

July 1, 2016

TO: UCLA Students, Staff, and Faculty

FROM: Vice Chancellor Jerry Kang
Equity, Diversity and Inclusion



RE: Public Accountability Report

One complaint we often hear is that people report discrimination, but nothing is ever done about it. One reason for this sentiment is that even when a wrongdoer is sanctioned, almost no one finds out because of confidentiality constraints. This lack of transparency undermines the twin goals of deterring bad behavior and providing some sense of closure for the Complainant and the community. The following “Public Accountability Report” is my Office’s attempt to readjust that balance between confidentiality and transparency.

This report aggregates five years of data on discrimination allegations and investigations, from February 2010 through March 2015. To avoid any confusion, these investigations were all completed *before* the creation of my Office in July 2015. Moreover, this period precedes the adoption and implementation of the new [UC Policy on Sexual Violence and Sexual Harassment](#).

For multiple reasons, I can’t provide a very detailed or textured report. First, law and policy require confidentiality in many respects, which is why the data are anonymized. Second, the records available for our review were limited to complaints *against faculty only* and are almost entirely about *sexual harassment*. Also, the available records do not consistently report race and other demographic details.

As you review this Public Accountability Report, you might have two questions. First, are we keeping better data now? The answer is yes, and we plan to present annual updates of the Report. Given our improved record-keeping, we expect future updates to contain a more textured analysis. The past year has also seen a significant increase in the number of staff and resources dedicated to receiving and investigating complaints of sexual harassment and sexual violence. We therefore should not be surprised if, in addition to detail, next year’s report reflects a relative increase in the number of reported incidents.

Second, how does the current complaint process work given the adoption of new policies and the creation of new offices? Most important, all claims regarding gender should be directed to UCLA’s Title IX Office, which can be reached by phone at (310) 206-3417, or via email at [<titleix@conet.ucla.edu>](mailto:titleix@conet.ucla.edu). For all other claims of discrimination, or if you just have a question, the simplest option is to contact us at [<WeListen@equity.ucla.edu>](mailto:WeListen@equity.ucla.edu) or (310) 825-3935. We will direct you to the proper office, which may be the Title IX Office (e.g., sexual violence, sexual harassment, or gender discrimination) or the Discrimination Prevention Office (other forms of discrimination), both of which report to me. Additional background information is available at: [<http://equity.ucla.edu>](http://equity.ucla.edu).

Overview: 52 Gender Discrimination Cases

The following overview provides summary statistics on 52 gender discrimination complaints that were received and investigated between February 2010 and March 2015. All of these complaints allege some form of sexual harassment and/or sexual violence.

Although we obtained information on a total of 63 gender discrimination cases from this time period, 11 of those cases contained records so incomplete that they were not included in this report. Since gender and campus affiliation were the only demographic data that were consistently recorded, that's all we are able to report.

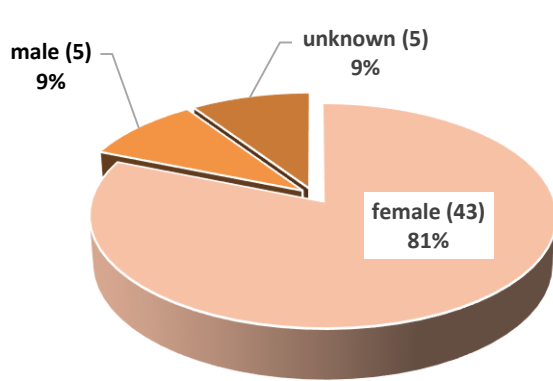
The records we reviewed also contained four race discrimination cases. (This small number shouldn't be surprising since we were reviewing the records of a *sexual harassment* investigator.) Given their small number, we could not provide useful summary statistics and have omitted them from this analysis.

Some basic terms:

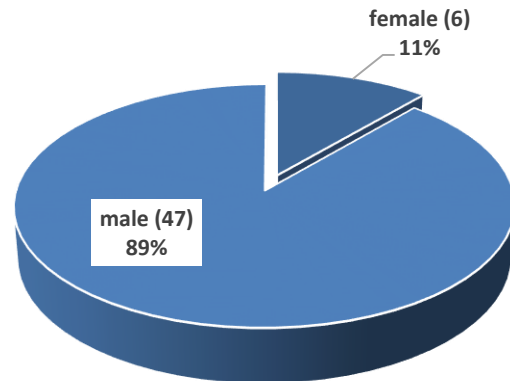
- "Complainant" refers to the person who alleges discrimination.
- "Respondent" refers to the person who is alleged to have engaged in discriminatory conduct.

[See next page for graphs summarizing Complainant and Respondent data.]

Breakdown by Complainant and Respondent Gender*

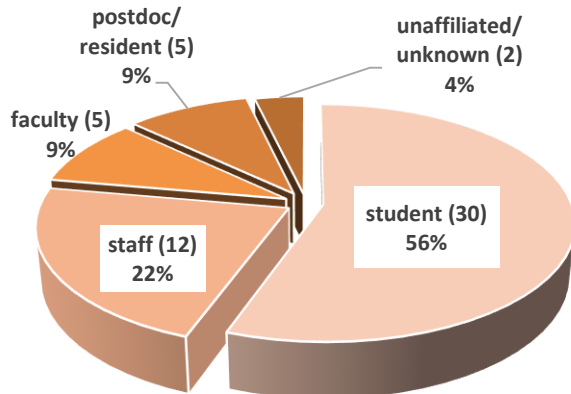


Complainant Gender
(N=53)



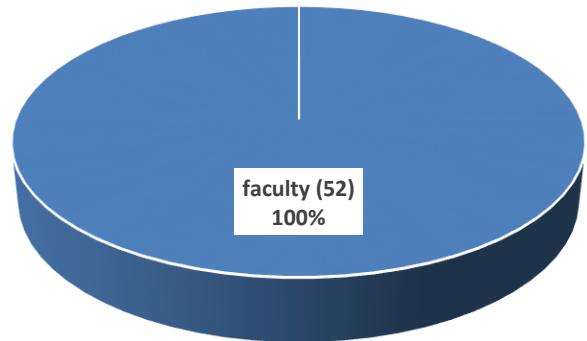
Respondent Gender
(N=53)

Breakdown by Complainant and Respondent Campus Affiliation†



Complainant Campus Affiliation
(N=54)

Remember: Our data included only investigations of faculty – that's why we see 100% faculty affiliation for Respondents.



Respondent Campus Affiliation
(N=52)

* One case involved two Complainants (one male and one female); another involved two Respondents (one male and one female). All other cases involved one Complainant and one Respondent.

† One case involved two staff-Complainants; another involved two student-Complainants. All other cases involved one Complainant.

Outcomes

The Faculty Code of Conduct is set forth in the Academic Personnel Manual ([APM-015](#)). That Code prohibits various forms of discrimination, including harassment against students, staff, and other faculty.

In order to discipline faculty for violating the Faculty Code of Conduct, the Administration cannot act unilaterally given UCLA's system of shared governance. Instead, various strict procedures involving multiple [Academic Senate](#) committees have to be followed. Those procedures are outlined in [APM-016: University Policy on Faculty Conduct and the Administration of Discipline](#), and [Appendix XII of the UCLA Academic Senate Bylaws](#).

APM-016 provides a specific inventory of “**disciplinary sanctions**”:

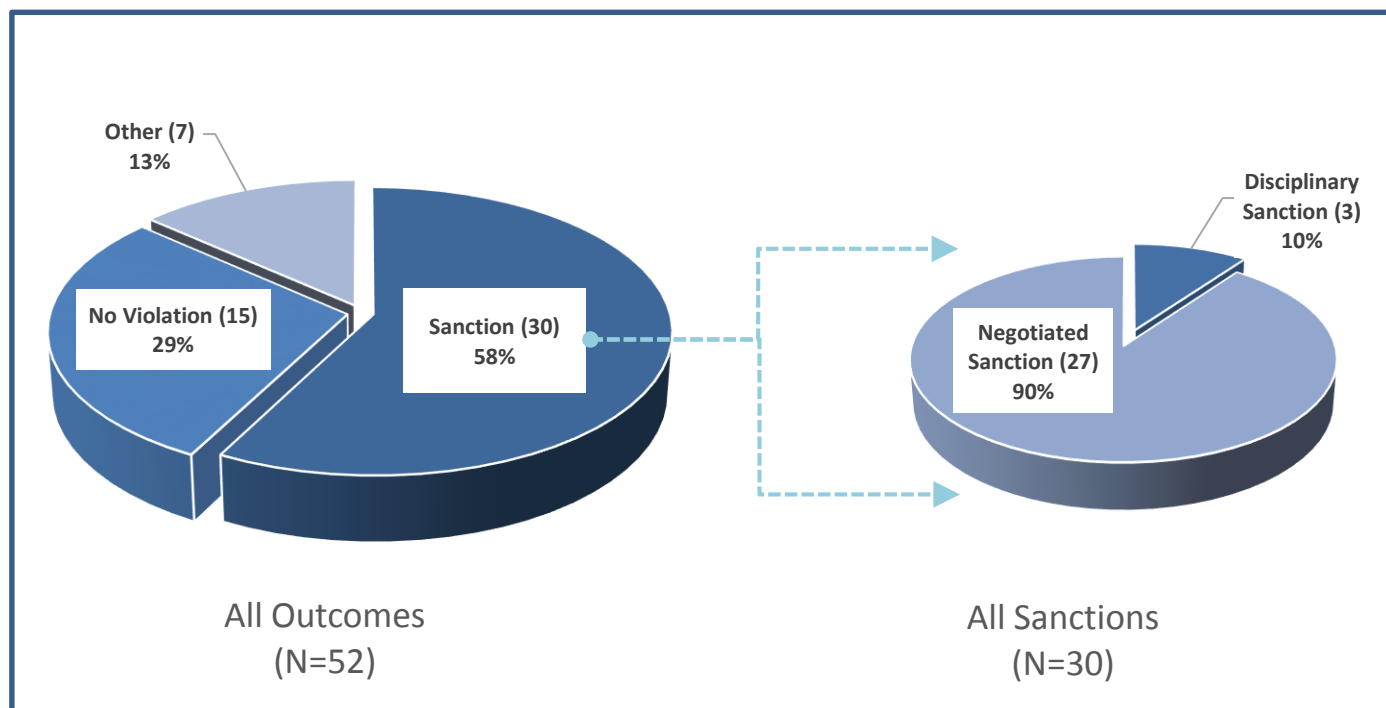
- written censure,
- reduction in salary,
- demotion,
- suspension,
- denial or curtailment of emeritus status, and
- dismissal from the employ of the University.

As APM-016 explicitly states, “[n]o disciplinary sanctions may be imposed on faculty members other than through the procedures pursuant to this policy in the Faculty Code of Conduct.”

Because this official disciplinary procedure is complex and time-consuming, a Settlement may be reached in which case a faculty member voluntarily accepts some penalties in exchange for the formal case to be dropped. In this report, we call these penalties “**negotiated sanctions**.” Negotiated sanctions could be as strict as “disciplinary sanctions” and include, for example, suspension without pay or resigning from the faculty. But they also could be more modest, such as counseling, coaching, training, restrictions on the faculty member's activities, or mediation.

[See next page for graphs summarizing breakdown of outcomes.]

Breakdown by Nature of Outcomes



“**Sanction**” is a category of outcomes that includes all “Negotiated Sanctions” and “Disciplinary Sanctions.”

- “**Disciplinary Sanction**” refers to cases in which the Respondent received a disciplinary sanction through the elaborate procedures identified in APM-016 and Appendix XII.
- “**Negotiated Sanction**” refers to sanctions voluntarily accepted by faculty members pursuant to a settlement. Of the 27 negotiated sanctions:
 - 7 required resignation (which may include retirement) from employment at UCLA;
 - 12 required counseling about their actions from University officials;
 - other sanctions imposed conditions such as suspension without pay and training.

“**No Violation**” refers to cases in which it was determined that the Respondent had not violated a UCLA policy.

“**Other**” refers to cases that did not fit into the most common categories. This includes cases where discipline has not yet been determined, those where a Respondent resigned prior to receiving a Negotiated Sanction or a Disciplinary Sanction, and those where complaints were resolved with a preliminary inquiry, but not an investigation.