

Testimony of

**Philip H. Kass, DVM, MPVM, MS, PhD**  
Vice Provost for Academic Affairs  
Professor of Analytic Epidemiology  
University of California, Davis

Before the U.S. House of Representatives  
Committee on Science, Space, and Technology

On

**Combating Sexual Harassment in Science**  
June 12, 2019

Chairwoman Johnson, Ranking Member Lucas, and Members of the Committee on Science, Space and Technology, it is a privilege to be here with you today to discuss the University of California, Davis' efforts to address sexual harassment issues in science.

### Background

The University of California (UC) is committed to creating and maintaining a community dedicated to the creation, application, and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in a safe and secure environment, free of harassment and discrimination. Combating sexual harassment and fostering a culture of respect and accountability is what the 10 campuses of the UC system are striving for and has led the system to take a strong and public stance against portions of the Department of Education's proposed Title IX rule that would narrow the definition of sexual harassment and lower the standards to which schools are held.

At UC Davis, we are especially passionate about the issue of combating sexual harassment. Fifty-Nine percent of our more than 30,000 undergraduates are female. In 2012, UC Davis received a National Science Foundation ADVANCE Institutional Transformation grant to increase the participation and advancement of women in academic science and engineering careers, and in 2016, Forbes listed UC Davis as the No. 1 college for Women in science, technology, engineering, and math (STEM).

It was amidst this backdrop that in 2018 UC Davis applied for the American Association for the Advancement of Science (AAAS) STEM Equity Achievement (SEA) Change Institutional Bronze Award, which is an initiative from AAAS to effect institutional transformation in support of

diversity and inclusion through a self-assessment and commitment to the SEA Change principles. In February 2019, UC Davis was one of three universities in the United States to receive the Bronze Award Certification. UC Davis' innovative hiring practices – such as offering child-care services to interviewees, helping partners find jobs, using contributions to diversity statements, and having policies in place to address salary equity – were among the reasons for UC Davis' selection. I mention the AAAS SEA Change Award as it was a voluntary self-assessment and action from UC Davis and reflects our commitment to fostering a culture of respect and accountability.

To further support this commitment, on July 1, 2018, UC Davis initiated a pilot program for the 2018-19 hiring year to conduct reference checks on final candidates for academic appointments with tenure or security of employment. Our current faculty hiring process solicits information regarding candidates' academic qualifications through external evaluation letters. The pilot reference check program enables UC Davis to obtain and review information about candidates' personal conduct in their previous appointments that may be important to the appointment decision. This includes conduct involving gender discrimination, sexual harassment, and sexual violence.

The reference checks do not involve any process for criminal background checks, which are covered by other University policies.

### Implementation

The UC Davis pilot program follows various steps to conduct reference checks for candidates who are the final choice for hiring into professor or lecturer titles with tenure or security of employment, respectively.

The campus includes a statement in the posting of Senate ladder rank faculty positions with tenure or lecturer/senior lecturer with security of employment providing notice to applicants that UC Davis will conduct reference checks on final candidates prior to hiring. The statement highlights the University of California's commitment to "creating and maintaining a community dedicated to the advancement, application, and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in a safe and secure environment, free of violence, harassment, discrimination, exploitation, or intimidation."

Based on this commitment, UC Davis conducts a reference check on all finalists for tenured positions. The reference check involves contacting the administration of the applicant's previous institution(s) to ask whether there have been substantiated findings of misconduct that would violate the University's Faculty Code of Conduct. To implement this process, UC Davis requires all applicants for any open search for assistant/associate/full professor to complete, sign, and upload a form as part of their application. If the applicant does not include the signed authorization with the application materials, the application will be considered incomplete, and as with any incomplete application, will not receive further consideration.

When the selection of the first-choice candidate has been made, the dean and/or department chair contacts Academic Affairs to initiate the reference check process. Academic Affairs in turn contacts the Academic Personnel Office (or equivalent) in one or more of the previous institutions where the candidate has been employed. The candidate is notified before the contact is initiated. Academic Affairs provides the signed release to the previous institution(s) and asks for information about misconduct related to teaching, research, service, and (if applicable) clinical care. Academic Affairs does not contact the candidate's department or search chair unless there is no other office of record for faculty misconduct at the institution.

Academic Affairs, in consultation with the dean and department chair, will conduct an individualized assessment of any information received, including the nature of the conduct, the length of time passed, any corrective action taken, and any explanation offered by the candidate. After reviewing the information, Academic Affairs, in consultation with the dean and department chair, will determine whether the candidate is still eligible to be considered for the position.

Again, this pilot reference check program applies to final candidates selected for appointment with no previous UC appointment, as well as candidates with current or prior UC appointments. In order to protect a candidate's privacy, all information received in connection with the reference check process is treated as confidential and retained in accordance with UC policy. Should the candidate be offered and accept the position, any information received shall be securely maintained and held in the campus Academic Affairs Office.

To date, the pilot has resulted in 14 candidates requiring reference checks; 9 completed reference checks; 23 academic institutions contacted; 19 responses received; and zero instances where information about discipline was provided.

We have not received any protests about this program from faculty applicants or institutions we have contacted. We request feedback within seven days, and in most cases receive it.

As noted above, none of our reference checks have led to disclosure of disciplinary actions. We believe that potential applicants for faculty positions who have been disciplined, upon reading UC Davis' requirement for a signed authorization in order for their application to be considered, will be dissuaded from applying. The UC Davis reference check process therefore is likely acting as a pre-screening preventative, consistent with our belief that we do not want to hire faculty whose behavior is inconsistent with our Faculty Code of Conduct and our Principles of Community.

Consistent with the language of HR 36, the Combating Sexual Harassment in Science Act of 2019, we believe our reference check program is an intervention for reducing the incidence and negative consequences of sexual harassment in both the STEM and non-STEM workforces, including students and trainees. At UC Davis, we believe it is our moral imperative to protect our students, as well as all other members of our campus community, and so in our minds this modest preventive step is long overdue. We have found no impediments to its implementation, and during the second year of this pilot program we will again review and share our findings with our counterparts at other University of California campuses. We expect, and hope, that other universities will want to follow in our footsteps to prevent offenders at one university from

relocating to another, and potentially become repeat offenders, and we stand prepared to help these institutions.

Thank you for the opportunity to testify today and for your continued support for the academic community. I look forward to answering your questions.