

May 10, 2021

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Re: UCLA Academic Senate Response to the 2021 MRIC Report

Dear Colleagues,

The Academic Senate is most grateful to the 2021 MRIC Report for calling attention to the need for more institutional progress towards realizing the recommendations of the Moreno Report and Attorney General Kamala Harris' letter, as well as widening the conversation to include Senate involvement. The Academic Senate's response makes recommendations based upon self-reflection called for by the MRIC Report and upon independent review of the Senate.

Incidents of racial and ethnic bias and discrimination have long affected the UCLA campus community. In response to faculty concerns, UCLA Chancellor Gene Block authorized an independent review team to conduct an assessment and present recommendations which resulted in the 2013 Moreno Report (see Appendix 1 for a brief history of the Moreno Report). The report made three key sets of recommendations for administrative reform: enhancing process for investigation of incidents of racial bias; implementation of educational and training programs that aim to prevent DEI incidents; and creation of a single Discrimination Officer. The Senate responded to the broader matters raised by the Moreno Report in multiple ways, ranging from appointing the chair of the Committee on Diversity, Equity and Inclusion (CODEI) to the Senate's cabinet, the Executive Board, to mandating curricular changes by creating the

College of Letters and Science's Diversity Requirement. (For the many other initiatives that have been launched, see Appendix 2.) Ongoing work and future plans are described below.

The Committees and Executive Board of the UCLA Division of the Academic Senate have carefully studied and extensively discussed the MRIC Report. The Senate was particularly attentive in thinking through the Report's implications on the importance of diversity at a public university; accountability of the individual, institution, units, and systems; recognition of the respective tools for accountability available to the Senate and the Administration; and the need for greater transparency and reporting, better communication, and better coordination among disparate campus DEI efforts. Senate Leadership encouraged the Committees and Councils to look for short- and long-term ways for the Senate to engage with the issues raised, to integrate changes into Senate functions, and to collaborate more effectively with other campus entities. Although there have been improvements in the Senate's responses, the Senate recognizes that more must be done. For this response, I have relied on reports from individual Senate Committees and Councils as well as on the Executive Board's deliberations (see appended documents).

● **Institutional Accountability**

In response to calls for social justice and the Black Lives Matter movement, in Fall 2019 the Academic Senate Chair asked each Senate committee and council chair to prioritize equity, diversity and inclusion in its functions and goals for the academic year, not as a once-off, but as a permanent orientation toward their work. Concurrently, an independent report *Promoting Diversity, Equity, and Inclusion at the UCLA Academic Senate* is being produced by Dr. Aileen Liu, a Principal Policy Analyst in the Senate Office, as part of her participation in the UCLA CHR Professional Development Program. Senate leadership plans to bring the resultant document to the Executive Board for consideration of its recommendations.

We recommend the following:

1. The Faculty Salary Equity Study should be conducted on a triannual basis.
2. The Senate, the Discrimination Prevention Office (DPO), and the Academic Personnel Office (APO) should publish annual summaries of DEI processes and their outcomes for complaints made against staff, faculty members, and students.
3. The Senate should work with the Administration to provide academic units with a toolkit for preventing EDI-related climate problems and for addressing such problems holistically and proactively when they arise.
4. Mandated anti-discrimination training should be carefully considered by appropriate campus bodies, including the Senate.

● **Disciplinary Processes Involving the Senate**

It is important to note that the disciplinary process for faculty members has a bifurcation: a faculty respondent can either agree to administrative sanction through the APO or enter the Senate judicial system and face review by their peers through the Charges and Privilege and Tenure Committees. Both of the routes are ultimately subject to chancellorial decision.

Historically, a large majority of faculty respondents have opted to receive administrative sanction. It is also important to note that the Charges Committee is not duplicative of the Title IX Office, nor duplicative of the Discrimination Prevention Office (DPO). In order to determine whether there is probable cause to warrant a disciplinary proceeding before the Committee on Privilege and Tenure, the Charges Committee conducts investigations into complaints made against members of the faculty. These complaints include those related to sexual harassment, research misconduct, and violations of all other University policies regarding individual conduct. Faculty members are held accountable by multiple regulations made by multiple bodies with different jurisdictions, viewpoints, and prerogatives. In contrast, the DPO is charged with conducting investigations into complaints of discrimination or harassment based on race, ancestry, national origin, religion, age, and other categories protected by law and University policy. The findings of such investigations are then separately adjudicated by the administrative or Senate judicial pathways described above. The separation of investigatory and adjudicative functions is necessary, but dependent upon robust processes and communication. Accordingly, it is not institutionally possible to fold these separate disciplinary mechanisms into a single process.

Nonetheless, the Academic Senate plans to consider implementation of the following improvements to its own processes:

1. Provide more and clearer information and FAQ about judicial processes on the Senate website.
2. Develop and promote educational resources about judicial processes for faculty, students, and staff.
3. Develop on-boarding materials for new Senate judicial committee members to ensure adequate knowledge and understanding of EDI-related issues including, but not limited to, implicit bias, perspective-taking, racial trauma, active listening, and gender stereotypes.
4. Strengthen the roles and responsibilities of the Senate's Grievance Advisory Committee.
5. Set and publish timelines for judicial process milestones so that complainants and respondents have a clearer understanding of the judicial processes.
6. Track, analyze and publish data about the number of cases adjudicated per academic year.
7. Develop stronger collaborations and communication procedures with administrative units—especially the APO and the Office of Equity, Diversity and Inclusion—to clarify roles and to bring greater consistency to these units' respective purviews, policies, and procedures.
8. Maintain the centrality of an independent faculty-led judicial process.
9. Advocate that the Administration's complete investigatory findings in cases of alleged faculty violations be made available to its judicial committees.
10. Provide a forum where Senate judicial bodies can consult regarding their respective processes and their interactions with the DPO and the APO.

● Program Review

The evaluation of UCLA's undergraduate and graduate education is a key Senate responsibility. This process consists of three main steps: the academic unit generates a self-review; a site visit occurs; a review report is published. The review identifies areas in need of attention and makes recommendations. The following year, a progress meeting is held; if satisfactory progress has been made, the review is closed. It is worth noting here that over the past several years, the program reviews conducted by the Senate's Graduate and Undergraduate Councils have called attention to persistent EDI problems. Apart from keeping the review open (and the draconian measures of suspending student admissions or program discontinuation), Councils have few tools to ensure that the Chair and the Dean address the recommendations.

The Senate is taking steps to consider implementation of the following improvements to Program Review:

1. Have the Graduate and Undergraduate Councils collaborate more closely with other Senate committees, councils, and administrative units to identify equity- or diversity-related concerns or trends in departments earlier in the review cycle.
2. Hold departments accountable if they provide inadequate or missing EDI-related information in their self-review.
3. In order to bolster accountability and to ensure timely outcomes, convene two meetings per year with the individuals and administrative units responsible for implementing final report recommendations, including the academic units' Chairs and Deans as well as the Executive Vice Chancellor & Provost.
4. Recommend the direct involvement of the Faculty Equity Advisors in the review process.
5. Advocate for a broader range of educational resources and tools to better support departments facing, and responding to, on-going equity and diversity concerns.
6. Advocate for the Administration to develop and deploy tools to hold Deans and department Chairs accountable for unaddressed or inadequately addressed systemic climate or personnel issues that negatively affect the well-being of students, staff, and faculty and that undermine the unit's ability to fulfill its research and teaching mission.
7. Advocate for consistency, transparency, and accountability for all members of the campus community regardless of school, division, or job title.

● EDI Activities

Improved coordination and communication among the many separate EDI efforts across our complex and decentralized campus is a recognized need. Many efforts reside separately within our 105 individual departments. The Office of Equity, Diversity and Inclusion appears to be the obvious body to coordinate and advance successful strategies and communications amongst the many separate programs, groups and initiatives across the administrative structures of the campus.

According to Senate bylaws, the Senate's Committee on Diversity, Equity and Inclusion (CODEI) advises the Chancellor and makes recommendations to the divisional Senate concerning

policies and programs to advance faculty diversity. It also participates in academic unit reviews; administers diversity awards given annually to faculty, staff, and students; solicits input from student organizations on DEI issues; and consults with the Vice Chancellor for Equity, Diversity and Inclusion on such topics as campus policing and freedom of speech in the classroom. The MRIC Report recognized the value of CODEI's work, but also pointed out that implementation was insufficient. We note that while the Senate can map policy, it is not empowered to implement policy – this demands partnership with the administration.

The Senate is taking or plans to take the following steps:

1. CODEI will work to improve dialogue with the Chancellor's Office, both directly and through the Executive Board.
2. In conjunction with the Vice Chancellor for Equity, Diversity and Inclusion, CODEI is working to engage the campus' 23 equity advisors and help them share best-practices, coordinate their work, and consider further definition of their role.
3. The Senate is planning to work with the EDI Office to catalogue, guide, and coordinate all DEI efforts in Departments, Schools, and Divisions.
4. The Senate is planning to study CODEI's bylaws in order to clarify and enhance its role in liaising with other Senate bodies and to consider increasing its membership and analytic support.
5. The Senate will consider ways to support CODEI involvement in academic program reviews and to act on CODEI recommendations in this process.

● **Faculty Development**

The extent to which the current make-up of the UCLA faculty does not come close to reflecting the diversity of the California population is a foundational issue that must be directly addressed. Failing to do so will hamstring attempts to solve the problems identified by the Moreno Report. Even with good intent and enlightened policy, change through normal faculty turnover has been and continues to be agonizingly slow. When considering the role of the Academic Senate in faculty development, it is important to note that the Administration directs the apportionment of FTE and that deans and chairs wield considerable power over the charges given to search committees as well as over the recruitment process. Although the Senate has decision-making authority in the admission of undergraduate students, it paradoxically lacks such authority in the hiring of faculty members to the University. Nonetheless, the Senate's Executive Board has gone on record urging boldness in hiring, and we would take this opportunity to reconfirm our stance. UCLA must take advantage of the current opportunity to build the excellent and diverse faculty body that the future demands.

One potentially productive step in the right direction is an initiative recently launched by Chancellor Gene Block and Executive Vice Chancellor and Provost Emily Carter. Titled Rising to the Challenge, it aims to support and develop the scholarly community on campus devoted to Black life and racial equity through new graduate and postdoctoral fellowships and through ten new tenure-track positions for the recruiting of faculty members whose work addresses aspects of the Black experience, broadly defined. More such targeted initiatives are called for in order

to bring about a truly representative faculty at UCLA. Moreover, the long-term success of such recruitment efforts will depend on the University's wholehearted commitment to DEI goals with regard to promotion, retention, and compensation.

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In conclusion, the Academic Senate is most grateful to the MRIC for highlighting the urgent need for aggressive institutional action in response to issues raised roughly a decade ago in the Moreno Report. The Senate's response makes recommendations based upon self-reflection called for by the MRIC Report and upon independent review of the Senate itself.

Sincerely,

A handwritten signature in black ink, appearing to read "Shane White", enclosed in a thin black rectangular border.

Shane White
Chair
UCLA Academic Senate

Encl.

Cc: Gene Block, Chancellor
Emily Carter, Executive Vice Chancellor/Provost
April de Stefano, Executive Director, UCLA Academic Senate
Yolanda Gorman, Senior Advisor to the Chancellor and Chief of Staff
Jody Kreiman, Vice Chair/Chair Elect, UCLA Academic Senate
Michael Levine, Vice Chancellor, Academic Personnel
Michael Meranze, Immediate Past Chair, UCLA Academic Senate
Louise Nelson, Vice Chancellor, Legal Affairs
Emily Rose, Assistant Provost and Chief of Staff
Anna Spain Bradley, Vice Chancellor, Equity Diversity and Inclusion
Richard Yarborough, Committee on Diversity, Equity, and Inclusion Chair, UCLA Academic Senate