a form of Prohibited Conduct;
- limitations on UC's use of no-contact orders that restrict a Complainant's contact with a Respondent;
- a requirement that Confidential Resources inform a person who discloses Prohibited Conduct of their right to report to Title IX, and how to do so;
- the addition of clergy members and employees who report to CARE leadership to enumerated Confidential Resources;
- a statement that resolution processes under the SVSH Policy are not adversarial;
- a statement that the Title IX Officer will update parties periodically on the status of investigations;
- the addition of certain notice requirements when the Title IX Officer opens an investigation despite a complainant's wishes;
- a statement that the Title IX Officer will consider whether systemic remedies are appropriate at the end of an investigation; and
- a requirement that locations notify volunteers and contractors who regularly interact with students of the SVSH Policy.

Clinical Setting-Related Changes. The University has dedicated significant effort and resources to the critical work of preventing, detecting and responding to Prohibited Conduct arising from the context of patient care. To further that work, certain proposed

policy revisions are to better account for the clinical context. These revisions were reviewed last year by the [President's Working Group on SVSH in the Clinical Setting](#). They primarily include:

- a requirement that all Responsible Employees report possible Prohibited Conduct that occurs in the context of patient care. Employees with heightened reporting obligations under the current SVSH Policy—faculty, Human Resources and Academic Personnel administrators, police, managers and supervisors, and Title IX personnel—already have this obligation;
- modified definitions of Prohibited Conduct that apply when allegations arise in the context of patient care. These definitions are already in use via guidance the Systemwide Title IX Office issued in December 2019, and will now be in an appendix to the SVSH Policy;
- a provision that sexual assault during a clinical encounter is considered “aggravated,” along with use of force, violence or menace, deliberately causing or taking advantage of incapacitation, and misuse of complainant’s image. A determination that conduct is aggravated may affect the corrective action; and
- the addition of examples and of references to University policies and officials, regulations, and regulatory agencies relevant to the clinical setting.

Attached (or available by request via the email below) are a redline draft of proposed changes as well as a clean copy.

Questions or comments may be directed to my attention at the email below and must be received by **November 19, 2021**.

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