Committee on Diversity & Equity  
Annual Report 2016-17

To the Faculty Legislature, Santa Barbara Division:

Committee Charge  
The charge of the Committee on Diversity & Equity (CDE) is to work towards attaining the campus goals of diversity and equity and actively pursue the goals of affirmative action.

Membership  
The Committee on Diversity & Equity consists of a Chair and at least five members. The Director of the Equal Opportunity & Discrimination Prevention Office and Director of the Title IX & Sexual Harassment Policy Compliance Office serve as ex-officios on the committee. In addition, there is one non-Senate academic representative, one undergraduate student, and one graduate student representative.

Summary of CDE activities over 2016-17  
There were a total of eight meetings of the Committee over the 2016-17 term. CDE’s primary areas of focus during the term were: 1) Diversity training for faculty hiring committees; 2) Faculty Salary Equity Study; 3) Proposed Revisions to APM 015 and 016, and Conforming Amendments to Senate Bylaw 336; 4) Proposed Revised Presidential Policy on Nondiscrimination and Affirmative Action regarding Academic and Staff Employment and APM-015.

CDE discussed these topics at length (incorporating input from meetings with non-Committee campus stakeholders who made presentations to CDE) and shared its recommendations with Academic Senate Chair Henning Bohn when appropriate. Topics and recommendations are briefly described below.

Reviews of Systemwide UC Issues  
Proposed Revisions to APM 015 and APM 016, and Conforming Amendments to Senate Bylaw 336 and Proposed Revisions to Bylaw 336 - Second Round Review  
In October, CDE reviewed the proposed revisions to Sections 015 and 016 of the Academic Personnel Manual (APM) and Senate Bylaw 336. While CDE had no objections to the changes, members voiced a few specific comments. With regard to APM 015, the committee supported the explicit addition of sexual violence and sexual harassment and agreed that there should be “no limit on the time within which a complainant may report an alleged violation.” However, CDE suggested that it should be made explicit that the complainant need not still be at UCSB at the time a report is made. CDE also questioned the rationale of allowing the Chancellor up to three years to initiate disciplinary action after an allegation is officially reported (Part III-A-3). CDE wondered if the three-year allowance to initiate disciplinary action is too long a period of time.
In April, CDE participated in a second round review of revisions to Senate Bylaw 336. CDE’s comments on the last round of revisions were sent to the Academic Senate and compiled as part of the UCSB Divisional Response. CDE was pleased that the three-year time frame for initiating disciplinary action was clarified to begin at the time the Chancellor is deemed to know about the alleged violation, not from the time of the alleged incident. The second concern CDE brought forth from the first round of review was not addressed. The Committee suggested that it be made explicit that the complainant need not still be at UCSB at the time a report is made.

Draft Presidential Policy on International Activities
In October, CDE reviewed the draft Presidential Policy on International Activities. Members of CDE voiced concerns around issues related to sexual harassment, sexual violence, and all other forms of harassment and discrimination. In particular, the committee sought clarification regarding the scope of the University’s jurisdiction over international activities covered under the policy. Members wondered whether UCSB faculty, students, and staff were subject to the University’s policies (i.e., Faculty Code of Conduct, Student Code of Conduct, etc.) while participating in these approved programs, and what happens if UC’s policies are in conflict with the host institution’s policies or local laws. The committee noted that the draft included language such as “All partners must work with faculty, students, and staff to ensure compliance with all applicable UC and partnering site policies, and all applicable statutes, regulations, standards, and guidelines in the U.S. and in the site country”. However, CDE was concerned that “applicable policies”, for example, was not sufficiently clear for issues surrounding harassment, discrimination, or sexual violence. Question 7 in the Frequently Asked Questions section might also partly address these issues, but the committee recommended further clarification.

Proposed Revised Presidential Policy on Nondiscrimination and Affirmative Action regarding Academic and Staff Employment and APM-015
In November, CDE reviewed proposed revisions to the Presidential Policy on Nondiscrimination, Harassment, and Affirmative Action in the Workplace and Section 015 of the Academic Personnel Manual (APM 015). Overall, CDE supported the proposed changes, agreeing that they represent an appropriate expansion of the policy with improved language regarding harassment and increased compliance with Title VII (of the Civil Rights Act of 1964).

Members expressed concern about the lack of clarity regarding the corresponding campus implementation guidelines, although it was understood that each campus was to develop its own procedures. In addition, the committee recommended that the references to a “fair, timely, and thorough investigation” be more specific and should be uniform across all campuses. (For example, the Policy on Sexual Violence & Sexual Harassment specifies an investigation period of 60 working days.) CDE also sought clarification regarding the references to “medical condition (cancer-related or genetic characteristics)” in Section III-A of the presidential policy and Section II-C-5 of the APM. It was not clear if this meant “including cancer-related or genetic characteristics” or if it applied only to these two situations. If the former, then CDE recommended the addition of the word “including,” and if the latter, CDE recommended striking the phrase “medical condition” and the parentheses.
Proposed Revised Regents Policy 3101 and 3104 Regarding Professional Degree Supplemental Tuition (PDST)
In November, CDE reviewed the proposed revisions to Regents Policy 3103 & 3104 regarding Professional Degree Supplemental Tuition. The proposed revised policy would incorporate Regents Policy 3104 (Principles Underlying the Determination of Fees for Students of Professional Degree Programs) into a revision of Regents Policy 3103 (Policy on Professional Degree Supplemental Tuition). The committee took particular note of Display 3: Percentage of Underrepresented Students Receiving Graduate Professional Degrees at UC and at Other AAU Public and Private Universities, 2013-14, which indicated that the UC compares favorably in several areas (education, medicine, health sciences) but appear to underperform in law and business. The committee had no objection to the proposed policy changes.

Proposed Revised Presidential Policy Business and Finance Bulletin (BFB) - G-28, Travel Regulations
In January, CDE reviewed and endorsed the proposed revisions to the Presidential Policy on Travel Regulations: Business & Financial Bulletin (BFB), Section G-28. The Committee supported the efforts to make the University of California more “family-friendly”. Committee members were concerned that the policy seemed to focus on University administrators and Athletics staff, and did not address faculty members and travel for scholarly activities. Concern was also expressed regarding the reference to “clerical” support of a spouse or domestic partner, which sounded outdated.

Proposed Revised APM Sections- 285, 210-3, 133-0-B, 740
In May, CDE reviewed the proposed APM revisions concerning replacement of the Lecturer with Security of Employment (LSOE) series with the Teaching Professor series. Members had concerns about equity for current LSOE, arising from the new emphasis on teaching innovation and the enhanced emphasis on scholarly activity and achievement proposed in the requirements for advancement within the Teaching Professor series (APM 285 and APM 210-3). Members discussed the increased emphasis on scholarly activity and achievement and the new emphasis on teaching innovation in the Teaching Professor series risks imposing an undue, infeasible workload burden.

An additional concern was that in response to these new guidelines for merit advancement and promotion, outstanding and prolific teachers (in particular, current LSOE) may feel pressured into attempting counterproductive changes in teaching practices in order to demonstrate innovation and/or engage in counterproductive “check the box”-type scholarly activity. The policy does not explain how the increased course load would affect these faculty and their ability to carry out scholarly activity. CDE was also unsure how these changes would affect the academic personnel review process.

CDE also suggested that language paralleling APM 210-1-d on credit for efforts to promote diversity and equity should be added to APM 285, as such language is already present in the revised APM 210-3.
Revised Presidential Policy on Electronic Information Security (IS-3)
In June, CDE reviewed the revised Presidential Policy on Electronic Information Security (IS-3). The Committee found the proposal confusing, and were perplexed by the vacillation between sections that referenced very specific, technical policies and sections in which the policy was extremely vague. The Committee had overarching questions that pertained to the entire revised policy. Who would over-see the policy implementation on each campus, and within specific campus units? How would the policy be implemented and carried out? Who would represent the faculty? Members were concerned that faculty interests were at risk in the policy, specifically related to the responsibilities laid on research PIs. Who would ensure that faculty have the campus support they will require?

University Committee on Affirmative Action, Diversity, and Equity (UCAADE) Free Speech Discussion
Chair Gwinn attended the April UCAADE meeting, which centered on issues of free speech. The conversation was initiated by the graduate student representative, spurred by the Milo Yiannopoulos incident at UC Berkeley. There was conversation about free speech versus hate speech, and the underlying principle that hate speech is protected under the First Amendment. The Committee discussed ways that UC could enforce principles (like hate speech is an opportunity for more speech), not policy, as there is legally not a way to stop hate speech from happening on campuses. The Committee requested that more information be provided to employees about their rights when speakers demean groups of people during a speech, talk or protest on campuses. UCAADE also asked campus leaders to develop and disseminate more overarching information to students, faculty and staff about their rights amid free speech/hate speech concerns.

University Committee on Affirmative Action, Diversity and Equity (UCAADE) Meeting with UC President Napolitano Regarding Faculty Diversity
Chair Gwinn attended the May UCAADE meeting which included a consultation with UC President Janet Napolitano. President Napolitano commented that UC is making some progress in hiring more diverse faculty, but that she has the responsibility to do more. The discussion between UCAADE and President Napolitano yielded suggestions for ways to improve faculty diversity, such as providing Deans and Department Chairs incentives and rewards for diversity hiring; providing FTE for two positions when two candidates that are beneficial for diversity are found; and finding ways to reward schools and departments that meet their pipeline diversity goals ahead of schedule.

Reviews of Campus Issues

Diversity Training for Faculty Hiring Committees
The topic of diversity training, diversity self-assessments and diversity credit as part of academic personnel cases was discussed throughout the year. CDE had multiple consultations with campus constituents, and spent many meetings discussing the type of diversity training
they wanted to recommend to the campus. A recommendation memo was created at the end of the year for distribution to administrators, and this topic will continue as an item of business for the 2017-18 year.

In October, the committee discussed two diversity-related issues regarding the hiring of academic personnel: diversity statements in faculty appointment advertisements and diversity training for faculty hiring committees. Regarding faculty hiring ads, UCSB’s statement was described as more “aspirational” as compared to other statements which use stronger language. Director of the Equal Opportunity & Discrimination Prevention Office and Ex-Officio member of CDE Ricardo Alcaíno shared UC Irvine’s statement, which he believed is stronger. CDE wondered what the process would be at UCSB for changing this campus’ hiring statement.

With regard to training for faculty hiring committees, it was noted that some campuses require diversity training for faculty search committees (e.g. Davis, Irvine, Los Angeles, and San Francisco). UCSB offers training, but does not require it. While the committee agreed that UCSB should require some type of diversity training for faculty hiring committees, it was also noted that training works best when the department requests it and when there is a higher level of “cultural literacy” to start with.

In November, Director Alcaínó shared a presentation from his office, comparable to the training that his office offers for department chairs and hiring committees. Following Mr. Alcáño’s presentation, the committee discussed whether or not it wanted to recommend that this training be made mandatory for all faculty search committees. CDE questioned whether UCSB has the staff available to accommodate the need, should the training be required. It was noted that other campuses that require such training have greater office support to provide it. In particular, other campuses offer training through offices comparable to UCSB’s Associate Vice Chancellor for Diversity Equity, & Academic Policy, but at UCSB this office has minimal support staff for the AVC. CDE also wondered whether the training should be mandatory for the entire committee, or only the committee chair or department chair. The committee agreed to revisit this issue for further discussion and action at a future meeting.

During the winter quarter, CDE held consultations with Marlee Richter, the Academic Senate analyst who staffs the Committee on Academic Personnel (CAP), and Professor John Gilbert, Chair of CAP. Ms. Richter was invited to meet with CDE to discuss CAP’s implementation of APM 210-1-d, which addresses assigning credit for diversity in privilege and tenure (P&T) cases. CDE was provided data over the last two years (2014-15 and 2015-16) showing how many P&T cases submitted the optional Diversity Self-Assessment, and how many were awarded credit for diversity in their review. CDE wondered how CAP determines whether diversity work is “above and beyond” faculty members’ regular responsibilities and deserving of extra credit in personnel cases. Additionally, members wondered about the numbers of faculty who applied for, but did not receive, credit for diversity work, as only information about those who received credit was in the report. It was suggested that CAP Chair John Gilbert be invited to discuss this further.
Chair Gilbert was invited to meet with CDE in order to delve deeper into how CAP implements APM 210-1-d. Chair Gilbert explained the CAP review process, and that CAP’s role is advisory only; the Committee cannot decide Academic Personnel decisions. CAP uses the Red Binder (*UCSB Campus Policies & Procedures for Academic Personnel*) as its guide as CAP reviews each case. Members assess each faculty dossier in terms of the four service areas: teaching; research; professional activity; and university and public service. CAP can only take into account information that is presented in the dossier; members cannot do any independent research, even for clarification.

CDE then proceeded with a discussion around the Diversity Assessment and CAP’s implementation of APM 210-1-d. Members had questions about what is considered “above-and-beyond” diversity work. Members discussed the idea of “hidden work” for faculty of color, and how a service a faculty member would provide for any student could potentially be emphasized as diversity work in the right context. Finally, CDE and Chair Gilbert discussed ways that departments and the university could help faculty members emphasize their work with diverse populations better, such as asking department chairs to write about specific instances a faculty member has gone above-and-beyond with diverse populations; emphasizing the importance of the diversity statement; and consulting Academic Personnel for possible changes to their policies in order to credit the various kinds and levels of diversity work that faculty do. Chair Gilbert was unable to provide numbers at that time on how many faculty applied for the diversity credit and did not receive it.

After these consultations, CDE further discussed the issue of whether training for faculty search committees should be made mandatory. The committee reviewed and approved a draft memo to Academic Senate Chair Henning Bohn. The committee recommended that diversity training be made mandatory for all faculty search committees, including chairs and members of the committees as well as the chairs of departments that have active searches underway. CDE noted that other campuses that require such training may have greater office staff support to provide it. CDE recommended further discussion about whether this training should be provided through the Office of Equal Opportunity & Prevention Discrimination or the Associate Vice Chancellor’s office. CDE also recommended consideration of various different models of training: for example town hall meetings vs. focused training for individual search committees.

In spring quarter, CDE continued to work on a final proposal recommending mandatory diversity training. One of Chair Gwinn’s priorities was to make sure the proposal contained exactly the recommendations the Committee wanted, and that the ideas were well developed, before distributing it to Deans, Vice Chancellors and other campus leadership. The Committee spent the spring quarter meetings discussing the aspects of training they felt were most important to include in the proposal.

The final recommendations in the memo included having the Office of Equal Opportunity & Discrimination Prevention lead the trainings; establishing a committee of faculty experts to oversee evaluation of the training and also work to develop Faculty Equity Advisors;
recommending that faculty complete the training every three years; that different modes of delivering the training will be necessary, but to make them interactive and engaging; and that materials other UC campuses have already developed be consulted for best practices. The Committee decided to distribute the memo to campus leadership over the summer and solicit feedback and best practices that could be incorporated into the ongoing discussion the 2017-18 Committee on Diversity and Equity Chair will lead.

**Faculty Salary Equity Study**

In September, CDE learned that in response to concerns and recommendations expressed by CDE last year, the Executive Vice Chancellor (EVC) David Marshall invited CDE member Kyle Lewis to join the Faculty Equity Study committee. In particular, concerns were expressed about the reliance on age (birth year) as a predictor variable in the analysis. The hope was that a more nuanced set of predictor variables (like that used in the Berkeley report) will provide a more useful analysis. Kyle Lewis would report back progress made in the Faculty Equity Study committee.

In January, members reviewed the recommendations from the University Committee on Affirmative Action, Diversity, & Equity (UCAADE) for best practices for future campus analyses of faculty salary equity on the basis of gender, sex, and ethnicity. Kyle Lewis presented a draft memo from CDE in response to UCAADE’s recommendations. CDE supported UCAADE’s recommendation that all campuses use the same methodologies regarding faculty salary equity reviews. In addition to answering UCAADE’s list of questions, CDE also agreed on several points and recommendations to include in the final memo.

CDE proposed that the University Office of the President (UCOP) retain professional experts to implement and further develop UCAADE’s distillation of current best campus practices; clarify the ways in which the outcome of analyses will be used to remedy salary inequities; that equity adjustments should not be limited to rank and step only; and that any analysis must recognize that service is far more holistic than participation on Academic Senate committees. Members also emphasized that underrepresented faculty, including women in the physical sciences and engineering, may experience disproportionately heavy service loads related to UC’s diversity and equal opportunity goals, which should be taken into account.

In response to questions put forth by UCOP, CDE highlighted that UCSB continues to operate with significantly reduced staff compared to before the 2007-8 financial crisis, an issue not unique to UCSB. Any new effort that requires additional staff or faculty time presents a new burden that will be difficult to accommodate without further diminishment of quality in core efforts. CDE also noted that a meaningful salary equity analysis is a complex undertaking. UC should engage leading experts to develop an equity analysis package for efficient use across UC campuses. This is not something to delegate to ad-hoc committees.

**Clare Boothe Luce Program**

In September, CDE discussed the possibility of UCSB participating in the Henry Luce Foundation’s Clare Boothe Luce Program. The program offers grants to universities to provide
support for women faculty in science, mathematics, and engineering. Grants are made to four-year degree-granting institutions, and preference is given for support of women in the physical science and engineering fields in which women are the most underrepresented (e.g., physics, computer science, mathematics, electrical engineering, mechanical engineering, etc.). CDE agreed to send a memo to the Executive Vice Chancellor as well as Barbara Walker, Director of Research Development in the Office of Research, who actively seeks out these types of grant opportunities. In addition, it was suggested that the committee also work with Beth Schneider, Director of the McNair Scholars Program to discuss other similar opportunities.

At its next meeting, CDE approved a memo to the Executive Vice Chancellor requesting an initiation of an application to this program. The memo was finalized on November 17, 2016, and sent to the Academic Senate leadership. After receiving no reply, Chair Gwinn made email inquiries in March 2017 and learned that the memo had not yet been sent. This oversight was corrected and the memo was sent on March 10, 2017, after the deadline for submission to the Clare Boothe Luce Program.

Pending Issues for CDE in 2017-18

- Continuing the discussion about diversity training for faculty hiring committees. A final memo was approved in June 2017 to be distributed to senior level administrators for consultation.
- Continuing clarification on why faculty might apply for and not receive diversity credit in academic personnel reviews, and how above-and-beyond diversity work should be presented when this type of work is a faculty member’s area of emphasis.

Members:

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Kyle Lewis, Vice Chair
Melissa Morgan Consoli
Anna Everett
Christopher McAuley
Chela N. Sandoval
Vickie J. Scott
Ram Seshadri (Winter & Spring)
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