

COMMITTEE ON RESEARCH (COR)

Wednesday, November 20, 2013

10:00 – 11:30 am

KL 362

Documents found at [UCMCROPS/COR1314/Resources](#) and
[UCMCROPS/LibraryW.Group1314/Resources](#)

AGENDA

I. Chair's Report

- A. Update from joint DivCo/CAPRA meeting on November 7
- B. Update from Senate-Administration Library Working Group meeting on November 13
- C. Update from UCORP meeting on November 18

II. Consent Calendar

- A. Approval of the agenda
- B. Approval of the November 6 meeting minutes **Pg. 1**

III. ORU Policy – Chair Mostern **Pg. 6**

Prior to this meeting, Vice Chair Marcia drafted a table of ORU, CRU, and MRU definitions to serve as the foundation for a first draft of the revised ORU policy.

Action requested: COR members will review and discuss the table. A revised ORU policy will be drafted before the end of fall semester.

IV. Senate Faculty Research/Travel/Shared Equipment Grants Criteria – David Noelle

COR member Noelle will lead the discussion on potential changes needed to the grants criteria.

The current criteria and that of other UC campuses are available at:

[UCMCROPS/COR1314/Resources/Faculty Research/Travel/Shared Equipment grants](#)

V. Campuswide Review Items

- A. EECS and Sociology CCGA Proposals. Committee members have been assigned to review each proposal.

Action requested: COR members will discuss the reviews of both proposals. Committee analyst will compile reviews and transmit in a memo to the Senate Chair by the deadline of Monday, November 25.

- B. Mechanical Engineering CCGA Proposal.

Action requested: Select COR members to review the proposal and provide comments for discussion at the December 4 meeting. Senate Chair's deadline for comments is December 9.

The three proposals are not appended to this memo due to their length; however, they are available at *UCMCROPS/COR1314/Resources/Review Items – Campus*

VI. Systemwide Review Items

- A. Proposed changes to APM 35 pertaining to sexual harassment. CAP is the lead reviewer.

Deadline for comments is January 10, 2014. **Pg. 9**

- B. Moreno Report pertaining to incidents of racial discrimination at UCLA. FWDAF and P&T are the lead reviewers. **Pg. 36**

Deadline for comments is Friday, November 29. While there is no request from systemwide for a formal review, the Senate Chair has been asked by systemwide to consult with Senate committees to provide information that can inform the Senate-Administration Work Group that was formed to address the Moreno report.

VII. Other Business

- A. Extension of start-up funds – *Jason Hein*

Next meeting is on Wednesday, December 4

Ongoing Business

Lab Safety – *Jason Hein*

ORU Policy – *Roummel Marcia*

Faculty Research/Travel/Shared Equipment Grants – *David Noelle*

Indirect Cost Return – *YangQuan Chen*

Committee on Research (COR)
Minutes of Meeting
November 6, 2013

Pursuant to call, the Committee on Research met at 11:00 am on November 6, 2013, in Room 324 of the Kolligian Library, Chair Ruth Mostern presiding.

I. Chair's Report

As there was no Division Council meeting since the last COR meeting, and no UCORP or UCOLASC meeting, Chair Mostern had nothing to report.

- II. Guest Susan Carter, Director of Research Development Services (RDS), provided introduced her staff and provided an overview of her office's function. RDS is staffed by Carter, Analyst Sara McDonnell and two Pre-Award Proposal Development Administrators Vanity Campbell and Jim Fickett. Another Research Administration position will be filled in the near future. RDS aims to be the faculty's first point of contact for pre-award services and proposal development. While there are no formal assignments between RDS staff and School until RDS is fully staffed, currently, most SNS proposals are handled by Fickett, most SSHA proposals go to McDonnell, and most SoE proposals (in addition to those of SNRI and public health-related SNS proposals) go to Campbell. One of RDS's current projects is the implementation of an integrated, online submission system which RDS will help faculty to use. It will be analogous to NSF's Fast Lane. The system will streamline the proposal process by saving data and populating fields for the users. RDS is currently undertaking pilot projects and will strive to implement the pre-award component of the software by January 2014. The entire system should be implemented by fall 2014 and it will become the default proposal submission system for the campus.

Carter related that RDS can also assist faculty with the writing of the grant but do request a two-week (ideally, more) notice. Currently, RDS is experiencing a backlog of work that occurred as a result of the recent government shutdown.

Carter clarified that currently, the Sponsored Projects Office (SPO) is the only entity on campus that can submit proposals. Faculty have the choice to work with RDS at the beginning of the process to get assistance with their budgets and grant writing before submitting their proposals to SPO for the final review and submission. Or, faculty can choose to work with SPO exclusively during the whole process.

RDS also holds grant writing workshops with untenured faculty every spring. A new project, beginning in late February 2014, will involve taking untenured faculty to Washington, D.C. to familiarize them with granting agencies. RDS also does grant writing training for graduate students.

Carter concluded her presentation by encouraging faculty members to contact her with any suggestions or comments. In response to a COR member asking how the Senate can help RDS, Carter responded by saying that at the present time, her priority is to forge open communication with her office and the faculty so that faculty are aware of what services she can provide to them. She would be happy to attend further Senate committee meetings and conduct formal presentation of requested. Faculty are encouraged to contact RDS at rds@ucmerced.edu and their emails will reach all RDS staff members including Carter. Other important contact information: spo@ucmerced.edu (SPO staff) and ras@ucmerced.edu (Accounting Services staff).

III. Consent Calendar

ACTION: Today's agenda and the October 28 meeting minutes were approved as presented.

IV. Library

Prior to this meeting, a draft memo was circulated to COR members that contained COR's comments on the Library's external review report. COR members were also sent the Library's 2020 Space Plan.

COR members held a discussion on the Library's Space Plan. More clarity is needed on the core research issues. The overarching concern is that the Space Plan focuses on the development of common space as a core function of the Library when the campus's research mission should be the core function. COR's main comments are 1) Kolligian Library was purpose-built for library use and COR feels the building should retain its original purpose; 2) it would serve the Library and campus purposes most efficiently if library services were consolidated in one building; 3) perhaps another unit should manage the planning of study halls as COR feels that is not a core Library function. In addition, COR members agreed that the Library's budget needs to increase commensurate with student numbers. COR member reiterated that the memo it sends to the Library on the Space Plan ought to emphasize that COR is providing input and raising concerns rather than handing down directives.

ACTION: COR analyst will finalize the memo on the Library's external review report and the memo on the Library's 2020 Space Plan. The memos will be circulated among the committee for review and approval.

V. Composite Benefit Rates

Chair Mostern announced that this is only an informational item for the committee. The Office of the President is reconsidering how to proceed on this issue as it received push back from the campuses in spring 2013. This item will likely return to COR's agenda later in the academic year.

VI. Campuswide Review Items

Division Council issued a memo to all Senate standing committees with a list of four overarching questions about diversity of UCM faculty and graduate students. COR discussed how to address these questions within the context of the campus research mission. Attracting more diverse faculty and graduate students enhances the research profile of the University. Although it varies across fields and disciplines, there is the possibility of facilitating diversity through target of opportunity hires, pursuing the Presidential Post Doc pool, and cluster hiring .

COR's response to the memo will include the following comments: COR supports the creation for the position of a chief diversity officer on campus in keeping with the practice of other UC campuses. This position will help facilitate our status as a Hispanic Serving Institution. There are several diversity initiatives worth exploring but the campus must make it a priority to earmark resources to help the initiative succeed. UCM's graduate student population lags behind our faculty population in terms of diversity. UCM should also ensure that whatever practices we adopt follow the best practices at other UC campuses.

VI. Systemwide Review Items

--Cross-campus online courses. COR discussed the problems and opportunities that online courses engenders. UC Merced's small size and ongoing growth trajectory means that online courses present both opportunities and problems. Robust systemwide online courses might constrain our growth by making it more difficult to justify hiring faculty in certain fields. On the other hand, they could also provide opportunities for our graduate and undergraduate students, some of whom may be intellectually isolated, to be more engaged in the system. UC Merced faculty may also welcome the opportunity to teach online courses. COR wishes to point out that UC Merced is in a unique position in which online offerings may have significant implications for our own campus's growth. We need to be mindful about reconciling the growth of our own programs, faculty, and students with the offering of remote, online courses in ways that advantage our campus.

ACTION: COR analyst will transmit a memo to the Senate Chair with COR's comments.

--Proposed changes to APM 25. COR had no comments.

ACTION: COR analyst will transmit a memo to the Senate Chair with COR's comments.

VII. Other Business

Division Council sent a request to all standing Senate committees to review the CCGA proposals of Electrical Engineering & Computer Science (EECS) and Sociology. COR assigned one reviewer per proposal.

ACTION: The COR reviewers of the two CCGA proposals will submit their reviews to the COR analyst prior to the November 20 meeting. Upon conclusion of the November 20 meeting, the COR analyst will transmit COR's reviews to Division Council by the deadline of November 25.

COR members briefly discussed the agenda topics for the November 20 meeting. Vice Chair Marcia will be absent but will submit a draft table of ORU/CRU/MRU definitions to committee members and Chair Mostern will lead the discussion. This table is intended to serve as the foundation of the first draft of a new ORU policy. COR member Noelle will lead the discussion on possible revisions to the criteria for the Senate faculty research/travel/shared equipment grants.

There being no further business, the meeting adjourned at 12:30 pm.

Attest: Ruth Mostern, Chair

Minutes prepared by: Simrin Takhar, Senate Senior Analyst

	CRU	ORU	MRU
DESIGNATIONS	Institute, Laboratory, Center, Station	Institute, Laboratory, Center, Station	Institute, Laboratory, Center, Station
LINES OF RESPONSIBILITY	CRU responsible to Vice Chancellor for Research (VCR) for administration, budget, space, personnel, and scholarship	ORU responsible to Chancellor or Chancellor's Designee (CD) for administration, budget, space, personnel, and scholarship	MRU responsible to the President and report through Chancellor or CD at host campus
ADMINISTRATION	Headed by Director who is a faculty member. Aided by Advisory Committee appointed by VCR.	Headed by Director who is a tenured faculty member. Aided by Advisory Committee Appointed by Chancellor or CD.	Headed by Director who is a tenured faculty member, aided by Associate Director on each campus at which unit is active. Aided by Advisory Committee appointed by President or President designee.
BUDGETARY SUPPORT	Partial funding by Office of Research based on merit review	"[P]rovision is made in the campus budget for the unit's core administration support, Director's stipend, . . ."	Administrative support from campus or from Office of the President
PROPOSAL FOR ESTABLISHMENT	Faculty members submit a proposal stating unit's goals and objectives; describing added values and capabilities; explaining how mission extends beyond interests or needs of a single group, department, or school; and making clear how the unit will foster new intellectual collaborations, stimulate new funding, etc. [NB: CRU Policies include Review Criteria]	Faculty members submit a proposal stating unit's goals and objectives; describing added values and capabilities; explaining why goals cannot be achieved by existing campus structure; and making clear how the unit will foster new intellectual collaborations, stimulate new funding, etc.	Faculty members submit a proposal stating unit's goals and objectives; describing added values and capabilities; explaining why goals cannot be achieved by existing campus structure; and making clear how the unit will foster new intellectual collaborations, stimulate new funding, etc.
PROCEDURE	Proposal submitted to VCR in Sept. of academic year. Proposal distributed to GRC (now GC and CoR), CAPRA, UGC (if proposal impacts undergrad instruction), UC Merced Budget Committee, and to any Dean directly affected by proposal's impact on personnel, space, and equipment. Based on comments from these committees and Deans, VCR makes recommendation to Executive Vice Chancellor, who retains final authority for CRU approval.	Proposal submitted by Dean directly affected by proposed unit's personnel, space, and equipment, to Chancellor or CD, who seeks advice from appropriate divisional Academic Senate committees. Chancellor retains final authority for approving ORUs. Chancellor or CD informs the Vice Provost for Research of the establishment of ORU.	Proposal originates at host campus and is submitted to the VCR, who seeks advice from all appropriate divisional Academic Senate Committees and administrative committees. After campus review, proposal is submitted to Vice Provost for Research by Chancellor or CD of host campus. The Vice Provost for Research reviews proposal and refers it to the Chancellor for comment. The Vice Provost for Research also refers the proposal to the Chair of Academic Council for comment by University Committee on Research Policy (UCORP), University Committee on Planning and Budget (UCPB), and CCGA. Vice Provost for Research retains final authority for recommending establishment of MRU to Provost and President. After Presidential approval, Provost informs Chancellors and Chair of Academic Council of the action.

	CRU	ORU	MRU
DIRECTOR	Appointed by VCR after a nomination procedure on which VCR and GRC agree. For new Director for an existing unit, nominates are solicited from Advisory Committee.	Appointed by Chancellor or CD after a nomination procedure on which the Chancellor and the Academic Senate agree. For new Director for an existing unit, nominates are solicited from Advisory Committee.	Appointed by the Provost after consultation with appropriate Chancellors and with advice of Search Committee appointed by Vice Provost for Research.
FIVE-YEAR REVIEW	VCR initiates 5-year reviews. VCR in consultation with GRC should assure 5-year reviews are conducted at proper intervals. VCR appoints review committee from a slate nominated by CoR. Review committee's report should be provided to the Director for comment. Justification for continuation must be documented by review committee. The report is reviewed by appropriate Academic Senate committees. VCR decides on continuation and any changes in CRU, upon consideration of the ad hoc and Senate committee's recommendations. Disestablishment of CRU requires Provost's approval. To maintain portfolio campus CRUs, VCR transmits annual report to Chancellor, Executive Vice Chancellor, and the Academic Senate the establishments and disestablishments and a summary of 5-year reviews of CRUs.	Chancellor initiates 5-year reviews. VCR in consultation with appropriate Senate Committee should assure 5-year reviews are conducted at proper intervals. The Chancellor or CD appoints review committee from a slate nominated by divisional Academic Senate. Review committee's report should be provided to the Director for comment. Justification for continuation must be documented by review committee. The report is reviewed by appropriate Academic Senate committees. The Chancellor or CD decides on continuation and any changes in ORU, upon consideration of the ad hoc and Senate committee's recommendations. Disestablishment of CRU requires Chancellor's approval. To maintain portfolio campus CRUs, the Chancellor or CD transmits annual report to the Vice Provost for Research listing ORU establishments and disestablishments and a summary of 5-year reviews of ORUs.	The Vice Provost for Research should assure that 5-year reviews are conducted at proper intervals. VCR appoints <i>ad hoc</i> review committee from a slate nominated by Chair of the Academic Council and the Chancellor or CD. Review committee's report should be provided to the Director for information. Justification for continuation must be documented by review committee. The 5-Year Review report is submitted to the Vice Provost for Research, who distributes it to the Vice Chancellors for campus comment and the Chair of the Academic Council for comment by UCORP, UCPB, and CCGA. Based on 5-Year Review Report and comments, the Vice Provost for Research approves continuation of unit, implements changes, or recommends disestablishment of unit to President.
PROCEDURE FOR DISESTABLISHMENT	Following a 5-year review, Executive Vice Chancellor approves request for disestablishment and informs the Chancellor, VCR, and Academic Senate of action.	Following a 5-year review, the Chancellor approves request for disestablishment and the Chancellor or CD informs the Vice Provost for Research of action.	Following a 5-year review, the Chancellor or CD submits request for disestablishment to Vice Provost of Research after appropriate campus administrative and Senate consultation and consultation with Advisory Committee. The request is referred by Vice Provost for Research to the Chancellors for comment. The Provost recommends disestablishment to the President. After Presidential approval, Provost informs Chancellors and Chair of the Academic Council of action.
PHASE-OUT PERIOD	At most one full year after the end of the academic year.	At most one full year after the end of the academic year.	At most one full year after the end of the academic year.

	CRU	ORU	MRU
PROCEDURE FOR NAME CHANGE	Director prepares a proposal to VCR describing rationale. After review by GRC, CAPRA, and appropriate campus administrators, Provost approves and informs Chancellor, VCR, and Academic Senate of action.	Director prepares a proposal describing rationale. After review by Senate and appropriate campus administrators, the Chancellor or CD approves and informs Vice Provost for Research of action.	Director prepares a proposal describing rationale. MRU Advisory Committee endorses requested name change. After review by appropriate host campus administrators and Senate committees of other participating campus, Director submits proposal package to Vice Provost for Research. After consultation with UCORP and favorable review at host campus and participating campuses, the host Chancellor approves name change and submits full documentation to Vice Provost for Research, who notifies other campus and the Chair of the Academic Council of change in name.
ANNUAL REPORT	Unit should submit a report to VCR and GRC containing specific information.	Unit should submit a report to VCR and GRC containing specific information.	Unit should submit a report to VCR and GRC containing specific information.



OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT
1111 Franklin Street, 11th Floor
Oakland, California 94607-5200

November 1, 2013

COUNCIL OF VICE CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS
ACADEMIC COUNCIL CHAIR JACOB
ANR VICE PRESIDENT ALLEN-DIAZ

Re: Systemwide Review of Proposed Revised University of California Policy on Sexual Harassment and Academic Personnel Manual (APM) Section 035, (APM - 035), Appendices A-1 and A-2

Dear Colleagues:

Enclosed for Systemwide Review are proposed revisions to the University of California Policy on Sexual Harassment, which is reprinted in the Academic Personnel Manual Section 035, (APM - 035), Appendices A-1 and A-2. Proposed draft language implements policy requirements mandated by the Violence Against Women Reauthorization Act (VAWA 2013) to include within UC policy several provisions addressing domestic and sexual violence.

The UC Policy on Sexual Harassment is a systemwide, Presidential policy that applies to all University employees, which includes all faculty and other academic appointees, students, and staff. Therefore, the enclosed draft Policy is formatted using the Presidential policy template instead of the standard APM format. Current APM - 035, Appendices A-1 and A-2 will be replaced with the following text directing faculty and other academic appointees to the Presidential policy:

“Academic personnel are covered by the University of California Policy on Sexual Harassment and Sexual Violence which is Presidential policy covering all faculty and other academic appointees, students, and staff. The Policy is available at: <http://www.policy.ucop.edu/specific-link-to-be-advised>. Any future changes to this Policy will be circulated under the standard APM review process.”

Systemwide Review

Systemwide Review is a public review distributed to the Executive Vice Chancellors, the Director, Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, affected employees and union membership about policy proposals. Systemwide Review also includes a mandatory, three-month full Senate review.

Employees should be afforded the opportunity to review and comment on the draft new policy, available online at: <http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html>. Enclosed is a Model Communication which may be used to inform non-exclusively represented employees affected by these proposals.

November 1, 2013

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This letter and enclosures anticipate that you will begin Systemwide Review of the proposed draft and submit comments no later than February 1, 2014. Please send comments on the proposed policy to ADV-VPCARLSON-SA@ucop.edu. Questions may be directed to Janet Lockwood at Janet.Lockwood@ucop.edu or (510) 987-9499.

Sincerely,



Susan Carlson
Vice Provost
Academic Personnel

Enclosures: Proposed Revised Draft UC Policy on Sexual Harassment and Sexual Violence
Proposed Draft APM - 035, Appendices A-1 and A-2
Model Communication

cc: President Napolitano
Chancellors
Provost and Executive Vice President Dorr
Executive Vice President Brostrom
Senior Vice President Stobo
Senior Vice President Vacca
Vice President Beckwith
Vice President Duckett
Vice President Sakaki
Vice Provosts – Academic Personnel
Council of Graduate Deans
Academic Personnel Directors
Executive Director Fox
Executive Director Rodrigues
Executive Director Tanaka
Executive Director Winnacker
Deputy General Counsel Drown
Director Chester
Director Jennings
Manager Lockwood
Human Resources Policy Analyst Bello
Senior Administrative Analyst Rupert

Sexual Harassment and Sexual Violence



<u>Academic Officer:</u>	Vice Provost – Academic Personnel
<u>Academic Office:</u>	AP – Academic Personnel
<u>Student Officer:</u>	VP – Student Affairs
<u>Student Office:</u>	SA – Student Affairs
<u>Staff Officer:</u>	VP – Human Resources
<u>Staff Office:</u>	HR – Human Resources
<u>Issuance Date:</u>	
<u>Effective Date:</u>	
<u>Scope:</u>	This policy applies to all University employees and students

	<u>Academic</u>	<u>Student</u>	<u>Staff</u>
<u>Contact:</u>	Janet Lockwood	Eric Heng	Jeannene Whalen
<u>Email:</u>	janet.lockwood@ucop.edu	eric.heng@ucop.edu	jeannene.whelen@ucop.edu
<u>Phone #:</u>	(510) 987-9499	(510) 987-0239	(510) 987-0853

I. POLICY SUMMARY

*Office of the President
February 10, 2006*

UNIVERSITY OF CALIFORNIA POLICY ON SEXUAL HARASSMENT

A. Introduction ~~The University of California~~ [The](#) University of California is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community

Comment [AP1]: This section is adapted from current language in APM - 035-0-a to conform to VAWA 20 U.S.C. 1092(f). (Section continues on next page.)

should be aware that the University ~~is strongly opposed to~~ prohibits sexual harassment and sexual violence, and that such behavior ~~is prohibited-violates both~~ by law and by University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate action to prevent, to correct, and ~~if~~ when necessary, to discipline behavior that violates this policy on Sexual Harassment and Sexual Violence (hereafter referred to as Policy).

This ~~policy~~ Policy applies to the University of California campuses, the ~~DOE Laboratories~~ Lawrence Berkeley National Laboratory, the Medical Centers, and the Office of the President ~~-including Agriculture and Natural Resources~~, and all auxiliary University ~~locations (the~~ locations).

II. DEFINITIONS

Consent as referenced in this Policy means:

1. Consent is *informed*. Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent to some form of sexual activity does not imply consent to other forms of sexual activity.
2. Consent is *voluntary*. It is given without coercion, force, threats, or intimidation; - it is a positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.
3. Consent is given when the person is *not impaired or incapacitated*. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion, or has a mental disorder, developmental disability, or physical disability that would impair his/her understanding of the act.
(a) Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep and blackouts.
(b) Where alcohol or drugs are involved, incapacitation is distinct from drunkenness or intoxication, and is defined with respect to how the alcohol or other drugs consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments.

The factors to be considered include whether the accused knew, or a reasonable person in the position of the accused should have known, that the complainant was impaired or incapacitated.

Executive Officer: The University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agricultural and Natural Resources.

Comment [AP2]: Definition of consent is adapted from the UCI Interim Student Sex Offense Policy.

B. Definition of Sexual Harassment ~~Sexual harassment~~ is unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. Sexual harassment includes sexual violence. In the interest of preventing sexual harassment and sexual violence, the University will respond to reports of any such conduct.

Comment [AP3]: This definition is current language in APM - 035, Appendix A-1-B.

Comment [AP4]: This sentence is per the Office of Civil Rights, Department of Education, "Dear Colleague Letter" 4/4/11.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, coaches, ~~house~~staff, residents and interns, students, student employees (when acting within the course and scope of employment), and non-student or non-employee participants in University programs, such as vendors, contractors, visitors, and patients. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex. In determining whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Comment [AP5]: This paragraph is current text from APM - 035, Appendix A-1-B.

Consistent with the University of California Policies Applying to Campus Activities, Organizations, and Students, Policy 100.00 on Student Conduct and Discipline, Section 102.09, harassment of one student by another is defined as unwelcome conduct of a sexual nature that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to University programs or activities that the person is effectively denied equal access to the University's resources and opportunities.

Sexual Violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes: sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Comment [AP6]: This language is required by VAWA 20 U.S.C. 1092(f).

1. Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has had a child or is having or has had a dating or engagement relationship.

Comment [AP7]: This definition is adapted from California Penal Code §13700(b) and California Family Code §6211.

2. Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Comment [AP8]: This definition is adapted from 42 U.S.C. §13295(a) (10).

3. Sexual Assault occurs when physical sexual activity is intentionally engaged in without the consent of the other person. The conduct may include physical force, violence, threat, or intimidation; ignoring the objections of the other person; causing the other person's intoxication or impairment through the use of drugs or alcohol; taking advantage of the other person's incapacitation

(including voluntary intoxication), state of intimidation, or other inability to consent.

4. Stalking is behavior in which a person repeatedly engages in a course of conduct directed at another specific person, that places that person in reasonable fear of his or her safety or the safety of a third person or persons.

Comment [AP9]: This language is adapted from the UCI Interim Student Sex Offense Policy.

Comment [AP10]: This is the standard reflected in the proposed Student Conduct definition of stalking.

III. POLICY TEXT

A. General

The University of California is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community should be aware that the University prohibits sexual harassment and sexual violence, and that such behavior violates both law and University policy. The University will respond promptly and effectively to reports of sexual harassment and sexual violence and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy.

Comment [AP11]: This section is adapted from current language in APM - 035-0-a to conform to VAWA 20 U.S.C. 1092(f).

This Policy applies to the University of California campuses, the Lawrence Berkeley National Laboratory, the Medical Centers, and the Office of the President, including Agriculture and Natural Resources, and all auxiliary University locations.

B. Prohibited Acts

This Policy prohibits sexual harassment and sexual violence as defined in Section II of this Policy.

Comment [AP12]: New language inserted for clarity.

C. Consensual Relationships

This ~~policy~~ Policy covers unwelcome conduct of a sexual nature. Consensual romantic relationships between members of the University community are subject to other University policies. ~~for~~ For example, ~~these policies~~ governing faculty-student relationships are detailed in ~~the~~ The Faculty Code of Conduct.¹ While romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of sexual harassment or sexual violence, subject to this ~~policy~~ Policy.

Comment [AP13]: This is current language in APM - 035, Appendix A-1-B.

¹ The Faculty Code of Conduct may be found in ~~Academic Personnel Manual (APM) section 015~~ the Academic Personnel Manual (APM) Section 015.

D. Gender Identity, Gender Expression, or Sexual Orientation Discrimination

Harassment that is not sexual in nature but is based on gender, gender identity, gender expression, sex-stereotyping, or sexual orientation also is prohibited by the University's nondiscrimination policies² if it ~~is sufficiently severe to deny or limit~~ denies or limits a person's ability to participate in or benefit from University educational programs, employment, or services. While discrimination based on these factors may be distinguished from sexual harassment, these types of discrimination may contribute to the creation of a hostile work or academic environment. Thus, in determining whether a hostile environment due to sexual harassment exists, the University may take into account acts of discrimination based on gender, gender identity, gender expression, sex-stereotyping, or sexual orientation.

Comment [AP14]: This section is new language included to reflect changes to the California Fair Employment and Housing Act (FEHA) and to APM - 035-0-a.

E. Retaliation

This ~~policy~~ Policy also prohibits retaliation against a person who reports sexual harassment or sexual violence, assists someone with a report of sexual harassment or sexual violence, or participates in any manner in an investigation or resolution of a sexual harassment or sexual violence report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

Comment [AP15]: This section is adapted from current language in APM - 035, Appendix A-1-C.

F. Dissemination of the Policy, Educational Programs, and Employee Training

As part of the University's commitment to providing a ~~harassment-free~~ working and learning environment protected from sexual harassment and sexual violence, this ~~policy~~ Policy shall be disseminated widely to the University community through publications, websites, new employee orientations, student orientations, and other appropriate channels of communication. The locations shall make educational materials available to all members of the University community to promote compliance with this ~~policy~~ Policy and familiarity with local reporting procedures. In addition, the locations shall designate University employees responsible for reporting sexual harassment and sexual violence and provide training to those designated employees. Generally, such persons include supervisors, managers, academic administrators, deans, department chairs, student advisors, graduate advisors, residence hall staff, coaches, law enforcement officers, student

Comment [AP16]: This section is adapted from current language in APM - 035, Appendix A-1-C.

² ~~University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment; Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices; Academic Personnel Policy 035, Affirmative Action and Nondiscrimination in Employment; Personnel Policies for Staff Members 12, Nondiscrimination in Employment; University of California Policies Applying to Campus Activities, Organizations, and Students; and Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters~~ University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment; Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices; Academic Personnel Manual (APM) Section 035, Affirmative Action and Nondiscrimination in Employment; Personnel Policies for Staff Members 12, Nondiscrimination in Employment; University of California Policies Applying to Campus Activities, Organizations, and Students; and Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters.

judicial affairs staff, [counselors](#), and health center staff. Each location shall post a copy of this ~~policy~~ [Policy](#) in a prominent place on its website. ([See Section V. Procedures](#))

E.G. Reports [Reporting of Sexual Harassment or Sexual Violence](#)

Any member of the University community may report conduct that may constitute sexual harassment [or sexual violence](#) under this ~~policy~~ [Policy to any supervisor, manager, or Title IX Officer](#). In addition, supervisors, managers, and other designated employees are responsible for taking whatever action is necessary to prevent [and address](#) sexual harassment ~~to correct it when it occurs~~, [or sexual violence](#) and to report it promptly to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment [and sexual violence](#) complaints. An individual also may file a complaint or grievance alleging sexual harassment [or sexual violence](#) under the applicable University complaint resolution or grievance procedure (~~University of California Section V. Procedures for Responding to Reports of Sexual Harassment;~~ [Appendix I: University Complaint Resolution and Grievance Procedures](#)).

[Complainants should be advised of reporting procedures, including written information about:](#)

- [1. to whom the alleged offense should be reported;](#)
- [2. options regarding reporting to law enforcement \(both on-campus and local police\), and to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses, or to decline to notify law enforcement authorities;](#)
- [3. their rights and the University's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts; and](#)
- [4. the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;](#)

[Locations shall identify and publish in their campus implementing procedures of this Policy, on- and off-campus resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services \(Section V. Procedures\).](#)

F.H. Response to [Reports of Sexual Harassment or Sexual Violence](#)

The locations shall provide a prompt and effective response to reports of sexual harassment [or sexual violence](#) in accordance with ~~the University of California~~ [Section V. Procedures for Responding to Reports of Sexual Harassment \(Procedures\)](#). A prompt and effective response may include ~~early resolution, formal investigation~~ [Early Resolution, Formal Investigation](#), and/or targeted training or educational programs.

Upon findings of sexual harassment [or sexual violence](#), the University may offer remedies to the individual or individuals harmed by the harassment [and/or violence](#) consistent with applicable complaint resolution and grievance procedures (~~Procedures; Appendix I:~~

Comment [AP17]: This section is adapted from current language in APM - 035, Appendix A-1-E.

Comment [AP18]: This paragraph, including items 1-4 and the following sentence is text required by VAWA 20 U.S.C. 1092(f).

Comment [AP19]: This section is adapted from current text in APM - 035, Appendix A-1-F as required by VAWA 20 U.S.C. 1092(f).

University Complaint Resolution and Grievance Procedures). Such remedies may include counseling, an opportunity to repeat course work without penalty, changes to student housing assignments, or other appropriate interventions. Any member of the University community who is found to have engaged in sexual harassment or sexual violence is subject to disciplinary action up to and including dismissal in accordance with the applicable University disciplinary procedure (~~Procedures, Appendix II: University Disciplinary Procedures~~) or other University policy. Generally, disciplinary action will be recommended when the ~~harassing~~ conduct is sufficiently severe, persistent, or pervasive that it alters the conditions of employment or limits the opportunity to participate in or benefit from educational programs. Any manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment or sexual violence who knew about the ~~harassment incident~~ and took no action to stop it or failed to report the prohibited ~~harassment act~~ also may be subject to disciplinary action. Conduct by an employee that is sexual harassment or sexual violence or retaliation in violation of this ~~policy~~ Policy is considered to be outside the normal course and scope of employment.

G.J. Intentionally False Reports

~~Because sexual harassment frequently involves interactions between persons that are not witnessed by others, reports of sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or “proof” should not discourage individuals from reporting sexual harassment under this policy. However, individuals~~ Individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action under the applicable University disciplinary procedure (~~Procedures, Appendix II: University Disciplinary Procedures~~). This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

Comment [AP20]: This section is adapted from current language in APM - 035, Appendix A-1-G.

H.K. Free Speech and Academic Freedom

As participants in a public university, the faculty and other academic appointees, staff, and students of the University of California enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This ~~policy~~ Policy is intended to protect members of the University community from discrimination, not to regulate protected speech. This ~~policy~~ Policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. The University also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this ~~policy~~ Policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

Comment [AP21]: This section is current language in APM - 035, Appendix A-1-H.

III. Additional Enforcement Information

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate complaints of unlawful harassment, including sexual violence, in employment. The U.S. Department of Education Office for Civil Rights (OCR) investigates complaints of unlawful harassment ~~of~~ and sexual violence by students in educational programs or activities. These agencies may serve as neutral fact finders and attempt to facilitate the voluntary resolution of disputes with the parties. For more information, contact the nearest office of the EEOC, DFEH or OCR listed in the telephone directory.

Comment [AP22]: This section is current language in APM - 035, Appendix A-1-I.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

The Vice Provost – Academic Personnel, the Vice President – Student Affairs, and the Vice President – Human Resources are the Responsible Officers for this policy and have the authority to implement the policy and to develop procedures or other supplementary information to support the implementation of this policy. Responsible Officers may apply appropriate and consistent interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy.

Comment [AP23]: Adapted from University of California Policy on Nondiscrimination and Affirmative Action regarding Academic and Staff Employment.

The Executive Officer at each location is authorized to establish and is responsible for local procedures necessary to implement the policy.

B. Revisions to the Policy

The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Responsible Officers

The Responsible Officers have the authority to initiate revisions to the policy, consistent with approval authorities and applicable Bylaws and Standing Orders of The Regents.

The Executive Vice President – Business Operations has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

C. Approval of Actions

Actions within this policy must be approved in accordance with local procedures. Executive Officers and Responsible Officers are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

D. Compliance with the Policy

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

*This policy has been updated with a technical change and supersedes the University of California Policy on Sexual Harassment dated December 14, 2004. University of California
Office of the President
December 14, 2004*

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established. Local procedures must be consistent with this policy.

~~UNIVERSITY OF CALIFORNIA PROCEDURES FOR RESPONDING TO REPORTS ON SEXUAL HARASSMENT~~

The Responsible Officers are accountable for reviewing the administration of this policy. The Senior Vice President – Chief Compliance and Audit Officer will periodically audit and monitor compliance to this policy.

~~The campuses, DOE Laboratories, Medical Centers, the Office of the President, including Agriculture and Natural Resources, and all auxiliary University locations (the locations) shall implement the following procedures for responding to reports of sexual harassment.~~

E. Noncompliance with the Policy

Noncompliance with the policy is managed in accordance with the Policy on Student Conduct and Discipline, Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters, and in accordance with University policies, including but not limited to, The Faculty Code of Conduct (APM - 015) and University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150) or, as applicable, collective bargaining agreements. Reference Section VI and Appendices I and II.

Comment [AP24]: New language is inserted for clarity and to specify applicable policy.

V. PROCEDURES

The Executive Officer at each location shall identify and publish in their local implementing procedures of this Policy, on- and off- University-locations resources for reporting sexual harassment or sexual violence, including law enforcement, medical, and victim support services.

Comment [AP25]: This is a requirement mandated by VAWA.

A. Location Responsibilities

The locations shall, in accordance with state and federal law:

1. ~~The primary purpose of the procedures is to require the locations (1) to offer Offer~~ sexual harassment and sexual violence training and education to all members of the University community and ~~to provide~~ consistent with California Government Code 12950.1, provide sexual harassment training and education to each supervisory employee; ~~(2) to provide all members of the University community with a process for reporting sexual harassment in accordance with the policy; and (3) to provide for prompt and effective response to reports of sexual harassment in accordance with this policy.~~
2. Add to existing education programs promoting awareness of rape and acquaintance rape the topics of domestic violence, dating violence, sexual assault, and stalking; include in education programs specifically for incoming students and new employees the definition of consent, options for bystander intervention, and risk reduction awareness information;
3. Offer annual training on issues related to sexual violence, as defined in this Policy, for individuals conducting formal investigations of reports;
4. Provide all members of the University community with a process for reporting sexual harassment or sexual violence in accordance with the Policy, and
5. Provide for prompt and effective response to reports of sexual harassment in accordance with the Policy.

These procedures also cover reports of retaliation related to reports of sexual harassment or sexual violence. Any exceptions to these procedures must be approved by the ~~Senior Vice President, Business and Finance~~ Executive Officer at each location.

A.B. Local Sexual Harassment and Sexual Violence Resources

1. *Title IX Compliance Coordinator (Sexual Harassment Officer)*

Each location shall designate a Title IX Compliance Coordinator (Sexual Harassment Officer) whose responsibilities include, but may not be limited to, the duties listed below.

- (a) Plan and manage the local sexual harassment and sexual violence
 - a. ~~Plan and manage the location sexual harassment~~ education and training programs. The programs should include wide dissemination of this ~~policy~~ Policy to the University community; providing educational materials to promote compliance with the ~~policy~~ Policy and familiarity ~~with local reporting procedures; and training University employees responsible for reporting or responding to reports of sexual harassment.~~

Comment [AP26]: Text for items 1, 4, and 5 is adapted from current text in APM - 035, Appendix A-2.

Comment [AP27]: Text for items 2 and 3 is required by VAWA 20 U.S.C. 1092(f). FAQs are being developed to provide more guidance to locations.

Comment [AP28]: This language is adapted from current text in APM - 035, Appendix A-2.

Comment [AP29]: Duties, with the exception of item (d) are adapted from current text in APM - 035, Appendix A-2-A-1.

with local reporting procedures; and training University employees responsible for reporting or responding to reports of sexual harassment.

- (b) ~~b-~~ Develop and implement local procedures to provide for prompt and effective response to reports of sexual harassment or sexual violence in accordance with this ~~policy~~ Policy, and submit the local procedures to the ~~Associate Vice President, Human Resources and Benefits~~ applicable Responsible Officer for review and approval.
- (c) ~~e-~~ Maintain records of reports of sexual harassment and sexual violence at the location and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action, as appropriate.
- (d) Identify and address any patterns or systemic problems that arise during the review of sexual harassment and sexual violence complaints.
- (e) ~~d-~~ Prepare and submit an annual report to the ~~Office of the Vice President – Human Resources~~, for submission by the President to ~~The the~~ Regents, on sexual harassment and sexual violence complaint activity during the preceding calendar year in a format specified by the ~~Associate Vice President, Human Resources and Benefits~~.

Comment [AP30]: This is a requirement indicated in the Office of Civil Rights, Department of Education “Dear Colleague Letter” 4/4/11.

2. Trained Sexual Harassment or Sexual Violence Advisors

Local procedures may designate trained individuals other than the Title IX Compliance Coordinator (Sexual Harassment Officer) to serve as additional resources for members of the University community who have questions or concerns regarding behavior that may be sexual harassment or sexual violence.

Comment [AP31]: This section reflects current text, with the addition of references to sexual violence, in APM - 035-A-2-A-2.

The names and contact information for the Title IX Compliance Coordinator (Sexual Harassment Officer) and any designated trained sexual harassment or sexual violence advisors shall be posted with the University’s ~~Policy on Sexual Harassment~~ on the location’s website and be readily accessible to the University community.

~~B. Procedures for Reporting and Responding to Reports of Sexual Harassment~~

~~1. Making~~

C. Procedures for Reporting and Responding to Reports of Sexual Harassment or Sexual Violence

Reports of sexual harassment or sexual violence should be brought forward as soon as possible after the alleged conduct occurs. While there is no stated timeframe for reporting, prompt reporting will better enable the University to investigate the acts, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delay in

Comment [AP32]: This section adapts current language in APM - 035, Appendix A-2-B.

reporting may impede the University's ability to conduct an investigation and/or effect appropriate remedial actions. The University will respond to reports of sexual harassment or sexual violence to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

All members of the University community are encouraged to contact the Title IX Compliance Coordinator (Sexual Harassment Officer) if they observe or encounter conduct that may be subject to the University's *Policy on Sexual Harassment*. This includes conduct by employees, students, or third parties. Reports of sexual harassment may be brought to the Title IX Compliance Coordinator (Sexual Harassment Officer), to a human resources coordinator, or to any manager, supervisor, or other designated employee responsible for responding to reports of sexual harassment. If the person to whom harassment normally would be reported is the individual accused of harassment, reports may be made to another manager, supervisor, human resources coordinator, or designated employee. Managers, supervisors, and designated employees shall be required to notify the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints when a report is received.

Comment [AP33]: Required by Office of Civil Rights, Department of Education "Dear Colleague Letter" 4/4/11.

1. Making Reports of Sexual Harassment or Sexual Violence

For reports of sexual violence, including domestic violence, dating violence, sexual assault, or stalking, complainants should be advised of procedures to follow, including information in writing about:

Comment [AP34]: New language in this section is required by VAWA 20 U.S.C. 1092(f).

- (a) to whom the alleged offense should be reported;
- (b) options regarding law enforcement and campus authorities, including notification of the complainant's option to notify law enforcement authorities, including on-campus and local police; be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses; or to decline to notify such authorities;
- (c) the rights of complainants and the University's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts;
- (d) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order.

(e) Written notification to students or employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

(f) Written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

~~Reports of sexual harassment shall be brought as soon as possible after the alleged conduct occurs, optimally within one year. Prompt reporting will enable the University to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. For reports of sexual harassment brought after one year, locations shall respond to reports of sexual harassment to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.~~

If a student or employee reports to the University that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus or any University location, shall be provided with a written explanation of the student or employee's rights and options.

2. Options for Resolution

Individuals making reports of sexual harassment or sexual violence shall be informed about options for resolving potential violations of the ~~Policy on Sexual Harassment~~. These options shall include procedures for Early Resolution, procedures for Formal Investigation, and filing complaints or grievances under applicable University complaint resolution or grievance procedures. Individuals making reports also shall be informed about policies applying to confidentiality of reports under this ~~policy~~ Policy (see ~~FG~~ below). Locations shall respond to the greatest extent possible to reports of sexual harassment and sexual violence brought anonymously or brought by third parties not directly involved in the ~~harassment~~ asserted offenses. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Individuals bringing reports of sexual harassment and sexual violence shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the ~~harassment~~ incident, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having made a report of sexual harassment or sexual violence in good faith, who assisted someone with a report of sexual harassment or sexual violence, or who participated in any manner in an investigation or resolution of a report of sexual harassment or sexual violence, may make

Comment [AP35]: FAQs are being developed to provide examples.

Comment [AP36]: This section is adapted from current language in APM - 035, Appendix A-2-B-2.

a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual harassment or sexual violence and will be subject to the same procedures.

3. Procedures for Early Resolution

The goal of Early Resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Locations are encouraged to utilize Early Resolution options when the parties desire to resolve the situation cooperatively and/or when a Formal Investigation is not likely to lead to a satisfactory outcome. Early ~~resolution~~ Resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for Early Resolution shall be flexible and encompass a full range of possible appropriate outcomes. Early Resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, or providing remedies for the individual harmed by the ~~harassment offense~~. Early Resolution also includes options such as discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively. Early Resolution may be appropriate for responding to anonymous reports and/or third party reports. Steps taken to encourage Early Resolution and agreements reached through ~~early resolution~~ Early Resolution efforts should be documented.

While the University encourages ~~early resolution~~ Early Resolution of a complaint, the University does not require that parties participate in Early Resolution prior to the University's decision to initiate a formal investigation. Some reports of sexual harassment and sexual violence may not be appropriate for ~~early resolution~~ mediation (such as when the facts are in dispute in reports of serious misconduct, or when reports involve sexual violence or individuals with a pattern of inappropriate behavior or allege criminal acts such as stalking, sexual assault or physical assault) but may require a formal investigation at the discretion of the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints.

5. ~~4.~~ Procedures for Formal Investigation

In response to reports of sexual harassment or sexual violence in cases where Early Resolution is inappropriate ~~(such as when the facts are in dispute in reports of serious misconduct, or when reports involve individuals with a pattern of inappropriate behavior or allege criminal acts such as stalking, sexual assault or physical assault)~~ or in cases where Early Resolution is unsuccessful, the location may conduct a Formal Investigation. In such cases, the individual making the report shall be encouraged to file a written request for Formal Investigation. The wishes of the individual making the request shall be considered, but are not determinative, in the decision to initiate a Formal Investigation of a report of sexual harassment or sexual

Comment [AP37]: This section is adapted from current language in APM - 035, Appendix A-2-B-3.

Comment [AP38]: Office of Civil Rights, Department of Education "Dear Colleague Letter" 4/4/11 states that complaints of sexual violence should not be mediated.

Comment [AP39]: Language in this section, unless otherwise noted, is adapted from current language in APM - 035, Appendix A-2-B-4.

violence. In cases where there is no written request, the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints, in consultation with the administration, may initiate a Formal Investigation after making a preliminary inquiry into the facts.

In cases where a complainant states he or she does not want to pursue a Formal Investigation, the Title IX Compliance Coordinator should inform the complainant that the ability to investigate may be limited. In determining whether to go forward with a Formal Investigation, the Title IX Compliance Coordinator may consider: 1) the seriousness of the allegation, 2) in the case of a student complainant, the age of the student, 3) whether there have been other complaints or reports against the accused, and 4) the rights of the accused individual to receive information about the complainant and the allegations if formal proceedings with sanctions may result. Even if a complainant does not want to pursue an investigation, under some circumstances the Title IX Compliance Coordinator may have an obligation to investigate, such as when there is a risk to the campus community if the accused remains on campus. The complainant should be made aware of this independent obligation to investigate the complaint.

(a) In order to provide a prompt, fair, and impartial investigation and resolution, any Formal Investigation of reports of sexual harassment and/or sexual violence shall incorporate the following standards:

i. a- ~~The individual(s) accused of conduct violating the Policy on Sexual Harassment shall be provided a copy of the written request for Formal Investigation or otherwise given a full and complete written statement of the allegations, and a copy of the Policy on Sexual Harassment and Procedures for Responding to Reports of Sexual Harassment.~~

ii. b- ~~The individual(s) conducting the investigation shall be familiar with the Policy on Sexual Harassment and have training or experience in conducting the investigations.~~ For cases involving allegations of sexual violence, the individual(s) conducting the investigation must receive annual training on issues related to sexual violence. Such training includes how to conduct an investigation and hearing process that protects the safety of the complainants and promotes accountability.

(b) If the alleged conduct is also the subject of a criminal investigation, the campus may not wait for the conclusion of the criminal investigation to begin an investigation pursuant to this Policy. However, a campus may need to delay temporarily the fact-finding portion of a sexual harassment investigation while the police are gathering evidence. Once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the campus must promptly resume and complete its fact-finding for the sexual harassment investigation.

Comment [AP40]: This new language is required by the Office of Civil Rights, Department of Education "Dear Colleague Letter" 4/4/11.

Comment [AP41]: Per VAWA, proceedings must be conducted by officials who receive **annual training** on issues related to domestic violence, dating violence, sexual assault and stalking, and on how to conduct an investigation and hearing process that protects the safety of the complainant and promotes accountability.

Comment [AP42]: This new language is required by the Office of Civil Rights, Department of Education "Dear Colleague Letter" 4/4/11.

- (c) ~~e~~–The investigation generally shall include interviews with the parties if available, interviews with other witnesses as needed, and a review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.
- (d) The investigator shall apply a preponderance of evidence standard in determining whether or not there has been a violation of this University Policy.
- (e) ~~d~~–Upon request, the complainant and the accused may each have a representative present when he or she is interviewed, and at any subsequent proceeding or related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable University policy or collective bargaining agreement.
- (f) ~~e~~–At any time during the investigation, the investigator may recommend that interim protections or remedies for the ~~complainant parties~~ or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of ~~the Policy on Sexual Harassment.~~
- (g) ~~f~~–The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the request for formal investigation was filed. This deadline may be extended on approval by a designated University official.
- (h) ~~g~~–Generally, an investigation should result in a written report that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator as to whether this University Policy has been violated. The report also may contain a recommendation for actions to resolve the complaint, including educational programs, remedies for the complainant, and a referral to disciplinary procedures as appropriate. The report shall be submitted to a designated University official with authority to implement the actions necessary to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.
- (i) ~~h~~–The complainant and the accused ~~shall will~~ be simultaneously informed ~~promptly in writing when the investigation is completed. The complainant shall be informed if there were findings made that the policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the~~ in writing of:
- i. The outcome of any University disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault or stalking;

Comment [AP43]: VAWA indicates that the policy must state the standard of evidence but does not specify what standard must be used. The “preponderance of evidence” standard is recommended in the Office of Civil Rights, Department of Education “Dear Colleague Letter” 4/4/11. Note that the standard to determine whether there has been a violation of Policy is different from that required to impose discipline, which, under Senate Bylaws 336 and 337, is proof of “clear and convincing evidence.”

Comment [AP44]: Required by VAWA 20 U.S.C. 1092(f). The accused and the accuser are entitled to the same opportunities to have a support person/advisor of their choice at any proceeding or related meeting, not just for the interview.

Comment [AP45]: In this section, required by VAWA 20 U.S.C. 1092(f), the accuser and the accused must be simultaneously informed in writing of these four items (i, ii, iii, and iv).

- ii. The University's procedures for appealing the results of the proceeding;
- iii. Any change to the results that occur prior to the time that such results become final; and
- iv. When results become final.

(j) The complainant shall be informed if there were findings made that the Policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with University policies protecting individuals' privacy, the complainant may generally be notified that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the accused.

(k) ~~i-~~The complainant and the accused may request a copy of the investigative report pursuant to University policy governing privacy and access to personal information.³ However, the report shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report in accordance with University policy.

ED. Complaints or Grievances Involving Allegations of Sexual Harassment or Sexual Violence

An individual who believes he or she has been subjected to sexual harassment or sexual violence may file a complaint or grievance pursuant to the applicable complaint resolution or grievance procedure listed in *Appendix I: University Complaint Resolution and Grievance Procedures*. Such complaint or grievance may be filed either instead of or in addition to making a report of sexual harassment to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment and sexual violence complaints under this ~~policy~~ Policy. A complaint or grievance alleging sexual harassment or sexual violence must meet all the requirements under the applicable complaint resolution or grievance procedure, including time limits for filing.

If a complaint or grievance alleging sexual harassment or sexual violence is filed in addition to a report made to the Title IX Compliance Coordinator (Sexual Harassment Officer) or other appropriate official designated to review and investigate sexual harassment complaints under this ~~policy~~ Policy, the complaint or grievance shall be held in abeyance subject to the requirements of any applicable complaint resolution or grievance procedure, pending ~~eth~~ the outcome of the Early Resolution or Formal Investigation

³ ~~UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information~~ UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information.

Comment [AP46]: This section is adapted from current text in APM - 035, Appendix A-2-B-4-h as required by VAWA.

Comment [AP47]: This text is current language adapted from APM - 035, Appendix A-2-C.

procedures. If the individual wishes to proceed with the complaint or grievance, the Early Resolution or Formal Investigation shall constitute the first step or steps of the applicable complaint resolution or grievance procedure.

An individual who has made a report of sexual harassment or sexual violence also may file a complaint or grievance alleging that the actions taken in response to the report of sexual harassment or sexual violence did not follow University ~~policy~~ Policy. Such a complaint or grievance may not be filed to address a disciplinary sanction imposed upon the accused. Any complaint or grievance regarding the resolution of a report of sexual harassment or sexual violence under this procedure must be filed in a timely manner. The time period for filing begins on the date the individual was notified of the outcome of the sexual harassment or sexual violence investigation or other resolution process pursuant to this ~~policy~~ Policy, and/or of the actions taken by the administration in response to the report of sexual harassment or sexual violence, whichever is later.

1. Once a complaint or grievance is filed, the following written notifications must be given to the complainant:

(a) Notification about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

(b) Notification to complainants about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement.

If the report to the University involves allegations of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus or any University location, the complainant shall be provided with a written explanation of rights and options.

DE. Remedies and Referral to Disciplinary Procedures

Findings of violations of the ~~Policy on Sexual Harassment~~ may be considered in determining remedies for individuals harmed by the sexual harassment or sexual violence and shall be referred to applicable local disciplinary procedures (*Appendix II*). Procedures under this ~~policy~~ Policy shall be coordinated with applicable local complaint resolution, grievance, and disciplinary procedures to avoid duplication in the ~~factfinding~~ fact-finding process whenever possible. Violations of the ~~policy~~ Policy may include engaging in sexual harassment or sexual violence, retaliating against a complainant reporting sexual harassment or sexual violence, violating interim ~~procedures~~ protections, and filing

Comment [AP48]: Per VAWA 20 U.S.C. 1092(f), once a complaint is filed, these written notifications in items (a) and (b) must be given to the complainant.

Comment [AP49]: FAQs are being developed to provide examples.

Comment [AP50]: This text is current language adapted from APM - 035, Appendix A-2-D.

intentionally false charges of sexual harassment or sexual violence. Investigative reports made pursuant to this ~~policy~~ Policy may be used as evidence in subsequent complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

E.F. Privacy

The University shall protect the privacy of individuals involved in a report of sexual harassment or sexual violence to the extent ~~required~~ permitted by law and University ~~policy~~ Policy. A report of sexual harassment or sexual violence may result in the gathering of extremely sensitive information about individuals in the University community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual harassment or sexual violence. In such cases, every effort shall be made to redact the records in order to protect the privacy of individuals. An individual who has made a report of sexual harassment or sexual violence may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). ~~However, information in addition, when the offense involves a crime of violence or a non-forcible sex offense, the Family Educational Rights and Privacy Act permits disclosure to the complainant the final results of a disciplinary proceeding against the alleged accused, regardless of whether the University concluded that a violation was committed.~~ Information regarding disciplinary action taken against the accused shall not be disclosed without the accused's consent, unless permitted by law as noted above, or unless it is necessary to ensure compliance with the action or the safety of individuals.

Comment [AP51]: The language in this section is adapted from current APM - 035, Appendix A-2-E.

Comment [AP52]: This is a requirement indicated in the Office of Civil Rights, Department of Education "Dear Colleague Letter" 4/4/11.

F.G. Confidentiality of Reports of Sexual Harassment and Sexual Violence

Each location shall identify confidential resources with whom members of the University community can consult for advice and information regarding making a report of sexual harassment or sexual violence. These resources provide individuals who may be interested in bringing a report of sexual harassment or sexual violence with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. These resources shall be posted on the location's website and prominently displayed in common areas. Confidential resources include campus ombudspersons and/or licensed counselors in employee assistance programs or student ~~health services~~ counseling centers. Individuals who consult with confidential resources shall be advised that their discussions in these settings are not considered reports of sexual harassment or sexual violence and that without additional action by the individual, the discussions will not result in any action by the University to resolve their concerns.

Comment [AP53]: This is a requirement indicated in the Office of Civil Rights, Department of Education "Dear Colleague Letter" 4/4/11.

Comment [AP54]: This is a requirement indicated in the Office of Civil Rights, Department of Education "Dear Colleague Letter" 4/4/11.

Comment [AP55]: This section is adapted from current language in APM - 035, Appendix A-2-F

The locations shall notify the University community that certain University employees, such as the Title IX Compliance Coordinator (Sexual Harassment Officer), managers, supervisors, and other designated employees have an obligation to respond to reports of sexual harassment or sexual violence, even if the individual making the report requests that no action be taken. An individual's requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the University will comply with requests for confidentiality to the extent possible.

GH. Retention of Records Regarding Reports of Sexual Harassment and Sexual Violence

The office of the Title IX Compliance Coordinator (Sexual Harassment Officer) is responsible for maintaining records relating to sexual harassment and sexual violence reports, investigations, and resolutions. Records shall be maintained in accordance with University records policies, generally five years after the date the complaint is resolved. Records may be maintained longer at the discretion of the Title IX Compliance Coordinator (Sexual Harassment Officer) in cases where the parties have a continuing affiliation with the University. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel.

Comment [AP56]: This section is adapted from current language in APM - 035, Appendix A-2-G.

VI. RELATED INFORMATION

- [Violence Against Women Reauthorization Act \(VAWA\) of 2013](#)
- [Academic Personnel Manual \(APM\) Section 015, The Faculty Code of Conduct \(referenced in Section III.D, footnote 1\)](#)
- [Academic Personnel Manual \(APM\) Section 016, University Policy on Faculty Conduct and the Administration of Discipline \(referenced in Section III.D, footnote 1\)](#)
- [Academic Personnel Manual \(APM\) Section 035, Affirmative Action and Nondiscrimination in Employment \(referenced in Section III.D, footnote 2\)](#)
- [Academic Personnel Manual \(APM\) Section 150, Non-Senate Academic Appointees/Corrective Action and Dismissal](#)
- [Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices \(referenced in Section III.D, footnote 2\)](#)
- [Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters \(referenced in Section III.D, footnote 2\)](#)
- [Personnel Policies for Staff Members 12 \(Nondiscrimination in Employment\) \(referenced in Section III.D, footnote 2\)](#)
- [Policy on Student Conduct and Discipline](#)
- [Student-Related Policy Applying to Nondiscrimination on the Basis of Sex](#)
- [University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment \(referenced in Section III.D, footnote 2\)](#)
- [UC Business and Finance Bulletin RMP-8, Legal Requirements on Privacy of and Access to Information](#)
- [University of California Policies Applying to Campus Activities, Organizations, and Students \(referenced in Section III.D, footnote 2\)](#)

[NOTE: links to applicable State and Federal Law, as well as OCR “Dear Colleague” letter will be included]

VII. FREQUENTLY ASKED QUESTIONS

[to be developed]

VIII. REVISION HISTORY

APPENDIX I: University Complaint Resolution and Grievance Procedures

Comment [AP57]: This section updates the current APM - 035, Appendix A-2, Appendix I.

Applicable complaint resolution and grievance procedures for members of the University community:

Academic Personnel:

Members of the Academic Senate ~~Senate Bylaw 335~~ [Senate Bylaw 335](#)

Non-Senate Academic Appointees ~~APM - 140~~ [APM - 140](#)

Exclusively Represented Academic Appointees Applicable collective bargaining agreement

Students:

~~Policies Applying to Campus Activities, Organizations and Students, Section 110.00~~ [Policies Applying to Campus Activities, Organizations and Students, Section 110.00](#)

Staff Personnel:

Senior Managers ~~PPSM II 70~~ [PPSM II-70](#)

Managers and Senior Professionals, Salary Grades VIII and IX ~~PPSM 71~~ [PPSM 71](#)

Managers and Senior Professionals, Salary Grades I – VII; and Professional and Support Staff ~~PPSM 70~~ [PPSM 70](#)

Exclusively Represented Staff Personnel Applicable collective bargaining agreement

Lawrence Berkeley National Laboratory Employees [Applicable Laboratory policy](#)
~~Applicable Laboratory policy~~

All:

The ~~University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy) and the University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints (Whistleblower Protection Policy)~~ [University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities \(Whistleblower Policy\)](#) and the [University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for](#)

Reviewing Retaliation Complaints (Whistleblower Protection Policy), which govern the reporting and investigation of violations of state or federal laws or regulations and University policy, including sexual harassment.

DRAFT

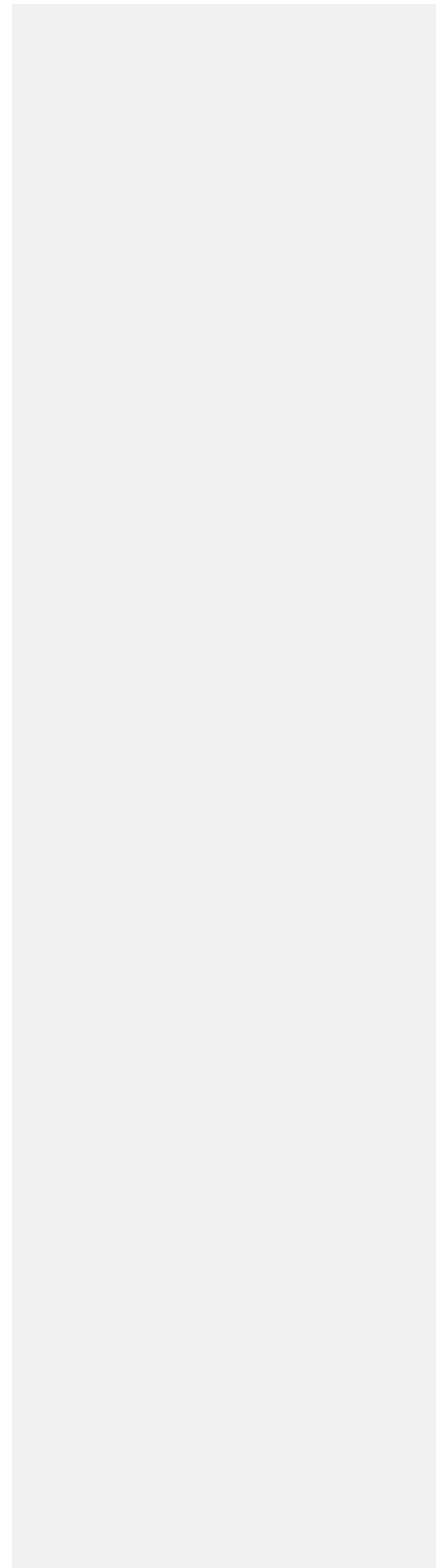
APPENDIX II: University Disciplinary Procedures

Applicable disciplinary action procedures if a report of sexual harassment or sexual violence results in a recommendation for disciplinary action:

- A. ~~The Faculty Code of Conduct (APM - 015)~~ The Faculty Code of Conduct (APM - 015) as approved by the Assembly of the Academic Senate and by The Regents outlines ethical and professional standards which University faculty are expected to observe. It also identifies various forms of unacceptable behavior which are applicable in cases of sexual harassment or sexual violence. Because the forms of unacceptable behavior listed in ~~the~~ The Faculty Code of Conduct are interpreted to apply to sexual harassment or sexual violence, a violation of the University's Policy on Sexual Harassment and Sexual Violence constitutes a violation of the Faculty Code of Conduct. The ~~University Policy on Faculty Conduct and the Administration of Discipline (APM - 016)~~ University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), as approved by the Assembly of the Academic Senate and by The Regents, outlines sanctions and disciplinary procedures for faculty.
- B. Provisions of the policy on ~~Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150)~~ Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150) (applicable to non-exclusively represented academic appointees) and collective bargaining agreements (applicable to exclusively represented academic appointees) provide for corrective action or dismissal for conduct which violates University policy.
- C. The ~~Policies Applying to Campus Activities, Organizations, and Students~~ Policies Applying to Campus Activities, Organizations, and Students sets forth in Section 100.00 the types of student misconduct that are subject to discipline and the types of disciplinary actions that may be imposed for violation of University policies or campus ~~regulations~~ procedures.
- D. Provisions of the ~~Personnel Policies for Staff Members~~ Personnel Policies for Staff Members, and the Lawrence Berkeley National Laboratory personnel policies (applicable to non-exclusively represented staff employees), and collective bargaining agreements (applicable to exclusively represented staff employees) prohibit conduct which violates University policy with respect to sexual harassment or sexual violence and provide for disciplinary action for violation of University policy.

Comment [AP58]: This section updates the current section in APM - 035, Appendix A-2-, Appendix II.

Legend:	
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Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	





William Jacob
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Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

November 6, 2013

SENATE DIVISION CHAIRS
UNIVERSITY OF CALIFORNIA

Dear Colleagues:

As we discussed at the October Academic Council meeting, President Napolitano has asked the Senate to participate in a joint Senate-Administrative Work Group to address the recommendations of the Moreno report regarding UC response to reports of bias and discrimination affecting faculty are handled. As you know, she has requested a report by the end of the calendar year.

She has also asked the Chancellors to report on campus policies and procedures for responding to such reports. It would be helpful if you could work with your Affirmative Action and Diversity and Privilege and Tenure committees to provide information that can inform the Senate-Administration Work Group. In particular, we are interested in an examination of Senate procedures, assessment of their timeliness, and any context or examples you could provide to illustrate whether the current processes are effective.

Since the joint report is due at the end of the calendar year, please transmit your input to me as soon as possible. We will discuss our progress at the November Council meeting. Please do not hesitate to contact me with any questions.

Sincerely,

Bill Jacob, Chair
Academic Council

Cc: Academic Council
Senate Executive Directors



1111 Franklin Street
Oakland, California 94607-5200
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Fax: (510) 987-9086
<http://www.ucop.edu>

October 25, 2013

PROVOST DORR
ACADEMIC COUNCIL CHAIR JACOB

Dear Aimée and Bill:

Thank you so much for your participation and leadership during our discussion at Wednesday's Academic Council meeting of the "Moreno Report" addressing incidents of bias and discrimination affecting faculty at UCLA. I very much appreciated the comments of our faculty colleagues and their willingness to address these issues both thoughtfully and vigorously. As I said at the time, this may be one of those moments where crisis creates an opportunity to make needed changes more expeditiously than our standard processes might achieve.

In recognition that these issues are largely campus-based, I have distributed the report to each of the Chancellors and asked them to report back to me on their anti-discrimination policies and procedures. We will discuss them at the November 6th meeting of the Council of Chancellors.

In addition, I thought the Academic Council's proposal for a joint Senate-Administration Work Group regarding the Moreno Report was an excellent one. I would like the two of you to form this Work Group and serve as its co-chairs. The Work Group should include, in addition to the two of you, no more than three administrative representatives and three Senate representatives. Its charge would be to report back to me, the Council, and the Chancellors by the end of the calendar year. The Work Group report and any accompanying recommendations should encompass the following:

1. A review of our current procedures for handling complaints of bias or discriminatory behavior involving faculty. This review should examine the timeliness, clarity, transparency, and appropriateness of our procedures. It should address the critical question of consequences for faculty who are found to have engaged in discriminatory behavior, and make recommendations for improvements;

Provost Dorr
Academic Council Chair Jacob
October 25, 2013
Page 2

2. An analysis of the Moreno Report's recommendations and advice as to which of them should be implemented systemwide;
3. A longer-term strategy for addressing the root causes of discriminatory or harassing incidents that have occurred, as well as recommendations for ways the University can support diversity in all University endeavors at all of our campuses.

Again, I thank you for your leadership on these issues and your willingness to chair the Work Group. I look forward to the results of your efforts.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Janet Napolitano", with a stylized flourish at the end.

Janet Napolitano
President

cc: The Regents of the University of California
Chancellors



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October 18, 2013

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Chancellor Block and I wanted you to have the attached letter he is sending this afternoon to Deans, Directors, and faculty regarding a report being released by UCLA that is a sobering look at issues involving complaints of bias and discrimination affecting UCLA faculty. A copy of the report is also attached.

Both Chancellor Block and I take this report very seriously, and I have full confidence in the response of Chancellor Block, who has already taken the first steps toward implementation of recommendations in the Report. I will discuss the Report with all ten Chancellors and ask each of them to report back on the state of anti-discrimination policies and procedures on their campuses. I also am asking the systemwide Academic Senate to assess the report and to review anti-discrimination policies as they apply to faculty.

Yours very truly,

A handwritten signature in cursive script that reads "Janet Napolitano".

Janet Napolitano
President

Attachments

cc: **Chancellors**
Academic Council Chair Jacob

October 18, 2013

Deans, Directors, Department Chairs, Administrative Officers, and Faculty

Last year, some of our faculty approached us about incidents of bias and discrimination they had experienced at UCLA. Executive Vice Chancellor and Provost Scott Waugh and I agreed that he would meet with them so that we could fully understand the experiences and concerns of underrepresented minority faculty on our campus. As a result of those discussions, we reached out to former California Supreme Court Justice Carlos Moreno to lead an external panel made up of community leaders to review incidents of racial and ethnic bias and discrimination. That panel produced a [report](#) which I encourage you to read. It contains some sobering and disturbing accounts of what some of our colleagues have experienced at UCLA.

My hope is that you will all take this report as seriously as I do. Our campus can and must do a better job of responding to faculty reports of racial and ethnic bias and discrimination and take steps to prevent such incidents from ever occurring. It is one thing to talk about our commitment to diversity and creating a welcoming campus; it is quite another to live up to those ideals. Rhetoric is no substitute for action. We must set an example for our students. We cannot tolerate bias, in any form, at UCLA. I sincerely regret any occasions in the past in which we have fallen short of our responsibility.

When incidents of bias or discrimination occur, everyone needs to be comfortable reporting them, and everyone must be confident that the processes in place to deal with such incidents are both swift and fair. To that end, I have directed Executive Vice Chancellor Waugh to oversee the implementation of many of the recommendations contained in this report. While these recommendations do not represent an exhaustive list of what we will do, they are important first steps toward ensuring that we become the fully inclusive community we aspire to be.

Consistent with one of the key recommendations, we are currently in the process of appointing a full-time discrimination officer. This appointment will build on the success and credibility of UCLA's Title IX and Sexual Harassment Prevention Office and significantly expand its role. The new officer will investigate and catalog any reported allegations of racial and ethnic bias or discrimination and will help formalize the campus policy for reporting and responding to such incidents.

Policy changes will clearly explain our definitions of bias and discrimination and provide instructions for how to report instances of both. We will be working with the Academic Senate to make sure complaints are properly and thoroughly adjudicated and that disciplinary action is taken when necessary. The Academic Senate has already amended its bylaws to create a stronger partnership with the administration to conduct

investigations into incidents of bias and discrimination on campus, which will aid this process.

No one should ever have to deal with anything less than mutual respect and equal consideration from their colleagues, particularly in a learning environment.

I want to thank Justice Moreno and his committee for the care and thoughtfulness with which they prepared this important and illuminating report. I also want to thank our faculty members who participated in the process. Their courage and honesty inspire all of us to do better. That is my commitment going forward — to use this moment as an opportunity to improve. Our campus deserves nothing less.

Sincerely,

Gene D. Block

Chancellor

Independent Investigative Report on Acts of Bias and Discrimination Involving Faculty at the University of California, Los Angeles

October 15, 2013

Presented to:

Executive Vice Chancellor and Provost Scott L. Waugh
UCLA Office of the Chancellor
2147 Murphy Hall, Box 951405
Los Angeles, CA 90095-1405

Investigation and Report by:

Hon. Carlos Moreno (Ret.), Chair
Dr. Maga Jackson-Triche
Professor Gary Nash
Constance Rice, Esq.
Professor Bob Suzuki

EXECUTIVE SUMMARY

Several high-profile incidents of racial and ethnic bias and/or discrimination have roiled the University of California, Los Angeles (UCLA) campus in recent years. In 2012, the UCLA Chancellor and Executive Vice Chancellor and Provost were approached by a group of concerned faculty about perceived racial bias, discrimination and intolerance at the university. In response to these concerns, Chancellor Gene Block authorized Executive Vice Chancellor and Provost Scott L. Waugh¹ to appoint an independent review team to conduct an assessment and present recommendations to address issues that the team discovered. Executive Vice Chancellor Waugh, in cooperation with faculty, formed the External Review Team to undertake this task.

This report is the culmination of several months of investigation regarding the university's policies, procedures, and mechanisms for responding to incidents of perceived bias, discrimination, and intolerance at UCLA involving faculty of color—including in hiring and advancement decisions. The Review Team interviewed twelve university administrators and eighteen faculty members who were willing to share their candid perspectives. We thank these individuals for their time and commitment to this important issue. The Review Team also conducted a town hall meeting and solicited written submissions from concerned faculty. In addition to anecdotal evidence, the Review Team reviewed UCLA's written policies and gathered statistics on recorded incidents of racial bias and discrimination against faculty.

UCLA is an institution that, by its own account, is “firmly rooted in its land-grant mission of teaching, research, and public service.”² It is located in Los Angeles, one of the most ethnically diverse cities and counties in the United States. Despite these facts, we found widespread concern among faculty members that the racial climate at UCLA had deteriorated over time, and that the university's policies and procedures are inadequate to respond to reports of incidents of bias and discrimination. Our investigation found that the relevant university policies were vague, the remedial procedures difficult to access, and from a practical standpoint, essentially nonexistent. Faculty of color at UCLA must rely on a patchwork of diversity resources and the generic Faculty Senate complaint and grievance procedures in order to seek redress. While this ad hoc process has sometimes succeeded, it has failed to adequately record, investigate, or provide for disciplinary sanctions for incidents which, if substantiated, would constitute violations of university nondiscrimination policy.

There was clear consensus among faculty members who reported to the Review Team that the administration has demonstrated a lack of leadership on these issues. Faculty identified two main perceived barriers to implementation of changes. First, the primacy of freedom and autonomy for faculty members that characterizes a major research institution. Second, the competition among elite institutions for talented faculty members, particularly

¹ Hereafter, “Executive Vice Chancellor Waugh.”

² 2009 Chancellor's Advisory Group on Diversity, Draft UCLA Strategic Plan for Diversity 1, *available at* https://diversity.ucla.edu/strategic-plan/20092010_CAGD_Strategic_Plan.pdf.

those adept at procuring grant dollars. While these are legitimate concerns for the administration, they cannot be prioritized to the exclusion of all other issues. UCLA is a workplace like any other, and adequate processes must exist to ensure that the faculty has opportunities and avenues for redress when faced with incidents perpetrated by colleagues and coworkers that create an intimidating, hostile, or offensive work environment.

As detailed below, we conclude that UCLA's policies and procedures for responding to incidents of perceived bias, discrimination and intolerance involving faculty are inadequate. The university administration must work to find solutions to this problem. The formation of the Review Team is an encouraging first step, but the UCLA leadership must take more action to reform and give teeth to its enforcement of existing nondiscrimination policies. Our recommendations for reform include:

- Enhancing procedures to provide a standardized process for investigation of incidents of perceived bias, discrimination, and intolerance, and for referral of the matter, if necessary, to the appropriate local disciplinary regime.
- Implementation of educational and training programs that aim to prevent such incidents from occurring in the first place, and provide for record-keeping in order to monitor the problem moving forward.
- Creation of a single Discrimination Officer who, assuming that the university provides adequate resources, can fulfill these important functions of education and training, informal and formal investigation and fact-finding, and record-keeping.

I. INTRODUCTION

A. Background & Charge

In recent years several incidents of racial bias and/or discrimination have occurred on the UCLA campus and garnered public attention. Subsequent university press releases regarding the incidents, as well as statements by UCLA Chancellor Block, also received attention.

The incidents and the subsequent statements by UCLA officials, caused consternation among certain faculty members of color at the university. On June 15, 2012, roughly thirty such concerned faculty members sent Executive Vice Chancellor Waugh a letter in which they requested a review of the campus racial climate, as well as the appointment of an independent review committee to address the university's policies and procedures for responding to incidents of racial bias on campus.

Executive Vice Chancellor Waugh met with the concerned faculty members regarding their request in summer 2012, and discussions between the parties concerning the scope of the review continued until November 2012, when they reached agreement on the Review Team's charges and the membership. On November 24, 2012, the Review Team received its charge letter from the Executive Vice Chancellor. The charge was to carry out the following tasks:

- Assess the efficacy and appropriateness of existing university mechanisms and procedures for addressing faculty concerns about perceived acts of bias, intolerance, and discrimination at the UCLA campus.
- Review and assess how existing policies and procedures address faculty concerns about perceived acts of bias, intolerance, and discrimination in the hiring and advancement of faculty at the UCLA campus.
- Recommend changes and additional reviews, if appropriate, to improve the University's understanding of faculty concerns about perceived acts of bias, intolerance, and discrimination at the UCLA campus.
- Identify and explore incidents of alleged racial and ethnic bias or discrimination experienced by UCLA faculty since 2007 and assess and review how such claims have been addressed by the university's mechanisms and procedures for resolving such claims.
- Solicit comments from the UCLA community about such incidents and assess the manner in which resolution or redress was achieved.
- Prepare a written report to the university on the Review Team's findings and recommendations with respect to the above matters.

While the results of the Review Team's work are intended to be public, it is important to note that our recommendations are purely advisory and are not binding on the Executive Vice Chancellor or UCLA.

B. Methodology

The Review Team decided on a basic methodology for its work during an initial meeting in November 2012. First, conduct a review of UCLA's written policies, procedures and mechanisms for handling incidents of racial or ethnic bias. Second, gather information about the real-world implementation of those policies from those who filled the relevant administrative positions. Third, solicit input from UCLA faculty about their experiences—both in written form and through interviews or in a town hall meeting. Finally, gather and review any information available from institutional sources about past allegations or reports of incidents of racial bias or discrimination.

We gathered public information about existing policies, procedures and mechanisms for responding to incidents of perceived discrimination from UCLA's web site. Through this process, we also identified some institutional stakeholders to interview. Additional interviewees were identified by the Executive Vice Chancellor's office, and included many of the concerned faculty.

Attorneys from Irell & Manella LLP, which was engaged by the university to conduct this investigation along with the Review Team, interviewed twelve individuals

regarding the implementation and functioning of UCLA's relevant policies and procedures. These individuals included staff administrators and faculty members in administrative or Academic Senate leadership positions whom had served in their positions during the period of 2007 to the present. Irell & Manella conducted individual interviews with eighteen ladder-rank faculty members, the majority of whom were faculty of color. Three senior faculty members presented their views and experiences directly to the Review Team during an April 2013 meeting. We also conducted a town hall meeting on the UCLA campus that was attended by approximately 50 faculty and administration members, and solicited faculty members to share their thoughts on the university's racial and ethnic climate and its procedures for addressing incidents of perceived bias, discrimination and intolerance. Ten faculty members submitted written statements.

The Review Team received data from the Office of Ombuds Services at UCLA and the UCLA Academic Senate regarding reports of perceived acts of racial or ethnic bias, discrimination and/or intolerance at UCLA from 2007 to the present. The Review Team is thankful to all—administrators, staff, and faculty—who took time to speak with us.

II. FINDINGS

A. The University of California and UCLA Already Have Policies Regarding Nondiscrimination

Unsurprisingly, the University of California (UC) has an official policy forbidding discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of, among other things, race, color, national origin, ancestry, or religion.³ University policy also prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy.⁴

Similarly, the UCLA Faculty Code of Conduct prohibits discrimination by a faculty member against any university employee or another faculty member for reasons of race, color, ethnic origin, national origin, or ancestry.⁵ Violations of the Code of Conduct may result in sanctions after a disciplinary process in accordance with Academic Senate bylaws. The Committee on Privilege and Tenure is charged with investigating grievances arising from incidents of bias, including those based on race.⁶

³ University of California Academic Personnel Manual, Affirmative Action and Nondiscrimination in Employment § 35(a).

⁴ *Id.*

⁵ University of California Academic Personnel Manual, Faculty Code of Conduct § 15, Part II § C(5), D(2).

⁶ UCLA Website, Academic Senate, Committees, Privilege & Tenure, <http://www.senate.ucla.edu/committees/pt/>.

B. Existing University Procedures and Mechanisms for Responding to Incidents of Perceived Bias and Discrimination

1. Introduction

We find that to make a complaint or bring a grievance, faculty members are faced with multiple apparent paths. They may seek to address the issue through campus resources put in place for minority faculty, or alternately through the university's general faculty complaint and grievance process. UCLA has numerous overlapping resources that fill these two spaces. Faculty members most consistently addressed their concerns to the Office of Diversity and Faculty Development and its analog, the David Geffen School of Medicine's Office of Diversity Affairs. Some faculty instead raised their concerns with the Office of the Ombuds Services. These offices have engaged in informal resolution of hiring and advancement issues involving minority faculty, as well as data collection regarding faculty diversity issues.

Our review suggests that UCLA's reaction to a report of a perceived incident of bias or discrimination directed toward a faculty member has consistently been to attempt to remedy the problem by making whole the injured faculty member, without any repercussions to the offending party. We find that a significant reason for this failure is UCLA's lack of a centralized resource for responding to incidents of bias and discrimination experienced by faculty members. Current university procedures tend to treat such reports either as interpersonal conflicts or nascent hiring, advancement, and tenure disputes. Accordingly, current procedures emphasize informal resolution over formal investigation into potential violations of university policy.

Furthermore, all of these offices, and the other campus resources to which we learned that faculty members of color make reports, lack the authority or the resources to investigate and make findings regarding incidents of perceived discrimination as violations of university policy. At most, they can, and on occasion do, refer complainants and grievances to the appropriate formal Academic Senate processes that offer formal investigation and fact-finding. However, since substantial deterrents exist to instituting formal Academic Senate proceedings as discussed below, the university's current procedures focus exclusively on remedies at the expense of investigation, fact-finding and disciplinary sanction.

2. Formal Processes

(a) Governance System

Codified by the UC Regents in 1920, the Academic Senate is the vehicle through which faculty share in the operation and management of the university. The Senate is delegated authority over a range of matters, including degree and enrollment requirements and program establishment, disestablishment, and review. The Senate also has a formal advisory role in academic personnel actions. According to the UCLA website, "[t]he Academic Senate's efforts derive from the premise that the university's excellence cannot be

sustained without faculty, administration, staff, and students all making substantive contributions to the university in an involved, respectful and collaborative fashion.”⁷

(b) Formal Academic Senate Committees

The Academic Senate provides for a faculty grievance process, governed by Academic Senate Bylaw 335.⁸ Grievances are defined as a complaint that any specific administrative act was arbitrary or capricious or violated applicable University rules, regulations, or personnel policies and adversely affected the individual’s rights.⁹ Grievances are handled by the Committee on Privilege and Tenure (also referred to as the Privilege and Tenure Committee). Another committee, the Committee on Charges (also referred to as the Charges Committee), handles disciplinary actions against faculty members.

As part of its duties, the Charges Committee reviews charges of alleged violations of the Faculty Code of Conduct, including the sexual harassment policy, by faculty members. Anyone may bring a complaint to the Charges Committee if the complaint concerns an alleged violation of one or more provisions of the Code. The Committee may require the complainant to exhaust administrative remedies and to determine that no satisfactory resolution can be implemented at the departmental or college level.¹⁰

If, after an informal hearing,¹¹ the Committee makes a finding of ‘probable cause’ of violation of the Code, it transmits the complaint to the Vice Chancellor of Academic Personnel who in turn refers the complaint to the Privilege and Tenure Committee, which holds formal hearings and makes recommendations to the Chancellor on disciplinary sanctions. Some verbal complaints are fielded and resolved informally.¹²

The Privilege and Tenure Committee makes recommendations to the administration in disciplinary, grievance, and early termination matters involving Senate members. Faculty members complaining about UCLA administrative actions file their complaints *directly* with the Privilege and Tenure Committee. Grievances may be concerned with alleged procedural irregularities in the academic personnel process, including prejudicial action based on race,

⁷ UCLA Website, Academic Senate, An Overview,
<http://www.senate.ucla.edu/committees/pt/SharedGovernanceOverview.htm>.

⁸ *See generally* Bylaws of the Academic Senate, University of California, Part III, § 335, available at <http://www.universityofcalifornia.edu/senate/manual/blpart3.html#bl335>.

⁹ Campus Counsel, Resource Guide: Faculty Grievances and Discipline § 1(A),
<http://www.campuscounsel.ucla.edu/documents/OutlineGrievancesversuDiscipline3.pdf>.

¹⁰ UCLA Website, Academic Senate, Committees, Charges,
<http://www.senate.ucla.edu/committees/charges/>.

¹¹ *Id.*

¹² UCLA Website, Academic Senate, Committees, Charges, Charges Informational Packet, Charges Committee Bylaws,
<http://www.senate.ucla.edu/committees/charges/bylaws.htm>.

religion, or sex.¹³ In the case of alleged violations of the Faculty Code of Conduct, the Committee conducts formal hearings after the Charges Committee has made a ‘probable cause’ determination. After a formal hearing, the Committee delivers a report to the Chancellor, including a recommendation of sanction. The Chancellor then makes a final decision in the matter.¹⁴ The Academic Senate’s role in personnel actions is, ultimately, advisory.

These Academic Senate committees reported receiving few complaints or grievances involving perceived acts of discrimination, bias or intolerance. The Privilege and Tenure Committee reported that it receives three to four grievances of any kind a year, and resolves most matters informally by speaking to the grievant and the other parties separately. Formal proceedings are rare; for instance, the Privilege and Tenure Committee reports that it has held only one formal hearing in the past two-and-a-half years. These committees reported that typically such processes take one to three months to conclude, although other administration officials characterized the process as taking much longer.

The Academic Senate provided statistics to the Review Team regarding complaints filed with its formal committees from the period of 2007 to the present. During this time, two charges of perceived discrimination brought by faculty members were filed with the Charges Committee. One of the formal charges filed by a faculty member, brought in the 2011-2012 academic year, claimed that another ladder-rank faculty member had engaged in discrimination on the basis of race or ethnicity both against the complainant faculty member and a graduate student.¹⁵

From 2007 to the present, the Privilege and Tenure Committee heard one case involving allegations of racial or ethnic discrimination. The case was adjudicated during the 2008-2009 academic year and involved the filing of a formal charge by the Vice Chancellor for Academic Personnel against a ladder-rank faculty member. Among other violations of the Code of Conduct, the subject of the hearing was perceived to have harassed and discriminated against a staff member on the basis of race. The Privilege and Tenure Committee recommended, and the Vice Chancellor found, that the faculty member in question had violated the Code of Conduct.¹⁶

¹³ UCLA Website, Academic Senate, Committees, Privilege & Tenure, <http://www.senate.ucla.edu/committees/pt/>.

¹⁴ UCLA Website, Committees, Grievance Advisory Committee, Grievance Advisory Committee Manual, Appendix XII, §§ 9 (D), 10, <http://www.senate.ucla.edu/FormsDocs/Appendices/appxii.htm>.

¹⁵ Several key administration officials who discussed this case remarked on the fact that the allegedly offending faculty member was in fact also a member of an underrepresented minority group.

¹⁶ Appendix A contains a flowchart illustrating the current process, including the informal processes discussed in the following sections.

(c) UCLA Office of the Campus Counsel

The Office of the Campus Counsel notes on its website that it “supports the diverse and dynamic educational environment of the University of California Los Angeles, by providing legal advice and assistance related to the activities of the UCLA campus and its professional schools.”¹⁷ According to the university, reviewing, investigating, and advising campus leadership on responses to discrimination falls within the purview of the Office.

(d) Sexual Harassment Officer/Title IX Officer

We learned that the university has also begun utilizing UCLA’s Sexual Harassment Officer to investigate charges of acts of racial bias or discrimination that reach the stage of formal Academic Senate processes.¹⁸ The current Sexual Harassment Officer is an attorney and was formerly a lawyer for the Los Angeles district office of the Equal Opportunity Employment Commission. She stated that she has undertaken three such investigations since 2007.

3. Informal Procedures

(a) Vice Provost for Diversity & Faculty Development

We learned that faculty often took reports of incidents of perceived discrimination or bias to the Vice Provost for Diversity & Faculty Development (commonly referred to as the “Vice Provost for Faculty Diversity”) or her medical school analog, the Associate Dean for Diversity Affairs at the David Geffen School of Medicine. The Vice Provost is the chief officer of the Diversity & Faculty Development Office, which states that its mission is to provide “academic leadership for achieving and sustaining faculty diversity,” and that it fulfills this mission by “educating, communicating, and collaborating with the faculty and administrators on campus on all aspects of faculty diversity.” It also seeks to provide resources to promote faculty development and diversity.

On its website, the office provides a link to the Office of Academic Personnel page for complaints and grievances, which informs complainants of the informal and formal grievance resources available. The Diversity & Faculty Development Office also provides links to external compliance agencies which complainants can contact regarding filing a complaint of discrimination, including the Los Angeles district office of the United States Equal Employment Opportunity Commission.

The Vice Provost reported that she receives complaints and grievances from faculty members. She stated that she received six to eight such complaints a year. Most involved tenure matters, and therefore came during the times each year when tenure is granted. Most

¹⁷ UCLA Website, Office of the Campus Counsel (OCC), <http://www.campuscounsel.ucla.edu/mission.html>.

¹⁸ The university’s use of the Title IX Officer in this regard appears to mirror its use of her regarding complaints regarding sexual harassment filed with the Charges Committee. See UCLA Procedure 630:1: Responding to Reports of Sexual Harassment § VI.

of these complaints involve gender, with some sexual orientation and some disability-related. A small number are race or ethnicity based. She stated that her offices did not keep official records of complaints, but that she recalled four complaints involving perceived discrimination since her tenure began in 2010. Two of the matters were resolved with tenure grants, one through the Academic Senate processes, and one informally through intervention with a department chair. The other two matters remain unresolved. The Vice Provost said that she refers about two to four complaints a year for further investigation or institution of formal Academic Senate grievance processes. Her predecessor recalled only two complaints regarding incidents of perceived discrimination from 2002 to 2010 that resulted in the filing of formal Academic Senate charges. Any other complaints were resolved informally.

The current Vice Provost characterizes herself as a “fixer” for faculty members. She meets with faculty members to hear their concerns and in some cases seeks input from Executive Vice Chancellor Waugh to “assert moral suasion” on a problem. She often attempts to resolve issues informally by placing a call to a dean or department chair. Unlike the UCLA Ombud, the Vice Provost may be required to report certain activities undertaken by her office to the Executive Vice Chancellor and Chancellor. However, she noted that she initially keeps a matter to herself while she attempts to resolve it informally. If she believes that a matter warrants further investigation, she may refer it to the Executive Vice Chancellor or the Office of Campus Counsel.

The Associate Dean for Diversity Affairs at the David Geffen School of Medicine also reported that her office fields complaints and grievances from minority faculty members in the health sciences. She stated that the vast majority of these complaints did not allege overt instances of racial bias or discrimination—in fact, the office has received only one such complaint since 2009. Normally, the complaints by minority faculty members involve a variety of topics: a desire for mentoring, complaints of lack of support and adequate finances for carrying out work, the feeling that something was promised to the faculty member that was not delivered, interpersonal conflicts, reports of intimidation, misunderstanding and complaints of feeling unappreciated. The Associate Dean emphasized that the majority of the complaints involved either funding or other job status issues. She estimated that she was able to informally resolve about half of the complaints, and referred the rest of the complainants to the Academic Senate processes.

(b) Office of the Ombuds Services

The UCLA Office of Ombuds Services offers informal and confidential services in resolving conflicts, disputes, or complaints. It is independent and neutral, and attempts to facilitate communication and assist parties in reaching their own mutually-acceptable agreements. The Ombud may engage in informal fact-finding, clarify issues, expedite processes or initiate mediation. If the Ombud detects a trend or pattern in conflicts or concerns, it may make recommendations for review or change in policies or procedures.

The Office of the Ombud serves three main constituencies: students (40%), staff (40%) and faculty (11-12%), with the remainder being members of the campus community, such as parents. Clients initiate contact by calling the office or walking in. The Ombud characterized the function of her office as “pointing complainants in the right direction.”

She stated that she may either recommend formal processes or informal ones. She stated that some complainants may either desire to pursue a remedy, or “just want to talk.” She stated that in an effort to resolve matters informally, she may sometimes engage in “shuttle diplomacy.” She has spoken to department chairs or deans on behalf of faculty. The Ombud reported that the number of complaints initiated by faculty members of color has been increasing annually. Although the office did not consistently gather ethnicity data before 2011, the office estimated that from 2007 to 2011, the number of self-reported discrimination cases brought to the office averaged one to two per year, and were most often gender cases brought by Caucasian female faculty.

In 2011-2012, the office reported it received thirty complaints by minority faculty members, seventeen of which came from Academic Senate members. Of these complaints, fifteen (50%) were by Asian or Asian-American faculty members, five (17%) were by Middle Eastern faculty members, four (13%) by Chicano/Latino faculty members, three (10%) by African-American faculty members, and three (10%) other ethnic minorities. Of the thirty complaints in 2011, six involved “general incivility,” four “discrimination,” and three “bullying.” The Ombud noted that the increase in complaints by minority faculty members might be due to the Office’s hiring of an Ombudsperson to directly serve the Center for Health Sciences. The Office stated that all of the self-reported discrimination, incivility and bullying cases were given referral information on how to further address their concerns.

(c) Grievance Advisory Committee

The Grievance Advisory Committee (GAC) is operated by the Academic Senate and provides an informal process for members of the campus community to resolve complaints or grievances. The members of the GAC are all former Privilege and Tenure or Charges Committee members.¹⁹ Academic Senate staff informed us that when an individual has questions about individual rights or privileges or is considering bringing a grievance, he or she may contact the Academic Senate Coordinator for the GAC, who will refer the individual to a GAC member who will advise the complainant on policy and procedure, which standing committee to approach and how to proceed with a case. All advice is confidential. Academic Senate staff stated that while complainants are often advised to exhaust their complaints before their department or school, they are not required to do so if the complaint involves the department chair or a dean.

Because GAC members meet individually with complainants under confidential circumstances, GAC members are not collectively aware of the number or nature of complaints. Academic Senate staff stated that two complaints of incidents of perceived bias and discrimination have been brought to the GAC since 2003. Of these, one resulted in a formal process before the Privilege and Tenure Committee that resulted in disciplinary sanction against a tenured faculty member for discriminatory conduct toward a staff member, and the other involved a charge recently dismissed by the Charges Committee, after an investigation by the university’s Title IX officer, for lack of probable cause. The

¹⁹ UCLA Website, Academic Senate, Committees, Grievance Advisory Committee, <http://www.senate.ucla.edu/committees/gac/>.

charge involved an allegation of discriminatory conduct by a tenured faculty member against another faculty member.

(d) Other Resources

UC has an official whistleblower policy that encourages the reporting of “improper governmental activities.”²⁰ While such activities are normally limited to the “statutory definition” of improper government activities, official UC policy recognizes that “serious or substantial violations of University policy” may constitute improper governmental activities.²¹ The policy protects any person who makes a protected disclosure of an improper governmental activity from retaliation or official interference.²² It provides that a whistleblower may file a retaliation complaint pursuant to the formal grievance processes applicable (for instance, an Academic Senate grievance under Senate Bylaw 335 or a non-Senate academic personnel grievance pursuant to Academic Personnel Manual section 140) or directly with a local official designated to hear retaliation complaints.²³

The UCLA Administrative Policies and Compliance Office, which is responsible for receiving and responding to whistleblowing reports, stated to the Review Team the office’s function is to receive reports and to exercise its discretion to initiate and coordinate formal investigations into possible improper governmental activity. The Office stated that the university had intended the Office’s whistleblowing hotline, which is available 24 hours a day and administered by a third party, to serve as a clearinghouse for any and all complaints of violations of university policy, including allegations of discrimination. Despite this, however, the Office reported that it did not receive many reports solely concerned with incidents of perceived bias or discrimination, and that the Office had not initiated a formal investigation into a claim of bias or discrimination by a faculty member.

C. Specific Incidents of Perceived Bias, Discrimination and Intolerance

Every faculty member of color who we interviewed described incidents of perceived bias, discrimination or intolerance that they had personally experienced while at UCLA. Although nearly every one of these faculty members had achieved tenure and professional success at the university, they were still upset by these incidents. Almost universally, they felt that the offending parties had never been required to face consequences for their actions.

Below, we discuss three notable findings arising from our interviews: (1) intradepartmental conflict with a racial component in two UCLA departments; (2) two

²⁰ University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy), *available at* http://www.ucop.edu/academic-personnel/_files/apm/apm-190-a1.pdf.

²¹ *Id.*

²² University of California Policy for Protection of Whistleblowers From Retaliation and Guidelines for Reviewing Retaliation Complaints (Whistleblower Protection Policy), *available at* http://www.ucop.edu/academic-personnel/_files/apm/apm-190-a2.pdf.

²³ *Id.*

egregious incidents of bias and discrimination experienced by UCLA faculty members; and (3) reports of incidents of perceived bias in hiring, advancement, and retention decisions.

(a) Department A and Department B

Faculty members alleged that certain departments in particular appear to have been, or are currently, flash points of racial conflict between faculty members: one during the 2000s and one at the present time. The conduct complained of included perceived discriminatory statements as well as discriminatory advancement and retention decisions and the creation of a hostile climate. These departments will be referenced only as “Department A” and “Department B” in order to preserve the confidentiality of the reporting faculty members.

(i) Department A

Two members of Department A described it as becoming polarized along gender and racial lines during the 2000s. They alleged that a group of senior Caucasian male professors began to systemically discriminate against the minority and female faculty members in the department. Such treatment ranged from junior faculty members of color being told that they would not make tenure, to the department’s failure to make efforts to retain tenured faculty members of color who had received offers of employment from other universities, to discriminatory remarks leveled at minority faculty members such as “I thought Asian women were supposed to be submissive.” Many of these minority junior faculty members later left the university.

One former faculty member in the department, a formerly fully tenured Caucasian professor, told the Review Team that he had spoken out against this conduct, had been retaliated against by the department’s chair in the form of a recommendation against a merit increase in pay, and had subsequently retired from UCLA rather than continue working in the department. Another faculty member, a female faculty member of color, told the Review Team that she threatened to sue the university after the department voted to deny her promotion to full professor. After receiving a settlement from the university, she retired because she had no further desire to remain in the department.

(ii) Department B.

Two current faculty members in Department B alleged that it was currently divided among racial lines. These faculty members also alleged that they had experienced incidents of bias or discrimination by other faculty members, including senior and/or leadership faculty, within the department. At least one faculty member has filed formal complaints with the appropriate Academic Senate Committees regarding perceived incidents of bias or discrimination. Another faculty member in the Department told the Review Team that he had been passed over for consideration for the department chair position despite his perceived seniority and leadership credentials. The faculty member stated that he believed that this had been due to his ethnicity. The faculty member further perceived that a clique of Caucasian male professors was “in charge” of the department, and that he had personally witnessed faculty in leadership positions within the department use racially or ethnically insensitive language.

(b) Incidents of Racism

Two other UCLA faculty members described egregious incidents of racism. The first involved a Latino faculty member in the health sciences. In 2008, soon after the professor was hired as a fully tenured faculty member at UCLA, a “senior faculty member” in the professor’s department, upon seeing him for the first time in the hallway, asked loudly in front of a group of students, “What is that fucking spic doing here?” Upset, the professor went to his assistant dean, who expressed sympathy but advised him that going to the dean of the school would only cause more trouble. The assistant dean promised that he would talk to the senior faculty member. The professor is not sure whether the assistant dean ever did so. The professor stated that he still feels threatened by the faculty member, who is still at UCLA, and that he believes that the man left a screwdriver in the Latino professor’s faculty mailbox in 2010.

The second incident involved an untenured professor at UCLA. Several years ago, she received an anonymous communication that criticized her work in vitriolic terms, attacked her for focusing on race-related issues, and contained racist statements regarding African-Americans. The professor told us that she contacted the UCLA Police Department but was told that there was nothing that could be done at that point in time. The professor informed her faculty colleagues of the incident, but knows of no official action taken by her department or the university, such as further investigation of the incident.

(c) Hiring, Advancement and Retention Decisions

The majority of incidents of perceived bias and discrimination we learned about involved hiring, advancement, and retention decisions. We spoke to faculty members who perceived that they had been denied advancement due to bias and discrimination, usually in the form of a negative departmental vote or an unfavorable letter from a department chair or dean. At least one faculty member complained that the empirical nature of the research favored by his department disadvantaged minority faculty who specialized in a different sort of scholarship. Several faculty members described incidents of which they knew in which UCLA department heads failed to match offers made by competing institutions to faculty members of color at UCLA. In both cases an informal resolution (i.e., an increase in salary or research funding to retain the professor) was effectuated, in one case by the Vice Provost for Faculty Diversity, and in the other case by the Executive Vice Chancellor and Chancellor. However, the faculty member personally involved in one of these retention events was still upset about the incident, and in the other case a faculty member close to the situation described the solution as a temporary “workaround.”

Several faculty members felt that they had been the subject of adverse employment actions due to discrimination or bias. The two faculty members in “Department A” felt that they had been denied advancement as tenured professors due to discrimination. Two other senior, tenured faculty members perceived that they had been either passed over for leadership positions or treated differently than Caucasian faculty members, events that they perceived as discriminatory. We also learned from minority faculty members that a

department had recently conducted a “waiver of search” for a Caucasian candidate.²⁴ The concerned faculty felt that the candidate did not meet the high standard for a waiver of search, and therefore that the department in question was abusing the waiver process in order to hire a Caucasian candidate favored by certain faculty members. After the concerned faculty objected and called a departmental meeting, the department withdrew a verbal offer of employment to the candidate.

Other interviewees discussed incidents of perceived discrimination in hiring decisions involving minority candidates. In one account from a senior faculty member, an African-American full professor from an Ivy League institution was rejected for a position at UCLA primarily on the basis of a plagiarism accusation involving a single citation in a 300-page manuscript. While the senior faculty member disputed the merit of the plagiarism accusation, he was most upset by the “racist” tenor of the discussion about the candidate, which implied that the candidate was incompetent, a shyster, and a hustler. The senior faculty member reported the racially inappropriate comments and other irregularities in the process to his dean, who agreed that the candidate’s rights had been violated, but asserted that since the candidate was not UCLA faculty, no action could be taken.

D. Findings on Current University Policies, Procedures and Mechanisms

1. Challenges

We acknowledge the elusive and challenging nature of this issue. Our interviews with university stakeholders revealed that the structure of the academic workplace requires both junior and tenured faculty members to participate in hiring, advancement, and retention decisions alongside their fellow faculty members, to undergo periodic reviews by those peers, and to receive supervision by senior faculty members serving in positions such as department chairs or deans. Most of the incidents of perceived bias and discrimination reported by minority faculty members who spoke to the Review Team involved conduct by other faculty members, often senior faculty or faculty serving as deans. Junior faculty members in particular perceive that a wrong step in their early academic career may damage future professional opportunities. Such concerns deter the reporting of incidents of perceived bias or discrimination.

Several university stakeholders told the Review Team that the unique nature of the academic workplace also contributes to the problem. A tenured faculty member of color stated that she believes that the true difficulty lies with the power afforded to tenured faculty members on campus. She noted that the Chancellor has very little direct authority over faculty members, and took issue with the notion that the administration has the power to

²⁴ “Waiver of search” refers to a specific permission granted by the Chancellor’s Office to allow for the targeting of a specific candidate. As such, a waiver of search bypasses some of the normal protocols involved in candidate searches, including consideration of diversity issues. *See* UCLA Diversity & Faculty Development Office, Faculty Search Committee Toolkit, at 4-5, *available at* <https://faculty.diversity.ucla.edu/resources-for/search-committees/search-toolkit/2FacultySearchToolkitPrintVersion.pdf>.

resolve any such problems. “If you want to change the university,” she told the Review Team, “you have to change the faculty.”

We note that several faculty members who spoke to us compared their opportunities for redress unfavorably to those available to staff, where, under the applicable personnel procedures, the administration may directly investigate and discipline university employees who engage in discriminatory conduct. By contrast, the administration may only charge and sanction ladder-rank faculty members in a formal Academic Senate Privilege and Tenure proceeding, an adversarial, litigation-like hearing.

2. Findings

Despite these challenges, the Review Team finds that there is much that current university policies, procedures and mechanisms can do to improve in addressing these issues. Specifically, the Review Team concludes that:

- UCLA’s nondiscrimination policy fails to adequately define discriminatory conduct;
- UCLA has failed to adequately train UCLA employees, including faculty, in what constitutes discriminatory, biased, or intolerant behavior.
- UCLA’s nondiscrimination policy fails to provide for a process for responding to reports of incidents of perceived discrimination that involves investigation and referral to disciplinary proceedings;
- UCLA leadership has failed to convince at least a vocal subset of faculty members of its commitment to diversity in admissions and hiring;
- UCLA has failed to adequately inform faculty members of their reporting options for complaints and grievances;
- The process by which UCLA addresses incidents of perceived bias and discrimination is not clear;
- UCLA lacks a mechanism for the impartial investigation of such incidents; and
- UCLA has failed to clearly communicate that consequences will ensue for those engaging in biased, discriminatory, or intolerant behavior or conduct.

(a) University Policy

Examining the university’s written policies, including official administration procedures and the Faculty Code of Conduct, we find that these policies fail to define what constitutes discriminatory conduct. In contrast, UC’s sexual harassment policy includes a definition of sexual harassment, and a guarantee that the university will respond to any

reports of such conduct.²⁵ UCLA nondiscrimination policies further fail to provide for a centralized resource for fielding, investigating and making findings regarding such incidents. Again, in contrast, we note that the UCLA's sexual harassment policies provide detailed procedures for reporting and investigating reports of sexual harassment.

The lack of a self-executing mechanism by which reports are investigated and findings made constitutes a serious shortcoming in UCLA's policies and procedures for responding to such reports. For instance, this system fails to communicate the consequences of violations of the university's policies on nondiscrimination and therefore fails to act as a deterrent. Faculty members complained that this has contributed to a culture of impunity at UCLA as far as perceived violations of the nondiscrimination policies are concerned.

We further find that UCLA's policy for reacting to incidents of perceived discrimination lacks coherence and credibility. Faculty complained, almost unanimously, that the university's responses to certain high-profile incidents of perceived bias or discrimination were disappointing and unhelpful. Several faculty members noted that the Chancellor's public statements reacting to the well-publicized incidents of alleged racial bias and/or discrimination had essentially asserted that the conduct at issue in the incidents was not reflective of "the university I know."²⁶ Faculty members felt that such statements, far from communicating a commitment to diversity and nondiscrimination, instead communicated that administration was out of touch with the reality of the racial climate at UCLA. As one senior faculty member complained, where nondiscrimination is concerned, the administration of UCLA is administering to a "vision rather than a reality."

University stakeholders described this disconnect as a structural issue within the Chancellor's office itself. One former senior administration official wrote in a letter to us that, "in recent years, it has been clear to me that UCLA's current administrative style is to actually hide 'hot button' issues even from its own executive leadership team, preferring a narrowly construed 'need to know' approach with respect to a range of campus incidents and problems." Several faculty members and administrators noted a belief that that the Chancellor's office does not currently include a senior African American or Latino/Latina administrator; however, this is not presently the case.

Faculty also criticized the university's policies and procedures for meeting diversity goals in admissions and faculty hiring. While these policies, and an overall survey of the

²⁵ "Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment. In the interest of preventing sexual harassment, the University will respond to reports of any such conduct." University of California Policy on Sexual Harassment, *available at* <http://www.ucop.edu/ucophome/coordrev/policy/PP021006Policy.pdf>.

²⁶ The Chancellor's public statement regarding the so-called "Asians in the Library" video may be seen at <http://www.youtube.com/watch?v=6feGp0GQVJ8> (last visited October 10, 2013).

campus racial climate, are beyond the purview of our charge or the scope of this report, they are relevant to our inquiry. Several faculty members and administrators linked the lack of a perceived “critical mass” of students and faculty of color to the university’s inadequate procedures and mechanisms for responding to incidents of discrimination.²⁷

The university stakeholders who spoke to us on the subject opined that the recent high-profile racial incidents at UCLA were merely the “tip of an iceberg” of a campus racial climate that has deteriorated markedly for students and faculty of color. “It is as if I have stepped into a time machine and been propelled backward 40 years to 1971 when Blacks, Latinos—and yes even Asians—were just beginning to enter prestigious, predominantly white institutions like UCLA in any serious numbers,” one faculty member who has taught at UCLA for twenty-five years wrote in a letter.

In particular, university stakeholders criticized UCLA’s reaction to Proposition 209 as “extraordinary” and “beyond what was required by law,” comparing it unfavorably with that of other major UC campuses such as Berkeley. They complained that the university had not taken sufficient steps to develop policies to further diversity on campus within the strictures of Proposition 209, nor communicate to the campus community that it was the university’s policy to do so despite the law. In fact, interviewees describe an administration more concerned with warning the campus community against violation of Proposition 209 in admissions and hiring decisions than suggesting proactive steps to further racial diversity on a campus that the Chancellor publicly touts as diverse.²⁸

(b) University Procedures

As noted above, UCLA’s policies fail to adequately define what constitutes racial or ethnically discriminatory conduct, and fail to provide a procedure for responding to reports of such conduct. Similarly, UCLA’s current procedures fail to rectify this problem. UCLA currently relies on an ad hoc network of resources to respond to complaints regarding incidents of perceived bias or discrimination. However, the university has failed to adequately inform faculty members of these reporting options. For instance, the only comprehensive resource guide for faculty complaints and grievances, apparently created by campus counsel, is available from a relatively hard-to-reach link on the Office of Academic Personnel website.²⁹

²⁷ It is beyond the External Review Team’s charge to determine whether such a lack of “critical mass,” assuming it can be defined, exists at UCLA. Nonetheless, the data suggests that there have been significant demographic shifts at the university. Appendices C, D, and E to this Report provide some historical enrollment data for minority undergraduate, graduate and professional schools, as well as current number of minority faculty at UCLA. We thank UCLA for providing this information.

²⁸ “UCLA represents the very best of what a university can be—a diverse community of talented people who enrich our society through education, research and service.” Statement of Gene D. Block, Chancellor, *available at* <http://chancellor.ucla.edu/welcome>.

²⁹ *See* <http://www.campuscounsel.ucla.edu/documents/OutlineGrievancesversuDiscipline3.pdf>.

We find that faculty, in general, report complaints and grievances regarding incidents of perceived discrimination to the Vice Provost of Faculty Diversity, the Ombud's Office, and the GAC. Faculty members also indicated that they rely on the four ethnic studies research centers on campus for support with such issues. However, with the exception of the GAC, none of these resources are solely devoted to fielding complaints and grievances. Moreover, few faculty members utilize the GAC, perhaps because it is perceived as a gateway to the more formal Senate processes. While faculty use of the Ombuds office appears to be increasing, historically it has not been widely utilized. Nor has the Administrative Policies and Compliance Office (the whistleblowing office).

To some degree, the offices of the Vice Provost for Faculty Diversity and Associate Dean for Academic Diversity present a logical first stop for minority faculty with complaints involving hiring and advancement decisions since both offices carry the official charge of helping the university and medical school meet faculty diversity goals. We find that the Vice Provost has indeed informally resolved complaints by minority faculty members involving advancement and retention decisions. However, the existence of an official who can and does apply, in an unofficial capacity, "moral suasion" to solve problems does not necessarily address faculty concerns regarding the university's overall plan to respond to incidents of bias and discrimination. Moreover, a lack of transparency exists in these resolutions, due in part to the fact that the issues often involve compensation.

While this may be understandable, it contributes to a lack of clarity regarding the resources offered by UCLA where incidents of perceived bias and discrimination are concerned. Additionally, we find that the offices of the Vice Provost for Faculty Diversity, Associate Dean for Academic Diversity, and UCLA Ombud lack important components commonly associated with officials vested with authority to respond to incidents that constitute violations of university policy. They do not have: (1) responsibility for planning and managing education and training programs; (2) responsibility for developing procedures for prompt and effective response to reports of such incidents; or (3) responsibility for maintaining records of complaints of such incidents, or for preparing periodic reports on complaint activity to senior administration officials. Therefore, while we acknowledge that these offices currently play an important role in the university's response to perceived incidents of bias and discrimination, that role is insufficient to address faculty concerns regarding the university's response to such incidents.

We also find that the university lacks a mechanism for impartial investigation of such incidents outside of a formal Academic Senate proceeding. The university currently has no official procedure by which a complaint triggers an informal or formal investigation by a dedicated, impartial official. As noted above, administration officials appear to have instituted the practice of asking the school's Title IX Officer to investigate certain incidents of alleged discrimination, perhaps using as a model the procedure for investigation of sexual harassment complaints brought to the Charges Committee. However, because the Sexual Harassment Officer appears to only investigate discrimination complaints brought to the Charges Committee, there is no mechanism by which the above-mentioned offices or any other campus office that engages in informal dispute resolution regarding such complaints, may directly call upon her services. This compares unfavorably with the university's sexual harassment procedures, which provide for a single office that fields complaints and offers

informal resolution options, but also may launch a formal investigation. High-ranking administration officials involved in academic personnel matters told us that they believed that a more professional process in investigations is needed to address incidents of perceived bias and discrimination. We agree.

Moreover, the Title IX Officer's impartiality remains unclear, as she informed us that she investigated a recent incident of alleged racial bias and/or discrimination in the context of advising the school on a potential settlement. The use, on an ad hoc basis, of an investigator who has at times acted on behalf of campus counsel in anticipation of litigation, is insufficient to address faculty concerns in this area. While key administration personnel praised the Title IX Officer's professional training and ability, her use in this capacity by the administration lacks transparency and credibility.

We find that UCLA's current procedures fail to adequately communicate the consequences that will ensue for those who engage in discriminatory conduct. Many faculty members complained during interviews that administration officials often offered a remedy to faculty of color who had experienced an incident of discrimination, but that the administration rarely if ever meted out punishment to the offending party, even eschewing confrontation of that party altogether. This approach of crafting workarounds and not punishing the individual engaging in discriminatory conduct sends the message that those who violate the university's policies against discrimination will not be punished. Faculty members assert that without an effective deterrent message, a culture of impunity has developed at UCLA.

In short, the university's current ad hoc system of resolving complaints, which relies on a patchwork of resources and unofficial fixing of disputes by key administration officials, focusses on making victims whole, not meting out consequences. This focus on redress, not repercussions, may address the immediate needs of a particular party needing a remedy, but neglects the long-term needs of the campus community. Disciplinary sanctions for conduct that violates university policy deter both the specific offender and campus community from subsequent offenses. It will also encourage those who have experienced discriminatory incidents to report them. It further sends the message that the university values diversity and takes discriminatory conduct seriously.

The formal Academic Senate processes do not offer a viable solution to these issues. Few complaints and grievances regarding incidents of perceived discrimination reach the Charges or Privilege and Tenure Committees. The process for bringing a formal complaint or grievance can be bewildering to faculty members, and can take months to conclude. Some faculty members who considered instituting proceedings told us that they had concluded they could not afford legal fees for counsel. Other university stakeholders said that they considered the Academic Senate processes to be a last resort for individuals who had nothing to lose, such as a professor who has been denied tenure. In short, the prospect of engaging in the quasi-litigation that characterizes a Privilege and Tenure Committee proceeding deters many faculty members from using that process.

We recognize that not all of the incidents of perceived discrimination of which faculty members complain will be actionable. Several faculty members referenced the notion of "microaggressions," which researchers have defined as "subtle verbal and

nonverbal insults directed toward non-Whites, often done automatically and unconsciously. They are layered insults based on one's race, gender, class, sexuality, language, immigration status, phenotype, accent, or surname."³⁰ It is not clear to us whether any workable definition of discriminatory conduct is capable of capturing every such microaggression experienced by a minority faculty member. We also recognize that advancement and tenure decisions are notoriously subjective, and those making the decisions may advance plausible, race-neutral reasons for those decisions. Heightened awareness of the issue of racially insensitive conduct may help to reduce microaggressions or other subtle behaviors that degrade the work environment for faculty of color. Some enhanced recordkeeping would allow the university to monitor the number of complaints regarding such incidents, and therefore to better understand the campus climate for faculty (and students) of color. And finally, investigations might deter those who would engage in such conduct, even if their actions would likely not constitute a violation of university policy.

III. RECOMMENDATIONS

A. Chancellor's Policy Statement

We recommend that the Chancellor issue a statement to the campus community acknowledging faculty concerns regarding the university's policies, procedures, and mechanisms relating to incidents of alleged bias, discrimination, and intolerance on the UCLA campus and in hiring and faculty advancement decisions, and reflecting the university's commitment going forward to "zero tolerance" for such incidents. A link to this report should be included in this statement, and the report should be available online on the UCLA website. Empirical research has confirmed that "no tolerance" statements, along with protocols for disciplinary procedures, are among the most effective means in the sexual harassment context of reducing reports of sexual harassment and assault.³¹

B. Discrimination Officer

We recommend that the university institute a Discrimination Officer to address incidents of alleged bias, discrimination, and intolerance. Although the university does not currently keep official records on the volume of complaints of such incidents, because it is possible that the existence of such an Officer may itself improve reporting practices, we envision that this be a full-time position.³² We recommend that the Officer have the following responsibilities, many of which are analogous to the responsibilities of the university's Sexual Harassment Officer.

³⁰ Daniel Solorzano, Ph.D, Walter R. Allen, Ph.D, and Grace Carroll, Ph.D, *Keeping Race in Place: Microaggressions and Campus Racial Climate at the University of California, Berkeley*, 23 Chicano-Latino L. Rev. 15, 17 (2002).

³¹ Working Group at the Yale School of Medicine, *Findings of the Working Group in Examining Sexual Harassment and Sexual Assault Procedures and Processes at the Yale School of Medicine* 3 (Dec. 7, 2007).

³² We also note the possibility that the Discrimination Officer's responsibilities could encompass other types of discrimination, including on the basis of gender, age, and sexual orientation.

First, the Discrimination Officer will review and investigate complaints of incidents of alleged bias, discrimination, or intolerance when a report of such an incident is received. This should include advising complainants of available resolution options, as well as information such as timeframes. However, the Officer should also have the independent authority to conduct fact-finding investigations, to notify individuals accused of violating the university's discrimination policy and to compile reports at the conclusion of each investigation. We must emphasize that this independent authority to conduct investigations constitutes the core responsibility of the office. This authority is vital to giving the position the credibility and authority needed to respond adequately to reports of incidents of bias and discrimination. Without such authority, the administration's processes for responding to such incidents lack credibility and deterrent power. Complainants must feel that they have the ability to request such an investigation directly from the Officer. We envision the Officer's investigations as existing concurrently with the probable cause investigations undertaken by the Academic Senate Committees in the same manner as sexual harassment investigations.³³

Second, the Discrimination Officer will plan and manage education and training programs. This responsibility should involve dissemination of the aforementioned general UC and UCLA policies on nondiscrimination to the campus community, as well as the design and implementation of educational measures to illustrate what conduct would constitute a violation of those policies. It would further involve design and implementation of measures to inform faculty members of reporting procedures for incidents of perceived bias and discrimination.

It is crucial that such training include leadership diversity training for campus leaders, in particular department chairs and deans. Our interviews revealed that many complaints by a minority faculty member involved, in some capacity, the action or inaction of a department chair, dean, or assistant dean. Leadership training on diversity issues for these officials is therefore key to addressing such incidents moving forward.

³³ The Campus Procedures for Implementation of University Policy on Faculty conduct and the Administration of Discipline provides for special grievance procedures in the case of sexual harassment complaints. See generally UCLA Website, Academic Senate, Committees, Grievance Advisory Committee, Grievance Advisory Committee Manual, Appendix XII, <http://www.senate.ucla.edu/FormsDocs/Appendices/appxii.htm>. In the case of all complaints against a faculty member other than sexual harassment or scientific misconduct complaints, the Charges Committee has the responsibility to determine whether probable cause of violation exists. *Id.* § 1(F). In contrast, when a sexual harassment complaint is filed against a faculty member, the Chair of the Charges Committee and the Vice Chancellor, Academic Personnel are notified and they jointly appoint a factfinder, which at UCLA is the Sexual Harassment Officer. *Id.* §§ 1(G), 5(B). The factual inquiry is conducted in accordance with the University Sexual Harassment Policies, and the Sexual Harassment Officer functions as an arm both of the Charges Committee and the University administration. *Id.* § 1(G). The Charges Committee then uses the Sexual Harassment Officer's report as a basis for probable cause *vel non*. *Id.* § 5(B).

Third, the Discrimination Officer will maintain records of incidents of perceived bias and discrimination experienced by faculty. As noted above, UCLA currently has no centralized database of incidents of bias and discrimination—at least those involved with faculty hiring and advancement decisions. Such records should include records of investigations, resolutions, and disciplinary action.

Finally, the Discrimination Officer should be the primary referral for all faculty members seeking to report incidents of perceived bias, discrimination or intolerance, as well as for advice regarding pursuing redress through the formal Academic Senate processes.³⁴

C. UCLA Procedure for Responding to Reports of Incidents of Bias or Discrimination

We recommend that UCLA issue a procedure for responding to incidents of perceived bias, discrimination or intolerance that: (1) provides for the creation of the Discrimination Officer and describes the responsibilities of that office; (2) encourages members of the campus community to contact the Discrimination Officer with reports of conduct that might be subject to the university's policy on nondiscrimination; (3) provides for procedures for informal resolution of such reports and more formal investigations; (4) provides for remedies and referral to the appropriate local disciplinary proceedings; and (5) provides for privacy and confidentiality for complainants, and the retention of records.

³⁴ We wish to briefly address the issue of overlap between the duties of the Vice Provost for Faculty Diversity and the envisioned duties of the Discrimination Officer. As noted above, the Office of Diversity & Faculty Development has fielded reports of incidents of perceived discrimination involving faculty, and has engineered informal resolutions to hiring, advancement and retention issues involving minority faculty. Although such actions are unofficial and characterized by a lack of transparency, we acknowledge that the Office fulfills an important function in advocating in this manner. We further acknowledge that at times, it may be difficult to separate a complaint from a minority faculty member regarding an adverse employment decision from a complaint regarding an incident of perceived discrimination.

Thus, some overlap exists between the Vice Provost's current functions and the envisioned function of the Discrimination Officer where faculty members are concerned. However, the fact remains that no official mechanism exists by which the Office of Diversity & Faculty Development may initiate fact-finding that leads either to a recommendation that the complainant seek redress through formal processes, or findings of violations of university policy. We further believe that such investigations should not be undertaken by the Vice Provost. The Vice Provost's position, as currently designed, does not require the training or experience required to carry out such investigations. Moreover a potential conflict of interest exists between any investigatory function and the Vice Provost's mission to advance diversity among UCLA faculty. Appendix B contains a flowchart demonstrating the role of the Discrimination Officer in the formal grievance process.

D. Creation of Gateway

We also recommend that UCLA create a website that clearly communicates UC and UCLA's policies and procedures regarding discrimination, including descriptions of what constitutes discriminatory conduct, policy statements regarding discrimination at the university, and most importantly, a clear statement of the disciplinary procedures that will result from a finding of discriminatory conduct. The site should also provide (1) a step by step resource guide outlining the options that a complainant may pursue at each step of the process, and provide an easy entry points, such as an online form, for submitting a report of an incident of perceived discrimination; (2) information on resources available to complainants both on and off campus, and (3) contact information for the Discrimination Officer. We recommend that prominent links to this website be placed on websites such as the Office for Diversity and Faculty Development, the Office of Academic Personnel, and the website of the Office of Diversity Affairs at the David Geffen School of Medicine, among other appropriate websites.

E. Further Review of Diversity Efforts in Admissions and Hiring

Concerned faculty members described a campus racial climate in near-crisis. As noted above, senior faculty members and former administration officials contended that the recent high-profile racial incidents at UCLA were only the tip of the iceberg, and that the campus racial climate, for a variety of reasons, has regressed since the mid-twentieth century. Several of these experienced faculty and administration officials mentioned that many of the faculty concerns described in this report may be in part due to the lack of a critical mass of minority faculty and undergraduate and graduate students at the UCLA campus.³⁵ Those interviewed further described a university administration that, at its highest levels, had failed to convince the public and the campus community of its commitment to diversity.

Accordingly, we recommend further review of the effectiveness of the university's ongoing efforts to achieve diversity in its student population and faculty.³⁶ This review should include an examination of the efficacy of current university measures in furtherance of diversity goals in the university's admissions policies both for undergraduate and graduate students, as well as campus-wide faculty hiring. The review should explore whether UCLA has adequately communicated these diversity goals both to the general

³⁵ See Footnote 31, *supra*; see also Appendixes C, D, and E to this Report.

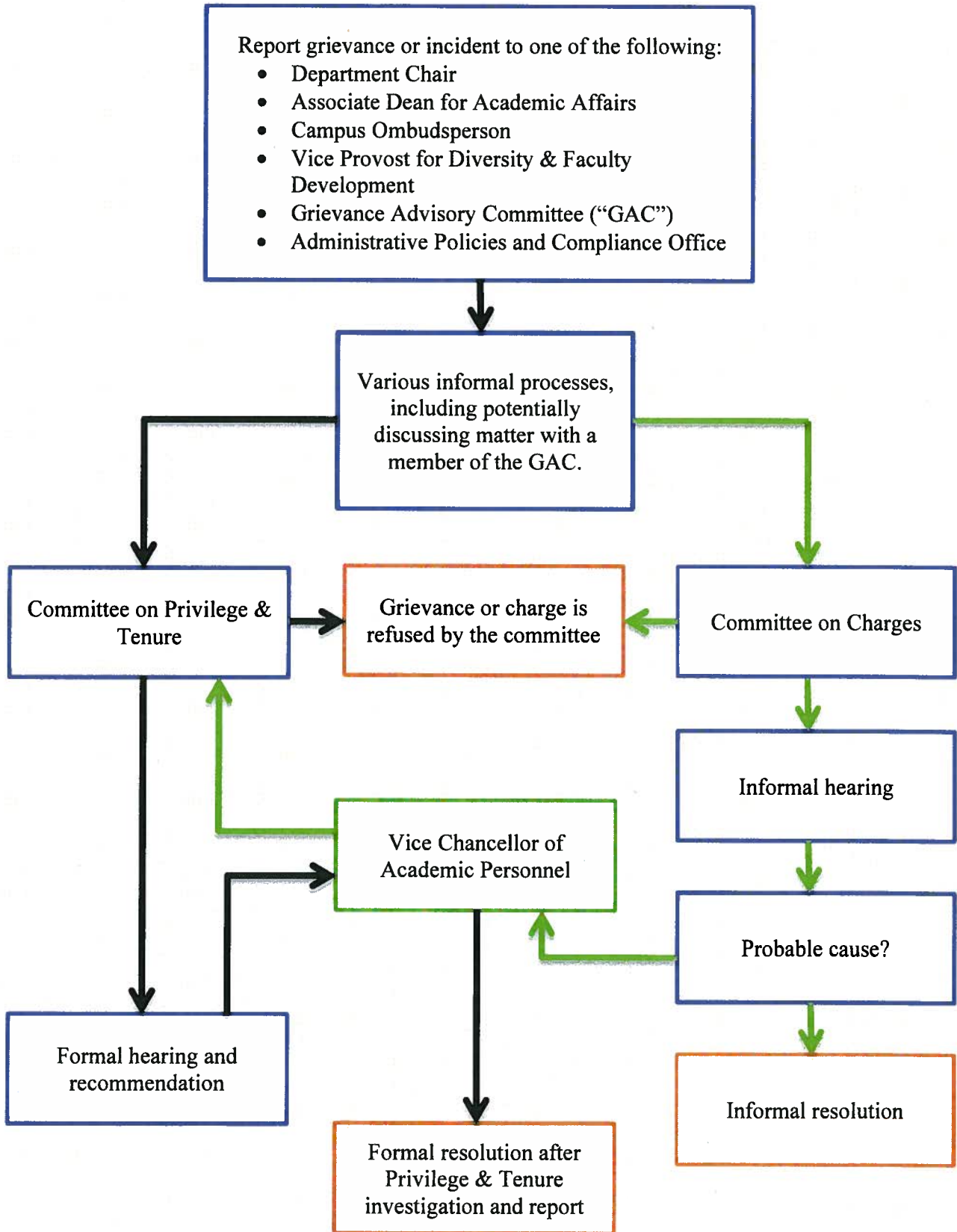
³⁶ See Message from the Chancellor, available at <https://diversity.ucla.edu/chancellors-message> ("Diversity is a core value of UCLA"); see generally 2009 Chancellor's Advisory Group on Diversity, Draft UCLA Strategic Plan for Diversity, available at https://diversity.ucla.edu/strategic-plan/20092010_CAGD_Strategic_Plan.pdf; see also University of California, *Regents' Policy 4400, University of California Diversity Statement* (Sept. 20, 2007), adopted as amended September 15, 2010 ("Because the core mission of the University of California is to serve the interests of the State of California, it must seek to achieve diversity among its student bodies and among its employees."), available at <http://www.ucop.edu/ucophome/coordrev/policy/PP063006DiversityStatement.pdf>.

public and to decision-makers in admissions and faculty hiring within the campus community, and in particular examine whether the administration has adequately explained to those decision makers how to pursue such diversity goals within the legal requirements of Proposition 209. The review should include a written report to the university and recommendations for changes in procedures if appropriate. To ensure that campus decision-makers are adequately reassured that the university is acting within the strictures of 209, the Review Team recommends that Campus Counsel take a proactive and leading role in examining the university's response to 209, designing and implementing new strategies, if needed, to pursue diversity goals within the bounds of 209, and educating campus decision-makers on those strategies and policies.

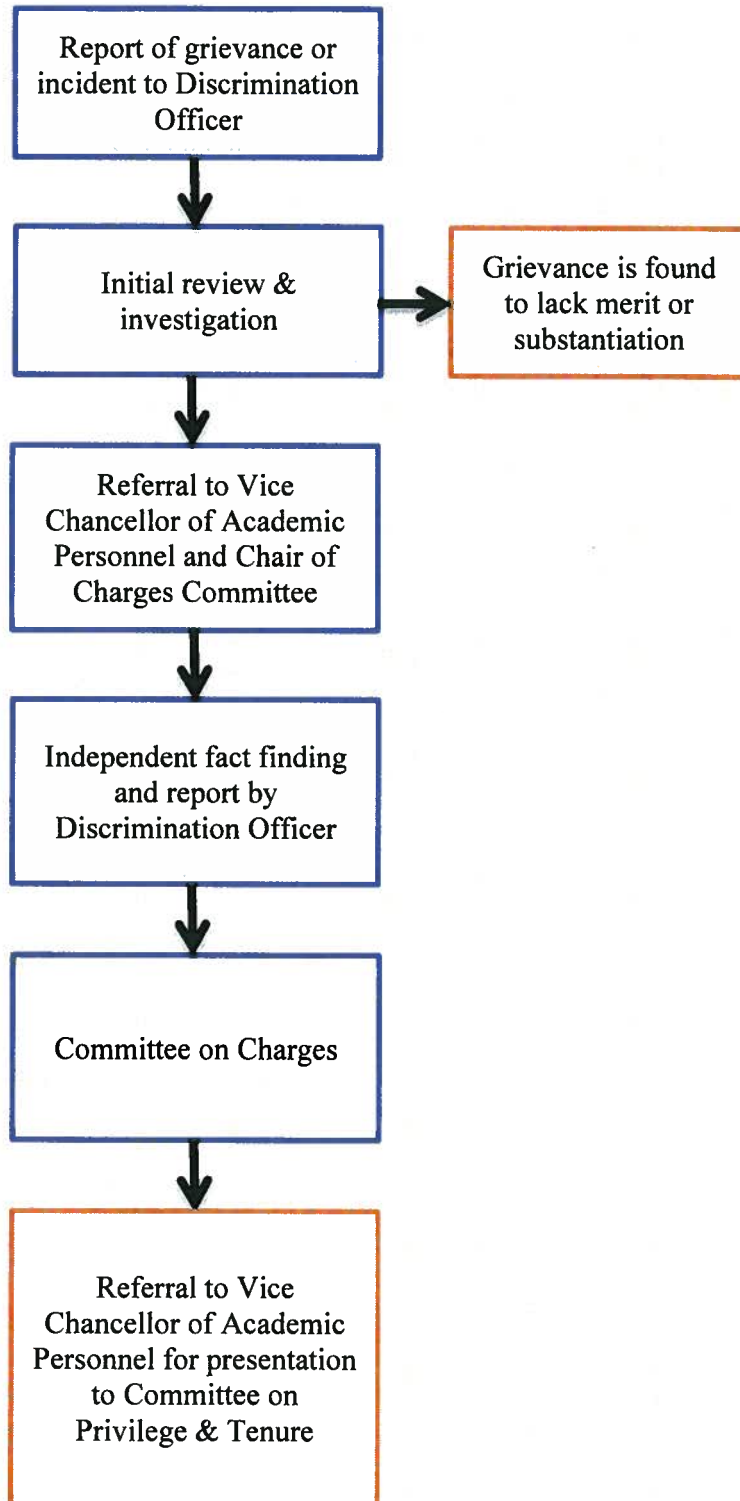
F. Implementation of Recommendations

We recommend the formation of an internal committee to oversee the implementation of our recommendations. All of the recommendations may be acted upon by the administration immediately, and we believe that the recommendations are practical, fiscally responsible, and realistic first steps toward addressing the faculty concerns discussed in this report. The internal committee may therefore set a timetable for implementation of the recommendations. We further recommend that the committee review the implementation of the recommendations themselves, including the drafting of university procedures for responding to incidents of perceived discrimination, and reviewing the reports of the envisioned Discrimination Officer regarding the reports received of such incidents and investigations, outcomes, and disciplinary actions taken.

Appendix A: Current Racial Bias or Discrimination Grievance Process



Appendix B: Proposed Role of Discrimination Officer



Appendix C: UCLA Undergraduate Enrollment by Ethnicity 1973-2012*

UNIVERSITY OF CALIFORNIA LOS ANGELES UNDERGRADUATE FALL HEADCOUNT ENROLLMENT BY ETHNICITY 1973-2012

	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Los Angeles																	
African American	1,319	1,144	1,073	1,045	1,111	1,011	998	925	1,101	1,146	1,294	1,303	1,423	1,544	1,580	1,659	1,678
American Indian	130	136	116	89	98	83	82	73	60	93	106	116	136	155	175	203	232
Asian/Pacific Islander	2,006	2,144	2,398	2,566	2,736	2,837	3,216	3,370	3,847	4,300	4,657	4,704	4,767	4,892	5,198	5,398	5,849
Chicano/Latino	1,075	1,040	1,106	1,165	1,228	1,271	1,312	1,226	1,360	1,457	1,725	1,977	2,332	2,699	3,104	3,434	3,715
International	529	585	599	547	498	570	723	770	889	764	721	716	578	526	529	556	585
Other/Unknown	1,113	1,753	1,434	1,111	597	545	517	2,299	1,439	1,050	910	837	755	710	759	669	657
White	13,968	14,104	15,044	14,094	13,925	13,872	14,234	13,341	13,913	14,123	13,721	13,240	12,910	12,225	12,156	11,904	11,568
Total Enrollment	20,140	20,906	21,770	20,617	20,193	20,189	21,082	22,004	22,609	22,933	23,134	22,893	22,901	22,751	23,501	23,823	24,284

* Statistics for Appendices C, D, and E provided by the UCLA Office of Diversity & Faculty Development

UNIVERSITY OF CALIFORNIA LOS ANGELES
 UNDERGRADUATE FALL HEADCOUNT ENROLLMENT BY ETHNICITY (CONT'D)
 1973-2012

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
1,587	1,462	1,369	1,424	1,396	1,396	1,433	1,437	1,407	1,306	1,167	1,068	948	921	895	829	799	756	865	938	986	1,076	1,099	1,083
244	269	260	252	250	255	255	231	203	176	147	130	120	115	115	110	112	106	108	104	121	128	144	157
6,610	7,351	7,574	8,078	8,884	9,069	9,069	9,016	9,013	8,987	9,138	9,291	9,496	9,454	9,657	9,337	9,448	9,784	9,968	10,126	10,145	9,712	9,941	9,954
3,715	3,862	3,786	3,681	3,807	4,009	4,009	4,044	3,946	3,736	3,605	3,499	3,545	3,633	3,956	3,821	3,788	3,824	3,812	3,945	4,103	4,126	4,502	4,799
460	501	470	489	584	601	601	639	655	625	620	698	726	702	877	968	893	958	1,075	1,189	1,280	1,522	2,014	2,895
630	647	863	652	562	545	545	644	690	1,378	1,664	1,844	1,928	1,807	1,748	1,600	1,441	1,298	1,239	1,228	1,173	1,131	1,013	938
10,888	10,276	9,272	8,371	8,136	7,857	7,857	7,903	8,011	7,895	8,327	8,481	8,565	8,267	8,467	8,281	8,330	8,706	8,861	9,006	8,879	8,467	8,486	8,115
24,207	24,368	23,649	22,892	23,619	23,769	23,769	23,914	23,925	24,013	24,668	25,011	25,328	24,899	25,715	24,946	24,811	25,432	25,928	26,536	26,687	26,162	27,199	27,941

Percentage Distribution of UCLA Undergraduate Headcount Enrollment by Declared Ethnicity, Fall 1973 to Fall 2012

	Fall 73	Fall 74	Fall 75	Fall 76	Fall 77	Fall 78	Fall 79	Fall 80	Fall 81	Fall 82	Fall 83	Fall 84	Fall 85	Fall 86	Fall 87	Fall 88	Fall 89	Fall 90	Fall 91	Fall 92
African American	6.5	5.5	4.9	5.1	5.5	5.0	4.7	4.2	4.9	5.0	5.6	5.7	6.2	6.8	6.7	7.0	6.9	6.6	6.0	6.0
American Indian	0.6	0.7	0.5	0.4	0.5	0.4	0.4	0.3	0.3	0.4	0.5	0.5	0.6	0.7	0.7	0.9	1.0	1.0	1.1	1.1
Chicano/Latino	5.3	5.0	5.1	5.7	6.1	6.3	6.2	5.6	6.0	6.4	7.5	8.6	10.2	11.9	13.2	14.4	15.3	15.6	15.8	16.0
Subtotal: URM	12.5	11.1	10.5	11.2	12.1	11.7	11.3	10.1	11.2	11.8	13.5	14.8	17.0	19.3	20.7	22.2	23.2	23.2	23.0	23.1
Asian/Pacific	10.0	10.3	11.0	12.4	13.5	14.1	15.3	15.3	17.0	18.8	20.1	20.5	20.8	21.5	22.1	22.7	24.1	27.3	30.2	32.0
White/Caucasian	69.4	67.5	69.1	68.4	69.0	68.7	67.5	60.6	61.5	61.6	59.3	57.8	56.4	53.7	51.7	50.0	47.6	45.0	42.2	39.2
Other and Unknown	5.5	8.4	6.6	5.4	3.0	2.7	2.5	10.4	6.4	4.6	3.9	3.7	3.3	3.1	3.2	2.8	2.7	2.6	2.7	3.6
International	2.6	2.8	2.8	2.7	2.5	2.8	3.4	3.5	3.9	3.3	3.1	3.1	2.5	2.3	2.3	2.3	2.4	1.9	2.1	2.0
All Undergraduates	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

	Fall 93	Fall 94	Fall 95	Fall 96	Fall 97	Fall 98	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03	Fall 04	Fall 05	Fall 06	Fall 07	Fall 08	Fall 09	Fall 10	Fall 11	Fall 12
African American	6.0	5.9	6.0	6.0	5.9	5.4	4.7	4.3	3.7	3.7	3.5	3.3	3.2	3.0	3.3	3.5	3.7	4.1	4.0	3.9
American Indian	1.1	1.1	1.1	1.0	0.8	0.7	0.6	0.5	0.5	0.5	0.4	0.4	0.5	0.4	0.4	0.4	0.5	0.5	0.5	0.6
Chicano/Latino	16.1	16.1	16.9	16.9	16.5	15.5	14.6	14.0	14.0	14.6	15.4	15.3	15.3	15.0	14.7	14.9	15.4	15.8	16.6	17.2
Subtotal: URM	23.2	23.1	24.0	23.9	23.2	21.6	19.9	18.8	18.2	18.8	19.3	19.1	18.9	18.4	18.5	18.8	19.5	20.4	21.1	21.6
Asian/Pacific	35.3	37.6	38.2	37.7	37.7	37.3	37.0	37.1	37.5	38.0	37.6	37.4	38.1	38.5	38.4	38.2	38.0	37.1	36.5	35.6
White/Caucasian	36.6	34.4	33.1	33.0	33.5	32.8	33.8	33.9	33.8	33.2	32.9	33.2	33.6	34.2	34.2	33.9	33.3	32.4	31.2	29.0
Other and Unknown	2.8	2.4	2.3	2.7	2.9	5.7	6.7	7.4	7.6	7.3	6.8	6.4	5.8	5.1	4.8	4.6	4.4	4.3	3.7	3.4
International	2.1	2.5	2.5	2.7	2.7	2.6	2.5	2.8	2.9	2.8	3.4	3.9	3.6	3.8	4.1	4.5	4.8	5.8	7.4	10.4
All Undergraduates	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

**Appendix D: Graduate Students in the College, Professional Schools, Health Sciences and Self-Supporting Programs at UCLA
Headcount Enrollment by Declared Ethnicity, Fall 1998 to Fall 2012**

	Fall 98	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03	Fall 04	Fall 05	Fall 06	Fall 07	Fall 08	Fall 09	Fall 10	Fall 11	Fall 12
African American	95	93	88	73	77	86	75	86	84	93	93	91	86	98	100
American Indian	19	15	21	21	19	21	18	20	22	22	21	20	14	13	12
Chicano/Latino	154	165	170	173	203	224	221	215	209	212	221	203	211	210	207
Subtotal: URM	268	273	279	266	298	331	314	320	315	327	334	314	310	320	319
Asian/Pacific	430	402	389	385	408	404	384	381	370	358	366	353	382	394	397
White/Caucasian	1,406	1,342	1,348	1,301	1,345	1,314	1,284	1,299	1,352	1,374	1,351	1,364	1,301	1,279	1,351
Other and Unknown	111	124	154	165	191	199	198	206	222	211	231	225	227	179	159
International	473	491	539	535	543	557	515	482	467	479	475	491	505	496	526
Letters & Science	2,687	2,632	2,708	2,652	2,784	2,804	2,694	2,687	2,725	2,748	2,757	2,746	2,724	2,666	2,751
African American	193	164	174	155	169	185	200	193	185	206	195	190	208	215	219
American Indian	30	13	12	17	17	25	24	27	28	28	28	26	25	32	35
Chicano/Latino	405	388	386	417	480	513	499	505	523	529	558	543	519	549	511
Subtotal: URM	627	565	571	588	665	722	723	725	735	762	780	759	751	796	764
Asian/Pacific	818	841	861	895	970	1,062	1,078	1,030	1,078	1,047	1,048	1,052	1,085	1,064	998
White/Caucasian	2,066	1,961	1,887	1,930	2,051	2,111	1,975	1,931	1,958	2,019	1,972	1,967	1,954	1,979	1,840
Other and Unknown	254	360	403	439	440	474	479	468	505	515	522	510	453	351	412
International	691	766	904	1,007	997	998	895	806	875	901	936	1,023	1,133	1,253	1,302
General Campus Schools	4,455	4,491	4,625	4,858	5,123	5,366	5,148	4,959	5,151	5,244	5,258	5,310	5,376	5,442	5,314
African American	119	124	116	131	133	119	120	107	104	102	102	82	100	115	133
American Indian	11	10	8	9	9	9	6	8	8	12	13	10	11	12	10
Chicano/Latino	207	212	203	188	189	184	171	159	155	161	154	143	175	198	232
Subtotal: URM	336	346	327	328	330	311	297	274	267	274	268	234	286	325	375
Asian/Pacific	669	658	590	538	514	513	501	470	467	467	381	334	438	580	675
White/Caucasian	844	877	844	854	853	835	847	827	794	787	705	662	663	717	737
Other and Unknown	183	164	209	259	335	411	418	436	545	646	756	879	743	550	357
International	123	121	132	167	179	182	170	166	147	147	156	145	150	148	139
Health Sciences	2,155	2,164	2,100	2,145	2,210	2,251	2,233	2,172	2,218	2,320	2,265	2,252	2,279	2,319	2,282
African American	407	380	378	359	378	389	394	386	373	400	389	362	393	428	451
American Indian	59	38	40	46	44	54	48	54	57	62	61	56	49	56	57
Chicano/Latino	765	765	758	777	871	920	891	878	886	901	932	888	904	956	949
Subtotal: URM	1,231	1,183	1,176	1,182	1,293	1,363	1,333	1,318	1,316	1,363	1,382	1,306	1,346	1,440	1,457
Asian/Pacific	1,917	1,900	1,839	1,817	1,891	1,978	1,962	1,880	1,914	1,871	1,794	1,738	1,904	2,037	2,069
White/Caucasian	4,315	4,179	4,078	4,084	4,248	4,259	4,106	4,056	4,104	4,180	4,027	3,992	3,918	3,974	3,927
Other and Unknown	547	647	765	862	965	1,083	1,094	1,109	1,271	1,371	1,509	1,613	1,423	1,079	927
International	1,287	1,378	1,575	1,709	1,719	1,737	1,579	1,454	1,488	1,526	1,567	1,658	1,787	1,896	1,966
State-Supported Programs	9,297	9,287	9,433	9,654	10,116	10,420	10,074	9,817	10,093	10,311	10,279	10,307	10,378	10,426	10,346

African American	32	32	27	26	28	28	28	29	32	40	38	43	45	44	47	47
American Indian	2	3	5	2	2	2	2	1	-	3	1	1	1	5	6	7
Chicano/Latino	45	45	47	43	46	44	49	49	59	65	73	85	103	88	96	101
Subtotal: URM	79	80	79	71	76	74	79	79	91	108	112	129	149	137	149	155
Asian/Pacific	142	154	171	181	223	253	275	275	286	328	382	440	473	489	495	491
White/Caucasian	417	407	398	432	451	435	412	389	390	390	463	511	544	573	581	575
Other and Unknown	49	61	85	100	113	122	122	133	116	110	99	116	142	123	123	82
International	18	18	33	41	34	36	58	98	139	170	226	274	274	276	296	355
Self-Supporting Programs	705	720	766	825	897	920	946	997	1,086	1,237	1,405	1,556	1,617	1,644	1,644	1,658
African American	439	412	405	385	406	417	423	418	413	413	438	432	407	437	475	498
American Indian	61	41	45	48	46	56	49	54	60	60	63	62	57	54	62	64
Chicano/Latino	810	810	805	820	917	964	940	937	951	974	1,017	991	992	1,052	1,050	1,050
Subtotal: URM	1,310	1,263	1,255	1,253	1,369	1,437	1,412	1,409	1,424	1,475	1,511	1,455	1,483	1,589	1,589	1,612
Asian/Pacific	2,059	2,054	2,010	1,998	2,114	2,231	2,237	2,166	2,242	2,253	2,234	2,211	2,393	2,532	2,532	2,560
White/Caucasian	4,732	4,586	4,476	4,516	4,699	4,694	4,518	4,445	4,494	4,494	4,643	4,538	4,536	4,491	4,555	4,502
Other and Unknown	596	708	850	962	1,078	1,205	1,216	1,242	1,392	1,481	1,608	1,729	1,565	1,202	1,009	1,009
International	1,305	1,396	1,608	1,750	1,753	1,773	1,637	1,552	1,627	1,696	1,793	1,932	2,063	2,192	2,321	2,321
All Graduate Students	10,002	10,007	10,199	10,479	11,013	11,340	11,020	10,814	11,179	11,548	11,684	11,863	11,995	12,070	12,004	12,004

Graduate Students in the College, Professional Schools, Health Sciences and Self-Supporting Programs at UCLA Percentage Distribution of Headcount Enrollment by Declared Ethnicity, Fall 1998 to Fall 2012

	Fall 98	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03	Fall 04	Fall 05	Fall 06	Fall 07	Fall 08	Fall 09	Fall 10	Fall 11	Fall 12
African American	3.5	3.5	3.3	2.8	2.8	3.1	2.8	3.2	3.1	3.4	3.4	3.3	3.1	3.7	3.6
American Indian	0.7	0.6	0.8	0.8	0.7	0.7	0.7	0.7	0.8	0.8	0.7	0.7	0.5	0.5	0.4
Chicano/Latino	5.7	6.3	6.3	6.5	7.3	8.0	8.2	8.0	7.7	7.7	8.0	7.4	7.7	7.9	7.5
Subtotal: URM	10.0	10.4	10.3	10.0	10.7	11.8	11.6	11.9	11.5	11.9	12.1	11.4	11.4	12.0	11.6
Asian/Pacific	16.0	15.3	14.4	14.5	14.6	14.4	14.3	14.2	13.6	13.0	13.3	12.8	14.0	14.8	14.4
White/Caucasian	52.3	51.0	49.8	49.1	48.3	46.9	47.7	48.3	49.6	50.0	49.0	49.7	47.8	48.0	49.1
Other and Unknown	4.1	4.7	5.7	6.2	6.9	7.1	7.3	7.7	8.1	7.7	8.4	8.2	8.3	6.7	5.8
International	17.6	18.7	19.9	20.2	19.5	19.9	19.1	18.0	17.1	17.4	17.2	17.9	18.5	18.6	19.1
Letters & Science	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
African American	4.3	3.6	3.8	3.2	3.3	3.4	3.9	3.9	3.6	3.9	3.7	3.6	3.9	4.0	4.1
American Indian	0.7	0.3	0.3	0.3	0.3	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.6	0.7
Chicano/Latino	9.1	8.6	8.3	8.6	9.4	9.6	9.7	10.2	10.1	10.1	10.6	10.2	9.7	10.1	9.6
Subtotal: URM	14.1	12.6	12.4	12.1	13.0	13.5	14.0	14.6	14.3	14.5	14.8	14.3	14.0	14.6	14.4
Asian/Pacific	18.4	18.7	18.6	18.4	18.9	19.8	20.9	20.8	20.9	20.0	19.9	19.8	20.2	19.5	18.8
White/Caucasian	46.4	43.7	40.8	39.7	40.0	39.3	38.4	38.9	38.0	38.5	37.5	37.1	36.4	36.4	34.6
Other and Unknown	5.7	8.0	8.7	9.0	8.6	8.8	9.3	9.4	9.8	9.8	9.9	9.6	8.4	6.4	7.7
International	15.5	17.1	19.5	20.7	19.5	18.6	17.4	16.3	17.0	17.2	17.8	19.3	21.1	23.0	24.5
General Campus Schools	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

African American	5.5	5.7	5.5	6.1	6.0	5.3	5.4	4.9	4.7	4.4	4.5	3.6	4.4	5.0	5.8
American Indian	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.4	0.4	0.5	0.6	0.4	0.5	0.5	0.4
Chicano/Latino	9.6	9.8	9.6	8.8	8.5	8.2	7.7	7.3	7.0	6.9	6.8	6.3	7.7	8.5	10.2
Subtotal: URM	15.6	16.0	15.6	15.3	14.9	13.8	13.3	12.6	12.0	11.8	11.8	10.4	12.5	14.0	16.4
Asian/Pacific	31.0	30.4	28.1	25.1	23.2	22.8	22.4	21.6	21.0	20.1	16.8	14.8	19.2	25.0	29.6
White/Caucasian	39.2	40.5	40.2	39.8	38.6	37.1	37.9	38.1	35.8	33.9	31.1	29.4	29.1	30.9	32.3
Other and Unknown	8.5	7.6	9.9	12.1	15.1	18.3	18.7	20.1	24.6	27.8	33.4	39.0	32.6	23.7	15.7
International	5.7	5.6	6.3	7.8	8.1	8.1	7.6	7.6	6.6	6.3	6.9	6.4	6.6	6.4	6.1
Health Sciences	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Fall 98	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03	Fall 04	Fall 05	Fall 06	Fall 07	Fall 08	Fall 09	Fall 10	Fall 11	Fall 12	Fall 12
African American	4.4	4.1	4.0	3.7	3.7	3.7	3.9	3.7	3.7	3.9	3.8	3.5	3.8	4.1	4.4
American Indian	0.6	0.4	0.4	0.5	0.4	0.5	0.5	0.6	0.6	0.6	0.6	0.5	0.5	0.5	0.6
Chicano/Latino	8.2	8.2	8.0	8.1	8.6	8.8	8.8	8.8	8.8	8.7	9.1	8.6	8.7	9.2	9.2
Subtotal: URM	13.2	12.7	12.5	12.2	12.8	13.1	13.2	13.4	13.0	13.2	13.4	12.7	13.0	13.8	14.1
Asian/Pacific	20.6	20.5	19.5	18.8	18.7	19.0	19.5	19.2	19.0	18.2	17.5	16.9	18.4	19.5	20.0
White/Caucasian	46.4	45.0	43.2	42.3	42.0	40.9	40.8	41.3	40.7	40.5	39.2	38.7	37.8	38.1	36.0
Other and Unknown	5.9	7.0	8.1	8.9	9.5	10.4	10.9	11.3	12.6	13.3	14.7	15.7	13.7	10.4	9.0
International	13.9	14.8	16.7	17.7	17.0	16.7	15.7	14.8	14.8	14.8	15.3	16.1	17.2	18.2	19.0
State-Supported Programs	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Fall 98	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03	Fall 04	Fall 05	Fall 06	Fall 07	Fall 08	Fall 09	Fall 10	Fall 11	Fall 12	Fall 12
African American	0.3	0.4	0.7	0.2	0.2	0.2	0.1	0.3	0.1	0.1	0.1	0.1	0.3	0.4	0.4
American Indian	6.4	6.3	6.1	5.2	5.1	4.8	5.2	5.9	6.0	5.9	6.0	6.6	5.4	5.8	6.1
Chicano/Latino	11.2	11.1	10.3	8.6	8.5	8.0	8.4	9.1	9.9	9.1	9.2	9.6	8.5	9.1	9.3
Subtotal: URM	20.1	21.4	22.3	21.9	24.9	27.5	29.1	28.7	30.2	30.9	31.3	30.4	30.2	30.1	29.6
Asian/Pacific	59.1	56.5	52.0	52.4	50.3	47.3	43.6	39.0	35.9	37.4	36.4	35.0	35.4	35.3	34.7
White/Caucasian	7.0	8.5	11.1	12.1	12.6	13.3	12.9	13.3	11.1	8.9	7.0	7.5	8.8	7.5	4.9
Other and Unknown	2.6	2.5	4.3	5.0	3.8	3.9	6.1	9.8	12.8	13.7	16.1	17.6	17.1	18.0	21.4
Self-Supported Programs	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Fall 98	Fall 99	Fall 00	Fall 01	Fall 02	Fall 03	Fall 04	Fall 05	Fall 06	Fall 07	Fall 08	Fall 09	Fall 10	Fall 11	Fall 12	Fall 12
African American	4.4	4.1	4.0	3.7	3.7	3.7	3.8	3.9	3.7	3.8	3.7	3.4	3.6	3.9	4.1
American Indian	0.6	0.4	0.4	0.5	0.4	0.5	0.4	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Chicano/Latino	8.1	8.1	7.9	7.8	8.3	8.5	8.5	8.7	8.5	8.4	8.7	8.4	8.3	8.7	8.7
Subtotal: URM	13.1	12.6	12.3	12.0	12.4	12.7	12.8	13.0	12.7	12.8	12.9	12.3	12.4	13.2	13.4
Asian/Pacific	20.6	20.5	19.7	19.1	19.2	19.7	20.3	20.0	20.1	19.5	19.1	18.6	19.9	21.0	21.3
White/Caucasian	47.3	45.8	43.9	43.1	42.7	41.4	41.0	41.1	40.2	40.2	38.8	38.2	37.4	37.7	37.5
Other and Unknown	6.0	7.1	8.3	9.2	9.8	10.6	11.0	11.5	12.5	12.8	13.8	14.6	13.0	10.0	8.4
International	13.0	14.0	15.8	16.7	15.9	15.6	14.9	14.4	14.6	14.7	15.3	16.3	17.2	18.2	19.3
All Graduate Students	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Appendix E: UCLA Faculty by Ethnicity 2006-2012

Number of UCLA Regular/Ladder Rank Faculty FTE as of 10/1: Campuswide

	African American	Asian	Hispanic	Native American	Subtotal Minority	White	Unknown	Total
2006-07	55.5	249.3	97.5	6.0	408.3	1402.7	14.0	1825.0
2007-08	53.5	262.0	100.5	6.0	422.0	1406.2	17.0	1845.2
2008-09	57.5	277.5	107.5	5.0	447.5	1409.3	16.0	1872.8
2009-10	59.5	280.6	112.5	8.0	460.6	1404.0	18.0	1882.6
2010-11	61.5	291.3	111.5	9.0	473.3	1377.8	10.0	1861.1
2011-12	53.5	262.0	100.5	6.0	422.0	1406.2	17.0	1845.2
2012-13	61.5	296.0	112.8	9.0	479.2	1301.8	2.0	1783.0

Percentage of UCLA Regular/Ladder Rank Faculty FTE as of 10/1: Campuswide

	African American	Asian	Hispanic	Native American	Subtotal Minority	White	Unknown	Total
2006-07	3.0%	13.7%	5.3%	0.3%	22.4%	76.9%	0.8%	100.0%
2007-08	2.9%	14.2%	5.4%	0.3%	22.9%	76.2%	0.9%	100.0%
2008-09	3.1%	14.8%	5.7%	0.3%	23.9%	75.3%	0.9%	100.0%
2009-10	3.2%	14.9%	6.0%	0.4%	24.5%	74.6%	1.0%	100.0%
2010-11	3.3%	15.7%	6.0%	0.5%	25.4%	74.0%	0.5%	100.0%
2011-12	2.9%	14.2%	5.4%	0.3%	22.9%	76.2%	0.9%	100.0%
2012-13	3.4%	16.6%	6.3%	0.5%	26.9%	73.0%	0.1%	100.0%

SOURCE: UCLA Office of Faculty Diversity and Development, Diversity Statistics: Regular Rank Faculty, 2006-2012