

Senate-Administration Work Group on the Moreno Report  
Report to the President, Academic Council, and Chancellors  
December 23, 2013

Executive Summary

On October 25, 2013, President Napolitano charged Provost Dorr and Academic Council Chair Jacob with forming a joint Senate-Administration Work Group regarding the “Moreno Report” that addressed incidents of ethnic and racial bias and discrimination affecting faculty at UCLA. Work Group members, consultants, and staff brought considerable expertise and years of experience to the task. Several are themselves members of protected categories. The Work Group’s report addressed the President’s three charges and, as requested, is submitted to the President, Academic Council, and Chancellors by the end of the calendar year. All recommendations were supported by all Work Group participants unless otherwise noted.

Charge 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.”* (see pages 8-13)

Review of Academic Senate policies and procedures indicated that on their face they provide for timeliness, clarity, and transparency and are appropriate. It also showed that they are largely consistent across campuses and between the system and the campuses. Review of annual reports of cases brought to the campus committees on Privilege and Tenure indicated that the cases were well handled, as was also reported by the UC Counsel assigned to support campus P&T committees. It is estimated, however, that more than 90% of all complaints involving faculty are handled in ways that do not lead to P&T action and often in ways that do not directly involve Senate processes. Due to a dearth of reliable information, the Work Group was unable to arrive at any grounded assessment of how well most of our current procedures work.

The Work Group recommends that we create a rich system of data gathering and analysis and promote use of that information to support strengths and address problems relating to bias or discriminatory behavior involving faculty. Work should be undertaken to determine how best to promote transparency, confidentiality, and the University’s best interest; whether the three-year “statute of limitations” should be changed (one dissenter), and how best to prepare any faculty who participate in investigations. If systemwide action is taken in response to the Moreno Report, the Academic Personnel Manual and the Academic Senate bylaws should be examined to determine any needed changes.

Charge 2: *“An analysis of the Moreno Report’s recommendations and advice as to which of them should be implemented systemwide.”* (see pages 14-20)

The Moreno Report offered six recommendations, most with multiple parts. As to systemwide implementation, the Work Group supported many, augmented some, and disagreed with some, as detailed in the body of this report.

The Work Group supports the recommendation that each campus have at least one Discrimination Officer and a single Discrimination Office. The Discrimination Office should address discrimination, harassment, and bias issues for all members of the campus community, including, but not limited to, legally protected categories and any faculty covered by the Faculty Code of Conduct. The office should review all bias/discrimination/harassment complaints, provide advice, explore informal resolution options, conduct and report investigations, and handle education and training programs about the nature of, and handling of alleged incidents of, discrimination, bias, intolerance, and harassment.

On each campus, there should be an independent Ombuds Office, where complete confidentiality is assured (except in rare “imminent harm” situations) should a faculty member want that.

The Discrimination Office should be responsible for record keeping requirements for the entire campus, acquisition and storage of records, annual data analysis, reports that provide useful information to campus leaders, and an informative public annual report.

The Discrimination Office on each campus should manage a gateway/portal website that provides a description of bias, discrimination, and harassment, explanation of how to submit a complaint, functionality to accept complaints (one dissenter), contact information for the Discrimination Officer, options for informal resolution, investigation procedures, expectations for privacy and confidentiality, remedies and possible disciplinary actions, and links to relevant resources and policies, including local disciplinary proceedings.

On each campus, the Chancellor and other leaders should clearly and consistently affirm strong support for diversity, inclusion, and respect for all persons. They should be clear that harassment, discrimination, intolerance, and bias are not acceptable, that allegations of such behavior will be taken seriously, and that appropriate consequences and corrective actions will be imposed should the allegations have merit. When there are significant problems in these areas, the Chancellor and other leaders should publicly deplore them and take action to understand them, remediate them, and make changes that will decrease the likelihood of their recurrence.

Charge 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.”* (see pages 20-22)

Drawing upon their expertise and experience, Work Group participants offered 10 recommendations that address increasing numerical diversity; considering diversity achievements in performance assessments of faculty (merit reviews), department chairs, deans, and chancellors; gathering and using information; improving intergroup relations, and reducing the negative residue from past grievances.

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### Background

On October 25, 2013, following a discussion during the October 23 Academic Council meeting that Provost Dorr also attended, President Napolitano charged Provost Dorr and Academic Council Chair Jacob with forming a joint Senate-Administration Work Group regarding the “Moreno Report” that addressed incidents of bias and discrimination affecting faculty at UCLA. The Work Group was to submit a report to the President, Academic Council, and Chancellors by the end of the calendar year addressing 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;
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.

The Senate-Administration Work Group participants (see attachment) together represent considerable expertise about, and years of experience with, research, policy, procedure, and practice related to diversity, inclusion, positive climate, bias, discrimination, harassment, Academic Senate and campus policies, procedures, and practices at universities generally and in UC specifically. Several are themselves members of protected categories, including women, underrepresented racial/ethnic minorities, other racial/ethnic minorities, and religious minorities.

The Work Group accomplished a tremendous amount in a short time. All parts of the President’s charge were considered, 16 recommendations were developed in response to Charges 1 and 3, and for Charge 2, all recommendations in the Moreno Report were assessed as to their adoption systemwide. The Work Group met four times, worked collaboratively between meetings, reviewed and analyzed a great many existing and newly prepared documents (see attachment), consulted with the University Committee on Privilege and Tenure and the Academic Council, and briefly discussed likely recommendations with the Council of Vice Chancellors.

### Overarching Perspectives

The Moreno Report focused on UCLA faculty experiences of racial and ethnic bias, discrimination, and intolerance. As described at the beginning of the report, “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.” (Moreno Report, p. 2) The ultimate result was the October 2013 “Independent Investigative Report on Acts of Bias and Discrimination Involving Faculty at the University of California, Los Angeles,” the so-called Moreno Report, which references the investigative committee’s distinguished Chair, the Honorable Carlos Moreno (Ret.).

The Work Group began its deliberations with the Moreno Report’s focus on racial and ethnic bias involving faculty. The group’s discussion at the first meeting about the striking differences in how incidents of alleged sexual harassment had to be handled compared to how alleged incidents of racial/ethnic bias and discrimination could be handled led to the preparation for the next meeting of three papers (one each by a Work Group member, a consultant, and the staff to the Work Group). All have legal training, but the briefs are not legal documents. One paper referenced portions of the Faculty Code of Conduct (Academic Personnel Manual (APM) 015) that were influential in the Work Group’s deliberations, as follows:

The UC *Faculty Code of Conduct* lists the following among types of unacceptable conduct:

4. Forcible detention, threat of physical harm to, or **harassment of another member of the University community**, that interferes with that person’s performance of University activities.
5. **Discrimination, including harassment**, against University employees on political grounds, or for reasons of **race, color**, religion, sex, sexual orientation, gender, gender expression, gender identity, **ethnic origin, national origin, ancestry**, marital status, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service, or, within the limits imposed by law or University regulations, because of age or citizenship or for other arbitrary or personal reasons. (APM 015.II.C.4-5 (emphasis added))

In addition, APM 015.II.D.2 contains language identical to Section II.C.5 in all respects except that II.D.2 applies a prohibition “against faculty” whereas II.C.5 is “against University employees.” Sections II.C.6 and II.D.3 specify non-discrimination against UC employees and UC faculty, respectively, on the basis of disability. The very first version of the *Faculty Code of Conduct* that was approved by the UC Academic Senate in 1971 (and then by The Regents in 1974) included similar language to the anti-harassment provision found today in section II.C.4 and the anti-discrimination provision (with a much shorter [list] of prohibited categories) in II.D.2.<sup>1</sup>

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<sup>1</sup> The 1971 *Faculty Code of Conduct* included as unacceptable conduct:

Section II.C.4: “forcible detention, threats of physical harm to, harassment or intimidation of another member of the University community, with the intent to interfere with that person’s performance of his University activities.”

The paper noted elsewhere that the Faculty Code of Conduct prohibits discrimination based not only on protected characteristics, but also on “other arbitrary or personal reasons.” This is a broader prohibition than found in UC’s Nondiscrimination and Affirmative Action Policy, Title IX, Title VII, or FEHA. The prohibition means that a faculty member may file a grievance or be subject to discipline for acts of discrimination, bias, intolerance, or harassment without consideration for protected characteristics.

Without in any way diminishing the seriousness of our problems involving ethnicity and race, the Work Group concluded that UC approaches to addressing problems of bias, discrimination, intolerance, and harassment should be framed as applying to all protected categories as well as to all UC students and employees, including faculty. Policy language in the Faculty Code of Conduct includes everyone, at a high level the issues and needs are the same, and we should be prepared to address these problems equally well whenever they arise and whomever experiences them. Consequently, all recommendations in this report bring together all protected categories specifically and everyone else generally. The Work Group recommends that every campus have at least one Discrimination Officer and a single Discrimination Office organized such that it can appropriately deal with problems of bias, discrimination, intolerance, and harassment whatever the motivation for them may be.

For the same reasons, the Work Group also recommends that the one Discrimination Office be organized such that it can deal appropriately with problems of bias, discrimination, intolerance, and harassment that involve faculty, students, and/or staff. The Work Group recognizes that each group is in some respects unique, and the Discrimination Office must be organized such that it can appropriately deal with members of each group. Because our report is focused on faculty, we emphasize that faculty are governed by the Academic Personnel Manual, which conforms to federal and state law and university policies, and that the policies for addressing grievances and disciplinary matters treat faculty as the relevant peer group for judging a faculty member’s behavior. The Discrimination Office must have on staff, or have ready access to, experts on faculty governance and must organize itself so that these policies and procedures are appropriately incorporated into its work.

The Work Group vigorously debated whether the procedures for handling allegations of sexual harassment should be the model for handling all allegations of bias, discrimination, intolerance, and harassment. Those arguing for this approach were disturbed that alleged incidents of racial/ethnic discrimination and harassment could be treated as somehow less serious or requiring less serious institutional responses than those involving sexual harassment. They also worried that the less restrictive requirements result in less vigorous engagement with racial/ethnic discrimination and harassment. Those arguing against this approach believed that the mandatory reporting and elaborated procedural elements of our sexual harassment policies served as deterrents to many people who chose not to seek advice or some form of institutional

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Section II.D.2: “discrimination against faculty on political grounds, or for reasons of race, religion, sex, or ethnic origin, or for other arbitrary or personal reasons.”

*The Faculty Code of Conduct as Approved by the Assembly of the Academic Senate*, UNIVERSITY BULLETIN, June 28, 1971, at page 155; *Regents Approve ‘University Policy on Faculty Conduct and the Administration of Discipline’ at June 14 Meeting*, UNIVERSITY BULLETIN, July 8, 1974, at page 201.

response because they did not want the matter immediately referred to the sexual harassment officer and some form of inquiry that would involve the respondent. Like all work group participants they believe that the institution needs to take all claims very seriously, but they believe the institution can do so in a meaningful way without requiring the kind of mandatory reporting and follow up prescribed by our sexual harassment policies. The matter is complex and will require considerable deliberation to reach a conclusion that the institution will implement.

The Ombuds Office is an essential element of a well-functioning campus system. It operates independently of the administration and therefore must be separate from the Discrimination Office. Because it offers confidential services that are protected from disclosure, it is one place a complainant can go to explore options confident that the motivating concerns will remain confidential if he or she so chooses (some campuses offer other confidential options too, such as experienced faculty available to advise a faculty member considering filing a Senate grievance) . Because Ombuds are empowered to act as neutral mediators and may request records if the complainant requests an intervention, the Ombuds Office can also serve as a locus for informal resolution of complaints when parties agree that informal resolution is desirable.

Current policies provide for resolution of claims without resort to a formal P&T hearing. Typically referred to as informal resolutions, they are and should be well established processes and policies that include investigations and consequences should complaints be substantiated. In our legal system, mediation and settlements are important mechanisms for achieving satisfactory resolutions of complaints prior to taking them up or settling them in court. In the University setting as well, the Work Group strongly supports informal resolutions and vigorous processes that ensure such informal processes work well for all parties.

A significant impediment to addressing the President's first charge, one also encountered in preparing the Moreno Report, is the paucity of reliable information about complaints and their resolution prior to a full P&T hearing. More important, the paucity of data and the relative inattention to using whatever data are available removes from consideration information that would support campus efforts to address bias, discrimination, intolerance, and/or harassment. The Work Group believes that information is valuable and that the campuses need to do much, much more to gather data about complaints and their resolution from all sources where complaints may be taken or addressed, to regularly analyze such data from across the campus, and to provide useful reports to campus leaders as well as to the public. This perspective motivates several recommendations.

History and current events show that creating positive and extinguishing negative inter-group relations are eternal challenges for us humans. We will always need mechanisms to help us achieve both goals. The Moreno Report and the Work Group's report focus on reducing the negatives. There is also much that can be done to increase the positive and to create a culture that does not treat the negative as acceptable simply because it is part of what humans are capable of. The University as a system and each campus in it recognize the value of diversity and formally embrace it. The Work Group does so as well. Because it was developed and adopted by the systemwide General Assembly of the Academic Senate, endorsed by the UC

President, and adopted by the UC Regents, we offer below as one statement of these values the entirety of Regents Policy 4400.

*Regents Policy 4400: Policy on University of California  
Diversity Statement*

*Adopted September 20, 2007 Amended September 16, 2010*

*RECOMMENDED TO THE UNIVERSITY OF CALIFORNIA BY THE  
ACADEMIC SENATE OF THE UNIVERSITY OF CALIFORNIA*

*Adopted by the Assembly of the Academic Senate May 10, 2006*

*Endorsed by the President of the University of California June 30, 2006*

*Adopted as Amended by the Assembly of the Academic Senate April 22, 2009*

*Endorsed as Amended by the President of the University of California August 17,  
2010*

*The diversity of the people of California has been the source of innovative ideas and creative accomplishments throughout the state's history into the present. Diversity – a defining feature of California's past, present, and future – refers to the variety of personal experiences, values, and worldviews that arise from differences of culture and circumstance. Such differences include race, ethnicity, gender, age, religion, language, abilities/disabilities, sexual orientation, gender identity, socioeconomic status, and geographic region, and more.*

*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. The State of California has a compelling interest in making sure that people from all backgrounds perceive that access to the University is possible for talented students, staff, and faculty from all groups. The knowledge that the University of California is open to qualified students from all groups, and thus serves all parts of the community equitably, helps sustain the social fabric of the State.*

*Diversity should also be integral to the University's achievement of excellence. Diversity can enhance the ability of the University to accomplish its academic mission. Diversity aims to broaden and deepen both the educational experience and the scholarly environment, as students and faculty learn to interact effectively with each other, preparing them to participate in an increasingly complex and pluralistic society. Ideas, and practices based on those ideas, can be made richer by the process of being born and nurtured in a diverse community. The pluralistic university can model a process of proposing and testing ideas through respectful, civil communication. Educational excellence that truly incorporates diversity thus can promote mutual respect and make possible the full, effective use of the talents and abilities of all to foster innovation and train future leadership.*

*Therefore, the University of California renews its commitment to the full realization of its historic promise to recognize and nurture merit, talent, and achievement by supporting diversity and equal opportunity in its education, services, and administration, as well as research and creative activity. The University particularly acknowledges the acute need to remove barriers to the recruitment, retention, and advancement of talented students, faculty, and staff from historically excluded populations who are currently underrepresented.*

Leadership is profoundly important in creating positive and extinguishing negative intergroup relations. Research shows that diversity issues are much impacted by academic leaders, starting at the very top. UC's administrators and academic leaders should have responsibility to serve as leaders on these issues, not just to understand them, but to exercise leadership and highlight the importance of them. President Napolitano's attention to the implications of the Moreno Report for the UC system is one example of such leadership, and we applaud it.

The remainder of the Work Group's report to President Napolitano, the Chancellors, and the Academic Council should be read with these overarching principles in mind. They are not always explicitly called out, but they undergird analyses and recommendations. The focus is on faculty. In the interest of completing the report within the given time frame, points are presented without extensive analysis or rationale, few examples are given, and details of implementation of recommendations are not provided. No examination has been made of the possible unintended consequences of adopting any of the recommendations the Work Group offers, nor have the resource implications of the recommendations been assessed other than to realize they are significant. We recognize that the problems considered in the Moreno Report are too complicated to solve in this report. We believe that this report is a step forward toward addressing the problems and that the next steps belong to other groups and senior leaders.

In general, Work Group participants agreed on the analyses and recommendations presented in this report. Although it is not stated throughout, it should be understood that there is agreement among us. Where there is not agreement among us, that is specifically noted.

#### Specific Responses to the President's Three-Point Charge

- 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.*

The Moreno Report describes in substantial detail both relevant UC and UCLA policies regarding nondiscrimination and also existing University formal and informal procedures and mechanisms for responding to incidents of perceived bias and discrimination that involve faculty (see pp. 5-12 of the Moreno Report). In contrast to UCLA, most campuses do not have self-standing Senate Charges Committees and instead assign the responsibility for initial probable cause investigations to administrators or a joint Administration-Senate body. Otherwise, the Moreno Report provides an adequate framework for understanding campus procedures for

handling complaints of bias or discrimination involving faculty. Consequently, the information in pages 5-12 of the Moreno Report will not be repeated here; it is assumed the reader of this report is well aware of it.

The Work Group's review of systemwide and campus bylaws for the Academic Senate Committee on Privilege and Tenure found that the bylaws, on their face, are clear and transparent and provide for timely and appropriate procedures. None of the campus bylaws directly contradict the systemwide bylaws. The campuses vary in how they implement the investigation stipulated by the policy, as described in Riverside's Confidential Briefing for the Council of Chancellors' meeting in which they discussed the Moreno Report and its implications with President Napolitano. Seven campuses do not have a Senate-controlled Charges Committee, and one has a Charges Committee but it has a more limited purpose of providing an advisory "probable cause" inquiry for discrimination and other faculty misconduct allegations. On these eight UC campuses, it is the administration that designates the investigative officer(s) or committee (in some cases with Senate consultation/members) to perform pre-hearing investigative functions. Two campuses place investigative authority in the Academic Senate. It is essential that those who conduct investigations, whomever they may be, are well trained, skillful, and cognizant of all potentially relevant laws and policies.

Grievances and disciplinary actions involving faculty often also involve status differentials that make it especially challenging to ensure that complaints are brought forward and appropriately pursued and resolved. For example, P&T grievances are initiated by individual faculty who must prove their case, often against a department chair or other faculty in a more powerful position. Disciplinary cases against a faculty member are initiated by the administration, either on its own initiative or on the recommendation of a Charges Committee. In both cases, the individual faculty member faces high emotional and financial barriers and doubts as to his or her capacity to thrive in the institution should either action be pursued. The Faculty Code of Conduct (APM 015) recognizes the implications of status differentials between students and faculty but not between faculty nor between faculty and staff. In all such cases where status differentials exist, special care must be taken to support the lower status individual in raising concerns and to ensure the ensuing process treats all participants fairly, including in their access to resources to pursue a complaint or defend against it.

At the hearing stage, the campuses vary in the degree to which detailed procedures are spelled out in bylaws or implementation guidelines, but they are similar to each other and consistent with the systemwide bylaws. Systemwide Bylaws (SBL) 335 and 336 establish hearing procedures for grievance and discipline cases. The one bylaw element that engendered discussion but not agreement among Work Group participants (and during consultation with the Academic Council) is the stipulation in SBL 336 that "No disciplinary action may commence if more than three years have passed between the time when the Chancellor or Chancellor's designee, who is authorized to initiate proceedings in accordance with SBL 336.B.1 and divisional disciplinary procedures, knew or should have known about the alleged violation of the Code of Conduct, and the delivery of the notice of proposed disciplinary action." Some believed that a three-year time limit was too short, and no one wanted no limit on the time frame within which an individual's behavior could be considered for disciplinary action.

APM 015, Section II states that University discipline should be reserved for “faculty misconduct that is either serious in itself *or is made serious through its repetition, or its consequences.*” To date, there is not a consensus among divisional P&T committees as to whether this allows them to consider actions that occurred outside the three-year “statute of limitations.” Systemwide P&T has been concerned about low level discriminatory actions that occur over a long period of time – things such as undervaluation, microaggression, and marginalization – that never as a single instance reach the threshold for filing a formal grievance. Addressing this concern requires examination of the current three year limitation.

A review of several years of annual campus reports from the divisional Committees on Privilege and Tenure (P&T) revealed, as did the Moreno committee review of UCLA’s records, that formal P&T hearings are infrequent. According to the current Chair of systemwide P&T, at least 90% of all matters are resolved at the formal or informal investigation stage. Of the formal hearings that are held, very few involve allegations of bias or discrimination unless these actions are claimed to occur during a personnel action such as advancement to associate professor and conferral of tenure. Although the campus data are insufficient to support or refute their opinion, Work Group members agreed that formal hearings by P&T are not the primary venue in which grievances are resolved or discipline recommendations proposed. They believe that this is a desirable state of affairs, assuming as they do that it is not necessary to have a formal P&T hearing in order to achieve fair and appropriate outcomes for alleged acts of bias, discrimination, intolerance, or harassment.

P&T does not control which cases are prosecuted, because the campus Administration decides whether to institute action. APM 015 requires that a determination of probable cause be made before a formal disciplinary action may be initiated and directs that each campus administration and Senate division work together to establish local procedures for probable cause investigation. On some campuses, a Senate Charges Committee makes preliminary findings that determine whether a complaint is referred to the Administration for possible disciplinary action. At the other campuses, probable cause is determined by an administrative body that may include one or more representatives from the P&T committee. A decision to file formal charges would only be made after an investigation either by the Charges Committee, where such a committee exists, or by the Chancellor’s designated representative(s). If formal charges are filed, P&T must take up the case. Systemwide bylaws prohibit a P&T member from sitting on a hearing panel if he or she is a member of the same department as any of the parties to the case or has participated in the pre-hearing investigation.

By the nature of her responsibilities, Cynthia Vroom, Senior Counsel in the UC Office of the General Counsel and consultant to the Work Group, has had substantial experience with campus P&T processes. She is the attorney who now fills a position created in the late 1990s that provides consistent legal advice and support to all campus P&T committees for all of their cases. In this brokered arrangement between the Academic Senate and the UC Administration, Counsel Vroom’s dealings with campus P&T committees are “walled off” from other UCOP and campus attorneys. As an adviser to the hearing committee, not to any of the parties, her priority is to assist the committee to conduct a fair and impartial process. Counsel Vroom reports that she has been very impressed by how the faculty deal with each other and how diligently they labor to

reach fair and just conclusions. She has not seen any evidence that faculty are “soft” on other faculty.

The remainder of this response to the President’s first charge applies to all components of the campus not only to the Academic Senate. It is included because it addresses the issues of transparency of our procedures and the critical question of consequences. As the Moreno Report describes, the Academic Senate is not the only venue in which complaints of bias, discrimination, or harassment involving faculty are made. At three campuses, a consolidated office for the prevention of harassment and discrimination can receive complaints of race or gender bias, provide counseling, open an investigation, and refer a matter to the relevant disciplinary authorities. At one campus, the Vice Chancellor for Equity and Inclusion often fields complaints related to bias or discrimination, although the Vice Chancellor does not have authority to discipline. At nine of the UC campuses, an Ombuds Office offers confidential services that are protected from disclosure unless the visitor/complainant and the Ombuds mutually agree to disclose an allegation to the University. On the other campus, the same functions are provided by someone other than an Ombuds. Ombuds ethics and standards of practice prevent a report to the Ombuds from being considered as putting the University on notice. Ombuds are empowered to act as mediators and may request records if the complainant requests an intervention. Department chairs and other academic administrators are also often the first place to which a complaint is directed. *Regardless of how a complaint comes into the system, the Work Group supports approaches that appropriately resolve complaints at the earliest stage possible.* The right to a P&T hearing allows a faculty respondent to ensure that his or her version of events is fully heard, but such formal proceedings are not necessary if the claim is substantiated and an agreement can be reached that both mitigates the harm done and imposes some consequences on the perpetrator. Although a P&T committee may broker an agreement, only a designated senior administrator has the power to approve it.

On most campuses there is little or no systematic data collection regarding bias and discrimination complaints. Records may be kept in different units or may not be kept for matters resolved informally. In most cases, records are unlikely to be systematized or aggregated across the campus and over a meaningful period of time, and they are not publicly available. It is, therefore, difficult for campus leaders and this Work Group to know the extent and nature of bias, discrimination, or harassment complaints on the campus, how allegations are handled, how complainants and respondents (or independent third parties) assess the handling of allegations, or how any of them feel about the consequences when allegations are substantiated. In the absence of relevant information and without the opportunity for an extended investigation on the campuses, there is little opportunity for anyone – campus faculty, campus administrators, or the Work Group – to develop grounded conclusions about the timeliness, clarity, transparency, and appropriateness of our procedures, including actual consequences for faculty who are found to have engaged in discriminatory behavior.

Senate faculty have the right to a P&T hearing prior to the imposition of formal discipline, but very few individuals exercise this right, as indicated by the statistics for P&T hearings. When a faculty member is informed that he or she may be facing disciplinary charges (which would have been determined after some level of investigation), he or she may enter into negotiations with the appropriate administrator to settle the matter by accepting a sanction. Such settlements are

confidential within the personnel process and are rarely reported to other parties. Based on knowledge that Work Group members have acquired during their UC employment, sanctions may range from agreement to undergo a specific training or therapy to an apology to a monetary fine or forfeiture of an opportunity to be considered for promotion. At the extreme end of the spectrum, the respondent may agree to resign from the University. By policy, codified in APM 016, formal disciplinary measures include written censure, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, or dismissal from the University.

As discussed in more detail in the section on Moreno Report Recommendation A, there should be consequences for those faculty who engage in discriminatory behavior. Consequences are decided by administrators not the Academic Senate, for two different reasons: (1) certain administrative actions can be taken in response to faculty administrators (e.g., removing a faculty member as department chair) without implicating Bylaws 335 and/or 336; and (2) under APM 015 and 016 the Chancellor/administration (or President/Regents, depending) is vested with final responsibility for imposing disciplinary sanctions. In the latter (disciplinary) cases, a faculty member is entitled to a hearing before a P&T hearing committee, and the findings and recommendations of the P&T panel are normally accorded considerable weight (the same is generally true of P&T grievance hearing committees). When a case goes to a formal P&T hearing, the hearing committee recommends a specific sanction, which may not be more severe than that originally proposed by the administration, but the administration makes the final decision what sanction to impose, if any. Because of the confidentiality of personnel matters, consequences are typically known only to a restricted set of administrators, the faculty member who has been disciplined, and usually to a limited extent, the complainant. They may or may not be recorded in the individual's personnel file, and they are currently not reported to any Senate committee or Senate leader. These policies and practices are fundamentally the responsibility of university administrators, including University legal counsel.

However appropriate and useful these policies and practices may be, they also constrain opportunities for others to know much about what has transpired. Complainants and respondents may know only that which is directly pertinent to them; a complainant, for instance, may well not know of outcomes, including consequences to a respondent, other than those that directly affect the complainant. The campus community will have little sense of whether grievance and disciplinary processes are working well. Those who might be deterred from negative actions that have been known to result in discipline will not be deterred. Confidentiality agreements signed as part of a negotiated settlement of a case also serve to limit opportunities for others to know much about the grievance and disciplinary process. At the same time, the University's interests are often enough deemed to be best served by implementing such agreements (e.g., securing an immediate resignation versus the many months it typically takes for a disciplinary case to culminate in dismissal or other formal discipline). Further, it is the norm in personnel matters inside and outside the University that identifiable information about individual cases not be made public. With narrow exceptions, records pertaining to personnel matters are excluded from those subject to disclosure under the California Public Records Act.

The Work Group recognizes, though it may not fully appreciate, the challenges of choosing for each case how to weigh and balance these often conflicting goals. It did not discuss them at length. It did agree that there is every reason to find appropriate means to maintain

confidentiality while also providing the complainant and respondent with information about the disposition of a complaint and the broader campus community with summary data that depict the nature and extent of complaints and their disposition, including consequences to a respondent found to have engaged in discriminatory behavior. UC's prior joint Senate-Administration *Task Force on Faculty Disciplinary Procedures* (1997) found that confidentiality was a major barrier to the University's ability to fairly inform complainants, and while that finding resulted in helpful language now found in APM 015.III.B.5, today there are some cases that are either resolved or stalled "upstream" from a P&T hearing where the balance of policy and legal considerations around confidentiality may need to be carefully examined.

In conclusion, based on review of current policies, procedures and data for handling complaints of bias or discriminatory behavior involving faculty, the Work Group makes the following recommendations for improvements:

1. Substantially increase recordkeeping, especially to reflect the overall frequency and nature of complaints and their resolution at levels below a formal P&T hearing, for which annual reports are already made by each campus and submitted to the systemwide University Committee on Privilege and Tenure. To the greatest extent possible, records should be collected from all sources to which a complainant might go and the information provided should be systematized across the entire campus. The organization and use of the records should be such that campus leaders could get a good feel for the nature and extent of problems and their resolution; appropriate confidentiality and anonymity would be maintained; longer term patterns of individual or unit problems could be identified; and some meaningful information (including consequences for substantiated complaints) could be shared broadly on the campus. There are significant challenges to implementing this recommendation well, with respect for all involved parties. The clear need for more understanding of what is happening on each campus warrants the effort. A current UC campus example of what such a report might look like on other campuses is available at <http://www.oeod.uci.edu/report/1213/#/14/zoomed>
2. Establish annual reviews of such information by a variety of campus and systemwide leaders and Academic Senate committees, according to their designated responsibilities. Ask that each designated reviewer prepare a brief report on what was found and what, if any, further action is needed. Establish one or more appropriate individuals or offices to receive these reports, likely the Chancellor on each campus and the UC President.
3. Examine current applicable policies, procedures, and practices in order to identify how best to promote transparency while simultaneously respecting an individual's confidentiality rights and the University's best interests.
4. Assess the pros and cons of the current three-year time limit in APM 015.III.A.3 and SBL 336.B.4 and, if deemed desirable, propose changes. Note that one Work Group participant does not agree with this recommendation.
5. Establish training requirements for faculty who conduct investigations as part of the Senate process on those campuses in which faculty participate in investigations.
6. If this Work Group report and/or campus responses to the Moreno Report lead to changes to current non-Senate policies and/or procedures, then examine the Academic Personnel

Manual and ask the Senate to examine its bylaws to determine whether either or both need to be changed in order to conform and if so, undertake that work.

Each recommendation will need to be taken up by others in order to establish what to do and how to do it. Formal review and approval processes will need to be followed.

2. *An analysis of the Moreno Report's recommendations and advice as to which of them should be implemented systemwide.*

The Moreno Report presents six recommendations (A-F), each of which has multiple parts and some of which have many more parts than do others. As an overall summary statement as to whether the recommendations and advice should be implemented systemwide, the Work Group supported much of the substance of each recommendation, did not support part of many recommendations, and went beyond some recommendations. The Work Group will address each of the six recommendations in a separate section.

#### *Moreno Report Recommendation A. Chancellor's Policy Statement*

The Moreno Report recommended "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 in hiring and faculty advancement decisions, and reflecting the university's commitment going forward to 'zero tolerance' for such incidents."

The Work Group believed the recommendation should be amplified to include regular positive statements from the Chancellor. On all campuses, the Chancellor should clearly and consistently affirm his or her strong support for diversity, inclusion, and respect for all persons. An annual reaffirmation to the entire campus community is desirable. This is also a good opportunity to highlight some of the things the campus, or a particular campus unit or group, is doing to foster inclusiveness and diversity.

The Work Group supported the idea that when difficulties arise, such as those that prompted the Moreno Report, the Chancellor should at a minimum publicly acknowledge concerns, address what is acceptable behavior on the campus, and point to processes used, or available to use, to address these difficulties. The Moreno Report recommended this course of action, and the UCLA Chancellor followed it. One can expect that there will be some criticism of whatever statement a Chancellor makes; nonetheless, a strong statement from the Chancellor should be a routine practice on every campus when difficulties arise, whether they involve faculty, students, and/or staff.

The Work Group did not believe that the Chancellor should espouse a zero tolerance position. The Chancellor and all other campus leaders should be clear that harassment, discrimination, and bias are not acceptable, that allegations of such behavior will be taken seriously, and that appropriate consequences and corrective actions will be imposed should the allegations be found to have merit. Consequences and corrective actions

include, for example, education, remediation, redress, and punishment. However, a zero tolerance policy, as “zero tolerance” is commonly understood, removes consideration of context and suggests that there is a single appropriate response. Such policies overly limit the range of options that should appropriately be available to the campus community as it deals with the wide range of problematic behavior that occurs on every campus.

*Moreno Report Recommendation B. Discrimination Officer*

The Moreno Report recommended “that the university institute a [full-time] Discrimination Officer to address incidents of alleged bias, discrimination, and intolerance.” The Officer would have responsibilities similar to the university’s Sexual Harassment Officer, including (1) review and investigate complaints, advise complainants of resolution options, notify accused individuals, have independent authority to conduct investigations; (2) plan and manage education and training programs about nondiscrimination policies, conduct that constitutes a violation of policy, and reporting procedures and also leadership diversity training, particularly for department chairs and deans; (3) maintain records of incidents of perceived bias and discrimination experienced by faculty; and (4) be the primary referral for all faculty seeking to report incidents as well as for advice regarding redress through the formal Academic Senate processes.

The Work Group agreed that each campus should have at least one Discrimination Officer who has responsibilities similar to those of the Sexual Harassment Officer and that those responsibilities should be consolidated into one office. Notwithstanding that agreement, some Work Group members wonder whether a wider range of options for consulting/reporting would result in more faculty coming forward with concerns and complaints.

The Work Group was explicit, as described earlier (see Overarching Perspectives), that the Discrimination Officer’s responsibilities would address discrimination, harassment, and bias issues for all protected categories for all members of the campus community and for faculty from non-protected categories per the Faculty Code of Conduct. Provisions must be made to ensure that the particularities of different constituencies (e.g., faculty, students, staff, health sciences, general campus) and of different protected categories are well understood and well represented in the work of the Discrimination Officer.

The Work Group had amplifications or qualifications to the first three recommended responsibilities of the Discrimination Officer, as follows:

- (1) The Discrimination Officer should have some means of compelling all members of the campus community to cooperate in informal and formal investigations and should have a mechanism to cooperate with P&T in any investigation of a complaint that is likely to go to a P&T hearing.
- (2) Leadership diversity training, as the Work Group understands it, would address affirmative policies and processes for diversifying faculty. These trainings are

substantially different from those that focus on policy violation and complaints of discrimination. For this reason, some Work Group members believe that leadership diversity training should be developed and offered by a campus administrator other than the Discrimination Officer and in a location other than the Discrimination Office.

- (3) The Discrimination Officer should be responsible for collecting and analyzing data on the nature and resolution of complaints from all sources every year and for distributing the findings to agreed upon recipients for review and, as needed, action. In addition, an annual public report at a level that maintains appropriate confidentiality should be prepared and posted on the website. An example of what such a report might look like is available at the following website: <http://www.oeod.uci.edu/report/>

Furthermore, the Discrimination Officer should be responsible for the gateway described in Moreno Report Recommendation D below.

Throughout this report the Work Group has written as though there were only one Discrimination Officer and recognized that that individual might also be the Sexual Harassment Officer. On large campuses, if not on all campuses, there would surely be more than one Discrimination Officer needed to handle the work load as envisioned by the Work Group. On each campus, regardless of the number of Discrimination Officers and Sexual Harassment Officers, there would be a single Discrimination Office.

Finally, the Work Group considered it essential that there always be a place where a campus community member, including faculty, could go to get expert advice that would be treated as entirely confidential unless the individual decided otherwise. Consultation there would not entail formally putting the University on notice and thus requiring that the issue be dealt with formally. The Ombuds Office on each campus (or the somewhat similar Conflict Resolution Office at one campus), with its uniquely neutral and confidential services, should be that place, and it should not be part of the Discrimination Office nor should the Ombuds report to the Discrimination Officer.

*Moreno Report Recommendation C. UCLA Procedure for Responding to Reports of Incidents of Bias or Discrimination*

<p>The Moreno Report recommended “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.”</p>
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The Work Group agreed entirely with this recommendation and believes it is appropriate for all campuses.

The Work Group added that the identification and location of the Discrimination Officer and Office and portal should be widely known and disseminated on campus. The portal should have clear information about all available options for dealing with a possible complaint. All this information should be shared at the orientation for new faculty and in workshops for junior faculty. It should also be conveyed in newsletters, faculty handbooks, and various orientation packets. Also every person who is likely to be consulted about possible bias/discrimination (e.g., department chairs, Ombuds) should receive initial training and annual updates from the Discrimination Office regarding both changes to policy, process, and/or procedures, and also resources to provide to every individual who seeks advice about or reports a concern about or complaint of discrimination. The Discrimination Office should have a short form print handout that provides basic information and identifies online and other resources to which an individual can turn and provide a supply of the handout to all those who are likely to be consulted.

The Work Group also reiterated the importance of having a well functioning Ombuds Office where a faculty member can go for advice without making his or her concerns known and triggering official actions (in this regard, some campuses offer faculty additional options such as confidential grievance advisors through the Senate).

*Moreno Report Recommendation D. Creation of Gateway*

The Moreno Report recommended “that UCLA create a website that clearly communicates UC and UCLA’s policies and procedures regarding discrimination.... The site should also provide (1) a step by step resource guide outlining the options that a complainant may pursue...; (2) information on resources available to complainants..., and (3) contact information for the Discrimination Officer. We recommend that prominent links to this website be placed on [other] websites....”

The Work Group agreed with this recommendation and amplified or elaborated it to some extent. Each campus should have a website that serves as the one official source of information and services related to bias, discrimination, and harassment of all types and for all members of the campus community. It should be managed by the Discrimination Officer. There should be prominent links to this site from all other sites to which an individual might turn. Its metadata should be such that the site is consistently identified when a search for such a site is made using many different, relevant search terms. The site should include, but not be limited to, such features as all UC and campus policies and procedures, descriptions of what constitutes bias, discrimination, and harassment, options for someone who might want to make a complaint, easy entry points, a resource guide, relevant research, messages from the Chancellor, some meaningful information about the incidence of complaints and their resolution on the campus (see Recommendation 1 in Charge 1 section), and contact information for the Discrimination Officer.

Work Group participants discussed whether the website should have the functionality to accept a complaint on line and if so, whether the complaint could be submitted

anonymously. They agreed that the most desirable state of affairs is one in which all those who might want to make a complaint will find a trustworthy person with whom they can consult directly. Participants also all recognize that an online system that permits anonymous complaints can be used to create great mischief, as is currently happening at Occidental College. Nonetheless, the majority of the Work Group participants, but not all, believe that there should be an online complaint submission system managed in the Discrimination Office, that it should be set up so that the complainant is identified, and that there should be an optional feature so that a complaint can be submitted anonymously. They believe that every possible option for making a complaint should be available even though some options are much more desirable than others.

*Moreno Report Recommendation E. Further Review of Diversity Efforts in Admissions and Hiring*

The Moreno Report recommended “further review of the effectiveness of the university’s ongoing efforts to achieve diversity in its student population and faculty. This review should include an examination of the efficacy of current university measures..., explore whether UCLA has adequately communicated these diversity goals..., and how to pursue such diversity goals within the legal requirements of Proposition 209. The review should include a written report ... and recommendations.... The Campus Counsel [should] take a proactive and leading role in examining the university’s response to 209, designing and implementing new strategies, if needed....”

The Work Group agreed that greater numerical diversity is desirable and that the diversity of students and staff is important to the experiences that faculty have on campus. They also agreed that no campus had yet achieved the degree of diversity to which it aspired or which others believe it should have by whatever criteria employed. They further agreed that many campuses likely have pockets of creative, strong, and successful activity but no campus as a whole is doing all that it could to increase numerical diversity within the legal requirements of Proposition 209. Nonetheless, the Work Group did not recommend that every campus undertake the efforts the Moreno Report recommended for UCLA.

Focusing just on faculty, as was its charge, the Work Group is aware of and endorses many efforts underway to increase numerical diversity by recruiting, tenuring, and retaining more diverse faculty and by attending to the campus climate within which faculty work. At one or more campuses, for example, the Chancellor has funded cluster hiring of diverse faculty, search committees are required to have diversity training before they can proceed, statements of diversity-related activity are considered as part of the merit and promotion process, awards are made for exceptional diversity service, one-time salary increases are given for exceptional service to diversity, departmental program reviews highlight climate issues and require a departmental plan of action to address identified problems, equity advisors assess diversity efforts in recruitments, and Council on Academic Personnel members are trained on diversity-related topics.

Systemwide, all campuses are participating in Advance PAID, “Meeting the California Challenge,” an NSF-funded initiative to bring the University’s faculty make-up into closer alignment with the diverse population of California and to lead national progress in such efforts among research universities (see [http://www.ucop.edu/ucadvance/\\_files/advance-brochure.pdf](http://www.ucop.edu/ucadvance/_files/advance-brochure.pdf)). Similar programs are at six of the campuses (one partners with Hastings). The University is tracking faculty hiring data through the UC Recruit system to determine which disciplines and departments are finding ways to capitalize on the diversity of their applicant pools. In addition, all campuses are conducting faculty salary equity studies that will be reviewed at the system level and using the Campus Climate Survey to identify areas in which there are climate issues for faculty. Also there is a substantial financial incentive to all campuses to hire as ladder faculty diverse doctoral recipients who have participated in the President’s Postdoctoral Fellows Program.

Each campus has a Chancellor-led Campus Climate and Inclusion Committee and at least one designated diversity officer (the campus titles vary). These were components (either existing or created new) of the operation for former President Yudof’s Advisory Committee on Campus Climate and Inclusion (CCCI), an innovative combination of UC students, staff, faculty, and administrators and California citizens and civic leaders. As a direct result of this committee, the Office of the President is serving as the convener of the Chief Diversity Officers for all of the campuses and several systemwide reports have been generated and some, though not all, of their recommendations, adopted. In addition, each campus produces an annual Affirmative Action Plan that identifies areas of underutilization of minorities and women and describes action-oriented programs in place to remediate disparity.

There are also several places where diversity data are provided and used. The annual Chancellor review materials during Mark Yudof’s tenure included campus diversity data over time, and diversity efforts and achievements were always an important part of the annual performance evaluations. The Regents have a diversity report each year with an agreed upon rolling set of topics. In January 2013 the report was about faculty diversity. The annual UC Accountability report has a chapter with extensive data on diversity.

*Moreno Report Recommendation F. Implementation of Recommendations*

The Moreno Report recommended “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.”

On all campuses, in the aftermath of a particularly difficult negative event and following an investigation of the incident, it a good idea to establish a formal, independent oversight group to monitor how recommendations resulting from the investigation are being implemented and are making a difference. The oversight group should provide periodic reports that are publicly available. The Work Group supported this recommendation for all campuses. The Moreno Report recommended this course of action for UCLA, and the UCLA Chancellor followed that advice.

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.*

As described earlier (see Background), the Senate-Administration Work Group participants together represent considerable expertise and experience relevant to the Work Group's charge. The recommendations that follow are drawn from this wellspring of knowledge.

Consistent with the President's creation of a Senate-Administration Work Group to react to the Moreno Report that addressed faculty matters at UCLA, the recommendations below focus on Senate faculty. Work Group participants believe that most if not all the recommendations apply to all members of the University community, not only to Senate faculty. Most recommendations are offered without rationales, elaboration, or examples in order both to avoid creating a tome rather than an ad hoc work group report and also to meet the President's deadline for submission of the report. In order to have a unique number for each recommendation in the Work Group's report, recommendations in this section are numbered sequentially after the recommendations in response to Charge 1.

7. Increase numerical diversity in the faculty on each campus and in many other faculty areas including but not limited to the departments, academic leadership positions, and standing and ad hoc campus committees (e.g., budget committee, academic personnel, faculty welfare). The quality of the University depends on the participation of a faculty who are broadly diverse.
8. Increase numerical diversity in all other campus constituencies, all of which influence the experiences and wellbeing of faculty, including but not limited to undergraduate, graduate academic, and graduate professional students, postdoctoral fellows, non-Senate faculty academic appointees, staff, and non-academic administrators, including high-level administrators with responsibility for setting and carrying out the vision of diversity, equity, and inclusion on campus. This would allow UC to reflect more accurately our world, its issues, and its potential.
9. Ensure that each campus has in a high position in its organizational structure an academic administrator with significant responsibility for promoting diversity, inclusion, and positive climate among all campus faculty.
10. Establish a culture (including formal mechanisms) in which academic leaders (administratively, from the Chancellor to the department chair and perhaps below that and in the Senate, from the divisional Chair to standing committee chairs on down) have

the responsibility to serve as leaders on these issues, not only to understand them but also to exercise leadership and highlight their importance.

11. Increase consideration in appointment and promotion decisions and in performance reviews of those portions of the Academic Personnel Manual that specifically call out diversity goals that include and go beyond faculty. At a minimum, this includes the following:
  - a) APM 210-1d: The University of California is committed to excellence and equity in every facet of its mission. Teaching, research, professional and public service contributions that promote diversity and equal opportunity are to be encouraged and given recognition in the evaluation of the candidate's qualifications. These contributions to diversity and equal opportunity can take a variety of forms.... [Note that this language is currently under review in order to strengthen it.]
  - b) APM 240-4a: An academic Dean is head of a Division, College, School, or other similar academic unit and has administrative responsibility for that unit. This assignment includes ... responsibility for ensuring diversity of the faculty, students and staff, including maintaining an affirmative action recruitment and retention program consistent with University affirmative action policies, Regental policy and applicable law; and responsibility for ensuring that systemwide and local policies, including Academic Senate regulations, are observed.
  - c) APM 245 Appendix A 2 (in first numbered set of 3): ...The appointee [department chair] is responsible for maintaining a departmental affirmative action program for faculty and staff personnel, consistent with University affirmative action goals.
  - d) APM 245 Appendix A 12 (in second numbered set of 12): To report annually [as department chair] on the department's affirmative action program, including a description of good faith efforts undertaken to ensure equal opportunity in appointment, promotion, and merit activities, as well as a report on affirmative action goals and results in accordance with campus policy.
12. Teach all faculty about cognitive biases, micro-aggressions, and cultural/subcultural similarities and differences. Although all faculty will benefit from understanding these phenomena, the Work Group is divided in whether it should be required that all faculty participate in such learning experiences, however they are offered. The majority believe that faculty members of certain standing or ad hoc committees (e.g., search committees, Committee on Academic Personnel, Privilege & Tenure) should be required to be educated about these matters. Many would support including these concepts in the required online (or live theater on at least one campus) sexual harassment training and extending the total time for this training by up to 30 minutes if necessary.
13. Formulate a process for each campus through which past grievances of discrimination can be the subject of dialogue and discussion among faculty and campus leaders. The process could involve small groups, department meetings, public forums, town halls, committees, and other methods of outreach to faculty in various units. Care should be taken to design a process that encourages respectful dialogue and provides requisite sensitivity to the difficult issues that will be raised. The process needs to be undertaken

now and, no matter how much campus climate improves, will surely need to be undertaken again in the future.

14. Foster and sustain a campus climate in which faculty understand the strategic advantage of a diverse campus, are guided by a sense of ethical responsibility to actively and proactively support diversity, inclusion, and positive climate and address bias, discrimination, and harassment wherever and whenever they occur, and can and do use dialogue and education to explore, analyze, and address perceived bias, discrimination, and intolerance.
15. Use results of surveys (including Campus Climate Surveys completed over the last year) and other investigations to help identify issues involving the faculty and guide the development of strategies to address them. After an appropriate period of time, repeat surveys and other investigations to assess effectiveness of the strategies implemented after the last survey or other investigation.
16. Establish at multiple levels (e.g., department, school, college, campus) multiple formal and informal means of recognizing and rewarding faculty contributions to diversity, inclusion, campus climate, and/or the identification and resolution of complaints of bias, discrimination, and/or harassment.

### Looking Forward

In her charge letter, the President directed that the Work Group report be shared with the President, Academic Council, and Chancellors. The report will have been submitted to the President by December 23, 2013. It will be shared with the Academic Council at one of the monthly meetings early in 2014 and distributed to the divisional chairs and a variety of systemwide Senate committees. The divisional Chairs may choose to distribute it further on their campuses. The Work Group recommends that the report be an agenda item for the January 8 or February 5, 2014 Council of Chancellors meeting and that the current Chair and Vice Chair of the Academic Council participate in the discussion at that meeting.

The Work Group recommends that the UC Office of the President post the Work Group Report on its website. The systemwide Academic Senate will post the Work Group Report on its website.

The UCLA discrimination issues analyzed in the Moreno Report represent some of the most pressing issues facing all University of California campuses – and, indeed, the entire nation. Improvement in campus climates will not come about without the development of an institutionalized process that includes discussion and dialogue that allow various grievances to be raised, resolved, and remedied and that also institute and enforce policies and practices that foster equity and inclusion more broadly as preventive measures. To successfully address the important issues at stake, the Moreno Report, as well as the recommendations here, must mark the beginning of remedial and forward facing processes. Given the predilection of the human species to create advantaged, respected in-groups and disadvantaged, disrespected out-groups, there will always need to be both proactive efforts to support diversity, inclusion, positive climate, and respect for all persons and retroactive efforts to address failures and learn from them.

## Senate-Administration Work Group on the Moreno Report

### Work Group Participants

#### Work Group Members

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Professor of English, UCD

Principal Investigator on three NSF ADVANCE awards to increase the diversity of faculty in STEM disciplines and advisor at three other ADVANCE universities. Multi-campus experience with policy and practice in faculty hiring, review, grievances, and discipline. Former Interim Provost and Associate Provost, Iowa State University.

Aimée Dorr, Work Group Co-Chair

UC Provost & Executive Vice President, UCOP

Professor of Education, UCLA

Former UCLA Divisional Vice Chair, Chair, and Immediate Past Chair; former Vice Chair and Chair, Academic Council and Faculty Representative to the Board of Regents, and former Dean, UCLA's Graduate School of Education and Information Studies. Expertise in racial attitudes, microaggressions, intergroup relations, attitude change, and education.

Harry Green

Chair, University Committee on Academic Personnel (UCAP)

Distinguished Professor of the Graduate Division; Research Geophysicist, UCR

Member of the Steering Committee, UC ADVANCE PAID program, and the Academic Planning Council (APC). Former Vice Chancellor for Research, UCR. Founding Chair, Outstanding Campus Service Award Committee, UCR.

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Chair, Academic Council, UCOP and Faculty Representative to the Board of Regents

Professor of Mathematics, UCSB

Former Chair, Board of Admissions and Relations with Schools (BOARS)

Kevin Johnson

Dean, School of Law, UC Davis

Mabie-Apallas Professor of Public Interest Law and Chicana/o Studies

Scholarship focuses on immigration law and policy, civil rights, critical race theory, racial identity, and diversity in higher education. Former Chair of the Appointments Committee and Member and Chair of the campus Committee on Privilege and Tenure. Investigated a number of complex academic grievances. Won a number of scholarly and other awards, including Professor of the Year by the Hispanic National Bar Association.

Jeffrey Lansman

Chair, University Committee on Privilege and Tenure, UCOP

Associate Professor, Cellular & Molecular Pharmacology, UCSF

Former Chair, Committee on Privilege and Tenure, UCSF; former Chair, Graduate Council, UCSF; and former Member, Board of Admissions and Relations with Schools (BOARS), UCOP.

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Associate Professor, Public Health, UCB

Member of the University Committee on Affirmative Action and Diversity (UCAAD), Status of Women and Ethnic Minorities (SWEM), UCB, and Chancellor's Advisory Committee on the Operational Review of the Division of Equity & Inclusion, UCB. Areas of expertise include racial health disparities, racism stress and health, stress theory, race, place and health.

Kirsten Quanbeck

Assistant Executive Vice Chancellor & Director, Title IX/Sexual Harassment Officer

Office of Equal Opportunity and Diversity, UCI

Coordinates UCI's compliance with federal and state discrimination and sexual harassment laws and UCI's equal employment opportunity programs; oversees the investigation of discrimination and harassment complaints and provides educational programs for faculty, staff, and students. Former staff attorney at Michigan State University.

### Work Group Consultants

Mary Gilly

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Professor of Management, UCI

Former Vice Dean, Graduate School of Management, UCI; former Associate Dean, Graduate Studies, UCI; former Member, UCI Special Senate Committee on Diversity, and former Member, UCI Council on Academic Personnel. Recipient of the Williams-Qualls-Spratlen Multicultural Mentoring Award.

William Kidder

Assistant Executive Vice Chancellor, UCR

Locally Designated Official (LDO) Whistleblower/Whistleblower Protection Complaints, UCR

Board Member, Asian Pacific Americans in Higher Education and former Special Assistant to the Vice President of Student Affairs, UCOP.

Cynthia Vroom

Senior Counsel, Office of the General Counsel

As a litigator in the Office of the General Counsel, has experience with discrimination and harassment complaints at UC. As OGC Advisor to the Divisional and System-wide Privilege and Tenure Committees, and as a consultant to the Academic Senate, advises on these issues from an academic perspective.

Martha Winnacker

Executive Director, Systemwide Academic Senate, UCOP

As Executive Director for the systemwide Academic Senate, interacts extensively with Senate leaders and their staff on every campus and also staffs the systemwide University Committee on Privilege and Tenure. An attorney with previous policy experience in academic and administrative units at UCOP. Former public defender and legal aid attorney.

Staff to the Work Group

Amy K. Lee

Diversity, Labor, & Employee Relations Director, Academic Personnel, UCOP

Board Member, Asian Pacific American Family Support Services

As a former employment law attorney in private practice, represented clients in discrimination/harassment lawsuits and provided advice and counsel on compliance with discrimination/harassment laws.

Beverly Lee

Administrative Officer II, UCOP

## Senate-Administration Work Group on the Moreno Report

### Resources Used by Work Group

1. Moreno Report
2. Systemwide and Campus P&T Bylaws and Implementation Procedures
3. Supplemental Briefing on Harassment and Discrimination – Law and Policy
4. UCB, UCI, and UCSD gateway for reporting harassment/discrimination
5. Sexual harassment policy review
6. APM 015, APM 016, APM 210, APM 240, APM 245
7. University of California Affirmative Action Guidelines for Recruitment and Retention of Faculty
8. President's Advisory Council on Campus Climate, Culture, and Inclusion Briefing Paper on Promising Practices for Faculty Diversity, Academic Council endorsement, and President's August 7, 2013 Letter
9. UCAAD 2011-2012 Annual Report
10. UC Riverside Confidential Briefing for the Council of Chancellors' Meeting
11. Campus websites for reporting incidents of racial bias and sexual harassment
12. Campus investigation procedures
13. Declaration of Best Practices for University of California Ombuds Offices
14. International Ombudsman Association Code of Ethics
15. Privilege and Tenure Committee Activity Surveys
16. Federal and state laws regarding discrimination and harassment