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IN STRICT CONFIDENCE

August 15, 2019

PROFESSOR GOPAL BALAKRISHNAN  
History of Consciousness Department

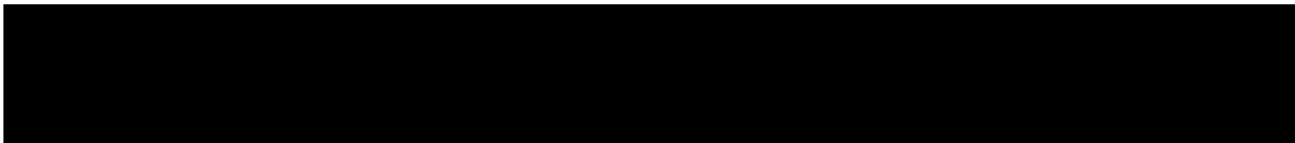
**Re: Balakrishnan Academic Senate Bylaw 336 Hearing**

Dear Professor Balakrishnan:

I write to inform you that, after carefully reviewing and considering the Hearing Committee Report ("Hearing Report") of the Committee on Privilege and Tenure ("the Committee"), the hearing transcripts and exhibits/evidence, including the investigation reports, the pre and post hearing briefs from you and the Administration, and your rebuttal, I have adopted the *unanimous* findings and recommendation of the Committee conveyed to me in their Hearing Report dated July 18, 2019.

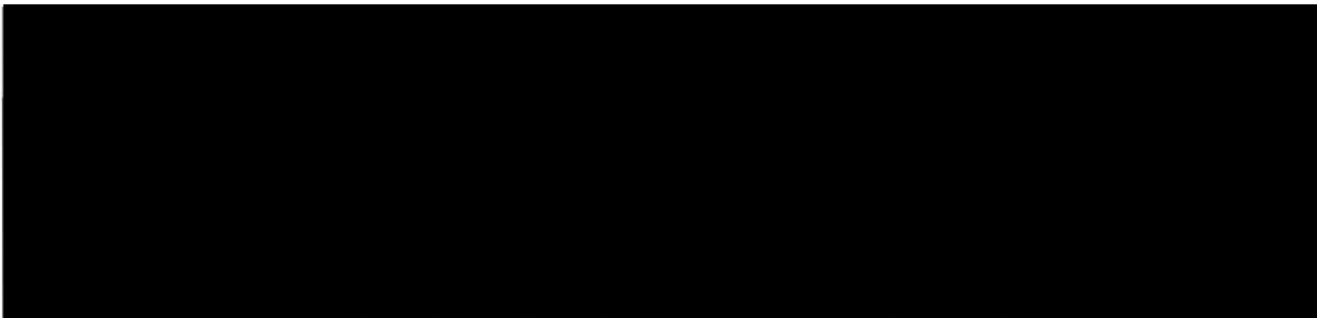
Hearing Committee Findings, Conclusions, and Recommendations

On November 14, 2018, former Campus Provost and Executive Vice Chancellor Marlene Tromp issued you a Notice of Intent to Discipline for violations of the *Faculty Code of Conduct* ("FCC" or "APM 015"). You exercised your right to a hearing and the following charges were brought:



**COMPLAINANT** (APM 015 version dated 1/1/02)

- Part II, C.7: Serious violation of University policy governing the professional conduct of faculty; the policy at issue is the *UC Sexual Harassment Policy* (version dated 2/6/06);



[REDACTED]

The Committee held four days of hearing: May 9, 14, 15 and 21, 2019. Represented by counsel you brought thirteen motions, including motions challenging the jurisdiction of the University to adjudicate these complaints. The Committee heard arguments on these motions on May 9th and denied all thirteen motions. The Committee then held three days of hearing, wherein you and your counsel chose not to appear, present evidence, or cross-examine witnesses.

[REDACTED]

Similarly, the Committee found clear and convincing evidence that you engaged in conduct toward **COMPLAINANT** a student, that violated the FCC when you sexually assaulted **COMPLAINANT** after a party at a neighbor's house, finding your conduct "was not only sexual harassment, this was sexual assault and attempted rape." (HR p. 3.) The Committee found you violated APM 015, Part II, C.7, as charged in the Notice of Intent to Discipline dated November 14, 2018. Additionally, the Committee found that this same conduct independently violated the FCC, (APM 015, Part II). (HR p.4.)

[REDACTED]

Based on the egregious nature of your behavior in the [REDACTED] and the damage "to the University's ability to carry out its mission" (HR p. 6), the Committee recommends the imposition of the disciplinary sanctions as proposed in your notice of intent to discipline: 1) dismissal from the employ of the University and 2) denial of Emeritus status.

**Chancellor's Conclusion on Charges**

I accept the Committee's factual findings and conclusions in their entirety. I agree with the Committee that the FCC extends to interactions between faculty and the community. Citing APM 015, Part II, I concur with the Committee that "[t]his listing of faculty responsibilities, ethical principles, and types of unacceptable behavior is organized around the individual faculty member's relation to teaching and students, to scholarship, to the University, to colleagues, and to the community." (See HR p. 3.)

[REDACTED]

[REDACTED]

The Committee determined, and I agree, that:

The Preamble states: “The University seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom.” The University is impaired in this function if its faculty, without consequence or sanction, engage in behavior in the context of professional events that would not be tolerated on campus because of their clear incompatibility with sustaining an environment “conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom”. For example, it is to be expected that neither [REDACTED] (nor potentially others who became aware of the behavior) would want to work with Professor Balakrishnan (or even with anyone from UCSC) in the future, if they see that this behavior has no consequences. In other words: only a safe environment is an environment conducive to sharing knowledge and values.

(HR p. 3.) [REDACTED]

[REDACTED]

I agree with the Committee that your conduct toward **COMPLAINANT** a UCSC student, violated the Sexual Harassment policy and consequently violated the FCC under APM 015.II.C.7 (version dated 1/1/02). (See HR p.4.) I find there is clear and convincing evidence, after reviewing all the evidence, that **COMPLAINANT** [REDACTED] was a student, as that term is defined, at the time of the incident. There is also clear and convincing evidence that there was a close nexus between your status as faculty at the University and your misconduct. You were invited to an end of the academic year party by a student to foster mentorship. Your status as a professor provided the mechanism for your contact with that student and [REDACTED] also a student. Your behavior toward **COMPLAINANT** was unwelcome, deeply harmed her, and interfered with her work prospects. (HR p. 4.) The harm to **COMPLAINANT** the direct victim, alone is sufficient to sustain this charge. But **COMPLAINANT** is not the only one harmed by your conduct. As noted by the Committee the “University cannot ‘provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values’ (APM 015, Preamble) if its faculty cannot be trusted to behave responsibly around young people. Students have a right to expect that the University does not tolerate faculty who attempt to rape people. The University has an obligation to honor that right.” (HR p. 4.)

[REDACTED]



[REDACTED]

**Chancellor's Conclusion on Sanction**

I concur with the Committee's sentiment that "[c]onsidering the egregious nature of the behavior on the [REDACTED] and the real damage done to the University's ability to carry out its mission, the discipline we recommend is dismissal from the employ of the University and denial of Emeritus status." (HR p. 6.)

It is my determination that [REDACTED] your egregious behavior in the **COMPLAINT** on its own, warrants the serious sanctions being recommended. Taken separately or together your conduct in these cases warrants the imposition of dismissal from the employ of the University and denial of Emeritus status. As such, I will be submitting those recommendations to the President and the Regents for final decision. In addition, consistent with my authority in APM 016.II.4, I am imposing the disciplinary sanction of suspension without pay effective with the date of this letter until the earlier of: 1) dismissal pursuant to my recommendation; or 2) twenty (20) years.

One of your colleagues testified that your "capacity for contrition and improvement of his conduct" is "none." (Tr. II 323:3-6.) While not relevant to my recommendations to the President and Regents, or the exercise of my authority under APM 016, it is notable that the record before me is devoid of any acknowledgement from you about your behavior or the detrimental impacts of your misconduct on the direct victims or the University.

Sincerely,



Cynthia K. Larive  
Chancellor

cc:

Jamie L. Dupree, Counsel for the Respondent  
Elizabeth Grossman, Counsel for the Respondent  
John Gherini, Counsel for the Administration  
Steve Drown, Counsel for the Committee on Privilege and Tenure  
Lori Kletzer, Interim Campus Provost and Executive Vice Chancellor  
Susan Fellows, Director, Academic Employee Relations  
Matthew Mednick, Executive Director, Academic Senate Office  
Jorge Hankamer, Chair, University Committee on Privilege and Tenure