

2017-125 AUDIT SCOPE AND OBJECTIVES

University of California Office of the President— Sexual Harassment Cases

The audit by the California State Auditor will provide independently developed and verified information related to the manner in which the University of California (university) and the University of California Office of the President (UCOP) handle sexual harassment cases involving faculty and staff. The audit's scope will include, but not be limited to, the following activities:

1. Review and evaluate the laws, rules, and regulations significant to the audit objectives.
2. Review the university's policies and procedures regarding faculty-student relationships and sexual harassment. Determine whether they are adequate to prevent, detect, and address sexual harassment and that they are consistent with best practices. In addition, assess the university's policies and procedures regarding sexual harassment settlements to determine how long any university policy or practice has existed that include provisions that bar students from attending or working at the university.
3. Determine whether California law and university policy regarding protecting the confidentiality of repeat harassers is consistent with other states' best practices.
4. To the extent possible, identify the total number of sexual harassment complaints made by students at the university against university faculty and staff over the past 10 years and identify separately which were submitted to each campus and those submitted to UCOP. For each complaint, determine whether an investigation was initiated, the outcome of the investigation, if applicable, and whether any individuals were the subject of multiple investigations.
5. For complaints identified in Objective 4, review the adequacy of the university's investigations, based on factors such as timeliness, communication, and adherence to policies, procedures, laws, or best practices.
6. For complaints identified where a violation of law or university policy was substantiated in Objective 5, assess the level of egregiousness of the misconduct, and determine, to the extent possible, the following:
 - (a) Whether the discipline the university administered was consistent with university policy. Identify whether the disciplinary measures in each case were proportional to the substantiated conduct, likely to deter future harassment, and consistent with policies, procedures, laws, or best practices. Identify any trends in the types of discipline administered.
 - (b) Whether the university entered into a settlement agreement with the victim and/or harasser and what the terms of the settlement agreement(s) were. Determine the extent to which these settlements included prohibitions against the victim continuing to attend or work at UC campuses. In addition, determine whether and how often settlement agreements included other potentially punitive measures for the victim.

- (c) Whether relevant information was gathered pertaining to the alleged harasser(s) and the victim, including the alleged harasser's professional background and whether the harasser met any of the following criteria:
 - i. Was in a position of control or authority over the victim.
 - ii. Was a member of faculty, the senior management group, or an executive, and the status of their tenure during the time the victim was a student.
 - iii. If the alleged harasser was faculty, determine that faculty member's number of publications or other research produced and that faculty member's past relationships to other institutions as both a student and as faculty.
 - iv. Played a key role on one or more externally funded projects within the prior three years. If so, provide the total funding for the project(s) and the amount of funding directly attributable to the individual, if available.
 - v. Was the subject of prior substantiated complaints and what action the university took in response to the prior complaint(s).

- 7. Review and assess any other issues that are significant to the audit.