



February 25, 2015

To: Jose Wudka, Chair
Riverside Division

From: Jennifer Scheper Hughes, Chair
Senate Task Force on Climate, Equity and Discrimination

Re: Task Force Report

The UCR Senate Task Force on Climate, Equity and Discrimination originates from a Charge from the Riverside Division to initiate Senate participation in shaping the campus' response to the Campus Climate Survey; the Moreno report; the Salary Equity Report; and the Violence Against Women Act. The Divisional Senate regards these documents as together constituting a special opportunity and invitation to examine our campus structures and make recommendations so that these structures become fully responsive to the relevant findings of these reports. The findings and advice of the task force are summarized in this document.

Process

The findings and recommendations of the task force were achieved through collaborative interaction with the various campus resources and offices charged with protecting our faculty from discrimination and harassment. In addition to the Chair, the task force included representative members from the Standing Committees on Diversity & Equal Opportunity (CODEO), Faculty Welfare (FW), Academic Personnel (CAP) and Privilege and Tenure (P&T). Other Senate faculty not currently serving on a senate committee but who bring a diversity of perspectives and expertise were included in the task force membership.

The work of the committee commenced in the Spring of 2014 with active meetings continuing over the summer and concluding at the end of Fall 2014. In addition to meeting with leaders of various program offices, the committee conducted interviews with key administrators as well as with relevant senate chairs (including interviews with past and current chairs of the Senate Privilege and Tenure Committee, the Vice Provost of Academic Resolution, Campus Counsel, the EVC/Provost, the Assistant Executive Vice Chancellor/LDO, and the Associate Vice Chancellor of Diversity, Excellence and Equity). The committee also initiated a poll to which 221 faculty responded (we note that participation in our senate poll was significantly greater than in the system wide Campus Climate Survey). The poll

included six questions and allowed ample room for narrative comment. The committee also reviewed relevant documents, became familiar with the content and functions of UCR's related policies and procedures, and studied steps taken at other UC campuses to improve climate.

Executive Summary

The Task Force finds that UCR faculty lack confidence in the campus' responsiveness to addressing complaints and grievances relating to discrimination (on the basis of race, gender, ethnicity, sexuality, disability, etc.), inequity, and harassment. The campus culture is risk-averse and in addition to other ways this is manifest on our campus it is also evident in aversion to the perceived risks created by directly addressing complaints. Campus culture seeks to "dampen down" complaints (to quote one administrator) rather than to give them full hearing and take corrective and restorative action. There is little transparency around outcomes and corrective actions including too little communication about them to the faculty grievant or to the campus community at large. There is not a standard practice of regular reporting to the campus about the activities of the relevant administrative offices and as a result, many offices appear (whether they are or not) to some complainants to be inactive, ineffectual, and non-responsive. This opacity makes effective oversight of these offices and processes difficult if not impossible.

The Task Force also found uncertainty among faculty with respect to the routing process of grievances as well as a lack of information about the roles of the various administrative and senate offices and their function in relation to one another. In our interviews we came to understand that there has been a pattern of grievances circulating among administrative offices, sometimes without any formal system of tracking complaints, outcomes and results. This also impairs effective oversight and assessment of performance.

Further, according to our senate survey, more than a third (39 out of 112) of those who report bringing a concern or grievance (to their chair, dean, or to one of the relevant offices) report that they were either actively dissuaded from filing (or otherwise pursuing) their grievance or that they subsequently experienced retaliation and secondary victimization. As a result, some faculty do not report their grievances, do not get resolution of on-going problems, and feel unprotected in the workplace.

Senate offices have been vastly underused by faculty and need to be reinvigorated for purposes of responding to complaints of discrimination, lack of equity, and harassment. This is due, in part, to attempts by relevant campus administrative offices to discourage faculty from utilizing Senate processes and procedures. As a faculty governance body, the Senate and its committees must assume some responsibility for this state of affairs. The Senate has not communicated effectively and consistently with the faculty regarding the resources it has available for responding to grievances and complaints. The Senate itself has been remiss in not

ensuring that the administration has carried out its institutional and legal duties. The senate has a vital role to play in addressing these deficits.

Many faculty are also concerned about the lack of an advocate on campus to support them in the grievance process.

Our Task Force asserts that a sign of a healthy system is a vigorous and vital grievance process in which cases move from start to resolution in a timely manner, disciplinary actions are taken against those who violate the rights of others, restorative actions are taken on behalf of those who have experienced discrimination or harassment, and the campus is as informed as possible with regard to the kinds of corrective and disciplinary actions that are being taken. The Task Force notes that, in light of the Moreno Report, and because we have a new chancellor and new upper administration, the administration and senate together should reiterate their commitment to protecting our faculty from discrimination and harassment. The senate and administration should partner in the process of improving the campus' responsiveness to discrimination, inequity, and harassment. The goal should be mutual accountability between administrative and senate offices charged with protecting the faculty.

Recommendations

1. **Campus Climate Equity Officer**—This officer is a crucial, new position for a new hire: a lawyer with expertise in diversity, equity, discrimination, and harassment (two such lawyers were recently hired as “Grievance Prevention Officers” at UCLA, on the recommendation of their faculty). The Officer will assist with the investigation of claims, the writing of university policy, and the education of administration, senate committees, and faculty. This officer might also be charged to educate the campus on the legal limits of transparency, tracking retaliation for those who have filed a grievance, and advising the senate and administration in the revision of campus policies to bring them fully current and compliant. This Officer should be subject to regular performance review by faculty.
2. **Grievant Rights Document.** We recommend a standard document of grievant rights requiring a confidential, signed affidavit of receipt to be received by the potential grievant at the very first meeting or contact, at any point of entry in the process (including department chairs). This document should be devised by a committee that includes the relevant administrative offices and the relevant senate committees, and in consultation with the Campus Climate Equity Officer (that is, a campus discrimination and harassment lawyer). It may include but need not be limited to such rights as the right to file complaints directly without approval of a chair, dean, or VPAR; the right to access senate processes directly; the right to know the current status of the complaint and where it is in the process; the right to know the outcome; the right to be protected from retaliation, the right to

contact resources external to the university, etc. If first contact is not an in-person meeting, this document is to be sent to the grievant at the very first email or phone conversation. Attached to the grievant rights should be a brochure that clearly and accessibly describes the various campus offices (administrative and senate), their mandates, the various steps of a grievance, and the routing procedures for the campus. It should also contain information about (including contact information for) external resources: the EEOC, Department of Labor, etc.

3. **One Stop Shop** (an office and a website). The Task Force reiterates one of the fundamental recommendations emerging in response to the Moreno Report, the need for a “one stop” office and website. The website should provide information about which processes are appropriate to which complaints. It should also list examples of corrective and restorative actions taken by each office (clearly listing examples of the range of actual outcomes of grievance cases in the last five years, as allowed by privacy constraints). The website might also give illustrative examples of different routing procedures for different types of cases.
4. **Reporting:** All relevant offices (administration and senate) need to report annually to faculty and the larger campus community. These reports should include clear information about how many equity, harassment, and discrimination grievance cases were heard by each office, the time taken to process complaints, and the nature of the outcomes. The Task Force finds that there is a lack of transparency around outcomes that may exceed legal and AAUP confidentiality guidelines and that may impair enforcement of antidiscrimination policies. The campus needs to be advised as to the various disciplinary actions, sanctions, and restorative actions that have been taken by the campus in the last five years (without revealing the identities of the parties involved). Reporting on outcomes should appear on the One Stop Shop website and also possibly at the beginning of the mandatory online sexual harassment training.
5. **Review:** The Task Force also recommends frequent performance review of relevant administrative positions, offices, and senate committees charged with protecting the faculty. The committee found that some relevant administrative positions had not been reviewed in more than five years. Others require review only every five years but the posts are rarely filled by the same person for more than two or three. The framework for oversight of these offices must be clarified and made transparent. The faculty (through the senate) should have the opportunity to review the most relevant administrative officers and offices on an annual or biennial schedule.
6. **Senate Role and Faculty Advocates.** The senate must become a fully equal partner with administration in the protection of our faculty from discrimination, inequity, and harassment. Toward this end, it must revitalize,

fortify, and clarify the roles and responsibilities of key senate committees, updating its protocols, practices and procedures where relevant. It should be equipped and ready to take swift action when necessary to protect the rights of its faculty as it insures that the rights of all parties are observed and respected. The Senate should also assume under its responsibilities regular communication with the administrative offices charged with handling complaints and charges of discrimination, inequity, and harassment, and participate in the oversight of such offices with respect to their handling of such matters (subject to the limits imposed by confidentiality rules). Campus administration should also demonstrate investment in and commitment to the efficacy of senate procedures and protocols for responding to grievances and should review and respond to relevant senate committee reports.

The Senate Grievance Consultation Panel should be reinvigorated and its charge revised to include advocacy in navigating university systems for faculty alleging discrimination and harassment. Members of the grievance panel should not only include former members of P&T but other faculty on our campus who have demonstrated to the campus a commitment to equity and anti-discrimination, including possibly former grievants themselves. The profiles and particular interests and expertise of members of the Grievance Consultation Panel should be published on the Senate website. Panel members must have substantive training provided in the form of annual workshops. As with each relevant Senate committee, the Panel must communicate effectively, directly, and persistently with the faculty as to the services it provides.

7. **Education and Training.** We advocate education and training for deans, chairs, Senate committees, and faculty with annual workshops at the beginning of each year of service. Chairs in particular require orientation and training as to their responsibilities (according to our survey, more than half of those with concerns or grievances brought their concern first to their departmental chair). New faculty orientation should include a presentation and written materials regarding the campus' resources and processes for filing grievances. The processes, practices and policies of the various Senate committees need to be clarified for committee members as well as for the UCR community at large. Handbooks need to be updated annually. Documentation needs to be clearer and more informative at every level. The Campus Climate Equity Officer (legal counsel) should have a central role in designing educational materials and training programs for administrators and faculty.
8. **Restorative Process and Departmental Climate.** The Task Force recommends post-case restorative processes for departments, for major cases involving ongoing harassment and bias in merit/promotion. Campus financial resources should be dedicated to funding departments to work with outside consultants and resources including expert conflict mediators.

Departments with multiple harassment complaints should be put under external management (receivership) while active efforts are taken to reshape its culture.

We close by urging the Administration and Senate to take seriously the findings and recommendations presented here. We recognize that there will be an investment of additional financial and personnel resources in improving campus climate. In order for the Senate to fulfill its responsibilities to the campus efficiently and effectively, necessary resources must be invested in the Senate infrastructure to sustain highly functional Senate operations equal to the mandate of the Regents and the equal to the functions of the Chancellor's Office. Specifically, the Divisional Senate Office must have sufficient resources (additional FTEs) to be fully responsive to the increase in grievances that are anticipated and the expanded responsibilities for review of relevant offices.

Respectfully Submitted,

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