Re: “After the Moreno Report” Taskforce

The Committee on Academic Freedom [“The Committee”] applauds the work of the “After the Moreno Report” Task Force, and, subject to the following comments, supports the recommendations made in the Task Force’s report of August 20, 2014 [the “Report”].

For the most part, the recommendations made by the Task Force do not appear to raise academic freedom concerns.

The Committee on Academic Freedom does wish to call attention to one set of recommendations in the Report that, depending on the nature of their implementation, may require careful attention to the principles of academic freedom. On pp. 9-10 of the Report, the Task Force addresses a series of recommendations to the Graduate and Undergraduate Councils, which, as the Task Force acknowledges, “are involved with issues of curriculum, program development, and, of course, program reviews.” Among the recommendations addressed to the Graduate and Undergraduate Councils are some that point toward improved processes for responding to evidence of discrimination and hostile environment, and toward more pervasive attention to the questions of diversity and learning environment in the classroom setting. The CAF applauds these recommendations.

One recommendation, however, suggests that “Departmental self-reviews should address the topic of diversity as it applies to the composition of the department, the content of the curriculum, and efforts the departments make to foster a comfortable and inclusive learning environment” (p. 10, #4c) (emphasis added). Our concerns with this recommendation are two.

First, to the extent that this recommendation implies that one criterion for evaluation of departmental self-reviews is the content of the department’s curriculum – to wit, whether the topic of diversity plays a sufficiently prominent role in the department’s curriculum taken as a whole – the CAF is concerned that one result may be the application of pressure on individual faculty members to offer courses, include topics in their courses, or take substantive positions on particular topics in their courses, in a way that they might not otherwise choose to do in the light of their best scholarly and pedagogic judgment. This possibility may be rather remote and speculative, since the Report’s language is necessarily general. We would recommend, however, that, should the Senate take action in response to this recommendation, it specifically acknowledge that the encouragement of departments in their self-reviews to consider issues of diversity should not result in the dilution of principles of academic freedom on the part of faculty in the substantive content of the courses they teach.

Second, the recommendation states that among the issues that departments should consider in their self-reviews is the effort made by the department to foster a “comfortable . . . learning environment.” In context, the Task Force is clearly attempting to suggest that departments should be pro-active in ensuring that the learning environment be inclusive of all minority groups and not hostile to any. With that goal the CAF is in
perfect agreement. However, good pedagogic practice in the liberal arts tradition should disclaim the goal of creating a “comfortable” learning environment, because sometimes an insistence on student “comfort” will be inconsistent with the spirit of inquiry and exposure and openness to opposing views that should animate both teaching and research at a world-class university such as UCLA. Whether this raises an issue of academic freedom as such, or is simply a question of good pedagogic practice, may be open to debate. In any case, the Committee would urge the Academic Senate to eschew the term “comfortable” in any written policy it may propose in implementation of this particular recommendation by the Task Force, and perhaps substitute the word “respectful” or some variant thereof.

Finally, the Task Force recommends that the Committee on Academic Freedom “must occupy a central role in considering whether proposals suggested here or developed subsequently will operate within the context of academic freedom that is also a foundation of the university and fundamental to faculty rights.” (Report at p. 13). The Committee takes this recommendation simply to mean that any proposals that are initiated within the Academic Senate process in implementation of the Report’s recommendations will be circulated to the Committee for comment. We also take the recommendation implicitly to recognize that existing academic freedom principles, as articulated in APM-010 and the Statement on Academic Freedom passed by the UCLA Legislative Assembly on October 9, 1984, remain an important baseline from which any Senate action taken in implementation of the Task Force’s recommendation must be assessed. With these understandings, the Committee is in full support of this recommendation by the Task Force.

Thank you for the opportunity to comment on the “After the Moreno Report” Task Force’s careful and thoughtful report.

cc:
Jack Feldman
Hilary Godwin
Jill Klessig
Melissa Spencer
Richard Yarborough
Serge Chenkerian, MSO/Executive Assistant, UCLA Academic Senate
Linda Mohr, CAO, UCLA Academic Senate
December 02, 2014

To:    Joel Aberbach, Chair
       Academic Senate

From: Council on Academic Personnel


CAP received a copy of the above-reference Task Force Report on October 07, 2014 along with your request that any comments from CAP be submitted to you by December 15, 2014. This memorandum is in response to that request.

CAP members individually read the Task Force report. A copy of the original Moreno Report and related correspondence from the Office of the UC President were also provided to each member as background reading. We then collectively held a discussion of the Task Force report, focusing on its recommendations and implications. As UCLA faculty and members of the Academic Senate, we are deeply disturbed by experiences of racial discrimination reported by faculty of color on this campus. We applaud the efforts of this Task Force to consider both the adequacy of Academic Senate procedures for handling acts of discrimination against faculty of color and identifying ways the Senate can contribute to improving the campus climate around issues of diversity. Like the Task Force, we strive for transparency in the academic personnel review process and policies that insure fair treatment of all faculty members engaged in that process. In our comments, we focus on the parts of the report that offered recommendations specifically directed to CAP. These recommendations were in two parts: to the Academic Senate as a Body and to specific committees of the Academic Senate.

I. The Academic Senate as a Body
Recommendation #2 on pp. 7-8 of the report is most relevant to CAP. That recommendation calls for the creation of a Minority Review Committee (MRC). The MRC, comprised of former CAP members, Privilege and Tenure (P&T) committee former members, and senior faculty of color, would review and make recommendations about the dossiers of ethnic minority faculty coming up for promotion or other actions that normally come to CAP. The MRC would report directly to the Executive Vice Chancellor rather than the Vice Chancellor of Academic Personnel.

The rationale for an MRC was based on the belief that faculty of color by and large feel that standards of promotion and advancement are not applied equally to all faculty and
that experiences of discrimination have not adequately been acknowledged in the personnel review process. CAP members were somewhat surprised by the recommendation to create a separate MRC “working alongside CAP” and questioned its rationale. CAP was barely referenced in the Moreno Report and there was no direct evidence that CAP was perceived as a main culprit in the unfair, biased, or discriminatory treatment of faculty of color during the promotion and advancement process. Nor was there evidence that the “normal process [of personnel review] has not worked” (p.8) for minority faculty. The costs of creating an MRC, including possibly undermining the well established mechanisms for personnel review already in place and risk of stigmatizing faculty of color whose cases are handled by the MRC, seem to us to outweigh any potential benefits for a more fair and unbiased review. Such a committee would also be unprecedented. ClinCAP reviews dossiers of clinical faculty in the Health Sciences Clinical series. ClinCAP was created to alleviate the workload of CAP, not because there was a perception that CAP was unable to fairly review those candidates for advancement.

CAP believes that biases that enter into the personnel review process are much more likely to emerge at the department level and are best addressed there. There should be better procedures to insure the careful mentoring of faculty of color especially at early stages of their career. Departments need to develop procedures to allow minority faculty to safely document in their dossier the occurrence of discrimination or biased treatment. Once CAP has the appropriate documentation, we can consider it in our review. In recent years, efforts have been made to insure that CAP has racial/ethnic and gender diversity (the current CAP chair is an African American woman). We expect the commitment by the Committee on Committees to maintain such diversity will continue. Diversity in CAP membership helps create a culture sensitive to diversity concerns and to the particular challenges that may confront faculty of color. In summary, CAP is of the opinion that the creation of an MRC even in an advisory role is not necessary and, by possibly undermining existing mechanisms of personnel review, may actually do more harm than good.

II. Specific Academic Senate Committees
On p. 11 of the report, the Task Force offered three specific recommendations to CAP, outlined as points a, b, and c. We comment on each in turn.

a. Chair’s confidential letter. The recommendation is to eliminate a separate Chair’s confidential letter that is not seen by the candidate until the end of the review. This is not a CAP issue. Policies regarding confidentiality of material in the dossier and timing of disclosure of such material to candidates are determined by the office of the Vice Chancellor for Academic Personnel, not CAP. We do not see this as a major area of concern because confidential chair’s letters are rarely included in a candidate’s dossier. Current members of CAP could not recall a single dossier that contained a confidential chair’s letter.

b. Training of CAP members. We agree that CAP members should receive annual training on the impact of micro-aggressions and discrimination on careers and subtle language of discrimination that can appear in personnel files. For several years, CAP
members have participated in a workshop during its Fall orientation on the role of implicit bias in evaluating professional accomplishments of others. That workshop has been conducted by Christine Littleton, Vice Provost for Diversity and Faculty Development. Branching out to other resources on campus, the Chair of CAP is in the process of seeking other experts who focus specifically on experiences of discrimination from the target’s perspective and how to evaluate the impact of discrimination on productivity. We plan to make this more multifaceted approach to understanding bias and discrimination (i.e., who engages in it and how it affects the target) an ongoing part of CAP orientation each year. We will be especially responsive to new initiatives of the Vice Chancellor for Diversity, Equity, and Inclusion that pertain to the personnel review process.

c. **Clarifying CAP’s strategy for evaluating diversity-related information in a candidate’s dossier.** CAP is very sensitive to contributions to diversity and we believe that they should be acknowledged and rewarded in the academic review process. We evaluate diversity contributions in any candidate’s dossier when it is appropriate (i.e., not every faculty member wants to or should be expected to make contributions to diversity). In evaluating a dossier, we consider diversity contributions holistically (we do more than add them up) and on a case-by-case basis. Once the efforts by the Academic Senate to clarify the language about diversity in APM 210 are complete, CAP may then be in a position to develop a more formal rubric to quantify (how much does it count?) various contributions to diversity. However, as with the other criteria for advancement at UCLA, our approach to evaluating diversity will always be more holistic than disaggregated for purposes of quantifying.
December 1, 2014

Dear Colleagues:

The Committee on Continuing and Community Education reviewed the report from the After the Moreno Report Task Force and discussed the report at our November 13 meeting.

The Committee concurs with the recommendations set forth by the task force and specifically commends the report’s addressing of structural issues, as opposed to focusing strictly on the behavior/individual. The Committee appreciates the opportunity to review the report, as some of these issues are relevant to University Extension (UNEX) because of the diversity profile of the faculty (which is 80% Caucasian, compared to 50% campuswide). Given that Extension serves the broader community and represents the university in this respect, the Committee underscores the importance of maintaining a climate of fairness, inclusion, and non-discrimination within UNEX and encourages UNEX to review its policies and procedures for both the prevention of and handling cases of bias and discrimination amongst faculty, students, and staff.

On behalf of the Committee on Continuing and Community Education,

Shaily Mahendra
Chair
December 10, 2014

Professor Joel Aberbach
Chair, UCLA Academic Senate

Re: Committee on Emeriti Affairs Response to the After the Moreno Report Task Force

Dear Professor Aberbach,

On behalf of the 2014-2015 Committee on Emeriti Affairs, I am writing to provide you with the membership’s feedback concerning the Report of the After the Moreno Report Task Force. The Emeriti Affairs Committee discussed the Task Force Report at its December 5, 2014 meeting. As long-time members of the UCLA community, we take very seriously the potential problems identified in the original Moreno Report, and we support the general recommendation of the Task Force that all Senate committees should review their own procedures to ensure that they guarantee equity and promote diversity on the basis of ethnic/racial, gender and other dimensions. However we were very concerned with, and would oppose, any move to establish a “Minority Review Committee” separate from CAP. Such a separate committee for a portion of the faculty would undermine the authority of CAP and seemingly lead to separate criteria and standards for those categories of faculty subject to its review, a sort of “separate but equal” standard that strikes us as a travesty of the principals of merit and equity in academia. We are especially concerned with the suggestion that this separate review process might be in the form of a joint committee under the effective control of the EVC, a ceding of faculty authority to the EVC that undermines the Senate and would be a mockery of shared governance.

On behalf of the Committee on Emeriti Affairs, we thank you for the opportunity to comment on the Report of the After the Moreno Report Task Force. You are welcome to contact me at dlopez@soc.ucla.edu with questions. Annie Speights, Policy Analyst, is also available to assistant you and she can be reached at (310) 825-3853 or aspeights@senate.ucla.edu.

Sincerely,

David Lopez
Chair, Committee on Emeriti Affairs

cc: Members of the Committee on Emeriti Affairs
    Linda Mohr, CAO, Academic Senate
    Serge Chenkerian, MSO/Executive Assistant, Academic Senate
    Annie Speights, Policy Analyst, Committee on Emeriti Affairs
Dear Professor Aberbach,

On behalf of the 2014-2015 Committee on Faculty Welfare, I am writing to provide you with our feedback concerning the recent report outlining suggested changes to Senate procedures in response to the Moreno Report. We take seriously the issues brought up in the Moreno Report, including ways in which Senate policies and procedures may contribute unequal treatment of minority faculty. We agree with the Task Force’s general recommendation that all Senate committees, including CAP, be sure to take seriously diversity and equity into account in all their deliberations.

There were also several specific recommendations:

1. **CODEO should be represented on the Executive Board.** We have no objections, but the Faculty Welfare Committee, among others, has also requested representation. It is time for the UCLA Academic Senate to reconsider the composition of its Board, increasing the number of committees represented. This should have the effect of increasing understanding of and sensitivity to other committees, including CODEO. We do not support adding only CODEO.

2. **Clarify Policies and Procedures of the Grievance, Charges and P&T Committees.** Transparency is always preferable but we are not knowledgeable enough to comment on current procedures, and we are aware that confidentiality and privacy issues are central to the workings of these committees.

3. **Eliminate the “Chair’s Letter” option,** under which chairs have the option of writing a letter that is separate from the full file open to the candidate for promotion before it goes to CAP. We have no informed opinion on this, and would like to hear from CAP regarding the usefulness and fairness of these letters before opining on their elimination.

4. **Establish a Minority Review Committee separate from CAP, either within the Senate or jointly with the EVC.** We strongly disagree with the joint committee idea, as it amounts to ceding part of the Senate’s authority to the EVC’s office...a step in the wrong direction and one we suspect the EVC would not welcome. And we also think that creating a separate Senate committee with authority to review, contradict, and perhaps even override CAP recommendations is a bad idea. It would absolve CAP of the responsibility to address matters of diversity and equity in all its deliberations. And it would likely
weaken CAP to such an extent that recruiting the best faculty to serve could become even more difficult. To some of us it smacks of ‘separate but equal treatment.

We saw no recommendations aimed specifically at our Committee, but we do pledge to redouble our efforts to consider the diversity and equity implications of all our deliberations and recommendations.

Sincerely,

David Lopez
Chair, Committee on Faculty Welfare

cc: Members of the Committee on Faculty Welfare
   Linda Mohr, CAO, Academic Senate
   Serge Chenkerian, MSO/Executive Assistant, Academic Senate
   Annie Speights, Policy Analyst, Committee on Faculty Welfare
November 14, 2014

Dear Colleagues:

The Committee on Instruction & Technology considered the “Report of the ‘After-Moreno Report’ Taskforce” at our November meeting. The membership of the committee found the report to be well-written and commends our taskforce colleagues for developing a sound, robust and meaningful response to the Moreno Taskforce report. CIT encourages consideration of the impact that online and mediated instruction can have on this domain as the university moves forward. In our final assessment, however, the membership agreed that the main findings of the report lay significantly outside the charge of our committee.

Given the limited nature of the discussion of aspects directly related to our committee’s focus, we are unable to provide further comment beyond this observation.

On behalf of the Committee on Instruction & Technology,

Timothy R. Tangherlini
Chair
December 11, 2014

Professor Joel Aberbach
Chair, UCLA Academic Senate

Re: Committee on Diversity and Equal Opportunity’s Report of the After the Moreno Report Task Force

Dear Professor Aberbach,

The After the Moreno Report Task Force focuses on two primary issues that are also of great concern for CODEO: the adequacy of Senate procedures for dealing with acts of bias or discrimination, particularly against faculty of color; and identifying ways the Senate can help improve the climate for diversity at UCLA. The task force was charged with articulating concrete strategies for protecting faculty from discrimination. CODEO feels the task force has more than met this challenge and supports their recommendations wholeheartedly.

Like the task force, CODEO is also attentive to the critical role of the Charges Committee and the Council on Academic Personnel (CAP). The former examines alleged acts of misconduct, including discrimination; the latter recommends faculty hiring, tenure and advancement and promotion. Charges and CAP are well positioned to prevent and remedy acts of discrimination, but neither the committees nor the campus they serve are particularly diverse. With this in mind, CODEO agrees with the task force that the role of Charges in investigating and disciplining acts of bias needs both clarification and revision. The Senate must work with the Administration to set clear guidelines for such investigations as well as clear and consistent penalties for violating the Faculty Code of Conduct. To facilitate this, CODEO recommends that professionals rather than untrained and potentially biased faculty members conduct investigations. CODEO is further concerned about the lack of documents and records kept during the Charges investigations. We recommend keeping detailed records of such proceedings.

CODEO also recommends that the Senate and administration consider the continued relevance of the Charges committee. Could its responsibilities be incorporated elsewhere? Cases involving bias in the academic promotion process may bypass the Charges committee and be brought directly to P&T. One viable option may be to form a subcommittee within P&T that could administer the former duties of Charges.

Several members also echoed the task force’s concerns about CAP’s transparency. CODEO recommends that the Senate review CAP’s structures and charges, considering reforms that would enhance member diversity, increase objectivity, and improve the handling of discrimination complaints. CODEO supports the task force’s recommendation to form a Minority Review Committee that would give faculty a way to bypass CAP.

Finally, with regards to the task force’s administrative recommendations, CODEO will advocate strongly for the new Vice Chancellor of Diversity assuming ex-officio member status on our committee, and we fervently agree that a member of CODEO serve on the Senate’s Executive Board. We urge the Senate and Administration to follow these two recommendations and will continue to advocate for them until they are implemented.
Sincerely,

[Signature]

Marissa Lopez,
Chair, Committee on Diversity and Equality Opportunity

cc: Members of the Committee on Diversity and Equal Opportunity
Linda Mohr, CAO, Academic Senate
Serge Chenkerian, MSO/Executive Assistant, Academic Senate
Annie Speights, Policy Analyst, Committee on Diversity and Equal Opportunity
December 4, 2014

Joel Aberbach
Chair, Academic Senate

Re: Report of the After the Moreno Report Task Force

Dear Professor Aberbach,

On behalf of the 2014-2015 Committee on Library and Scholarly Communication, I am writing to provide you with the membership’s feedback concerning the Report of the After the Moreno Task Force. The committee has no comment on the report. We thank you for the opportunity to comment.

Sincerely,

David Sabean
Chair, Committee on Library and Scholarly Communication

cc: Leo Estrada, Vice Chair, Academic Senate Office
    Jan Reiff, Immediate Past Chair, Academic Senate Office
    Linda Mohr, CAO, Academic Senate
    Elizabeth Feller, Committee Analyst, Committee on Library and Scholarly Communication
    Members of the Committee on Library and Scholarly Communication
December 19, 2014

To: Joel Aberbach, Chair
Academic Senate

From: Joanna Jen, Chair
Committee on Committees

Re: Report of the “After the Moreno Report” Task Force

Dear Joel,

On behalf of the 2014-15 Committee on Committees (ConC), I am writing to provide you with the membership’s feedback concerning the report of the “After the Moreno Report” Task Force. The committee appreciates the Academic Senate’s prompt response to the Moreno Report, which revealed disturbing allegations of discrimination among the UCLA faculty.

Overall we find the report to be comprehensive in that it considers a variety of Senate Committee opinions and contains many positive recommendations. One could comment, however, that the role of the Chancellor’s Office is not emphasized sufficiently, which we feel must be more engaged in order for real change to occur. The notion that a new Vice Chancellor for Equity, Diversity and Inclusion will be able to change the campus atmosphere is rather wishful without a more demonstrated commitment by the Administration to respond to such serious issues and hold individuals accountable for their actions. The concept of “zero tolerance” has to be promulgated and enforced by the Administration, for ultimately it is the Chancellor’s Office that is responsible for implementing sanctions, with the Senate committees serving a purely advisory role. The problems highlighted in the Moreno Report indicate that most of the allegations were never investigated, and those investigated rarely led to disciplinary action.

The recommendation to convene a “minority review” committee is disquieting to consider and could potentially offend the very minorities it is designed to assist. Accomplished minorities in equitable environments are often offended when there is the implication that their accomplishments are the result of affirmative action. However the concept should not necessarily be disregarded as some iteration of it may be useful, particularly if the group review included assessment of rank, salary and administrative titles. Also, members feel that the suggestion for all Senate committee chairs to attend diversity training for department chairs within their school or division is somewhat soft – given that the department is typically the site where the problems of discrimination and bias originate and grow. Department chairmen should be held accountable for diversity, or the lack thereof, in their respective departments.

While appreciative of the Academic Senate’s efforts to tackle this issue head-on, members of the ConC were surprised by the suggestion that the processes for nominating and vetting committee candidates by the ConC are somehow unfair or lacking in transparency. As an elected body that represents all divisions of the campus, the ConC is by its very nature a democratic and disciplinarily diverse committee, which provides its own checks and balances via open and collegial dialogue. The ConC is committed to diversity, some may even say overly so,
given its charge and the expectation that all aspects of diversity would be considered in every decision it makes. We are extremely cognizant of diversity when discussing appointments to the Senate’s and Administration’s various committees. However, a narrow focus on ethnic diversity creates challenges that are presented by the very lack of sufficient ethnic diversity in the body of UCLA faculty as a whole. It bears commenting that embracing diversity should not mean that we can only appoint to committees women and minorities instead of fair-minded individuals who are not minorities. One member commented that the new diversity office should be staffed by both male and female officers to avoid the potential of criticism about bias in their investigations and reporting.

What we should – and do reject – is the behavior observed by the Moreno report, which would not be tolerated on the ConC. Developing procedures for its activities becomes almost too restrictive, given the need for deliberation and consensus among nineteen members. That stated, if the Executive Board has specific observations about the ConC’s processes that could lend to improving procedures and diversifying committees even more, we welcome its feedback. However, when viewing the current composition of the Senate’s committees, we estimate that all are very well-balanced and are likely to disproportionately represent minorities and women in comparison to the overall demographics of the UCLA faculty. We are also more than willing to entertain suggestions for committee members from members of the University community, and we encourage all faculty to volunteer so that Senate committees can be even more representative of our diverse campus. The ConC stresses the importance of committee service, but meets with reluctance from colleagues to serve. While diversity is a consideration with all appointments the ConC makes, ultimately the final roster is dictated by the comparatively few who are willing to serve.

On behalf of the Committee on Committees, we thank you for the opportunity to comment on the After the Moreno Report Task Force report. As we noted in our response to the Moreno Report one year ago, “there is a sense of optimism reflected in the ConC’s own collegial and respectful interactions, which must somehow translate to the campus at large. It is with this spirit that I share ConC’s response and its willingness to collaborate with you and the committees of the Academic Senate to demonstrate the true merits of shared governance, mutual respect, and cross-cultural sensitivity.” We remain committed to this engagement.

cc: Linda Mohr, CAO, Academic Senate
Serge Chenkerian, MSO/Executive Assistant, Academic Senate
Kyle Cunningham, Principal Committee Analyst, Committee on Committees
December 18, 2014

To:       Joel Aberbach, Chair  
          UCLA Academic Senate

From:    Miguel Unzueta, Chair  
          Council on Research

Re:       Report of the “After the Moreno Report” Task Force

Dear Joel,

At its meeting on December 12, 2014, the Council on Research reviewed and discussed the recommendations within the Report of the “After the Moreno Report” Task Force. Based on its charge to advise on issues pertinent to the faculty research mission, the Council did not identify a specific area of concern for which it felt necessary to comment although members of the Council did express concerns about the broad correlation between diversity issues faced on campus and the effect that may be had on the research climate as a whole. Overall, members agreed with the recommendations put forth by the task force and looked forward to reviewing responses from other committees who were directly implicated in the original Moreno Report and for whom recommendations were made by the task force.

Thank you for the opportunity to review and opine on the report. Should you have any questions, please do not hesitate to contact me (x66570; miguel.unzueta@anderson.ucla.edu) or Council on Research Committee Analyst, Serge Chenkerian (x63802; schenkerian@senate.ucla.edu).

Sincerely,

Miguel Unzueta, Chair  
Council on Research

cc:       Serge Chenkerian, MSO|EA & Committee Analyst, Academic Senate  
          Linda Mohr, CAO, Academic Senate
Re: Report of the ‘After the Moreno Report’ Task Force

Dear Prof. Aberbach,

The Committee on Teaching of the UCLA Academic Senate has considered the report of the After the Moreno Report Task Force, and hereby offers our requested response.

We note that the Moreno Report focuses on reports of offensive and discriminatory behavior by a few members of the UCLA faculty toward other faculty, and on the procedural options for responding to such behavior. Its relevance to the work of our committee is therefore limited, although we take cognizance of the fact that faculty who display such behavior towards colleagues might be expected to do the same toward students, or the concerns of students, in classroom or office-hour situations.

The only recommendation of the report directly germane to our committee’s charge is that student course-evaluations forms should incorporate “questions of inclusion and diversity” (p. 9). This recommendation is being pursued by an ad hoc committee, chaired by the Chair of the Committee on Teaching, and that ad hoc committee is optimistic it will have a recommendation on this point later this Fall, as requested. Most likely this recommendation will include a requirement that all courses offer a question or two focusing on this area, but allowing different Divisions (and possibly departments) to choose, from a limited list, a question most appropriate for the kinds of subjects taught in those units.

We feel our work is also connected to the Moreno report through the fact that the diversity of the faculty is a major factor in the indirect messages a UCLA education sends, and that role-models for generally under-represented groups are quite important.

Our only further concern is that, in rightly seeking to improve the “campus climate,” we do not go so far as to chill that climate. The appointment (in response to the Moreno report) of new Vice-Chancellors and some twenty faculty monitors whose mission is to discover offensive practices down to the level of “micro-aggressions” could easily become a threat to academic freedom in the classroom, as the valuable quest to root out discriminatory behavior blurs into a dangerous set of micro- or other aggressions against currently unpopular and even disturbing but still intellectually defensible questions, readings, locutions, and viewpoints. Challenging and contrarian arguments in the educational process must not be made the whipping-children for the misconduct of a few members of the faculty (who in several cases probably do not teach our undergraduates anyway). The Prologue to this report helpfully acknowledges this issue, and we want to emphasize the risks and principles that Prologue briefly enunciates.

We thank the reporting committee and the other agencies of the Senate for their attention.
to our views.

Sincerely,

Rob Watson
Chair, Committee on Teaching

cc: Serge Chenkerian, MSO/Exec. Assistant, Academic Senate
December 15, 2014

Joel Aberbach, Chair
Academic Senate Los Angeles Division

Re: Report of the After the Moreno Report Task Force

Dear Joel,

The Committee on Undergraduate Admissions and Relations with Schools (CUARS), at its meeting on November 14, 2014, discussed the report of the After the Moreno Report Task Force. We appreciate the time and effort of the taskforce, and support the wide breadth of recommendations they make to improve the climate for diversity at UCLA.

The report contained one recommendation, with multiple parts, directed to CUARS. Primarily, the committee agrees that continued faculty oversight of the holistic admissions process is of paramount importance. Recent experience with accusations of illegal use of race in the admissions process and CUARS’s commission and analysis of the Mare Report on Holistic Admissions at UCLA have proven highly valuable for the committee. CUARS remains poised to oversee holistic admissions and maintain a close relationship with UCLA Undergraduate Admission.

The committee has enjoyed a fruitful relationship with the Associate Vice Chancellor for Enrollment Management, Youlonda Copeland-Morgan, since her arrival on campus. The suggestion that she serve as an ex officio member on the committee is well-received, and CUARS plans to propose a change in Divisional Bylaw 65.5 in the winter quarter. As we consider the wording of that bylaw amendment, we will also examine Divisional Appendix IV, Guidelines and Policies Concerning Undergraduate Requirement and Admission of Disadvantaged Students. This Appendix has not been updated recently, and provides the opportunity to guide CUARS in fulfilling the final portion of the recommendation from the After the Moreno Report Taskforce: explore new possibilities for greater faculty engagement with community recruitment and partnership programs.

Thank you for the opportunity to review and comment on the report. If you have any questions for us, please do not hesitate to contact me (x53884; hernandez@history.ucla.edu) or Academic Senate Analyst Matt Robinson (x51194; mrobinson@senate.ucla.edu).

Sincerely,

Kelly Lytle-Hernandez, Chair
Committee on Undergraduate Admissions and Relations with Schools
Enclosure

cc:  Serge Chenkerian, MSO, Academic Senate
     Linda Mohr, CAO, Academic Senate
     Matt Robinson, Committee Analyst, Academic Senate
UCLA School of Dentistry

December 15, 2014

TO: Professor Joel Aberbach
Chair, UCLA Academic Senate

FROM: Earl Freymiller
Chair, Faculty Executive Committee
School of Dentistry


The Faculty Executive Committee of the School of Dentistry met to discuss the Report of the After the Moreno Report Task Force. At this meeting, members discussed this report, and the original Moreno Report. Maintaining diverse, unbiased, and nondiscriminatory programs has been a major emphasis in the School of Dentistry for many years. For over 13 years, the School of Dentistry has employed a Dean for Outreach and Diversity.

The Dentistry FEC commends the Task Force for its detailed review of the Moreno report and for making specific and concrete recommendations for implementing change. Overall, the Dentistry FEC was in full support of the recommendations, with but one exception. One consideration raised in the report is to establish a Minority Review Committee, charged with reviewing the personnel files of under-represented minority faculty members to ascertain if they are at the appropriate rank. The report suggests that the Minority Review Committee might operate along the lines of CAP, and report to the EVC, Provost, and possibly also to the Vice-Chancellor for Academic Personnel and CAP. The report proposes that this committee not act in place of CAP, but alongside it, to evaluate whether it appears that past discrimination has occurred.

The Dentistry FEC was of relatively strong opinion that developing a formal yet separate UCLA academic review process that only applies to minority faculty members is, in itself, discriminatory. It was the overwhelming feeling of our committee that evaluating dossiers for possible past or present evidence of discrimination is vitally important and must be undertaken. But, it was felt that this should be a responsibility assigned to CAP. CAP now makes recommendations to adjust the level of appointment for proposed faculty members when it feels that the proposed level is either too low or too high based on past accomplishments. Therefore, the Dentistry FEC feels that CAP should be equally able to evaluate minority faculty members using these same standards. To allocate this function to another committee solely when minority faculty members are under review seems to be, to a certain degree, an insult to the integrity of the members of CAP. If anti-discrimination/anti-bias training for members of CAP is felt to be needed in order to allow its members to fulfill this responsibility, then providing such training seems a more just way to move forward, as opposed to developing policies and procedures that apply only to minority faculty members.

The Dentistry FEC strongly supports the other recommendations made by the Task Force, and wishes to complement its members on an excellent and substantial report, and also to thank the Senate Executive Board for this opportunity to respond.
December 15, 2014

To: Professor Joel Aberbach, Senate Chair
   Academic Senate

From: Dr. James Waschek, Chair
       Grievance Advisory Committee

Re: “After the Moreno Report” Taskforce

On behalf of the Grievance Advisory Committee, I would like to thank you for the opportunity to review the taskforce report. Because the report has many suggestions and critiques for the Judicial Committees, it had particular relevance for ours. The chairs of the Judicial Committees received and discussed the report during their orientation on October 16, 2014 and the GAC membership received the report on October 21, 2014, discussing it in person during orientation on October 29, 2014. The committee offers the following in response to the suggestions in the report.

GAC

a. GAC needs to function as a committee as well as the loosely organized set of advisors that it has become. Its role is of critical importance in assisting faculty with understanding their rights and options for redress through the Senate and other UCLA offices. Ensuring that each of the faculty advisors is knowledgeable and that advice is consistent is necessary for serving faculty needs.

   i. The committee (including its ex officio members, the chairs of Charges and P&T) needs to meet minimally once a quarter in addition to meeting as needed. There may be valuable synergies in meeting with representatives from the Ombuds office or other offices on campus that provide similar advisory services. Fall quarter should involve training on Senate and campus-wide processes for dealing with grievances. Other regular meetings should provide an opportunity to share consultations in a way that preserves anonymity but that lets committee members have a sense that they are providing consistent information on procedures.

GAC Comments

The GAC Committee agrees with the taskforce report suggestions for better training, communication, and explanation of the Judicial Committees’ “practices and policies” and “investigative processes.”

The Judicial Committees have already taken some steps towards improved training by having orientation meetings for both the Judicial Committee chairs and the individual committees. GAC members were provided with information about and contact details for the Office of the Ombuds, UCOP Senate counsel, as well as other resources for those who might seek out grievance or charges information. In addition, all committee members received a printed handbook with all of the relevant bylaws and regulations.

A principal concern that GAC Committee members have with the judicial process is as follows:

Currently, the accusers in faculty discipline cases are not informed of the final outcome of the process, unless they need to know to implement any sanctions (such as when the accused must not have any contact with the accuser, for example).

This is just wrong in our opinion, and the rules should be changed so that an accuser is ALWAYS informed of the final disposition of any charges against a faculty member. The accuser can be told that the information
is confidential, and even be asked to sign a confidentiality agreement to that effect, but they should always be told of the final outcome.

**The Charges Committee: Is it Necessary?**

**GAC Comments**

Most of the campuses seem to have some sort of Charges committee, although in many cases it is *ad hoc* for each case. GAC members expressed a preference for the UCLA model because a standing committee has a bigger perspective, understands the process better, and can benefit from experience.

It is the general feeling of GAC members that the Senate should have a major say in determining probable cause, *i.e.*, not too much power in the hands of administrators. It poses a problem for faculty input if administrators select members of the *ad hoc* committee. It might be a good idea for the current Charges Committee to select special faculty representatives in cases where no member has good expertise.

**Minority Review Committee for personnel actions**

Some GAC members felt that although the After Moreno Taskforce recommended this, one can’t imagine how such a committee action would be effective. If discrimination is perceived by someone, they should be encouraged to file a grievance, just like anyone else on campus that feels they have been wrongly denied promotion or had their rights violated.

The suggestion seems to raise more questions than solutions. There are too many levels of potential discrimination; hiring, starting salary, step increases, promotion, appointments to prestigious committees, assignment of office and research space, distribution of Department and University resources, etc., etc. How many committees would this take? Do they intervene before or after the fact?

cc:
Stuart Banner
Richard Korf
Kathryn Norberg
Yvette Taché
Serge Chenkerian, MSO/Executive Assistant, UCLA Academic Senate
Linda Mohr, CAO, UCLA Academic Senate
December 9, 2014

To: Joel Aberbach, Chair
   Academic Senate

From: Alex Bui, Chair
       Graduate Council

Re: Report of the “After the Moreno Report” Task Force

At its meeting on November 14, 2014, the Graduate Council reviewed and discussed the report of the task force charged with responding to the Independent Investigative Report on Acts of Bias and Discrimination Involving Faculty at the University of California, Los Angeles, which was issued in Fall 2013 by a committee commissioned by Executive Vice Chancellor and Provost Scott L. Waugh. The report, as you know, revealed disturbing accounts of discriminatory behavior, which the Council denounced in its earlier response to that report.

Graduate Council members appreciate the Academic Senate’s prompt response to the “Moreno Report” and the work of the task force to evaluate Academic Senate procedures with respect to adequately responding to reports of discrimination, and to determine if there are additional efforts and activities that the Senate can make to improve the campus climate for diversity. With respect to the recommendations addressed directly to the Graduate and Undergraduate Councils, Graduate Council members endorse them all in principle and, in fact, have already enacted several of the procedures to ensure as inclusive and diverse and environment as possible as it relates to the graduate student experience when a program is undergoing an Academic Senate review. That stated, the procedures for drafting review reports could indeed be more explicit with respect to expecting review teams to consider diversity issues and provide a section in the report that speaks specifically to them. We suggest the formation of an ad hoc workgroup, consisting of both Graduate and Undergraduate Council members, to evaluate existing guidelines and to make suggestions for expanding them to embrace critical issues of diversity and inclusiveness. This workgroup would be able to propose changes to the program review process, which address the following recommendations:

- Consideration of diversity issues in the program review process and the provision of a section in the review report that speaks specifically to them;
- Consideration of the self-review guidelines and whether they sufficiently address the topic of diversity as it relates to the composition of the department, content of the curriculum, and efforts to foster a comfortable and inclusive learning environment;
- Consideration of the pre-meetings with deans and chairs to include a discussion of diversity and equity issues;
- Clarification that any group (or individual, for that matter) of concerned faculty and/or students can ask and get time during the review to present its concerns in a safe and confidential manner;
- Revision of the faculty questionnaire sent from the Senate Office to faculty in departments being reviewed to include questions on diversity and inclusion; and
- Incorporation of these recommendations into Appendix XVI.

Currently, as part of the guidelines for the self-review, the councils do request from programs a description of their efforts to foster diversity among faculty and students and, in regards to the graduate program, a discussion about the program’s applicant pool, its size and diversity, and efforts to recruit outstanding, diverse student to the programs. The Senate Office also distributes all self-reviews to executive administration, including the Vice Provost for
Faculty Diversity and Development, but does not currently require an issues’ statement from this office. With the creation of the Office of the Vice Chancellor for Equity, Diversity and Inclusion, the Councils should definitely consider adopting the practice of requiring a statement from one of these offices.

Graduate Council members also endorse the recommendation for training on issues of diversity before the commencement of program reviews, perhaps in conjunction with the inaugural meeting of the Graduate and Undergraduate Councils to orient members to the program review process. One potential hurdle is the unlikelihood of 100% attendance of this meeting; in which case, would diversity training be required and/or provided on an individual basis? With respect to establishing a better mechanism for responding to evidence of discrimination and hostile environments, the recommendation to invite a campus diversity officer to an early meeting of the Council could do well to address this concern. That stated, members acknowledge that issues of discrimination and diversity require different discussions. With respect to the latter, members felt that it would be helpful to receive information from comparable universities about diversity in peer programs to provide some context for determining how well (or poorly) a given department is doing to foster diversity. In historically underrepresented disciplines, some indication of how a program’s performance should be measured to gauge the level of expectation the councils should impose. Moreover, such diversity information should be provided on a regular basis to each department, rather than every eight years when a program review typically occurs, in order to help engender an active awareness of diversity issues within the student and faculty bodies.

More broadly, the “After the Moreno Report” task force report raised other issues that the Senate may wish to consider in its initiative to tackle reports of bias and discrimination more directly. Key in this discussion is accountability and, more so, individual accountability. Any alleged act of bias or discrimination must be handled in the most serious manner and mechanisms to deal with them should isolate and take action on the individual and not necessarily the unit itself. As review team members, Graduate and Undergraduate Council members are instructed that full disclosure is required if they are encountered with allegations of sexual harassment, citing the University’s legal obligation to respond to these allegations. However, no such provision currently exists for acts of discrimination.

On behalf of the Graduate Council, I wish to congratulate the Academic Senate and Administration for elevating this issue to the serious level it warrants. I look forward to working with the Undergraduate Council and the Executive Board to implement change for the betterment and diversification of UCLA through the program review process and via the on-going education of our members on matters of diversity.

If you have any questions please do not hesitate to contact me via the Graduate Council’s committee analyst, Kyle Cunningham, at ext. 51162 or kcunningham@senate.ucla.edu.

Thank you for the opportunity to opine on this matter.

Cc: Serge Chenkerian, MSO, Academic Senate  
Kyle Cunningham, Principal Committee Analyst, Graduate Council  
Linda Mohr, CAO, Academic Senate  
Matt Robinson, Principal Committee Analyst, Undergraduate Council
December 10, 2014

Joel Aberbach
Chair, Academic Senate

Re: Report of the ‘After the Moreno Report’ Task Force

Dear Prof. Aberbach,

The Committee on Intercollegiate Athletics discussed the report from the After the Moreno Report task force at our October 20 meeting. The IAC is a small committee with a small number of faculty members and academic coordinators and support staff for the athletic department. We are an “interface committee” to help student-athletes succeed in academics and interface with faculty and departments as needed. The academic coordinating office for student-athletes does a fantastic job and our “athletics x academics intersection” serves as a great example of a successful program that other universities have looked to for inspiration. The charge of the committee is to stay abreast of issues that concern the academic welfare of student-athletes at UCLA and to ensure that they are receiving the support necessary to excel both athletically and academically. As a result, our committee deals almost exclusively with undergraduate student-athletes and their academic, non-athletic, issues.

While the Moreno Report mostly concerned faculty-centered issues, we agree that supporting diversity at all levels in the university is important. We welcome diversity of thought and opinion on the committee, and work together to address the academic needs of UCLA student-athletes. We have discussed extensively in previous meetings the need for diversity in undergraduate education, particularly as student-athletes come from a wide range of ethnic and socioeconomic backgrounds. The Athletics Department has structures in place to handle cases of bias and discrimination within the department, and we applaud the department for maintaining and enforcing an atmosphere of inclusion and fairness. The department’s Athlete Allies program has been instrumental in this effort, with particular emphasis on inclusion and equality with respect to sexual orientation, gender identity and gender expression in sports and recreation. We thank the task force for its efforts, and fully endorse its recommendations.

Sincerely,

Carla Koehler
Chair, Committee on Intercollegiate Athletics

cc: Serge Chenkerian, MSO/Exec. Assistant, Academic Senate
December 22, 2014

To: Professor Joel Aberbach, Senate Chair
   Academic Senate

From: Dr. Kristina Bostrom, Chair
   Privileges & Tenure Committee

Re: “After the Moreno Report” Taskforce

On behalf of the Privileges & Tenure (P&T) Committee, I would like to thank you for the opportunity to review the taskforce report. Because the report has many suggestions and critiques for the Judicial Committees, it had particular relevance for ours. The chairs of the Judicial Committees received and discussed the report during their orientation on October 16, 2014. Subsequently the P&T membership received the report on October 21, 2014, discussed it in person on October 30, 2014 and again on December 8, 2014. The committee offers the following in response to the suggestions in the report.

(1) The P&T Committee agrees with the taskforce report suggestions for better training, communication, and explanation of the Judicial Committees’ “practices and policies” and “investigative processes.”

Training
The Judicial Committees have already taken some steps towards improved training by having orientation meetings for both the Judicial Committee chairs and the individual committees. In addition, all committee members received a printed handbook with all of the relevant bylaws and regulations. The committees have also reinstated consultations with the UCOP counsel to the Academic Senate.

Suggestion for Improvement
Even with the manual and review of procedures, the P&T committee agreed that sample cases and situations would be a useful part of training. One suggestion was to have a systemwide newsletter that shared frequently asked questions and/or anonymized cases along with procedures implemented. See also comments below regarding diversity training.

Communication
The committee agrees that the Web site, as the typical first resource for information, is sorely lacking. Further, the “At My Senate” functions set up some years ago for reporting seem to have never been utilized.

Suggestion for Improvement
Senate staff should receive the resources needed (whether it be funding or staff) to implement the needed upgrades. Clear and easy-to-use information on the Web site seems to be an obvious first fix.
Explanation
Improved explanation of procedures to those involved in judicial processes should naturally follow improved training and communication.

(2) The report recommends that the Judicial Committees have regular meetings for hearing availability, training, and reflection.

The committee agrees that having set meeting times on the schedule helps, but this does not fully take into account the variability inherent with the judicial processes since there is no way to predict what cases might come before the committee and whether witnesses, grievants, and/or counsel will be available.

Suggestions for Improvement
P&T is working on implementing options available in the systemwide bylaws (334-337) that grant the committee more flexibility in meeting. In particular, the committee is appointing Hearing Committees, which allow appointment of Senate members outside of the P&T Committee (as long as two members are P&T Committee members).

P&T Committee would welcome further discussion of a regular procedure for appointing Hearing Committees.

(3) Communicate consequences of conduct violations, including discrimination violations, without jeopardizing confidentiality.

Suggestions for Improvement
The Judicial Committees and Administration should work together to review policy and best practices for informing participants in judicial actions of the outcomes. While the Senate does keep records of inquiries, referrals, and cases, they should communicate both the types of cases and a general sense of the types of sanctions or discipline imposed, without reference to particular cases. This could be part of the newsletter suggested under #1, “Training.”

(4) The place of the Charges Committee in the judicial process

Investigation is a necessary part of all claims that a faculty member has violated the Faculty Code of Conduct. At question seems to be who should do the investigation—administration, faculty, or some combination thereof. Some allegations (research misconduct, sexual harassment, and now discrimination) receive “professional” factfinding efforts in combination with a recommendation by the Charges Committee.

All UC campuses are under the same overarching grievance/disciplinary processes as outlined in the UC Bylaws #334-337. The “After Moreno” report calls the Charges Committee “unique to UCLA in the UC system” while correctly pointing out that “some other campuses do have groups with the same functions.” The P&T Committee reviewed how other campuses handled the factfinding/probable cause phase of complaints (Appendix A).


**Recommendation**

The P&T Committee recommends keeping the Charges Committee as it is. While one member was not certain of the value of the Charges Committee to the overall process, it is important to have a stage at which it is determined whether probable cause exists before a case moves to adjudication. The Charges Committee fulfills this role. Further, while there is variance among campuses, most other campuses have some sort of faculty participation when determining whether there is probable cause to go forward to a hearing. It does not seem beneficial to scrap the Charges Committee in order to reconstruct something similar. Systemwide, it might be beneficial to standardize the probable cause phase the way that the systemwide bylaws 334-337 provide a guideline for the P&T Committee.

**(5) General recommendations for Senate and Privileges & Tenure response to improving campus diversity.**

- P&T can improve diversity by being sensitive to diversity when composing Hearing Committees and inviting Faculty outside of P&T to participate on these committees.
- P&T is working with the Discrimination Officers on a trial basis, but would welcome policies for what role they will play in Senate judicial procedures.
- P&T committee members agreed that specialized diversity training would be useful for the Judicial Committees. Members decidedly did not, however, want another online training. As an example, several members mentioned finding Jerry Kang’s talk on implicit bias useful (Law/Asian American Studies).

**(6) Minority Review Committee for personnel actions**

The committee was concerned about use of such a committee as a permanent “separate but equal” process. However, the committee does understand the genesis of the suggestion and recommends further consideration of the idea of using a Minority Review Committee by candidate or CAP/ClinCAP request.

enc. Appendix A

cc:
Charlene Villaseñor Black
Alistair Cochran
Christopher Erickson
Mark Greenberg
Miodrag Potkonjak
Guido Zampighi
Serge Chenkerian, MSO/Executive Assistant, UCLA Academic Senate
Linda Mohr, CAO, UCLA Academic Senate
The Charge to the After-Moreno Committee

The task force’s charge is simple to state but extraordinarily challenging in its scope: How should the UCLA Academic Senate address both the specific recommendations of the Moreno Report as well as the underlying issues articulated within the report? More specifically, we hope that the task force will make recommendations in two particular areas:

1) Are our current Senate procedures adequate for handling complaints of discriminatory behavior or bias involving faculty?

2) Are there efforts and activities that the Senate should be making to address the underlying causes that lead to incidents like those described in the Moreno Report or to improve the campus climate for diversity?

The After-Moreno committee articulates three principles that guided its work:

- **Justice**, including equal treatment and sensitivity
- **Fairness** in responding to the report required that all faculty, and not just minority faculty, be served by the commission’s report
- **Transparency**

**Regarding the First Charge: Are the Current Senate Procedures Adequate?**

**Findings of fact**

1. Academic Senate processes for redress for perceived discriminatory treatment are too byzantine and slow to provide a meaningful safeguard.

**Recommendations**

1. The Senate must better document and communicate the processes for redress in the event of perceived discriminatory episodes.

2. “Paths toward resolution short of formal charges should also be identified.”

**The Fielding School of Public Health FEC response:**

Regarding the first charge to the After-Moreno committee, as to whether current Senate procedures are adequate, the FSPH FEC agrees with the After-Moreno Committee’s finding of fact and endorses these recommendations.

**Regarding the Second Charge: Should the Senate be Doing More?**

**Finding of Fact:**

1. The After-Moreno Committee states on p. 8 the normal personnel process has not worked for minority faculty.

**Recommendations**

The recommendations of the After-Moreno committee are to the Senate, the Legislative Committees, and to other committees of the university. They fall into three broad categories.

1. The various committees addressed in the report should improve training and education around diversity issues, for example by inviting a campus diversity
officer to a fall meeting, by including training in microagression, and by including
diversity issues as part of departmental reviews;
2. The University should put into place a better mechanism for responding to
evidence of discrimination (p. 10);
3. The University should create a Minority Review Committee (MRC) to examine
the personnel files of all minority faculty to determine whether they are at the
appropriate rank and step (pp. 7-8). The examination and final decisions should
rest with the EVC and Provost. The EVC and Provost should be advised,
formally or informally, by a Minority advisory group composed of members of
CAP, members of P&T and senior minority faculty.

Minor recommendations include:

4. The waning practice of allowing a chair’s letter in an individual’s personnel file
that is unseen by that individual until the personnel action is complete should be
eliminated completely.

The Fielding School of Public Health FEC response:

The FSPH FEC strongly supports efforts to put into place a better mechanism for
responding to evidence of discrimination. This is a constructive and much-needed
recommendation.

The FEC endorses the need for better education and training, but hopes that it can be
consolidated and professionalized in a way similar to that used currently to serve the
need for training around sexual harassment issues.

The FSPH FEC believes that the use of the confidential chair’s letter should be carefully
reviewed separately. If there is evidence that the confidential chair’s letter has been
used in ways that are discriminatory in any dimension, safeguards must be designed to
prevent such use. What is key is training of the chairs so that they understand their role
in the process. This FEC is open to abandoning the confidential chair’s letter, but would
not rush to do so without clear evidence that it has been an unremediable part of the
problem.

Regarding the creation of a separate Minority Review Committee, the FSPH FEC has
several reservations, both about the findings of fact and about the recommendations.

Concerns about findings of fact.
The After-Moreno report states on p. 8 that the normal personnel process has not
worked for minority faculty. Yet the Moreno team interviewed just 18 faculty. It reported
some deplorable incidents, including some of evident discrimination. But for most of the
reported anecdotes there was no formal process to investigate whether there was in fact
discrimination or only the perception of discrimination. Moreover, the Moreno committee
was not charged with identifying whether there is systematic bias on campus and did not
attempt to do so. Instead, it noted that, “UCLA leadership has failed to convince at least
a vocal subset of faculty members of its commitment to diversity in admissions and
hiring” (p. 16).
The campus climate survey cited by the After-Moreno committee\(^1\) similarly did not assess actual bias in hiring and promotion. It found high levels of satisfaction with the campus climate, including among Minority faculty, staff and post-docs (p. 50). There were racial/ethnic differences, with roughly 9% of targeted minorities reporting discomfort with the overall campus climate against 6% of whites. The After-Moreno Committee notes that the campus climate survey found that only 31% of underrepresented minority faculty reported that advancement standards are applied equally to all faculty, as opposed to 58% of white faculty. Like the Moreno Committee, the campus climate survey did not attempt to determine to what extent actual employment discrimination lies behind these racial/ethnic differences.

Given the publicly available information in the Moreno report and the campus climate survey, the FSPH FEC believes it is inaccurate to conclude that “the normal personnel process has not worked for minority faculty.” That is one interpretation consistent with the evidence, but other interpretations are possible. Distinguishing among the many possible interpretations of the scant available evidence is critical to crafting an appropriate response.

For that reason, the proposal for a Minority Review Committee (MRC) is premature given the existing information. A committee to determine the extent of discrimination in the personnel process that is currently chaired (we believe) by Vice Chancellors Littleton and Goldberg was originally charged to determine whether there has been discrimination on the basis of gender, and its purview has been expanded to include race/ethnicity. Its findings will be critical to determining what the appropriate remedies might be.

**Concerns about the creation of a parallel personnel process for Minority Faculty**

The creation of a separate process of academic review for minority is indeed an “extraordinary suggestion,” in the words of the After-Moreno report, and raises a number of issues.

1. If the facts indicate that there has been widespread and/or systematic discrimination on campus, then the system of academic personnel review must be overhauled wholesale. If the problem is limited to a few departments—as implied in the Moreno report—then remedies for those departments specifically should be designed. If there is a problem of perceptions, with little or no systematic discrimination, then those perceptions must be clarified. The point is that the remedy should fit the problem as closely as possible.

2. Acknowledging that not enough is known at this point, it seems that the MRC is probably too extreme a solution given existing remedies available to minority faculty and others who feel ill-served by the personnel review process. Faculty have the right of appeal at several junctures, and there is the possibility of a Merit Equity Review formally built in to the procedures if past discrimination has left a particular faculty member at the wrong rank and step currently.

3. If it turns out that there has been systematic racial/ethnic discrimination, a separate MRC is still ill-advised. Will its review will be separate but equal or separate and unequal? If it is equal, then why is it separate? If it must be separate, how can it be truly equal?

4. If the normal personnel process really has not worked for minority faculty, then for whom is it working? If meaningful systematic bias has persisted in the system

\(^1\) https://diversity.ucla.edu/uc-campus-climate-survey-ucla
of academic personnel review around race/ethnicity, then it presumably exists for
gender, sexual orientation, political leanings, disability, and even other arbitrary
attributes. It is not plausible that there has been extensive bias around one issue
and not others. And if the situation is as dire as all that, then the whole system
must be reformed. Creation of a separate MRC can only deepen perceptions of
systemic bias, whether warranted or not.

5. The After-Moreno Committee states that there is a special CAP to examine
clinical faculty and consideration of one for the Arts. It is the understanding of
this FEC that these are sub-committees of the full CAP and accordingly part of
the usual process, not separate from it. But whatever the case, a separate
process for different disciplines (if it even exists) is a very different thing than a
separate process on the basis of the faculty member's identity.
To: Joel Aberbach, Chair
Academic Senate

From: Chrisi Karvonides, Chair
Theater, Film, and Television

At its Faculty Executive Committee meeting on December 10, 2014, the School of Theater, Film and Television reviewed Justice Carlos Moreno’s Investigative Report on Acts of Bias and Discrimination at the University of California, Los Angeles. Our committee supports and agrees that there should be a Discrimination Officer, and/or office that is similar to the Sexual Harassment facilities provided by the campus. Furthermore, we all agree that the streamlining process is confusing and intimidating to someone who feels he/she is a victim of such an incident. Also, financial resources should be provided for the proposed role of the Discrimination Officer and the streamline process.

In closing, our committee endorses the recommendation of Chancellor Gene Block’s zero tolerance policy against discrimination.

Sincerely,

Chrisi Karvonides
FEC Chair, School of Theater, Film and Television

Cc: Linda Mohr, CAO, Academic Senate
Serge Chenkerian, MSO, Academic Senate
November 26, 2014

Joel Aberbach, Chair
Academic Senate Los Angeles Division

Re: Report of the After the Moreno Report Task Force

Dear Joel,

The Undergraduate Council, at its meetings on November 7 and November 21, 2014, discussed the recommendations contained in the report of the After the Moreno Task Force. In general, members felt that many of the recommended actions are already part of the council’s practices, particularly in relation to program review. Members agreed, though, that it will be a worthwhile exercise to formalize and reiterate the Undergraduate Council’s commitment to diversity in the undergraduate curriculum as well as in the students and faculty members in departments and programs.

The specific results of the council’s discussion are presented below, along with the text of the recommendations from the Report:

a. Issues of diversity, equity, inclusion, fairness, and climate are all critical to students’ learning experiences in the classroom. For that reason, those issues must be seen as integral to program reviews, not as peripheral to them. Review teams should be expected to consider diversity issues and to provide a section in their reports that speaks specifically to them.

The council agrees wholeheartedly that issues of diversity must be seen as integral to program reviews. Though many review reports from 2013-14 and before have had dedicated sections discussing issues of diversity, the council is committed to ensuring that all of the program review reports in 2014-15 and beyond have this dedicated section.

b. Members of both the graduate and undergraduate councils should receive training on issues of diversity before they begin their reviews. This training should be consistent with, for example, the training provided department chairs. Review teams should be aware of and attuned to examples of micro-aggressions within the department as they conduct the review.

Council members felt that this training would be valuable for their participation on review teams. Each year, the Undergraduate and Graduate Councils meet in joint session at the beginning of the fall quarter to prepare for the program reviews of the year. This session would be an ideal time to offer such training to members of both councils. Importantly, council members stressed that this training should eventually reach a wider constituency.
The need for greater training on issues of diversity extends beyond the relatively small number of faculty on the Undergraduate and Graduate Councils.

c. Departmental self-reviews should address the topic of diversity as it applies to the composition of the department, the content of the curriculum, and efforts the departments make to foster a comfortable and inclusive learning environment.

The 2014-15 Self-review guidelines for departments under review ask for statements on diversity in relation to the undergraduate curriculum, graduate programs, and the students and faculty in the department. The Academic Senate Office asks departments to view various internal reports on diversity as they prepare their self-review. These reports are also provided to the external and internal review team members.

d. Pre-meetings with deans and department chairs should include a discussion of diversity and equity issues.

This, like many other recommendations from this report, is something that the council’s review teams routinely do, though perhaps not in as formal a way as possible. With support from the Academic Senate Office staff, the council will ensure that issues of diversity and equity are discussed in the program review pre-meetings with the deans and department chairs.

e. The questionnaire currently sent from the Senate to faculty in departments being reviewed needs to be revised to include questions on diversity and inclusion.

The survey sent from the Academic Senate Office to faculty in departments being reviewed will be examined by the council in cooperation with the Graduate Council. Revisions of the survey to include questions about diversity and inclusion could be in place for reviews in 2015-16 and beyond.

f. To ensure that the above recommendations become a regular part of the review process, they should be incorporated into Appendix XVI: Graduate Council and Undergraduate Council Procedures for Academic Program Reviews.

The council, in cooperation with the Graduate Council, will review Divisional Appendix XVI to ensure that it properly conveys the importance of issues of diversity to the program review process.

g. The Senate needs to clarify that any group of concerned faculty or students can ask – and get – time during the review to present its concerns to the review team. It also needs to make clear that provisions for meeting away from the department (as individuals or as a group) are possible if there is fear of retaliation.

During the program review preparation process, it is made clear to departmental faculty, staff, and students, that anyone may request a meeting with the review team during the review site visit. These meetings may be confidential and can be arranged in a location
other than the departmental offices. The council is committed to continuing this practice, and, when appropriate, to ensuring the utmost confidentiality for any and all feedback received during the program review process.

h. A better mechanism needs to be put into place for responding to evidence of discrimination and hostile environments uncovered in the review process by the Administration. The Vice Provost for Diversity has been invited to program review exit meetings since 2008. It is important that a representative from the Office of the new Vice Chancellor for Diversity, Equity and Inclusion be included in all future exit meetings. Where program reviews identified issues of discrimination and hostile environments, progress review reports and meetings should also include this office as well.

The council looks forward to including the new Vice Chancellor for Diversity, Equity and Inclusion in all future exit meetings for program reviews. The council is also enthusiastic about utilizing this office during progress review meetings to help mitigate and eliminate issues of discrimination and hostile environments for faculty, staff, or students.

i. Program reviews should serve as “early warning systems” to departments and the administration of discriminatory practices occurring within units. The three year summary of issues in program reviews now being written for the administration should provide one mechanism for achieving this.

The council agrees that program reviews should serve as “early warning systems,” and, as stated above, looks forward to working closely with the newly created Vice Chancellor for Diversity, Equity and Inclusion to ensure that instances of discrimination or hostile environments are properly addressed. The three-year summary of issues in program review will indeed provide an excellent “lay of the land” for the new Vice Chancellor and for the Academic Senate.

Thank you for the opportunity to review and comment on the report. If you have any questions for us, please do not hesitate to contact me (x69449; jwg@chem.ucla.edu) or Undergraduate Council Committee Analyst, Matt Robinson (x51194; mrobinson@senate.ucla.edu).

Sincerely,

Jim Gober, Chair
Undergraduate Council

cc: Serge Chenkerian, MSO, Academic Senate
    Linda Mohr, CAO, Academic Senate
    Matt Robinson, Committee Analyst, Academic Senate
December 15, 2014

Joel Aberbach
Chair, UCLA Academic Senate

Re: Report of the After the Moreno Report Task Force

Dear Professor Aberbach,

At its meeting on November 17, 2014, the Council on Planning and Budget (CPB) was presented with an overview of the Report of the After the Moreno Report by Academic Senate Immediate Past Chair, Jan Reiff.

The CPB acknowledged that the recommendations were not addressed directly to CPB and therefore had no response to the individual recommendations made in the report.

The members recognized the importance of the examining the roles and structure of the Judicial Committees and supported the exploration of improving processes. Additionally, members were supportive of new procedures for investigating diversity issues; however, although each dean is supposed to hire a vice dean to ensure that departments are complying, there were questions raised on the role of this position. Further, CPB members recommended that every faculty member on a search committee participate in diversity training. That said, members noted that it is difficult to change attitudes at a department level and that UCLA is a department-driven campus. As a result, there should be measurable outcomes for all departments and positive reinforcement.

Thank you for the opportunity to review this proposal. If you have any questions for us, please do not hesitate to contact me at sears@issr.ucla.edu.

Sincerely,

David O. Sears, Chair
Council on Planning and Budget

cc: Leo Estrada, Vice Chair, Academic Senate Office
Jan Reiff, Immediate Past Chair, Academic Senate Office
Linda Mohr, Chief Administrative Officer, Academic Senate Office
Elizabeth Feller, Committee Analyst, Council on Planning and Budget
Members of the Council on Planning and Budget
January 13, 2015

To: Professor Joel Aberbach, Senate Chair  
Academic Senate

From: Prof. Kevin McCadle, Chair  
Charges Committee

Re: “After the Moreno Report” Taskforce

I am writing (belatedly) on behalf of the Charges Committee in response to the request for feedback on the report of the after-the-Moreno-report taskforce. In this letter I will focus on the issues the report raises with respect to the Committee on Charges but will include other issues that arose during the Charges Committee discussion or have arisen over the past few years as pertains to what might be thought of as the procedural administration and purview of the Charges Committee.

The Committee on Charges plays both an investigatory and decision-making role in accusations against faculty for violations of the UCLA Faculty Code of Conduct. One of the main questions that arises in the report is whether or not Charges plays a vital role, and whether or not it can be done away with. The report raises but does not express an opinion on that question. The current Committee on Charges unanimously endorses the continued need for a Charges Committee. When Charges meets to investigate and deliberate, it meets as a faculty-only committee; there is no administrative presence. Hearings are held in confidence. Charges provides a first venue for complaints against faculty to be heard by faculty. The Committee’s concern is that without Charges or a committee very much like Charges, faculty would be abdicating their role in shared governance – that decision making would be left up to the administration.

One of the major concerns expressed in the report has to do with the lack of transparency of the judicial process. There are two aspects to this lack of transparency: the judicial process is multi-layered and confusing; and the judicial process, particularly at the Charges stage, promotes confidentiality over transparency. The consensus (though not unanimous) view of the current Committee is that Charges should continue to promote confidentiality over transparency. If Charges makes a finding of no-probable-cause, there is no reason for a release of information. If Charges forwards a finding of probable-cause, later stages in the process provide opportunities for confidentiality to be relaxed. On the other hand, the unanimous view of the Committee is that the
Senate could do a better job of reducing the confusion over the judicial process: the flow charts that were posted recently were a help; more could be done.

As regards other specific recommendations for Charges on p. 12 of the report: the Committee agrees with item (a) that a manual and some training for new members would be useful; and with regard to item (c) the Committee notes that minority reports, when they exist, are forwarded to the Vice Chancellor.

Other Issue in the Report

In the section for CAP on p. 11 of the report, there is a recommendation that the chair’s letter be made available to the individual prior to the dossier leaving the department. We suggest that the dean’s letter, if one is present, also be made available prior to the dossier leaving the department.

Other Procedural Issues

“Accepting” investigatory reports. Current procedure in claims of sexual harassment, research misconduct, and discrimination is that some other entity performs an investigation. At the completion of that investigation, Charges is asked to accept the report. It is generally expected that Charges will make its findings with regard to probable cause based on the accepted report. The reports, at least those coming from the sexual harassment office, include a finding with regard to probable cause. The Committee is not comfortable accepting such reports. At my request, Pamela Thomason began to separate her findings from her reports, but the findings are there, and the Committee continues to be uncomfortable with the process of accepting reports. We suggest that once the investigating officer thinks they are done with an investigation, they submit a report to Charges and the Vice Chancellor for Academic Affairs. If Charges believes further investigation is warranted, Charges will undertake that investigation. If Charges believes that the report is sufficient for a finding, Charges will act. In any case, the accused faculty member has a right to a hearing with Charges.

Over-riding of findings. If Charges finds probable cause, a case against the faculty member proceeds to P&T; the Vice Chancellor cannot overrule a finding of probable cause. However, if Charges makes a finding of no probable cause, the Vice Chancellor can overrule and proceed with a case. The Committee is not satisfied with that state of affairs. The Committee believes that a finding of no probable cause should have the same weight as a finding of probable cause.

Charges filed by individuals outside the University. Anyone, whether or not they are members of the University community, with a complaint against a faculty member has standing to file a charge with Charges. Cases brought by individuals outside the University are viewed as
efforts to circumvent a legal process that has not gone the complainant’s way. The Committee does not think this should be part of its role.

**Sanctions.** The confidentiality of the judicial process is such that in cases where Charges has made a finding of probable cause, the Committee is not privy to whether or not a sanction is imposed or the terms of the sanction (unless for procedural reasons the Committee or the Chair of Charges has to approve the sanction). There was no agreement on the Committee regarding changing that – either having Charges recommend a sanction along with a finding of probable cause, or ensuring that Charges is informed of sanctions once they are imposed.

cc:
Roshan Bastani
Daniel Bussel
Bruce Dobkin
Cameron Gundersen
Helen Lavretsky
Francoise Lionnet
Leo Estrada, Vice-Chair/Chair-Elect
Janice Reiff, Immediate Past Chair
Serge Chenkerian, MSO/Executive Assistant, UCLA Academic Senate
Linda Mohr, CAO, UCLA Academic Senate