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BEFORE THE
CALIFORNIA ADVISORY COMMITTEE
TO THE U.S. COMMISSION ON CIVIL RIGHTS

In the Matter of:)
)
FORUM ON BIGOTRY AND)
VIOLENCE ON COLLEGE CAMPUSES)
)

Tuesday,
July 18, 1989

Amador Room, Marriott Hotel
200 Marina Boulevard
Berkeley, California

The above-entitled matter came on for hearing,
pursuant to notice, at 8:35 a.m.

BEFORE: DEBORAH M. HESSE, Chairperson

APPEARANCES:

Mr. Michael Carney, Vice Chairperson
California State Advisory Committee

Dr. Edward Erler, Sub-committee Chair
California State Advisory Committee

Ms. Grace M. Davis, Deputy Mayor
Los Angeles, California

Ms. Beatrice M. Jett, Educator
Los Angeles, California

Dr. Julian Lee
Mr. Thomas Sayles
Mr. Herman Sillas

Mr. Melvin Jenkins, Acting Staff Director
U.S. Commission on Civil Rights

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1 APPEARANCES (continued):

2 Mr. Philip Montez, Regional Director
3 U.S. Commission on Civil Rights

4 Mr. John Dulles, Civil Rights Analyst
5 U.S. Commission on Civil Rights

6 Ms. Grace Hernandez, Staff Assistant
7 U.S. Commission on Civil Rights
8 Western Regional Office

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P R O C E E D I N G S

8:35 a.m.

1
2
3 CHAIRPERSON HESSE: Good morning. This meeting of the
4 California Advisory Committee to the United States
5 Commission on Civil Rights will now come to order. The
6 purpose of the meeting is to obtain information on issues
7 related to bigotry and violence based on race, sex, and
8 religion on the California public post-secondary campuses.
9 The forum will focus on the University of California system
10 today, with specific information relating to the Berkeley
11 Campus. Future meetings are also planned by the Advisory
12 Committee to solicit similar information concerning the
13 California State University system and the community
14 college systems. The inquiry is designed to not only
15 elicit information about the causes and extent of racial,
16 religious, and sexual prejudice and violence, but also the
17 manner in which the higher education systems have addressed
18 such problems.

19 Among those invited to address the meeting are the
20 Chancellor of the University of California at Berkeley,
21 representatives of the President's Office of the University
22 of California system, students, civil rights leaders, and
23 others who are knowledgeable about the issues under
24 consideration. My name is Deborah Hesse. I am the
25 Chairperson of the California Advisory Committee. The

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Begin P1

1 Advisory Committee receives information and submits reports
2 to the Commission in the areas in which the Committee or
3 any of its sub-committees is authorized to study. Other
4 members of the Committee in attendance in the meeting with
5 us presently is Michael Carney, who is on my right, who is
6 the Vice Chairperson of the Advisory Committee; Dr. Edward
7 Erler, Sub-committee Chair, on my left for this forum;
8 Grace Davis of Los Angeles, Deputy Mayor, on my right;
9 Beatrice Jett of Los Angeles, Educator, on my far left; and
10 later, Dr. Julian Lee, Thomas Sayles, and Herman Sillas
11 will be joining us. With us today from Washington, D.C.,
12 is the U.S. Civil Rights Commission Acting Staff Director,
13 Melvin Jenkins. It appears Mr. Jenkins isn't in the room
14 at the present time. Also with us today are the staff
15 members, Mr. Phil Montez on my far right, the Regional
16 Director of the Commission on U.S. Civil Rights, Mr. John
17 Dulles, Civil Rights Analyst; and Ms. Grace Hernandez,
18 Staff Assistant from the Commission's Western Regional
19 Office in Los Angeles.

20 This forum is being held pursuant to the federal rules
21 applicable to state advisory committees and regulations
22 promulgated by the U.S. Commission on Civil Rights. The
23 Commission on Civil Rights is an independent agency of the
24 United States government created by Congress in 1957 and
25 re-established in 1983. It is directed to do several

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1 things:

2 One, investigate complaints alleging that citizens are
3 being deprived of their right to vote by reason of their
4 race, color, religion, sex, age, handicap, or national
5 origin, or by reason of fraudulent practices;

6 Two, study and collect information concerning legal
7 developments constituting discrimination or denial of equal
8 protection of the laws under the Constitution because of
9 race, color, religion, sex, age, handicap, or national
10 origin, or in the administration of justice;

11 Three, appraise federal laws and policies with respect
12 to discrimination or denial of equal protection of the
13 laws;

14 Four, serve as a national clearing house for
15 information about discrimination; and

16 Five, submit reports, findings, and recommendations to
17 the President and the United State Congress.

18 I would like to emphasize that this is a consultation
19 and not an adversary proceeding. Individuals have been
20 invited to come and share with the Committee information
21 relevant to the subject of today's inquiry. Each person
22 who will participate has voluntarily agreed to meet with
23 the Committee. Since this is a public meeting, the media,
24 the press, the radio and television stations, as well as
25 individuals are welcome. Persons meeting with the

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1 Committee, however, may specifically request that they may
2 not be televised.

3 In this case, we will comply with their wish. We are
4 concerned that no defamatory material be presented at this
5 meeting. In the unlikely event that the situation should
6 develop, it will be necessary for me, on behalf of the
7 Committee, to call to the attention of the persons making
8 these statements and request that they cease and desist in
9 their action. Such information will be stricken from the
10 record. Every effort has been made to invite persons who
11 are knowledgeable in the subject matter that we are dealing
12 with today. In addition, we have allocated time between
13 4:00 p.m. to 5:00 p.m. to hear from anyone who wishes to
14 share relevant information with the Committee about the
15 issues under study. The Advisory Committee encourages
16 students, faculty and other members of the community to
17 address the forum at that time. Your remarks should not
18 exceed three-to-five minutes and they must pertain to the
19 issues related bigotry and violence based on race, sex, or
20 religion. Written statements will also be accepted by the
21 Committee for a period of 10 days following the adjournment
22 of this forum. Those wishing to participate in the open
23 session this afternoon or desiring to submit written
24 materials should contact Mr. John Dulles -- is Mr. Dulles
25 still in the room? -- or Mr. Phil Montez, to my right, as

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1 soon as possible for the necessary procedural information.

2 We will now proceed with the formal presentation. On
3 our agenda, I believe, our first speaker is Mr. Julian
4 Klugman, representing Community Relations Service of the
5 United States Department of Justice. Mr. Klugman, would
6 you come forward? For the record, would you state your
7 name and the organization you're representing?

8

9 Whereupon,

10

JULIAN KLUGMAN

11 was called as a witness herein and testified as follows:

12

13 MR. KLUGMAN: Yes. I'm Julian Klugman and I'm
14 Regional Director of the Community Relations Service, U.S.
15 Department of Justice. I'm Regional Director of Region
16 Nine which encompasses California, Arizona, Nevada, and
17 Hawaii. C-R-S is an arm of the U.S. Department of Justice
18 that helps citizens to settle race related problems
19 voluntarily rather than in the courts or on the streets.
20 We were created by the Civil Rights Act of 1964 and we're
21 the only agency to which Congress has assigned the task of
22 providing direct help to communities to resolve "disputes,
23 disagreements or difficulty relating to discriminatory
24 practices based on race, color, or national origin." We
25 help communities at the request of state or local

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1 officials, or local citizens and organizations. The agency
2 may also assist on its own motion when it suspects that
3 peaceful relations among citizens are threatened, and we
4 also occasionally give court referrals. Our multi-racial,
5 bi-lingual staff applies conciliation remediation
6 techniques to problems to settle them.

7 In a short statement this morning, I'm going to place
8 the subject of the hearing in the context of regional and
9 national developments. Fiscal Year 1988 witnessed a 60
10 percent increase in the number of hate/violence incidents
11 on college and university campuses that were alerted by or
12 brought to the attention of the Community Relations
13 Service. Our staff filed 77 alerts relating to racial
14 tensions at institutions of higher education, compared with
15 48 alerts in Fiscal Year 1977 (sic). Of the 77 incidents
16 alerted, 48 progressed to the conciliation stage; and of
17 these 48 cases, 20 were responses to specific incidence of
18 harassment while 28 were requests for C-R-S to provide
19 technical assistance. In six cases, physical assaults were
20 actually reported, and in one case, a black fraternity
21 house was destroyed by fire. Our Midwest Region had the
22 largest number of incidents -- 21, closely followed by our
23 Mid-Atlantic Region with 19. My Region had six new alerts
24 last year, but this year we've already had nine -- already.
25 So, we're quite ahead of last year.

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1 Now, among the key factors in my area are the
2 following: the number of Asian and Hispanic college
3 students significantly increased while the percentage of
4 black students decreased; a lack of sensitivity to minority
5 concerns and often, as a consequence, a lack of adequate
6 response; ignorance of the Civil Rights Movement by many
7 white students; a low percentage of minority faculty
8 compared to the percentage of minority students; the
9 reluctance of administrations to let students meaningfully
10 participate in resolving student problems; and divisiveness
11 stimulated by global political problems. We've used a
12 variety of strategies and tools in addressing conflicts on
13 college campuses. We've mediated formal negotiations
14 between universities and other parties resulting in written
15 agreements resolving major issues. We recommended the
16 adoption and assisted in the implementation of
17 comprehensive civil rights policies as underpinning for
18 responding to campus racial incidents and assuring public
19 safety. We've assisted several institutions and their
20 local communities in taking a coordinated area-wide
21 approach to racial difficulties. We've provided assistance
22 in the development of human relations questionnaires to
23 assess school racial climate. We've served on human
24 relations task forces to assist in the development of human
25 relations programs. We've provided technical assistance

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1 identifying higher education professionals to assist
2 concerned civic groups in examining alleged campus
3 discrimination. We've assisted university administrators
4 in developing and implementing policies and programs to
5 address problems affecting minority students, and we've
6 assisted university officials in developing a variety of
7 human relations training programs for faculty, for staff,
8 and for students.

9 The American Council on Education recently published
10 Campus Trends -- 1988. They identified the following
11 national trends for minorities:

12 Higher education's pool of students is increasingly
13 made up of minority youth.

14 College attendance by black students has slowed.

15 The gap in participation between whites and blacks is
16 growing.

17 The rate of college attendance for Hispanic youths has
18 declined in the last decade.

19 College attendance by American Indian students lags
20 far behind black and Hispanic attendance.

21 Minority students are concentrated in community
22 colleges.

23 Black and Hispanic students are far less likely than
24 white students to complete a degree.

25 Blacks attending historically black colleges and

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1 universities are more likely to complete a degree than
2 those attending predominantly white institutions.

3 Black and Hispanic participation in graduate and
4 professional education can best be described as minuscule
5 in the areas of mathematics and the sciences.

6 The Council also prescribed strategies for success:
7 leadership from the top; leadership from the ranks;
8 involvement of minority persons; supportive minority
9 networks; mentoring for students, faculty, and staff;
10 allocation of sufficient resources; division of incentives;
11 explicit and result orientated efforts; a good complaint
12 system; and manageable goals.

13 Following are a few cases we worked on California in
14 the last couple of years. My written statement also
15 contains several other examples of cases we've worked
16 around the country, which I won't have time to go into
17 today.

18 Southwestern Community College, Chula Vista,
19 California. Our intervention resulted from an escalation
20 of racial tension between Hispanic and white students,
21 culminating with an assault on one student. Meetings were
22 held with campus officials and the local police department.
23 As a result, we were requested to assist in planning a
24 public forum which would discuss the status of the
25 investigation, answer questions, and provide an opportunity

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1 to comment on the problem of race relations. We assisted
2 in the development of the Human Relations Questionnaire to
3 assess the school climate; and we served as a member of
4 Human Relations Task Force.

5 California State University, San Bernardino.
6 Representatives of the black Westside Action Group and the
7 University met to discuss the effectiveness of the
8 University's affirmative action and educational equity
9 programs assisted by a C-R-S mediator. The meetings
10 focused on specific concerns, including the availability of
11 University facilities, the potential adverse affect of some
12 policies and procedures on campus minorities, the number of
13 black-faculty members, the declining rate of black student
14 enrollment, compensation levels for black administrators,
15 and the need for improved University/community relations.
16 The University provided a careful explanation of its
17 policies and record of accomplishment, and the groups
18 agreed to work cooperatively to increase the number of
19 minority employees and students at the University.

20 California State University, Fullerton. The Human
21 Relations Task Force of the University sponsored a
22 symposium on the Resurgence of Racism on the University
23 Campus, A National Perspective. I addressed a group of
24 about 200 students; and then, at the invitation of the
25 President, met with Task Force members and key

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1 administrators in a dialogue about these issues. In April
2 of 1987, there had been two racial incidents on the campus.
3 The President promptly formed the Task Force which
4 conducted a campus survey on possible behavior toward
5 students and compiled the results, and then organized and
6 trained a human relations network to handle complaints.

7 We're currently in the process of concluding another
8 agreement between a chapter of the National Mexican
9 American Organization at another state university which
10 calls for a work plan for increasing Chicano faculty,
11 improving student outreach and recruitment, addressing
12 teacher development with sensitivity to minority cultures,
13 and support of Mexican/American studies. The parties have
14 agreed to meet quarterly to monitor the objectives of the
15 work plan and to keep communication channels open.

16 The American Council on Education also has just
17 released its new handbook, Minorities on Campus, A Handbook
18 for Enhancing Diversity. This handbook contains strategies
19 to assist institutions of higher education to increase
20 minority participation of undergraduate students, graduate
21 and professional students, faculty, and administrators on
22 their campus. Profiles of successful colleges and
23 universities that have developed effective recruitment
24 and/or retention strategies are presented.

25 Judy Kruger, a conciliation specialist in our

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1 Philadelphia office, has developed a model for assessing
2 racial and ethnic conflict on campus. My written statement
3 contains details of this process, which I won't have time
4 to describe today.

5 Universities are increasingly adopting plans of action
6 or work plans. I recently received a copy of the Madison
7 Plan, printed by the Office of the Chancellor, University
8 of Wisconsin. I think it's extremely important that
9 colleges and universities develop such plans with full
10 participation from their inception by all concerned
11 parties, including students. In the forward to the
12 handbook, Judith Eaton, Council Chair, cites three
13 important principles that should guide all our efforts.

14 The first turns on leadership -- leadership from the
15 Board of Trustees and the President is essential to deep
16 and lasting change on campus. The second requirement for
17 success is an integrated approach to change reflecting a
18 vision of the future. And the third principle involves
19 institutional change. She concludes,

20 "The Board of Directors of the American
21 Council on Education is convinced that the
22 issue of minority participation is higher
23 education's most important priority. We
24 must make it a concern that permeates our
25 daily discussion and not an isolated problem

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1 on a long list of other institutional
2 problems. We have the knowledge. What we
3 need now is the vision and the will."

4 I'd be glad to answer any questions.

5 CHAIRPERSON HESSE: Thank you, Mr. Klugman. Are there
6 any comments or questions? Ms. Davis?

7 MS. DAVIS: Yes, in all of your contacts with the
8 various universities, take first the University of
9 California and the state universities, have you ever
10 attempted to contact the Board of Trustees for the
11 California system or the California state universities to,
12 you know, bring to their attention -- and I'm sure they're
13 aware of it, they probably read it in the paper -- but has
14 there been any kind of response at that level to try to do
15 something throughout the system?

16 MR. KLUGMAN: No, I think we've -- mainly we've worked
17 with top staff, but that's a good question and I don't know
18 why we haven't contacted the Trustees. I think we probably
19 should have. We've usually worked with staff. Of course,
20 the schools are very -- can operate pretty independently,
21 you know, and the presidents of these schools have a lot of
22 authority, and of course, faculty have a lot of authority.
23 But I think that's an excellent suggestion.

24 CHAIRPERSON HESSE: Are there any more comments or
25 questions? If not, thank you very much, Mr. Klugman.

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1 MR. KLUGMAN: Thank you.

2 CHAIRPERSON HESSE: Our next set of speakers represent
3 the University of California at Berkeley. Representing the
4 University of California I have listed on our agenda Vice
5 Chancellor Daniel Boggan, University of California at
6 Berkeley; Provost C. Judson King; Acting Provost William R.
7 Ellis; Dr. Roslyn R. Elms; and I believe our agenda has
8 been amended to show Joyce (sic) Koyama. Correct?

9 MR. BOGGAN: Correct.

10

11 Whereupon,

12

DANIEL BOGGAN, JR.

13

C. JUDSON KING

14

WILLIAM R. ELLIS, JR.

15

ROSLYN R. ELMS

16

JANICE KOYAMA

17

were called as witnesses herein and testified as follows:

18

19

20

21

22

CHAIRPERSON HESSE: Each of you have approximately 10
minutes to give us your remarks. When you identify -- when
you state, would you identify your name and who you
represent, please?

23

24

25

VICE CHANCELLOR BOGGAN: My name is Daniel Boggan, Jr.
I'm the Vice Chancellor for Business and Administrative
Services at the University of California, Berkeley. I'm

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1 representing Chancellor R. Michael Heyman before you today.
2 He sends his regrets that a health issue precluded his
3 attendance. Chancellor Heyman served as Secretary to the
4 California Advisory Committee from 1962 through '67 while
5 he was a law professor at Berkeley, and your work continues
6 to hold great interest for him. I will introduce my
7 colleagues at the conclusion of the remarks.

8 We are all aware of the profound demographic changes
9 that have occurred in California during the past several
10 years. Everyday, 2,000 new people come into California
11 adding 60,000 persons a month to our population. A large
12 percentage of those persons in the very recent past were
13 referred to as "minorities." Today, their ranks constitute
14 a non-white population growing so rapidly that it is
15 estimated by the year 2002 there will be no majority ethnic
16 group in California. In some areas of California, that
17 fact is true today. It is true in the public schools and
18 it is true in the entering freshman class at Berkeley.

19 The ethnic mix of Berkeley's student body of late has
20 become the focus of a heightened and intensified debate.
21 There have been rallies, protests, and campaigns, as well
22 as many headlines. The question of Berkeley's role in a
23 multi-cultural society is one that we of the campus have
24 spent a great deal of time considering. The role is a
25 reality for our students, faculty, and the campus

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1 administration. We are aware that in such a multi-cultural
2 society, ignorance and insensitivities will breed racism.
3 Only by understanding and recognizing our differences can
4 we contribute to a strong pluralistic society.

5 Let me set some parameters for you for your
6 consideration of the topic this morning. To begin,
7 Berkeley stands first academically among public
8 universities and by some measures among all universities in
9 the United States. Competition is intense to enroll here,
10 and those who are admitted make up a student body that is
11 highly talented, ambitious and hardworking. More graduates
12 from Berkeley, both men and women, go on to earn Ph.D.
13 degrees than from any other university.

14 Second, after learning some hard lessons in the
15 1970's, Berkeley pioneered a task force approach in the
16 '80's to successfully resolve the problem of recruiting and
17 enrolling under-represented minorities. Our success, based
18 largely on the efforts of minority students, faculty, staff
19 and alumni, became a model for other campuses. Last Fall,
20 our undergraduate student body included 1.4% Native
21 Americans; 7% black, 11.1% Hispanic, 26.5% are Asian, 48.5%
22 whites, and 5% unreported. Last Fall, there was no
23 majority in our student body as a whole. In this
24 achievement, Berkeley is far ahead of most other top-rank
25 universities. At the graduate level, progress is slower,

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1 but we're making substantial gains in enrolling under-
2 represented ethnic minorities and women.

3 Berkeley's success in the first steps toward full
4 integration means that the campus is now challenged with a
5 second set of tough problems to solve. First, we're taking
6 steps to enable students to stay in school and to enable
7 blacks and other minorities to achieve graduation rates
8 equal to those of all students. I am pleased to note that
9 for black students who started at Berkeley in 1983, the
10 five-year retention rate is 55 percent, up from 44 percent
11 for those who entered in 1980. For Chicanos, the
12 comparable rate since 1983 is 64 percent, up from 56
13 percent in 1980. For all undergraduates, the latest rate
14 is 76 percent, up from 71 percent in 1980, significantly
15 higher, though, than the approximate 50 percent rate for
16 both 1955 and 1960, and very high for a public university
17 in the United States. This success rate stems from our
18 students' own hard work and better preparation, and from
19 efforts the campus has made to help students get a start to
20 improve learning skills, to obtain advising, and to
21 overcome housing and financial aid problems.

22 Second, we must continue to increase minority
23 enrollments of graduate students until they are at the same
24 level achieved by undergraduates. Given our ethnic mix, it
25 should be noted that students get along here pretty well.

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1 While there is always a potential for problems and problems
2 occur, for a campus this large and diverse, the climate is
3 remarkably accepting and tolerant and we are building on
4 those factors. We have programs to sensitize students to
5 the ethnic considerations of others, a long-due American
6 cultures requirement for all undergraduates will start in
7 1990, and minority staff have been hired to develop
8 additional multi-cultural student activities. Increased
9 dialogue between the University and ethnic groups through
10 committees and commissions is occurring. The campus has
11 established the Commission on a Changing Student Body to
12 advise the entire campus on policies and procedures to
13 improve our relationship with one another. And other
14 examples will be discussed by my colleagues this morning.

15 Third, we must redouble our efforts and search for
16 new, innovative ways to recruit minority faculty.

17 And finally, in all of these endeavors, we must stand
18 together in assuring the maintenance of high standards and
19 the value of our degrees. We realize that the whole world
20 is watching, that it hears our discussions, wonder
21 sometimes about the vehemence of our arguments, but remarks
22 are provenly when we make real progress. I would like to
23 note that during the 1988/89 academic year, there were four
24 major reports on that progress released on campus: the
25 Koyama/Lee report on Asian Americans at Berkeley; a report

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1 on black faculty hiring; a report on Chicano/Latino
2 affairs; and a report on the status of women on campus.
3 These recommendations will be closely monitored to make
4 sure that we pursue them. Much is being accomplished and
5 excellence amidst diversity is now a way of life on the
6 Berkeley campus.

7 I would like to introduce now my colleagues, Dr.
8 Roslyn Elms, Provost C. Judson King, Janice Koyama, and
9 Acting Provost Russ Ellis, who will present additional
10 information to you. First will be Dr. Roslyn Elms who will
11 discuss the recent report on the status of women. Dr.
12 Elms.

13 DR. ELMS: For the record, I'm Dr. Roslyn Elms. I'm
14 the Academic Assistant to the Vice Chancellor at the
15 University of California, Berkeley; and I am here to
16 summarize for you the report that was released in March of
17 this year by the coordinating committee on the status of
18 women. This committee is appointed and is advisor to the
19 Chancellor. It's a 15-member committee comprised of staff
20 and faculty, and it has been operating for a decade. In
21 1970, it produced a landmark report on the status of
22 academic women on the campus. This report, which I'm going
23 to present to you this morning, is the first comprehensive
24 review of the status of non-academics on the campus, staff,
25 and non-senate academics -- those are people who are

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1 academics but not faculty. You have in your briefing
2 packet a summary of that report and I have given Mr. Dulles
3 full copies of the report which contains most of the data.

4 Maybe the single most important statement in the
5 report is that the woman's problem is not solved on the
6 Berkeley campus. Although significant institutional and
7 individual efforts are everywhere apparent, three
8 conclusions were unavoidable. First, much of the progress
9 white women and minority men have made is not shared by
10 minority women. Second, the existing database is
11 insufficient for understanding present practices. Thirdly,
12 the administration must support and evaluate affirmative
13 action programs in serious and obvious ways, including
14 programs to combat sexual harassment, efforts in
15 affirmative action planning, and the progress of
16 recruitment and hiring of staff and faculty.

17 There were six sub-committees that participated in
18 this study: faculty, non-senate academics, staff,
19 students, the sexual harassment education sub-committee,
20 and a child care committee. I'm going to briefly summarize
21 their recommendations and tell you what we're trying to do
22 about them by sub-committee because there are some
23 differences depending upon their category.

24 The faculty sub-committee -- and as a frame of
25 reference, there are 244 women on the permanent faculty of

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1 Berkeley; that's 15 percent of this 1651 permanent faculty
2 positions -- the sub-committee stated that awareness is
3 critical in order to address equity for women, and the
4 discussion of campus diversity should always include
5 consideration of the gender composition of the faculty in
6 addition to the composition of the student body. Secondly,
7 it would be appropriate to change campus goals for
8 affirmative action to reflect California demographics in
9 the 21st Century, rather than the national availability
10 pools. The committee found that availability of women
11 faculty varies by discipline, but availability is only one
12 factor in recruitment and hiring. For example, Berkeley
13 has more than twice as many Nobel Laureates, 11, as it does
14 non-white female full professors, 5. No one would argue
15 that there is not a large pool of Nobel Laureates.
16 Thirdly, there was a need to evaluate departments'
17 affirmative action planning and monitor the implementation
18 of those plans. The sub-committee found that there might
19 be what termed a "glass ceiling," that is, that although
20 there 19 percent of women are found in the first steps of
21 the professorial rank, only three percent of the women are
22 in the advanced professorial rank, suggesting that there's
23 a limit to how far women can go on the campus. Fourth, it
24 was suggested that departments be selected for targeted
25 searches to recruit women and minority candidates. In 45

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1 of the 75 departments, there was underutilization of women
2 faculty -- that means women are in the pool but not being
3 hired -- and 20 departments, which are exclusively male.
4 Finally, the faculty sub-committee suggested there was a
5 need to monitor the apparent disintegration of positive
6 trends in the rate and timing of tenure for women as
7 compared with men. The rate of promotion had been
8 equivalent for males and females from 1974 to 1980, but
9 since that time, there seems to be a difference developing.
10 Presently, 48 percent of the men hired since 1980 have been
11 promoted and only 32 percent of the women.

12 In the non-academics senate sub-committee, there are
13 181 job titles in this category. They include lecturers,
14 librarians, professional researchers, academic
15 coordinators, and specialists. There needs to be a better
16 understanding of the issues affecting gender and this
17 requires collection of both statistical and qualitative
18 data which does not presently exist. The report points out
19 that it's important to disaggregate the data. It's not
20 good enough to look at on a macro level if we're to
21 understand what happens to people in these categories. And
22 their main recommendation was that the database be improved
23 so that they could make substantive recommendations.

24 The staff sub-committee again found there was too
25 little information available about the status of women and

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1 concluded that a better database was essential to an
2 evaluation of issues related to staff. It suggested that
3 routine cross-classification of gender and minority
4 information be established, and that male and female
5 dominated job categories carefully be reviewed to assess
6 salary equity. In addition, they recommended that staff
7 affirmative action plans be revised to reflect some new
8 personnel tiers that we've implement, that procedures and
9 criteria be established for holding supervisors and
10 managers accountable for achieving affirmative action
11 goals, and for designing incentives for women and minority
12 hiring. And finally, they recommended that the University
13 use selection committees more broadly in staff hiring with
14 increased participation of women and minorities.

15 The student sub-committee recommendations -- and
16 you've heard that the undergraduate student body at
17 Berkeley is very diverse, there is no racial majority
18 -- however, there are fewer women and minorities in the
19 physical sciences and engineering than in the humanities
20 and in the social sciences; and there is less diversity
21 among graduate students than among undergraduate students.
22 To address these issues, the sub-committee on student
23 affairs recommended that women, particularly minority
24 women, be included in planning, recruitment and enrollment,
25 that we develop a system for collecting and reporting

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1 retention data disaggregated by ethnicity, gender, and
2 E-O-P status. They recommended that we undertake
3 qualitative studies of the campus climate and women
4 students' educational experience to identify possible
5 causes and remedies for continuing under-representation of
6 women. Numbers don't tell you everything, and without
7 better information, successful strategies are more
8 difficult to establish.

9 It is important to identify equity in the distribution
10 of financial aid and this was seen as a high priority for
11 review by the graduate division and by the Office of
12 Financial Aid.

13 Finally, the coordinating committee on the status of
14 women report has a report on sexual harassment education
15 activities that have gone on on the campus in the last two
16 years, and that's described thoroughly in the report along
17 with the needs for future resources. The report ends with
18 a note that a child care report would be forthcoming in
19 May. That report has now been published and has 20
20 recommendations addressing the needs for direct services
21 for easing the financial and time restraints and provisions
22 for information regarding child care on the campus.

23 At this point, I want to specify how the concerns of
24 the status of women report are being addressed by the
25 campus. In the past four months, four major steps have

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1 been taken. First, a provost academic affirmative action
2 council has been established to focus on faculty and
3 graduate student issues. Provost King, who chairs that
4 council, will be describing it in detail in a few minutes.
5 A similar committee, a staff affirmative action committee,
6 is being created and will conduct similar activities for
7 the staff.

8 Second, a full-time staff position has been created
9 for a Title Nine coordinator. Previously, that
10 responsibility had been assumed by the faculty assistant on
11 the status of women, along with a lot of major
12 responsibilities for academic personnel. With this new
13 position, we hope to be more effective in addressing a
14 range of issues that address women at Berkeley.

15 Thirdly, the special assistant to the Chancellor,
16 Francisco Hernandez, has prepared a list of all of the
17 recommendations from the reports that Vice Chancellor
18 Boggan mentioned and in addition is preparing detailed
19 assignment protocols so that a unit or individual will be
20 responsible for following up every recommendation whether
21 or not that recommendation is adopted.

22 Finally, the coordinating committee on the status of
23 women will continue. A new chairperson has been appointed
24 and in the Fall, the committee will resume its activities.
25 We have no doubt that high on its agenda will be pressure

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1 to implement the recommendations I have summarized for you.

2 VICE CHANCELLOR BOGGAN: Our next presentation will be
3 by Janice Koyama, who will discuss the findings and
4 recommendations of the Koyama/Lee report on Asian Americans
5 at Berkeley.

6 MS. KOYAMA: Behind these heavy curtains it really is
7 a great morning and it's beautiful. Welcome and thank you
8 for letting me appear this morning. My name is Janice
9 Koyama. I am appearing today as the co-chair, one of them,
10 of the Chancellor's Advisory Committee on Asian American
11 Affairs. The other co-chair, Professor Yuan Lee, is out of
12 the country and regrets he cannot be here. He sends his
13 greetings and his respects.

14 In 1987, when Chancellor Heyman appointed this
15 advisory committee, we viewed its formation as part of his
16 overall efforts to adjust to the changing demographics at
17 Berkeley. He felt the committee could "do needed work in
18 dispelling myths and prejudices, analyzing important data,
19 and identifying ways the campus should be more poised to
20 enhance the welfare of Asians at Berkeley." It also should
21 also be said, at this time, the controversy over Asian
22 admissions have resulted in a highly publicized and
23 polarized relationship between the University and the Asian
24 American community. The appointment of a special study
25 group had been recommended by representatives from both on

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1 and off campus Asian organizations. It is clear, then,
2 that the establishment of the advisory committee came into
3 being at a time of clear need.

4 From the beginning, we knew that our charge was
5 different in character from those of other campus groups.
6 The Chancellor expected us to examine the student
7 educational experiences, to investigate the record with
8 respect to the recruitment, selection, and advancement of
9 Asian American faculty, and to explore employment,
10 advancement, and career development for staff. This work
11 alone touched upon the full breadth of campus life. In
12 addition, the charge contained specific questions about
13 campus Asian American community relations, which indicated
14 the necessity to see all issues within a very broad
15 context. We believe this is the first time that a
16 community perspective has been included as an integral part
17 of a campus study.

18 In addition to the circumstances which led to the
19 establishment of the advisory committee and the unique
20 aspects of its charge, the character of the report is a
21 little different from others. The committee decided to
22 rely minimally on statistics and to concentrate on
23 gathering first-hand qualitative information. From
24 interviews, open hearings, meetings, and surveys we learned
25 a great deal. Asian Americans were generous in sharing

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1 their feelings and opinions, and we believe it adds a
2 special human quality and persuasiveness to the report and
3 its recommendations.

4 About 10 weeks ago, our final report was published.
5 It contains six major recommendations which cut across four
6 areas: students, staff, faculty, and campus community
7 relations. They represent a combination of principles and
8 actions that can be adopted in response to the needs of
9 Asian Americans, and I might add, also to the needs of
10 other groups as represented in our multi-cultural
11 environment at Berkeley. I'd like to review briefly these
12 recommendations and also provide a little insight into the
13 findings behind them.

14 The report recommends the establishment of a permanent
15 standing committee to continue to advise the Chancellor on
16 Asian American affairs. We felt that a forum like this is
17 needed to overcome the effects of a model minority
18 imagery -- a myth, a stereotype of a seemingly harmless
19 positive nature, but one that masks the wide ranging
20 problems and needs of Asian Americans. Also, a more
21 structured forum like this, with broad representation
22 including, of course, Asian Americans, would provide a
23 forum for Asian Americans themselves to continue to be
24 better informed about campus issues.

25 A second recommendation asks that a faculty level

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1 person be appointed to the Chancellor's staff for an
2 initial three- to five-year period to serve as a liaison to
3 the standing committee and also to provide centralized
4 coordinating efforts. This person would also be
5 responsible for implementing recommendations of a more
6 specific nature that are contained in the sub-committee
7 reports. As an example of some of these recommendations,
8 we are looking forward to improved counselling and advising
9 services for Asian American students who feel unusual
10 parental pressures to succeed academically and to move into
11 practical careers rather than pursue personal interests.
12 Examples of other issues might be expanded recruitment of
13 Asian American graduate students and improved programs for
14 non-native speakers of English.

15 In a third area, the report points out the need for a
16 more forward looking and liberal affirmative action program
17 to serve the updated and changing interests of Berkeley's
18 diverse population. The committee found that despite
19 adequate numbers that meet minimal federal availability and
20 regulation guidelines, Asian Americans are under-
21 represented in upper management job areas and particularly
22 in humanities, social sciences academic departments.

23 THE REPORTER: Excuse me one moment, please.

24 (Thereupon, a short break was
25 taken off the record to

End P1

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change the tape.)

1 THE REPORTER: Back on.

2
3 MS. KOYAMA: Embracing multi-culturalism will require
4 profound reorientation on campus, not only in attitudes and
5 behavior but in structural institutional terms as well, and
6 an affirmative action program revamped and revised,
7 updated, would certainly serve that purpose.

8 Immigration is a powerful dynamic within the Asian
9 American community. So, another recommendation asks the
10 campus to recognize the cultural and language needs of
11 foreign-born students, faculty and staff. Here is an area
12 in particular need of creative programming and adequate
13 support services and resources.

14 The last two recommendations of the report are
15 concerned with campus initiatives to promote and educate
16 others about cultural awareness, and with an admissions
17 process that is based on principles of fairness and
18 accessibility. Regarding the first, my colleague Russell
19 Ellis will describe for you several efforts already
20 underway to promote cultural awareness among students,
21 faculty and staff. Continuing efforts are needed. As
22 reported, campus attitudes towards Asian Americans range
23 from open hostility to ethnic and cultural insensitivity.
24 Asian Americans experience ethnic identity crises which
25 stem in part from the campus climate and the character of

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1 racial interaction among students within the context of a
2 multi-diverse university.

3 The last recommendation concerning admissions brings
4 attention to a subject which has its origins in 1984 and is
5 of particular sensitivity to Asian Americans. The advisory
6 committee acknowledges many changes that have taken place
7 in this area: the establishment of a review board, and
8 more regular consultation with the community. Asian
9 Americans continue to view access to higher education and
10 the Berkeley Campus in particular with intense interest. I
11 would also like to add to sort of bring things around and
12 close the circle, the sub-committee on campus/community
13 relations also report from the community perspective a
14 concern about student life and their interests also range
15 over issues like the lack of Asian American managers in
16 high-level positions.

17 I'd like to conclude and just describe for you a
18 little bit about the response so far to the report. The
19 Chancellor has distributed it widely to senior staff,
20 campus directors, and academic department chairs. He has
21 requested from senior staff their opinions on the
22 recommendations; and in addition, has sent the report to
23 selected managers who have responsibility for some of the
24 key areas of concern raised in the report. We expect by
25 Summer's end to reconvene the committee for a full

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1 discussion of the report, to hear the results of the
2 Chancellor's consultations with the senior staff, and also
3 to find out what his direct actions are going to be in
4 response to the specific recommendations. Needless to say,
5 the advisory committee is encouraged by the implications
6 for positive change like there were made in this sheet.

7 VICE CHANCELLOR BOGGAN: Our next presentation is by
8 Russ Ellis regarding undergraduate affairs and our
9 activities in that area.

10 PROVOST ELLIS: Madame Chair, Commissioners, good
11 morning. My full name, since it appears in many different
12 forms, is William Russell Ellis, Jr., and on July 1st of
13 this year I was appointed Acting Provost for Undergraduate
14 Affairs at U-C-Berkeley. I am, in deference to the good
15 order and dignity of this forum, going to read my remarks,
16 ones which you have in front of you, but I beg your
17 understanding as a recently changed academic administrator,
18 this is my first experience before the Commission, so my
19 language may not exactly fit the form of the forum.

20 My span of administrative activity very much involves
21 the topic in which you're interested today since it entails
22 a large portion of students' lives once they have enrolled
23 at Berkeley -- their academic life, social activities and
24 student organizational life, physical and mental health,
25 personal success or trouble. In this latter respect,

1 trouble, my span of control also includes responsibility
2 for monitoring and responding to student infractions of the
3 campus code of student conduct. My familiarity with the
4 campus is a bit more extensive than is implied by the 18
5 days I've occupied the Provost's office. I joined the
6 faculty of the College of Environmental Design in 1970 and
7 served four years as part-time faculty assistant in the
8 Office of Undergraduate Affairs and was part of the
9 Affirmative Action Task Force that Vice Chancellor Boggan
10 spoke of earlier. Thus, I have witnessed with my
11 colleagues here this morning and extraordinary and positive
12 change over the past 20 years in the undergraduate student
13 body composition. As a premier public institution of
14 higher education and research, there can be no doubt that
15 we are making significant progress in realizing the goals
16 set by our Regents, that of admitting, educating, and
17 graduating the diverse leadership of tomorrow's California
18 and, perhaps, nation. Chancellor Heyman, Vice Chancellor
19 Boggan has presented to you a few of the fundamental
20 statistics described in that change. Other statistics will
21 reveal similar progress and that much remains to be done.
22 In the remarks that follow I would like to discuss with you
23 the consequences and perhaps the meaning of this
24 astonishing new student diversity.

25 First, in the interests of your hearing, let me say

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1 that at Berkeley there have been on our campus in the last
2 five years several documented incidents of racial and
3 inter-ethnic clumsiness, gross insensitivity, or apparent
4 malice. I'm prepared to discuss examples with you, but
5 they are in the information packet that we supplied.

6 However, by far the vast majority of students at Berkeley
7 live and study without incident and in relative harmony.

8 Second, let me indicate that the diversity within
9 which these incidents take place is much more complex than
10 one might suppose. I suspect that your extended hearings
11 will reveal this to be the case in other places as well.

12 The statistical categories we all keep in the policy
13 interests of tracking our success in diversifying our
14 institutions -- that is, Asian, black, white, Chicano,
15 Latino, American Indian, et cetera -- hide within
16 themselves almost as much diversity as they reveal.

17 Biography; social class and income, region, national
18 origins, family educational background, and race operate
19 within and between minority ethnic and racial groups in
20 ways similar to those that operate between minorities and
21 the majority white student population.

22 Third, perhaps with reason, but certainly with hope,
23 we expect students to have an experience on campus that
24 without doubt their parents never did and do not now have
25 or know. That is to say, students have not lived lives or

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1 witnessed their parents in regular, easy, intimate
2 interracial or inter-ethnic contact and cooperation in a
3 stressful competitive world like that of the campus. In
4 truth, a very large percentage of our students come from
5 backgrounds homogeneous in terms of class, ethnic and
6 racial experience.

7 In presenting these three points, I want to highlight
8 with you that Berkeley's growing experience with the
9 diversifying student body composition is both encouraging
10 and fraught with actual and potential problems of inter-
11 ethnic contact and perception. To set a specific context
12 for our discussion this morning, I'd like to characterize
13 for you what appear to be major problems confronting
14 minority students of color on our campus, problems that
15 focus or compound the experience and perceptions of racism.
16 I will then outline for you the initiatives we've begun and
17 have immediate plans to institute that address these
18 problems.

19 In preparing for today's discussion, it seemed to me
20 that much of the issue of race and ethnic tension could be
21 reduced to the themes of sense of ownership and perceived
22 rights. It is simply the case that the university as a
23 national institution has historically not included many
24 minorities of color among its students, staff or faculty.
25 Until recently, Berkeley was no exception. Among those

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1 students and sometimes staff and faculty drawn from the
2 traditionally narrow social and economic spectrum that make
3 up the university world there has been an inevitable
4 unfamiliarity with and resentment of the new university
5 citizens. A resented loss of historic rights of university
6 participation followed. On the other hand, for students of
7 color comprising this new diversity, the world of the
8 university often feels as though it belongs to someone
9 else, namely, the indistinct and massive white society, in
10 quotes. In terms of styles of discussion and discovery,
11 styles of play and celebration, they do not yet see or feel
12 themselves represented in university life, nor do they find
13 themselves among the faculty or in textbooks or feel a
14 sense of legitimate ease in classrooms, dormitories, or on
15 campus pathways. I have for you an illustrative aside that
16 I was motivated to include in my first provostial speech
17 last week to a group of 120 Asian immigrant students. I
18 followed the repeated word "welcome" with the statement
19 that no one on campus had any greater right to be here than
20 they did. I was instructed and rewarded with that special
21 silence that goes with careful attention to something that
22 matters. The relatively infrequent documented incidence of
23 ethnic or racial insult in this sense setting of alienation
24 can turn into wounds that seriously compromise the
25 effectiveness of those minority students who experience it

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1 and those who hear it reported. Perceived racial incidents
2 take on destructive proportions. These have a potential
3 and sometimes actual negative impact on minority student
4 retention.

5 Now, to say something about Berkeley initiatives. In
6 just the past couple of years, there has truly been an
7 explosion of activity on campus to address the increasing
8 diversity in our student body. We have reaffirmed our
9 commitment to the Summer Bridge Program which for nearly a
10 quarter of a century has invited minority students to
11 campus during the Summer months to take the math and
12 writing skills courses so crucial to effective
13 participation in university academic life. Perhaps as
14 important in the Summer Bridge Program is the fact that
15 these students who reside in the dormitories develop a
16 sense of campus possession during that summer period.

17 In September of 1987, Chancellor Heyman and the Chair
18 of the Academic Senate at that time, Professor Edwin
19 Epstein, jointly circulated a campus-wide statement on
20 excellence in diversity, saying that Cal's diversity is one
21 of the great strengths and that we must renew our
22 commitment to civility and college. In the same year, the
23 position of Dean of Student Life was created specifically
24 to provide leadership that will foster a sense of community
25 and shared values among students, and to make them more

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1 aware of their obligations toward other members of the
2 community. In 1988, the campus instituted a Racial
3 Grievance Board, the function of which is to hear cases of
4 alleged racial harassment and to make recommendations to
5 the Dean of Student Life. A policy on racial harassment
6 has been drafted and is currently under review, and
7 specific language is being added to the campus' student
8 conduct code prohibiting harassment based on race,
9 religion, sexual orientation, and disability. The
10 Chancellor established a commission on responses to a
11 changing student body to review and recommend changes to
12 campus services and programs so that they will better meet
13 the students' diverse needs. The Vice Chancellor for
14 Undergraduate Affairs established the campus council on
15 student retention to study and advise on the campus'
16 efforts to improve the retention of under-represented
17 minority students. Vice Chancellor Boggan and management
18 intern Edith Eng established Project Data, which stands for
19 diversity awareness to resources in education. This
20 program has reached over a thousand students and staff with
21 an experiential program that enables students to examine
22 their own cultures and to become more aware of the broad
23 diversity they will encounter in their years at Cal. Many
24 other programs in multi-cultural awareness have been
25 started by the Housing Office, the Office of Student

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1 Activities and Services, and by student groups.

2 In 1989, which was also an eventful year, on April
3 25th, the Berkeley division of the Academic Senate in an
4 historic move in conjunction with the Chancellor's clear
5 leadership voted for the establishment of an American
6 cultures requirement that will, starting with freshmen
7 entering in 1991, require all students to complete one
8 course in comparative study of at least of America's major
9 ethnic groups. A faculty committee to review the content
10 of these courses has been established by the Academic
11 Senate, as has an executive committee to supervise the
12 establishment of an American cultures center that will
13 coordinate the intellectual and organizational
14 implementation of the requirement. And over the past two
15 years, the Chancellor has aided in the assembly of a multi-
16 cultural action team and staff whose function is to work
17 with students through a program of activities related
18 specifically to students' sense needs and activities.

19 In conclusion, I find these efforts and our new
20 initiatives immensely encouraging and exciting. They
21 signal that the Berkeley campus is fully committed to a
22 diverse student body, and that we are proposing and
23 responding vigorously to handle the changes that are taking
24 place. Thank you.

25 CHAIRPERSON HESSE: Pardon me. I'd like to take a

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1 moment to recognize the Chairman of the U.S. Civil Rights
2 Commission, Mr. William Allen. Good morning. Thank you.

3 VICE CHANCELLOR BOGGAN: Our final presentation will
4 be by Provost Jud King, who will talk about affirmative
5 action in the professional schools and colleges.

6 PROVOST KING: Good morning. I appreciate this
7 opportunity to be here with you. My name is Judson King.
8 I am Provost for Professional Schools and Colleges at
9 Berkeley. Included in these schools and colleges are four
10 colleges -- engineering, chemistry, environmental design,
11 and natural resources -- and nine professional schools, and
12 depending on how you measure it, that's about half the
13 campus. I also chair the new Provost's Academic
14 Affirmative Action Council, about which I shall have more
15 to say later.

16 Berkeley has achieved considerable diversification of
17 the undergraduate student body, as you have heard.
18 Although we have made significant progress towards
19 diversification of the graduate student body and the
20 faculty, we still have a long way to go. This is revealed
21 rather dramatically by a pipeline chart which I have made
22 as an attachment to my comments which I hope you have a
23 copy of, and that is Attachment Number One to the comments,
24 and it will show you that diversification of the faculty is
25 occurring more slowly than of the undergraduate students,

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1 the major reason being that we are a no-growth campus, and
2 secondly because we have slow faculty turnover. People
3 don't want to leave. We are fully and totally committed to
4 achieving faculty diversification. For new appointments to
5 start during '88/89 within the professional schools and
6 colleges, 20 percent of the faculty hired were ethnic
7 minorities, and 19 percent of the faculty hired were
8 female. This exceeds our availability pool substantially,
9 but we would like to do even better.

10 I'd next like to identify very briefly some of the
11 procedures and the institutions that we have to promote,
12 facilitate and support the faculty affirmative action
13 process. Understanding these may be easier if you refer to
14 my other attachment to my remarks, which is, horror of
15 horrors, an administrative organization chart. First, the
16 academic departments themselves create and annually update
17 affirmative action plans. Each department has an
18 affirmative action committee or affirmative action
19 representative to follow and contribute to the recruitment
20 process. When an appointment is requested at the
21 conclusion of a recruitment, the full search is recorded
22 and it is reviewed by a number of parties, including the
23 faculty assistant for affirmative action. If the search
24 has not been full and proper, the appointment isn't
25 allowed. Sometimes departments would not be able to pursue

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1 promising opportunities for recruitment of minorities
2 because they do not have a position available in the
3 person's area of expertise. In such cases, we can and
4 often do give out so-called target of opportunity, or
5 T-O-P positions. These T-O-P positions afford an extra
6 faculty position to the department for a period of the next
7 15 years. In other cases, they will give something we call
8 and exceptional opportunity, or EXOP position, which would
9 be incremental to the department for a lesser number of
10 years and/or it may allow a waiver of search. In still
11 other cases, recruitment of minorities is facilitated by
12 making use the Chancellor's Distinguished Minority Visiting
13 Professorship program, a lectureship program, or the
14 Chancellor's Minority Post-Doctoral Fellowships. These
15 programs are administered by the faculty assistant for
16 affirmative action.

17 Once minority and female faculty members are here, we
18 have several support programs. The faculty assistants for
19 affirmative action and for the status of women review and
20 monitor all appointments, promotion and advancement cases
21 for minority and female faculty. The look for adherence to
22 procedure and for giving full benefits and support to the
23 individual under consideration. Similar financial support
24 is provided through a special program for minority and
25 women faculty. Finally, we have just this past year

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1 instituted a formal procedures for recognizing strong
2 affirmative action efforts in the review and advancement of
3 faculty members.

4 We would still like to do substantially better and to
5 make sure that our efforts fit together well and meet the
6 needs of the day. For this reason, as well as in response
7 to the various recent studies and reports about which you
8 have just heard, we created this last Spring the Provost's
9 Academic Affirmative Action Council -- P-A-A-A-C. This
10 group has responsibility for evaluating, designing and
11 facilitating the efforts of the campus for diversification
12 of the faculty and the graduate student body. This will
13 help make our results even better. I chair this body, and
14 as other members, we have the Provost and Dean for Letters
15 and Science, my counterpart for the half of the campus, the
16 Provost for Research, who is also the Dean of the Graduate
17 Division, the faculty assistant for affirmative action, the
18 faculty assistant for the status of women, the Assistant
19 Chancellor for Affirmative Action and Special Projects, the
20 Assistant to the Chancellor, to the Academic Assistant to
21 the Vice Chancellor, the Associate Dean of the Graduate
22 Division for Fellowships and Awards, three faculty members
23 representing the Berkeley division of the Academic Senate,
24 and students also -- three graduate students representing
25 the Graduate Student Organization, and two undergraduate

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1 students representing the Associated Students of the
2 University of California. P-A-A-A-C has had four meetings
3 during the late Spring to discuss and develop procedures
4 and priorities. We will continually survey recruitment
5 search and pool statistics to determine points of greatest
6 need and opportunity. We will strongly consider using
7 T-O-P faculty positions targeted towards specific academic
8 units as well as continuing the more opportunistic program
9 which we have been following for T-O-P appointments. We
10 have surveyed academic departments to learn their views on
11 barriers to affirmative action progress and to learn
12 possible new programs which they have which would
13 facilitate matters campus-wide. As another example, this
14 past Friday Dr. Elms and I visited our sibling campus,
15 U-C-L-A, for a day to learn what they are doing and to find
16 out what they see as fruitful paths, and we will do more
17 such things. It is then P-A-A-A-C's job to develop and
18 recommend the best policies and procedures for the Berkeley
19 campus to follow, and to make sure that they happen. Thank
20 you for your attention.

21 CHAIRPERSON HESSE: Thank you. Are there any
22 questions for the University of California at Berkeley
23 representatives? Ms. Davis?

24 MS. DAVIS: Yes. In the document that we received
25 about freshman recruitment, there is reference to three

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1 tiers and three pools of students that you recruit. There
2 was, let's see, reference to index scores, I believe it
3 was, and there was other criteria in terms of high school
4 course work, economic background, and so on and so forth.
5 What exactly are the index scores, and what academic
6 criteria are you actually using to insure that these
7 students have sufficient academic achievement in order to
8 be able to go through the system and be retained?

9 DR. ELMS: Let's see if I can answer that question a
10 little bit. Eligibility, as you know, is determined by the
11 State Master Plan. We're to take the top 12-1/2 percent of
12 graduating seniors from California high schools, both
13 private and public. Now, the law doesn't set out the
14 criteria, the University does, and we kind of back into it.
15 In other words, we use historical data to determine what
16 criteria for admission would equal, give us 12-1/2 percent.
17 We've been exceeding that since about 1976; we're about 14
18 percent eligibility. It includes the G-P-A, grade point
19 average from high school; scores on the S-A-T, and that's
20 used in addition to the achievement scores on a variety of
21 tests -- I think there are five of them -- to determine
22 what is called an academic index score, and it's just a
23 weighted formula to put all those things together. In
24 addition, the University requires what we refer to as "A-
25 through-F requirements." So, A-through-F requirements are

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1 a set of courses -- English, math, science -- that
2 individuals must take in order to be eligible. Now, until
3 the early 1980's, there was no problem because we had
4 enough places in the University of California to
5 accommodate all eligible students, not necessarily at their
6 campus of first choice, but someplace in the system.
7 However, we are capturing more of the eligible students --
8 fewer of the eligible students who in the past went to
9 community colleges -- more of those students are now
10 applying directly to the University; and by the way, the
11 same thing is true for the State universities. So, how do
12 we select out of too many eligible students? We're trying
13 to do a number of things. We try to give credit to those
14 students who have excelled academically. So, the first
15 tier is straight academic scores, which we refer to as the
16 academic index. And we get about 40 percent of our
17 students on the basis of that. The other two tiers are
18 combinations of things, supplemental criteria, of which
19 ethnicity, race, disabled come into play -- special talent.
20 We also have a category of special action admits which are
21 different from these regular admits that I'm referring to.

22 I should tell you at this point that we are in the
23 process of considering change. The Senate Committee on
24 Admissions and Enrollment this May issued a very extensive
25 report on new criteria for admission. It would make the

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1 process much simpler. It would be a two-tiered system,
2 once again a straight academic selection, about 50 percent
3 of the class, and then the other 50 percent, consideration
4 of all the variables I've mentioned, but in addition we
5 would also look at students from rural areas because we are
6 finding that a large proportion of students who get a
7 admitted are urban dwellers and somehow the rural students
8 are not well represented. We're planning to consider
9 socio-economic status, and students who are returning after
10 having been absent from school for awhile. So, it's
11 basically an effort to give to the academically achieving
12 students, but also to give credit to those students who
13 have other attributes, the point of which is to develop a
14 diverse student body. It's not useful to have all 4.0
15 students if they have no experience that will prepare them
16 for the next step in life. After all, college is a
17 transition to real life and hopefully we can prepare them
18 for that transition. I can give you some very --

19 MS. DAVIS: Can I ask you for clarification?

20 DR. ELMS: Sure.

21 MS. DAVIS: Maybe can you give me an idea how these
22 points are weighed, you know, so many points for academic
23 versus economic background?

24 DR. ELMS: I can't do that. We have 8,000 points
25 total, or 7,000 points total, and --

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1 UNIDENTIFIED PANEL VOICE: We would be happy to submit
2 something.

3 DR. ELMS: Yeah, we can do that.

4 MS. DAVIS: Yes. Okay.

5 DR. ELMS: It's, as you can imagine --

6 MS. DAVIS: I think that would be useful.

7 DR. ELMS: It's very mechanistic in a way, and I --

8 MS. DAVIS: Be very useful.

9 DR. ELMS: Was trying to explain to you the value of
10 what we're trying to do, but I can't do the points because
11 I don't remember them, to be perfectly honest.

12 MS. DAVIS: Yeah, but if we could have that
13 information.

14 DR. ELMS: Sure, we can give you that.

15 MS. DAVIS: Okay.

16 DR. ELMS: But do keep in mind that we are planning a
17 simpler process which we hope to institute within the next
18 two years. It's presently being discussed, and the Regents
19 will discuss it Thursday and Friday of this week, not only
20 for the Berkeley campus, but for all the campuses in the
21 system.

22 CHAIRPERSON HESSE: Are there further questions?

23 MRS. JETT: Yes, I have on for them.

24 CHAIRPERSON HESSE: All right. Mrs. Jett?

25 MRS. JETT: I think, Mr. Ellis, you mentioned the

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1 Racial Grievance Board. What is the composition of this
2 board? Are these members appointed or elected, number two?
3 Number three, with the diversity of students you have on
4 campus, how frequently is this board updated?

5 PROVOST ELLIS: Okay. Well, you know, the fact of the
6 matter is, I can't answer your questions, and if someone
7 can help me, please do. The board was formed when I had
8 gone back to my faculty, and among the things I've reviewed
9 recently, including the structure of the division I work
10 in, I don't have clarity on that. Can anyone help me on
11 that?

12 DR. ELMS: I can tell you that it is chaired by two
13 faculty members, a woman named Carol Christ, who is the
14 Divisional Dean for Humanities, and Alex Saragosa, who is
15 the Chairman of the Chicano Studies Department. It is made
16 up of faculty, students, and staff. It is appointed. The
17 recommendations for the appointments come from the faculty
18 senate, staff, and the student organizations. It's only
19 been operative for a year. One of the members is the Dean
20 of Student Life. It came about in large measure because of
21 student pressures to have a forum for discussion. It is
22 fair to say that it has discovered how difficult the
23 process is they are undergoing some internal changes about
24 the way they want to operate. It's a new body and so it's
25 still feeling its oats.

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1 MRS. JETT: Okay. Thank you.

2 CHAIRPERSON HESSE: Dr. Erler?

3 DR. ERLER: I'd like to ask a question about the
4 possible relationship between admission policies and racial
5 or ethnic animosity on campus. For example, the U-C
6 Student Body President a couple of months ago said, "The
7 admissions process has heightened racial tensions on
8 campus. I have seen a rise in anti-Asian sentiment," he
9 said; and last year your Vice Chancellor Park wrote in The
10 New York Times, "Berkeley's freshman class has shrunk to
11 achieve a better educational balance reducing the numbers
12 of both Asian and white freshman," the statement from your
13 Vice Chancellor. I understand the need to produce
14 diversity, but I'm wondering whether diversity should be
15 purchased at the price of racial discrimination? And is
16 there a relationship, or do you think there is a
17 relationship, between your admission policies and potential
18 or actual racial or ethnic animosities that exist on
19 campus?

20 PROVOST ELLIS: Well, I'm concerned to get the
21 specifics of your question.

22 DR. ERLER: Well, I think that it's a --

23 PROVOST ELLIS: But let me just respond immediately,
24 Commissioner. What I tried to address in my statement is
25 that diversity produces some tension. On that side of your

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1 question, there can be no doubt that this changing mosaic
2 of our student body brings people together, as I've said,
3 who have not, by and large, except those at the upper
4 reaches of the socio-economic system, spent time with each
5 other. I think maybe your question is, if I'm not
6 presuming, is there something about a perceived imbalance
7 in our admissions policy that is producing angers or
8 tensions between groups? The truth of the matter is, as
9 Ms. Koyama pointed out, we have gone through a relatively
10 protracted discussion with some tensions around Asian
11 admissions. There is on campus, as is indicated in the
12 Asian Task Force Report, a variety of resentments of
13 Asians, both in their style of occupancy of the campus, the
14 number, just lack of familiarity with the people. So, yes,
15 that new diversity is creating some tensions and I think
16 the efforts we're trying to describe here this morning want
17 to address them. If I've missed the major point --

18 DR. ERLER: No, I think you've addressed the major
19 point, but what I'd like to know is, there seems to be a
20 widespread perception that the admission policies is
21 discriminate against Asians, and I must admit that from
22 reading the relevant reports --

23 PROVOST ELLIS: I see. I see.

24 DR. ERLER: That I see that there is at least a prima
25 facie case to be made for that. Now, if, as your Vice

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1 Chancellor said, to achieve diversity among the student
2 body it's necessary to reduce the number of Asians who are
3 admitted, that is to say, U-C qualified Asians at the top
4 of the qualification list, isn't that a great potential for
5 producing racial animosity on campus and hasn't it already
6 occurred? Your Student Body President that I quoted seems
7 to think that that is in great measure one of the causes
8 for the racial animosity that seems to have been increasing
9 on the Berkeley campus.

10 DR. ELMS: First of all, I'm not sure that that's an
11 accurate quote. I work for the Vice Chancellor and I would
12 be surprised.

13 DR. ERLER: I have it here. It's The New York Times
14 with his name on it.

15 DR. ELMS: I respect The New York Times, Mr. Erler,
16 but --

17 DR. ERLER: No, it's a letter that he wrote to the
18 editor, New York Times.

19 PROVOST ELLIS: Could you read the whole sentence?
20 Would that be appropriate?

21 DR. ELMS: Yeah, that might help.

22 DR. ERLER: Yes, Vice Chancellor Park, this was April,
23 1988, said -- here's the full sentence -- "Berkeley's
24 freshman class has shrunk to achieve a better educational
25 balance reducing the numbers of both Asian and white

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1 freshman." And the next sentence, "The intense competition
2 has also raised anxieties among applicants and their
3 parents." Well, I thought that was a very revealing quote.
4 Now, I know that you are all members of the administration
5 here and these things are rather embarrassing, but I think
6 that our task here is to try to find out. Are there
7 official policies, whether they are intended or unintended
8 by-products of official policies, that have been
9 discriminating against a racial group? And it seems to me
10 from reading all of the relevant evidence, the reports that
11 have been submitted to us undertaken by the Academic Senate
12 and your other groups, it seems to me that there is a prima
13 facie case that there is widespread discrimination on the
14 Berkeley Campus against Asians.

15 VICE CHANCELLOR BOGGAN: I'd like to just talk to one
16 point, and I think in the quote it says something about the
17 shrinking size of the freshman class. Part of the --
18 probably the reason for asking is the fact that in terms of
19 absolute numbers, the number of freshman over the last
20 couple of years into -- or being admitted into Berkeley has
21 gone down, which increases the pressure in terms of all
22 groups for getting into the University. The second part,
23 would you read again? Reducing the number of Asians
24 and --

25 DR. ERLER: It says, "Berkeley's freshman class has

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1 shrunk --"

2 VICE CHANCELLOR BOGGAN: That's in terms of absolute
3 numbers.

4 DR. ERLER: Right. "-- to achieve a better
5 educational balance, reducing the number of both Asian and
6 white freshman." And then the next sentence, "Intense
7 competition has also raised anxieties among applicants and
8 their parents."

9 VICE CHANCELLOR BOGGAN: Well, I think we better
10 indicate --

11 DR. ERLER: Which is certainly true enough. But I
12 mean, the gist of the letter as a whole is that there is
13 somehow a tension between diversity in the admission
14 policies at the U-C campus -- diversity and racial
15 discrimination -- there's somehow a tension there. That is
16 to say, in order to achieve racial diversity, it is
17 necessary, perhaps, to discriminate against some races.
18 Now --

19 VICE CHANCELLOR BOGGAN: I think the issue of
20 entitlement is something that Provost Ellis raised in his
21 remarks. If you recall, the notion is that the top 12-1/2
22 percent of the student graduates from high schools in
23 California are eligible for admission, and when the class
24 -- the number within the class, freshman class, is being
25 reduced, that 12-1/2 percent, or the way you make the

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1 selection of who of that 12-1/2 percent becomes more
2 intense; and I think that really what Dr. Park was trying
3 to address, the second part of that, in terms of size and
4 quality of experience of those individuals who do get into
5 class, there has been some concern for a while about the
6 size of the freshman class and our ability to really meet
7 their needs. So, I can say, yes, there is concern by every
8 group about who is admitted. What we try to do with what
9 is the requirements of Regents' policy, and that is that
10 the top 12-1/2 percent are given fair opportunity --

11 DR. ERLER: Well, I don't -- I understand that, but I
12 don't think that that really addresses the question. For
13 example, I believe that on the U-C Berkeley Campus that
14 Asians are under-represented as a group. Is that true?

15 PROVOST ELLIS: No.

16 DR. ELMS: No. 26 percent?

17 DR. ERLER: I mean in terms of U-C eligible high
18 school graduates. Now, I understand that --

19 DR. ELMS: No, Dr. Erler. Wait a minute. No. No. I
20 want to address two things. First of all, we have had
21 three studies, including a study by the Attorney General of
22 the State of California, the Auditor General of the State
23 of California, which have clearly stated there is no
24 specific racial bias regarding Asians at Berkeley. There
25 was one year, 1983 --

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1 DR. ERLER: 1984.

2 DR. ELMS: When there was a --

3 DR. ERLER: 1984 to 1987.

4 DR. ELMS: When there was a reduction in the number of
5 Asians. We have worked out very carefully so that we
6 understood what happened, we have been working with the
7 Asian American Task Force on this. It was an insensitive
8 act. I think the Chancellor has made very clear the kinds
9 of policies that were instituted that year will be reviewed
10 more carefully; that is, any changes in admissions
11 policies, we will do simulated runs to know exactly what
12 happens. That was not done in that year, and then 1987 was
13 one college. It was not in the entire University, it was
14 in one college. I think it is -- I mean, you keep
15 referring to prima facie evidence. I think the fact of the
16 matter is that we've been investigated, we had found to be
17 wanting but not biased, and we are making every effort to
18 have a fair and equitable admissions policy. There is no
19 question that the pie doesn't get any bigger, and so if one
20 group increases, another group decreases. We have tried to
21 do that without bias, without malice, and without racial
22 prejudice. We are continuing to do that. The new
23 admissions policies are going to address new issues, and
24 we're going to have to find out before we institute that,
25 what those new criteria will do. Now, Dr. King wants to

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1 make a comment.

2 PROVOST KING: Well, I was just going to add something
3 that I think is pertinent to this, and that is that the
4 Berkeley Campus is, to the best of my knowledge, the first
5 major university to have made its entire admission criteria
6 public knowledge, and that was done over a year ago and has
7 been looked at by various interest groups and various
8 judicial bodies, special commissions, and what not; and
9 there are not results of those studies which would label
10 the policy as a biased policy.

11 DR. ERLER: Well, but you understand that the Shack
12 Report was widely criticized by a variety of groups as
13 being simply inadequate and many people thought, especially
14 in the Asian community, that it was simply a cover-up. But
15 let me ask you, and if you don't have this information now
16 I'd like to have it submitted for the record later, can you
17 tell me what percentage of U-C eligible Asians are
18 admitted --

19 DR. ELMS: To the University?

20 DR. ERLER: To the University. Of those who apply
21 from Asian groups who are U-C eligible, what percentage are
22 admitted to Berkeley? And I'd like to know the same figure
23 for U-C eligible blacks and Hispanics who apply.

24 DR. ELMS: And whites?

25 DR. ERLER: Well, I already have that figure, but you

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1 can put that in, too.

2 DR. ELMS: We can send you that.

3 DR. ERLER: I would appreciate it very much. Do you
4 have any idea off the top of your head about what it is?

5 DR. ELMS: I think --

6 DR. ERLER: Ms. Koyama, do you know what the
7 percentage is?

8 THE REPORTER: Excuse me, please. I have to change
9 the tape.

10 (Thereupon, a short break was
11 taken off the record to
12 change the tape.)

13 THE REPORTER: Back on.

14 DR. ERLER: The percentage of U-C eligible Asians who
15 apply and what percentage are admitted.

16 VICE CHANCELLOR BOGGAN: I think it's best that we
17 provide that for you.

18 CHAIRPERSON HESSE: I have a question that's addressed
19 generally to the group. What procedures have been
20 established by the University of California at Berkeley to
21 deal with the specific incidence of violence and bigotry
22 based on race, sex and/or religion? And I'm talking -- I
23 know that Mr. Ellis described a Racial Grievance Board, but
24 I'm asking what procedures has the Campus established?

25 PROVOST ELLIS: Well, the -- all campuses of the

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End P2

Begin P3

1 University of California employ a code of student conduct
2 and that office, which reports to me through the Dean of
3 Student Life, receives all complaints of violations of that
4 code. So, basically, that is the structure -- the
5 administrative structure -- that handles these kinds of
6 incidents -- racial, religious, otherwise. The Racial
7 Grievance Board, which also works through the Dean of
8 Student Life is placed there to give an expanded hearing to
9 some of these episodes. So, these are the primary
10 structures that we have in place to deal with that now. -

11 CHAIRPERSON HESSE: By the way, thank -- excuse me,
12 Mr. Montez --

13 MR. MONTEZ: Yes. Go ahead.

14 CHAIRPERSON HESSE: I wanted to thank the University
15 of California for providing us with this informational
16 material. Is the material that you provided us with on
17 incidents reported from, I believe, fiscal year --

18 PROVOST ELLIS: '85 to '89.

19 CHAIRPERSON HESSE: 1985 through 1988, is that the sum
20 total of the incidents?

21 PROVOST ELLIS: Documented incidents.

22 CHAIRPERSON HESSE: Documented incidents?

23 PROVOST ELLIS: Yes, it is.

24 CHAIRPERSON HESSE: And that's what's reported through
25 the office that reports to you.

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1 PROVOST ELLIS: Yes, you'll note there are offices --
2
3 Housing Office, which is not part of my span of control, or
4 that's so in this document at least.

5 CHAIRPERSON HESSE: That's what I'm asking is how are
6 the incidents reported? Is there one central system? Are
7 there various departments that report it? Do you not have
8 requirements from the Federal Government from federal money
9 that you receive to report all the incidents?

10 VICE CHANCELLOR BOGGAN: Let me see if I can respond
11 to that. Not only is there the Racial Grievance Board
12 which ends up handling a lot of the complaints from
13 students, we have a separate complaint process that's in
14 place, in house, but all of that information is, by policy,
15 to be processed through my office and through Mr. Ellis'
16 office so that there is a complete compendium of those
17 kinds of activities; and there's also a separate process
18 for sexual harassment kinds of cases, and there's a
19 rallying procedure that makes sure that these complaints
20 get to the appropriate investigatory body, and so if
21 something happens now that deals with a sexual harassment
22 matter, it is rallied through Housing to the appropriate
23 office; and so yes, we do have a way of coordinating the
24 different complaints and we do have them now consolidated
25 to provide the information about all the complaints on

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1 campus.

2 CHAIRPERSON HESSE: So, what is provided in our
3 binders is a partial report, but there's other information?

4 PROVOST ELLIS: Well, see, that material was collected
5 by my predecessor --

6 CHAIRPERSON HESSE: Okay.

7 PROVOST ELLIS: I believe in response to a question by
8 the Office of the President that we send documentation
9 of --

10 CHAIRPERSON HESSE: Would you provide us with, I
11 guess, the sum total of the incidents?

12 VICE CHANCELLOR BOGGAN: That is it.

13 CHAIRPERSON HESSE: I thought you said you had a
14 sexual harassment procedure or --

15 DR. ELMS: It's all in there.

16 PROVOST ELLIS: It's all in there.

17 CHAIRPERSON HESSE: So, everything --

18 PROVOST ELLIS: Just think of it as a way of getting
19 into the system.

20 CHAIRPERSON HESSE: Okay. Okay. And this is also
21 open to any of the speakers representing the University of
22 California at Berkeley. What did this report reveal to
23 you?

24 VICE CHANCELLOR BOGGAN: The four reports? Or the
25 reports on violence at Berkeley?

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1 CHAIRPERSON HESSE: The reports on violence --

2 PROVOST ELLIS: The incidence.

3 CHAIRPERSON HESSE: And the incidence of -- yes.

4 VICE CHANCELLOR BOGGAN: You know, my prior
5 background, I was a city manager and county manager, and so
6 you deal with a lot of activity that occurs within the
7 communities that are related to different incidents and
8 reactions. When you consider the number of interactions
9 that take place on a campus that has 31,000 students, about
10 10,000 employees, it says that there are, relative to this,
11 that we are part of a larger community but it still does
12 not go adequately to the questions of race, of sexism, or
13 of violence, and we're just part -- I mean, what it says to
14 me is that we're part of that community and that we have to
15 work with the community to make some major changes. But it
16 also says that in terms of documented cases, if probably is
17 less intense than most of the communities that I have
18 worked in in the past in terms of same kinds of issues.
19 It's just that I believe that you have greater coverage
20 because you don't expect the most liberal, intellectual
21 institution of the world to behave in a way that would be
22 backwards and insensitive to people.

23 PROVOST ELLIS: I'd like to respond. I tried to
24 address your question in my remarks, and I'll try not to be
25 defensive on Berkeley's behalf and say what it says to me

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1 is that people have not had a lot of experience living with
2 each other who don't look like alike. They've spent time
3 in their homes in moments of intimacy in all white circles,
4 in all Asian circles, in all black circles, and they're
5 brought to a campus which by and in its definition is
6 supposed to be, as Vice Chancellor Boggan says, open and
7 liberal, and we are astonished when we discover that people
8 don't know how to relate to each other. I think it is the
9 emerging experience of diversity. I do not believe that at
10 the turn of the next millennium we're going to look much
11 like we do here in this room for reasons we can all guess
12 -- the reason of human history -- and I think we're just
13 now beginning to introduce a wider variety of people into
14 our central institutions. We are an example of it, and it
15 is not easy; and as I said, in terms of sense of ownership
16 and rights for the white majority population; this has been
17 a very difficult transition.

18 MR. CARNEY: Dr. Elms, you -- if I may.

19 CHAIRPERSON HESSE: Mr. Carney.

20 MR. CARNEY: Dr. Elms, you made a statement that kind-
21 of raises my curiosity in this, and the statement you made
22 was something to the effect that it's not good for the
23 University to have all 4.0 students, and I --

24 DR. ELMS: I think what I said was it may not be.

25 MR. CARNEY: Okay, and well, that kind of raises the

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1 question in my mind that with respect to the supplemental
2 criteria, is that a lever by which you can accept students
3 who may not otherwise be eligible grade-wise or
4 academically in order for their other abilities factor to
5 enter into their becoming eligible, such as athletes, and
6 thereby lessening the chances for academically eligible
7 students who have not got the athletic gift to be refused
8 admission?

9 DR. ELMS: You've given me a chance to clarify
10 something. All of our admissions, whether it's tier one,
11 which is academic, to two, which is supplemental, to three,
12 which is complementary, are all eligible students. They're
13 all eligible students. They're not equally eligible, but
14 they're all students who are eligible by their G-P-A, their
15 S-A-T, and their A-2-F requirements. So, we're talking
16 about a group of students who under the mandate of 12-1/2
17 percent, if there were room, would be admitted. We then
18 have a category of special admits. It used to be two
19 percent; it was increased to four percent and it's
20 currently six percent when we actually -- I don't think we
21 admit actually six percent -- which includes some students,
22 both affirmative action students, athletes, and some E-O-P
23 students, who do not meet the eligibility requirement but
24 have some special attribute which we think deserves risk.
25 They do not compete for spaces with the eligible students.

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1 So, one group is not in competition with the other group.
2 That special action category was developed to deal with
3 students who in the normal course of things would simply
4 not be able to attend the University of California. Some
5 of them are athletes. Most of them are affirmative action.

6 MR. CARNEY: Well, what differences take place if they
7 are admitted, if they are those who ordinarily could not
8 attend the University or even be academically or otherwise
9 eligible, what transpires after they're admitted? Are they
10 in special classes that allows them to compete on a level
11 less than the regular student body?

12 DR. ELMS: No, no. I think --

13 PROVOST ELLIS: Sure. No. Yes, they are in special
14 classes, the Summer Bridge Program -- not throughout -- but
15 the Summer Bridge Program that I described to you is also a
16 component in which athletes, for example, do participate, --
17 and this is precisely to work on reading, writing and math
18 skills. Those are the crux skills. So, they work through
19 the Summer Bridge Program. They are mandated to go to the
20 Summer Bridge Program. It is not a question of choice.
21 And to spend time on campus. During the course of the
22 academic year, we have in place a structure that actually
23 occurs to me called Student Learning Center, which some
24 call the largest academic unit on campus, which provides
25 both tutorial, but not just tutorial work, but supplemental

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1 support for students with particular problems or looking to
2 advance. Many of the students are B-plus students looking
3 to get to an A, more than anything else. For the athletes,
4 and this, by the way, is a Regent policy -- it's a special
5 action policy, not a campus policy -- all eight general
6 campuses have a special action category -- for athletes,
7 there is a mandated study table they attend four nights a
8 week; and so, we surround these special cases -- I don't if
9 you had a recent case in mind or not -- but we do surround
10 the athletes with extraordinary support in compensation for
11 the extraordinary amount of time they devote to helping to
12 make the community right.

13 MR. CARNEY: The case I was thinking of was this young
14 fellow from Crespi High School that I felt that --

15 PROVOST ELLIS: We don't have to mention him by name,
16 I hope, for the record.

17 MR. CARNEY: No, I can't think of it anyway.

18 PROVOST ELLIS: Okay, good.

19 MR. CARNEY: That's one of my downfalls, isn't it,
20 remembering names. It seemed that the University extended
21 extraordinary efforts in order to just to get him into the
22 "eligible category" through the S-A-T test. I think he
23 took it three or four times according to what I read, and I
24 don't know if he was successful or not but I just thought
25 that in my own mind, I thought, gee, you know, because Cal

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1 can't be U-C-L-A, that's not the way to do it, you know.

2 PROVOST ELLIS: Yeah, well, I think you're asking a
3 question that a lot of people are asking: If you're so
4 highfalutin and premier public institution, education and
5 research, what are you doing this for? Well, we do have
6 inter-collegiate athletics. We put very special conditions
7 on who we admit. We work in correspondence to the N-C-A-A
8 regulations and this student obliges us to do that. He
9 will be in ineligible in his first year. He could have
10 gone to practically any other major university, played and
11 starred in his first year. I interviewed him before I was
12 in this office, and his mother -- this is a young black man
13 -- his mother very much wanted him to come here and --
14 understood, and they both understood that if he did not
15 pass that 700 test score level that he would not be
16 eligible his first year. He still chose to come. He made
17 a decision that many, many star athletes would not have
18 chosen, and he came and his mother was enthusiastic about
19 the campus partly because of the support system she knew
20 was here, and she didn't want him to get lost in that
21 improbable prospect -- very improbable prospect that he's
22 going to wind up a pro, which is the fantasy that many
23 athletes have, and send them to campuses that don't support
24 them.

25 MR. CARNEY: The only reason I was inquiring into the

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1 area is because of maybe my misinterpretation of Dr. Elms'
2 remarks with respect to the, you know, it's maybe not
3 desirable for all 4.0 students, and I was curious as to
4 those efforts that I knew of with this young man and I
5 thought, although I'm not against athletics -- I spend my
6 Saturdays as a couch potato watching the football games
7 when they're available -- and I was just curious as to
8 whether or not it penalized otherwise eligible students,
9 and that was what was paramount in my mind. I thought that
10 if we're going to go to that extreme, then I think we miss
11 the academic boat.

12 DR. ELMS: May I rephrase my comments? It is
13 important to have a diverse student body than to have a
14 homogeneous student body.

15 MR. CARNEY: Well, when you say diverse, though, now,
16 is it an all encompassing diversity, whether it's --

17 DR. ELMS: Yes.

18 MR. CARNEY: Academic scale and --

19 DR. ELMS: Right. It's academic, it's ethnic, it's
20 racial, it's discipline, it's gender, it's geography, it's
21 socio-economic --

22 MR. CARNEY: Okay.

23 DR. ELMS: It's height, it's weight, it's all the
24 things that --

25 MR. CARNEY: All the above.

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1 MS. DAVIS: Well, may I ask --

2 CHAIRPERSON HESSE: Ms. Davis.

3 MS. DAVIS: Do you provide the same kind of support
4 you were providing this student to the American Indians,
5 the blacks and Hispanics? What kind of programs --

6 PROVOST ELLIS: Yes.

7 MS. DAVIS: Do you have?

8 PROVOST ELLIS: Yes. Summer Bridge, when it's
9 relevant. The students --

10 MS. DAVIS: How about during the year?

11 PROVOST ELLIS: Yes, the Student Learning Center
12 operates all year and it is staffed with tutors, special
13 classes. We have a professional development program that
14 also works in the math area.

15 MS. DAVIS: How long has the Student Learning Center
16 been in effect and how has it impacted the retention of the
17 minority student?

18 PROVOST ELLIS: The Center has been in existence for
19 about 22 years or 23 years. We are looking at the -- my
20 office is preparing a retention briefing book for
21 ourselves. You've heard and can see in Vice Chancellor
22 Boggan's remarks the change between the 1980 cohort and
23 five-year retention up to what would be 55 now. I cannot
24 at the moment attribute that improved retention rate to the
25 Student Learning Center, and that is something we're going

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1 to have to work on to find out in terms of its
2 effectiveness.

3 CHAIRPERSON HESSE: Dr. Erler.

4 DR. ERLER: We understand that only 40 percent of the
5 freshman class is admitted on a strict academic
6 competition. Is that right?

7 PROVOST ELLIS: That is --

8 DR. ERLER: Approximately.

9 DR. ELMS: It's about 40 percent.

10 PROVOST ELLIS: No, no, no, it isn't.

11 DR. ERLER: And there's a proposal to increase that to
12 a 50 percent level. Is that the case?

13 DR. ELMS: The proposal is at 50 percent.

14 DR. ERLER: Yeah. Do you have any figures, or if you
15 don't have them now, I would like to have them submitted,
16 on the percentages, the racial composition of the different
17 tiers. What is the racial competition of those who are put
18 in tier one competition, tier two competition, and tier
19 three competition.

20 PROVOST ELLIS: Do you mean race?

21 DR. ERLER: By racial composition, or ethnic
22 composition. Both.

23 DR. ELMS: You mean --

24 DR. ERLER: In other words, what are the percentages
25 of the applicants in tier one who are black, Hispanic,

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1 Asian, white? What are the percentages of --

2 DR. ELMS: Oh, yeah, I can only give you racial
3 composition by total admits, not by --

4 DR. ERLER: Well, I've been looking for those figures
5 because I think it might be quite revealing, especially
6 with respect to this question of the status of Asians on
7 the Berkeley campus. I think that that might be very
8 interesting to see.

9 PROVOST ELLIS: You know, you had said -- excuse me --
10 we will send those materials, for sure. You had indicated
11 our potential embarrassment around the issue -- or
12 representing the campus around the issue of Asian
13 admissions and what you described as a prima facie case of
14 discrimination against Asians. In some respects, I am
15 caught off-guard and maybe I have a little more freedom to
16 say that since I'm so brand new because I understood the
17 topic of the agenda to be a little different. I understand
18 that your question of background, admissions policies, and
19 so forth is necessarily related to the issue of campus
20 climate and so forth.

21 DR. ERLER: Well, I --

22 PROVOST ELLIS: We are working very hard. We have all
23 these data, without doubt, and you will get them. I think
24 none of us is prepared at the moment, off the top of our
25 heads, given the nature of our preparation, to answer the

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1 statistical questions you have. We have the material.
2 We'll get it.

3 DR. ERLER: Well, the thrust of my questions was
4 simply to ask whether there was any relationship, cause and
5 effect relations, between, let us say, admission policies
6 and racial animosities --

7 PROVOST ELLIS: Sure.

8 DR. ERLER: On campus. Now, the quote that I read
9 earlier from your student body president, at least in his
10 opinion, there seems to be a very close relationship
11 between those things; and I must say, around the country
12 there is widespread belief -- I have a quote here from
13 Education Secretary Tovassos (ph) who says that he deplores
14 discrimination against Asians in admissions. He doesn't
15 mention Berkeley specifically, but Berkeley is one among
16 several campuses that he mentions here and he said that any
17 kind of illegal quotas --

18 PROVOST ELLIS: Sure.

19 DR. ERLER: System will be dealt with very harshly by
20 his office and so on, so I know that the perception is
21 there --

22 PROVOST ELLIS: Certainly.

23 DR. ERLER: And at least on the surface, but only on
24 the surface perhaps --

25 PROVOST ELLIS: Yes.

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1 DR. ERLER: I hope, it looks as if there is some
2 discrimination against Asians in admission policies.

3 PROVOST ELLIS: Well, as Dr. Elms has said, we have
4 -- first off, the Chancellor's position is certainly the
5 same, that any discrimination's intolerable; and as Dr.
6 Elms has said, we have been investigated in a very public
7 way and I believe the public record will be clear.

8 CHAIRPERSON HESSE: Ms. Koyama.

9 PROVOST ELLIS: Sorry.

10 MS. KOYAMA: The Advisory Committee of which I was co-
11 chair did not have at all as part of its charge the
12 admissions controversy and so, if I could, I'm going to try
13 to round out some remarks and some of your concerns by
14 referring to our findings which I think indicate that
15 besides admissions and the resulting feelings that occurred
16 between the community and the University and the rift
17 there, there are situations on campus that have to be
18 examined and looked at and responded to in order to address
19 fully where all of the sources of racial tension arise.
20 There are, for example, student interactions between white
21 students who cannot distinguish between Asian Americans and
22 foreign students, and there are relational problems that
23 arise out of dormitory living situations. There are
24 generalizations made on the part of some that are
25 culturally based and the stereotype, again, of the model

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1 minority probably comes into play here. Students visualize
2 Asian Americans, they say, as nerds, as compelling students
3 who have no interests than to get that A, sort of a vision
4 that they are devoid of social needs. I think there are
5 tensions that arise for Asian Americans due to classroom
6 situations generated by insensitivities from professors or
7 from graduate teaching assistants. And finally, I think
8 one source of conflict for Asian American students comes
9 even from a home environment. Again, I referred to
10 parental pressures that maybe many other ethnic students
11 feel from their home, but we feel, for Asian Americans,
12 there is a difference in the intensity and the degree. I
13 guess in sum I think that in addition to admissions, one
14 gateway, if you will, is just to get to the campus so,
15 certainly, I don't want to deny that procedures perceived
16 to be unfair based on inaccessibility is maybe even a
17 beginning source of tension, but once you get onto campus,
18 there's sort of another gateway of admission, if you will,
19 that has to be achieved by all, including Asian Americans;
20 and in that environment, there are many, many things other
21 than admissions that come into play. I think in our
22 campus/community relations subcommittee there is the
23 realization that the fullness of this great experience that
24 I think Berkeley has embarked upon is not only the tentacle
25 one of procedures and policies of admission, but it has

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1 another side to it, a very human side; and that is the
2 quality of the life achieved once on campus. And so I
3 think for Asian Americans, it's not only equal access, but
4 it's also full participation -- integration, if you will
5 -- within and amidst that campus environment.

6 CHAIRPERSON HESSE: Thank you, Ms. Koyama, Dr. Elms,
7 Vice Chancellor Boggan, Provosts King and Ellis. Thank you
8 very much. We'll now hear from the University of
9 California System.

10
11 Whereupon,

12 CAROL A. CARTWRIGHT

13 ALICE C. COX

14 CARMEN ESTRADA

15 TINA OAKLAND

16 ELLEN SWITKES

17 were called as witnesses herein and testified as follows:

18
19 CHAIRPERSON HESSE: Next we have Dr. Alice C. Cox,
20 Assistant Vice President of Student Academic Services.
21 Your panel will also be granted 10 minutes for presentation
22 time and then we would like to engage in some questions and
23 answers for further clarification, please.

24 DR. COX: Thank you. I am Alice Cox, Assistant Vice
25 President for Student Academic Services. I'd like to

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1 introduce my panel. To my far right, Dr. Carol Cartwright,
2 Vice Chancellor for Academic Affairs at the University of
3 California at Davis. To my right is Dr. Ellen Switkes,
4 Director of Academic Personnel at the Office of the
5 President. To my left, Ms. Carmen Estrada, who is
6 Executive Director of Affirmative Action for the U-C
7 System. And to her left, Tina Oakland, Director, Women's
8 Resource Center, University of California at Los Angeles.
9 Dr. Joyce Justus, who is listed on the program, will not be
10 joining us on the panel. She is in the audience this
11 morning. I have entered my remarks in the record, but
12 having heard the discussion that just transpired, I think I
13 need to depart from those because one of my
14 responsibilities in the Office of the President is
15 responsibility for the system-wide policies on admission,
16 and I think that it's appropriate for me to put some of the
17 remarks I heard in context, and at the time you think
18 appropriate, to answer some of your questions. I'd like to
19 explain the policies under which the University of
20 California operates in terms of public policy, which you
21 may know but I think it's important to restate. That is
22 that under the terms of the California Master Plan, the
23 University of California is expected to admit students from
24 among the upper 12-1/2 percent of the high school
25 graduating class. That has changed so that now the

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1 University is committed and does offer admission somewhere,
2 some place, not to a campus of choice, but offers admission
3 to all eligible California residents who apply to the
4 University of California. Within that context, when we
5 have campuses which are heavily impacted -- very, very
6 popular campuses -- those campuses do want to admit from
7 among the other 12-1/2 percent, not simply the top one or
8 two. The admissions policy which was developed and
9 presented and passed by the Regents states that from among
10 all eligible students, and everyone has to be eligible -- I
11 have to state that again -- that considerations are made
12 based upon socio-economic factors, geographical factors,
13 cultural factors, and life experience. The way we select
14 students -- people referred to different tiers -- it works
15 like this. All students who want to apply to the
16 University submit one application and may indicate any
17 number, up to eight, of the campus to which he or she wants
18 his application considered. Once that application has been
19 -- goes to the campus, the student will be offered
20 admission at whatever campuses they apply, provided that
21 there is room in the class and provided that there is space
22 on the campus. In recent history, some of our campuses
23 have not had space, so they select from among the students,
24 but the first group of students is academic qualifications
25 only. The second group, they look at academic

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1 qualifications and also the supplemental criteria, and
2 those supplemental criteria are what I explained in terms
3 of life experiences -- is the person a recent immigrant who
4 did not go to school in the United States? Or there can be
5 any one of different kinds of experiences which would
6 enrich the campus life. In terms of geography, where in
7 the State does the person come from? We're concerned that
8 the counties that surround U-C campuses not be the only
9 counties which are served by the campuses, but they want
10 students from all the way across the State of California.
11 And then cultural, and then that we look for a variety of
12 kinds of diversity including race, and once again, ethnic
13 background. Rather than go into more detail here, I will
14 save time for questions at the time that you would like ask
15 them.

16 CHAIRPERSON HESSE: We'd like to take a moment to
17 recognize Advisory Committee member, Mr. Herman Sillas, the
18 first male on my right. May we proceed?

19 DR. COX: Yes. The first panelist will be Dr.
20 Cartwright.

21 DR. CARTWRIGHT: Good morning. I'm pleased to be here
22 to present some information about what is happening at the
23 University of California at Davis campus. I'd like to
24 begin by noting that we believe that leadership and
25 commitment to take these issues seriously and to be

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1 prepared to follow through with policies and programs to
2 deal with intolerance is important and is, in fact, the
3 centerpiece of our approach at U-C Davis. There are three
4 primary parts to our approach to dealing with these issues.
5 The first is a set of clear public statements about
6 expected conducted and of our intentions to deal fairly and
7 firmly with complaints. Second, programs for faculty,
8 staff and students to educate them about these issues. And
9 finally, third, follow-up programs of counselling for
10 victims and procedures for complaint resolution. I should
11 mention in this introductory section that U-C Davis is
12 located in two different communities. The main campus is
13 in Davis, which is primarily an upper-middle class white
14 community and quite a small community, only about 45,000 in
15 population. The medical center, which is also a part of
16 our campus, is located in Sacramento adjacent to Oak Park,
17 which is primarily a non-white neighborhood. Because of
18 these different environments and the fact that the issues
19 of bias and violence that we must deal with are different
20 for students on our campus location than they are for
21 patients and employees at our Sacramento campus and
22 hospital, we have found it necessary to develop different
23 programs for these various locations.

24 We've also initiated some important community-based
25 efforts to deal with the issues. In Sacramento, we've had

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1 a very successful community affirmative action review
2 committee which has provided a series of recommendations
3 which the medical center has already followed up on. In
4 the Davis community, we have initiated a collaborative
5 project with the Human Relations Council of the City of
6 Davis, the schools of Davis through the Superintendent of
7 schools in the City of Davis, and through our Chancellor's
8 office because we believe that those three aspects of our
9 community must be working together on overall issues of
10 quality of life for the residents and students in Davis.

11 We've been fortunate in that we've been watching the
12 national scene and we feel that we have been able to
13 anticipate some of the issues and we've learned a great
14 deal from the experiences of others across the nation; and
15 in some ways, we've been able to keep just a little bit
16 ahead of some of these issues through our education and our
17 awareness programs. As the racial and ethnic mix of our
18 population changed, we began to implement programs to
19 increase awareness and promote cultural sensitivity for
20 faculty, staff and students dealing with both racial and
21 with gender issues; and we currently have efforts underway
22 to increase the quality and the scope of those educational
23 programs as well as to continue our policy of clearly
24 communicating ways in which complaints can be lodged. In
25 terms of religious bias and violence, there have been no

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1 complaints by faculty or staff brought to the attention of
2 the administration, and very few matters in this arena
3 arising from students. So, I'll focus my remarks instead
4 on issues of campus climate that relate to sexism and
5 racism, rather than issues of religious bias.

6 The development of a comprehensive educational program
7 on diversity is one of our highest priorities and we've
8 already put many of the components of that program in
9 place. We believe that in the end, that is going to be the
10 most helpful aspect of addressing racial bias and violence.
11 We're going to draw from our experience in an educational
12 program in sexual harassment which has been very successful
13 for our campus as we build this new educational program on
14 diversity. We have established a new position of an
15 Assistant Vice Chancellor for Faculty Development and
16 Diversity and are in the process of filling it. That
17 individual is going to have the overall coordinating
18 responsibility in implementing this educational program
19 together with an Associate Vice Chancellor for Employee
20 Relations and Staff Affairs, and the Vice Chancellor for
21 Student Affairs. We believe that we must look in an
22 integrated way at issues related to faculty, staff and
23 students. When we find programs that work for one group,
24 we automatically benefit other groups, and so forth. We
25 are providing Summer salary support to faculty right now,

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1 this Summer, to review the research literature and to
2 complete surveys about educational programs on diversity at
3 other institutions across the country so that by the Fall
4 of 1989, when we have in place a new Director of
5 Educational Programs for Diversity, that person will be
6 able to hit the ground running with a good bit of the
7 background information already having been collected for
8 that new Director. We also have a new program in our
9 counselling center to focus on the problems that minority
10 students are bringing to the counselling center. We intend
11 to gain from those experiences in the counselling center,
12 information that will help in this educational program on
13 multi-cultural awareness for faculty and staff.

14 Over the past five years, we have expanded and created
15 a number of programs to create an environment free of
16 racial bias. We believe that we must take deliberate
17 action to assist students to adjust to a campus community
18 that is increasingly ethnically and culturally diverse; and
19 we have, over those past five years, implemented programs
20 both for faculty and staff and students to encourage the
21 development of positive relationships among individuals and
22 to educate them about the value of diversity. I'd like to
23 very quickly describe some of those programs. They are
24 described in a more elaborate way in the written testimony
25 that I've provided for you. In terms of student programs,

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1 we have an ambitious program to highlight cultural days on
2 our campus. We sponsor a series of programs that have over
3 the course of the last several years become a very
4 important part of campus life, especially in the Spring.
5 We see these programs, such as the Native American Powwow,
6 the Native American Cultural Program, Asian Pacific
7 Cultural Week, La Raza Cultural Days, and African American
8 Black Family Week, as very important in bringing the
9 resources of different cultures and the talent that's
10 represented in different groups to the attention of our
11 university community.

12 We believe it's important to initiate newcomers to our
13 campus about our values and our commitment to these
14 programs of diversity right from the very beginning, so we
15 have orientation programs for new faculty that focus on our
16 commitment to diversity, and we also have orientation
17 programs for new students that indicate to them, right from
18 their first days on campus, what we expect in terms of
19 their behavior and what we are prepared to do to assist in
20 issues of diversity. For example, our advising service
21 office presents a Summer Advising Program. This is one
22 that is attended by both incoming students and their
23 parents. It includes a one-hour program introducing
24 students to issues of diversity. It introduces the concept
25 of diversity, helps students begin to think about the fact

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1 that they are going to be a part of diverse community, and
2 sets forth in very clear terms our expectations for their
3 behavior while they are with us.

4 As I mentioned before, the counselling center includes
5 a broad range of activities of consultation and instruction
6 related to non-white student adjustment, sexual assault,
7 rape prevention, cultural awareness, cultural programs,
8 fraternity and sorority life, gender and sexual harassment,
9 and diversity in general. The scope of the counselling
10 center is to be broadened so that there will be a focus on
11 dealing with the problems that minority students bring to
12 that center, and the center will become a repository for
13 materials that are used to address racism, bigotry,
14 intolerance, cultural displacement, and cultural
15 accommodation.

16 We have students living together in residence halls as
17 well as in our community and particular concerns about
18 intolerance of persons from different racial and ethnic
19 backgrounds and persons with different lifestyles have been
20 increasing in terms of the attention that our housing
21 office has been bringing to the issues. Recently, the
22 housing office issued a statement of commitment expressing
23 their intent that persons be able to function together and
24 that those individuals are expected to behave appropriately
25 toward each other and respectfully treat other as members

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1 of the community. The brochure which is provided to every
2 incoming student as a guide to residence hall life includes
3 in it a clear statement that we find unacceptable verbal or
4 written abuse, threats, intimidation, violence or other
5 forms of harassment against any member of the community and
6 that we have procedures in place to deal with such
7 behavior. We are also aware that our students live outside
8 of the residence halls in community apartments,
9 fraternities, sororities and so forth. We have an
10 Assistant Director of Community Housing that has
11 responsibility for a number of activities aimed at
12 promoting cultural understanding. We have spent a number
13 of special efforts to eliminate issues of bias and
14 intolerance in Greek life on our campus. We have an office
15 of student judicial affairs responsible for coordinating an
16 informal advisory system for complaint resolution as well
17 as for implementing the formal policy that the campus has
18 on resolving student complaints of illegal discrimination.

19 THE REPORTER: Excuse me one moment, please.

20 DR. CARTWRIGHT: Yes.

21 (Thereupon, a short break was
22 taken off the record to
23 change the tape.)

24 THE REPORTER: Okay. On.

25 DR. CARTWRIGHT: The student government's organization

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End P3

Begin P4

1 on our campus, The Associated Students of U-C Davis, has
2 taken leadership during the past year to publish a brochure
3 entitled, "Open Your Eyes to Diversity." This will be
4 distributed this Fall to all students, not just the new
5 freshmen, but to all students. It includes their statement
6 of principles of community which provides information on
7 programs and classes as well as referral services and clear
8 statements about expectations for behavior. I won't take
9 the time to read it to you, but I will leave a copy for
10 you. I think it's an important indication of student
11 attention to these matters. We also have in place rape
12 prevention education programs which will be described in
13 more detail by my colleague from U-C-L-A from the
14 perspective of that campus, so I'll skip over that. We
15 have procedures in place on our campus police department so
16 that if they receive complaints that have a religious or
17 racist or a sexual harassment component, they are alerted
18 to bring that to the attention of the administration so
19 that we can coordinate our response to those complaints.
20 We also have a collaborative program in place between our
21 campus police department and the City of Davis police
22 department. They hold joint meetings on a regular basis
23 and share information of mutual concern about these
24 matters. We have, since 1981, had a policy banning sexual
25 harassment, and two years ago appointed a full-time sexual

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1 harassment education coordinator to give educational
2 programs about sexual harassment to faculty, staff and
3 students. About 100 complaints were dealt with in the past
4 year, but nearly 200 educational programs were offered, and
5 we believe, of course, that the increasing information and
6 awareness of these issues has encouraged people to bring
7 their complaints forward so that they can be dealt with
8 mostly on an informal complaint resolution basis. We also
9 have an active women's resources and research center which
10 provides education and consultation on issues related to
11 women. And finally, we have academic programs which we
12 believe are very important in reflecting the value that we
13 place on women in the work force and in our campus
14 community as well as members of ethnic minority groups. We
15 have recently reviewed our four ethnic studies programs --
16 Afro-American Studies, Asian American Studies, Native
17 American Studies, and Chicano Studies -- and have
18 implemented a plan to dramatically increase the number of
19 faculty in those four programs so that we are prepared to
20 provide even more by way of academic programs to the
21 students on our campus. We presently have about 11 faculty
22 in those programs and we plan over the next three-to-five
23 years to increase that number threefold to 32 faculty
24 positions in ethnic studies. We have a teaching resources
25 center that provides orientation for new faculty and

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1 assistance to faculty on classroom instruction issues.
2 They have a person assigned in that office to dealing with
3 issues of diversity. We have also a vigorous program of
4 bringing to the attention of our students courses that are
5 in the mainstream of our curriculum that include
6 information about gender and ethnicity. We did a word
7 search of our course catalog just a few weeks ago and
8 identified over 100 regular courses, not those labelled
9 women's studies or ethnic studies, but regular courses in
10 psychology, sociology, history, English, and so forth that
11 include significant components about women and about
12 members of ethnic minorities; and we are now using that
13 sort of supplement to the course catalog in our Summer and
14 Fall advising for U-C Davis students. We also have a
15 vigorous program of employee development and staff
16 relations that includes significant information about
17 diversity. We have a new program in AIDS education, and
18 stepped up effort to bring the grievance process and the
19 complaint resolution process to the attention of all of our
20 employees. I might mention that U-C Davis is one of the
21 national research sites for AIDS research and we believe
22 that we ought to be leading the way in our informational
23 programs about AIDS for faculty, staff, and students.

24 I could go on. A number of these programs are
25 elaborated in the written testimony, but I think I have

1 given you enough to provide a sense of the
2 comprehensiveness and the diversity of our efforts in terms
3 of educating as well as complaint resolution procedures for
4 both faculty, staff, and students. Thank you.

5 CHAIRPERSON HESSE: Thank you. We're running a little
6 bit behind, I'm advised. Could the next speaker summarize
7 the gist of their remarks that they wish to present?

8 DR. COX: The next speaker will be Dr. Ellen Switkes.

9 DR. SWITKES: I've prepared for distribution a list of
10 University of California policies and statements relating
11 to a fair and open environment which I believe you have.
12 This is a compilation of formal policies and policy
13 statements that have been adopted after extensive review
14 over the past several years. The first one is a non-
15 discrimination in employment policy statement that affects
16 all university employees. It provides for non-
17 discrimination for those employed and seeking employment.
18 The next, number two, is a policy on sexual harassment
19 complaint resolution procedures that is sensitive the
20 confidential and embarrassing nature of sexual harassment
21 complaints, sensitive to both the individuals bring the
22 complaint, the individuals accused, and it provides for an
23 informal investigation as well as a formal complaint
24 procedure. The next, number three, is a statement on a
25 fair and open environment that was recently written and

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1 adopted by the University of California academic senate and
2 has been distributed at the request of the senate to all
3 University of California campuses. Implementation of this
4 policy is also a job of the academic senate that they have
5 decided to keep close tabs on and they are in the process
6 of developing guidelines for implementation.

7 I'd like to pause here in my list of policies and just
8 mention a little bit about this, this is item number three,
9 the statement on a fair and open academic environment.

10 Vice Chancellor Cartwright has described many, many
11 policies and programs on her campus dealing with fair and
12 open environment. The fact that we have a written policy
13 that says it shall be done really doesn't impact any

14 students, faculty or staff unless the campuses are willing
15 to take a lead and our campuses are moving in that
16 direction. The Davis campus' programs are very impressive.

17 I'd like to mention one other program that's come to my
18 attention that I was very impressed with. The Santa

19 Barbara campus has developed several films entitled

20 something like, "What It's Like to be a Black Student at

21 U-C-S-B," "What It's Like to be a Chicano Student at

22 U-C-S-B." The films are very powerful because the students
23 actually speak about their own thoughts and feelings.

24 There are descriptions of problems and concerns in student
25 life in the classroom setting and it's a very personal and

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1 very, very touching films. Those films have been shown to
2 many academic departments. You know, reaching our faculty,
3 faculty sometimes don't come to meetings and you have to go
4 out to reach them and the academic departments have invited
5 these films to be shown and there have been discussions
6 following the showings of those films and that has been, in
7 my opinion, a very impressive and successful activity.
8 We're looking toward developing similar films on other
9 campuses. Also, there's been a large interest nationally
10 in the use of those films because there are few audio-
11 visual resources available that are so personal and so
12 effective. We also took the opportunity to show those
13 films to system-wide committees of the academic senate and
14 they had a dramatic impact.

15 The next policy, number four, is a policy on whistle
16 blowing. That is not included in your packet because it's
17 still in the works. This is a policy that's taken many of
18 us a long time to write and come to consensus on exactly
19 the content, but the policy will provide a mechanism for
20 people to report instances of misdeeds and also will
21 provide a method for protection against retaliation, and
22 that's close to completion. Item number five is the
23 faculty code of conduct. This is a section of the faculty
24 code of conduct that's been in place for a long time, since
25 the early 70's. It's a policy document by the Regents of

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1 the University. Really, it is the baby of the academic
2 senate and of our faculty, and I've indicated with little
3 X's here some of the responsibilities, types of
4 unacceptable behavior that impact on a fair and open
5 environment. For example, on page eight, it is the
6 responsibility of the faculty -- the very first one I've
7 placed a star on -- to respect the confidential nature of
8 relationship between professor and student. They avoid any
9 exploitation, harassment, or discriminatory treatment of
10 students. Going down the page, types of unacceptable
11 behavior, arbitrary denial of access to instruction. On
12 the next page -- I won't read all of these, but just to
13 give you some flavor of the types of things that are
14 unacceptable -- number five on page nine, participating in
15 or deliberately abetting disruption, interference or
16 intimidation in the classroom; page 10, types of
17 unacceptable behavior on the very bottom of the page,
18 number four, forcible detention, threats of physical harm
19 to harassment or intimidation of another member of the
20 university community. That would include faculty, students
21 and staff with the intent to interfere with that person's
22 performance of university activities. And there are
23 several other pages that go into types of unacceptable
24 behavior. The very last item, number six, is a section
25 from the senate bylaws, the bylaws of the academic senate

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1 of the University of California. The academic senate is
2 the faculty body and this document is the grievance process
3 for faculty grievances. I included it in here because I
4 wanted to illustrate the elaborate and careful review that
5 is put into place when faculty are accused of wrongdoings,
6 when they accuse one another, or when they're accused by a
7 student of unacceptable behavior as defined in the faculty
8 code of conduct, or a violation of any university policy.
9 The academic senate goes through a very complicated and
10 rigorous review of that faculty member's actions, and then
11 discipline in terms of suspension, censure, demotion or
12 dismissal may be imposed.

13 I want just lastly to mention that we hope to -- we
14 intend to convene a meeting this Fall and will request each
15 campus to send an individual or individuals from their
16 campus who are familiar with the types of activities that
17 Vice Chancellor Cartwright has described on her campus for
18 student, faculty and staff education and we'd like to be
19 able to share information among the different campuses,
20 share resources, share materials that have been developed,
21 so that each campus is not out there on their own. Thank
22 you.

23 DR. COX: Thank you. Executive Director Estrada will
24 be our next speaker.

25 MS. ESTRADA: Thank you. I'm in the Office of the

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1 President in Oakland, and my position involves affirmative
2 action in the area of employment and in business.
3 Therefore, my testimony which I've presented to you in a
4 written statement is narrowly focused only on staff and
5 management issues as related to the areas that the
6 Committee is interested in. Both of the previous speakers
7 have covered student and faculty as well as some employment
8 matters. In the Office of the President, our particular
9 interest with respect to the employment side is that the
10 employment relations in all of the nine campuses and five
11 hospitals, and including three labs, are such that not only
12 to inhibit but insure that there are systems in place to
13 try to prevent either of the issues of racial or sexual
14 harassment. I believe Dr. Switkes has, in her testimony,
15 has set forth both the non-discrimination policies that
16 relate to employee as well as sexual harassment and non-
17 sexual harassment policies, and in each of those there is a
18 complaint procedure that employees that are affected by
19 such negative behavior can file complaints. It's not only
20 an unacceptable behavior, but clearly is an illegal one as
21 well in the area of employment matters on all of the nine
22 campuses. To briefly summarize my testimony, I have
23 presented a summary list of some examples that some of the
24 campuses in the system where there have been either
25 workshops or on-going training dealing with issues of sex,

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1 race, ethnicity, and other matters that the Committee is
2 interested in that cover employees as well as some areas of
3 faculty and students. These are just some examples. As
4 Dr. Cartwright's testimony indicates, at each of the
5 campuses there is a much larger focus that covers not only
6 employment but it covers the various employees that are
7 involved in taking discrimination complaints or involved in
8 employee relations. In addition, each of the campuses has
9 its own complaint mechanism and procedure. In the Office
10 of the President, we oversee it and attempt to encourage
11 policies that can be system-wide and that might affect the
12 improved relations with employees at the campus level. And
13 so, I believe that the final two pages of my testimony will
14 elaborate on the various types of programs that are in
15 effect at the campus level. Thank you.

16 DR. COX: Director Tina Oakland.

17 MS. OAKLAND: Good morning. I'm very pleased to have
18 a few moments to speak directly about the issue of violence
19 towards women. I think it's important to keep in mind that
20 when we're talking about violence towards women, we're
21 simultaneously talking about racial violence since violence
22 against women includes violence against women of all
23 colors, ethnicities, and racial backgrounds. Violence
24 against women covers a whole gamut of kinds of behaviors
25 from emotional and psychological violence through to things

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1 like sexual harassment, battering -- and where once we saw
2 battering primarily in marital relationships, we've now
3 found battering has moved its way down into even casual
4 dating relationships and this has become a problem on
5 college campuses as well -- through to the most extreme
6 form, or one of the most extreme forms of violence, which
7 would be sexual assault or rape, and it's this last form of
8 violence that I'd like to spend most of my time addressing.
9 It is not necessarily the most pervasive form of violence
10 on our campus; in fact, it is not. It is, however, I
11 believe, perhaps the most devastating form and that's why
12 I've chosen to spend most of my time on this.

13 I think it's important to make perhaps one distinction
14 and that is that while much of the kinds of violence we're
15 talking about today is dealing with racial violence which
16 tends to be inter-racial, violence against women, for the
17 most part, seems to be intra-racial, that is, over 90
18 percent of the assaults against women are perpetrated by
19 people of the same racial or ethnic background. I won't
20 bore you with a lot of statistics, but I do think it's
21 important to refer to a study done by Mary Cox in 1987.
22 She went and did a study with 32 colleges and universities
23 across the country and found that as many as one in every
24 six women self-reported having been raped or having had an
25 attempted rape during the past year, and as many as 15

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1 men -- women -- excuse me, one out of every 15 men reported
2 having attempted or completed a rape against a woman during
3 the same period of time. While the rapes that have
4 occurred throughout the U-G system are, for the most part,
5 have been extremely steady and have not risen, and also
6 have been reasonably low, and that is two-to-five rapes per
7 year. It's our philosophy that there's no such thing as an
8 acceptable number of rapes. There's no such thing as an
9 acceptable amount of violence. So, we have continued to,
10 over a period of years, fine-tune and hone the kinds of
11 services that we provide for students in this area. I'm
12 very pleased to say that we received a grant in 1979 which
13 us system-wide to set up rape prevention and education
14 programs; and as I say, over the past 10 years or so we've
15 had an opportunity really refine and expand those services.

16 In talking about the number of rapes on college
17 campuses, it might lead one to believe that it is
18 specifically a problem of colleges and university and, in
19 fact, it's not. We find that we are very much victims
20 ourselves in that we reflect the kinds of problems that are
21 around us in the communities in which our colleges and
22 universities are situated; and I must say on a positive
23 note that the upside is that the campuses have worked very
24 closely with their communities in trying to provide both
25 educational programs for the campuses and also in trying to

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1 alleviate the problem. I will be leaving for you a booklet
2 called, "Sexual Assault on Campus," which was prepared by
3 the Santa Monica Hospital Rape Treatment Center and which
4 has received national press and been distributed
5 nationwide. It's outstanding and we're very fortunate at
6 U-C to have them in our backyard, so to speak, since
7 they're one of the top places in the country.

8 Let me say a little bit about the kind of educational
9 services that we provide on our campuses, and while the
10 services do vary throughout the U-C system somewhat, for
11 the most part you'll find all of these components provided
12 in some fashion on each of the campuses. Unlike the
13 outside community, we've had the opportunity of catching
14 our students as sort of a captive audience at various
15 moments. We've provided, for instance, as a part of our
16 new student orientation, mandatory rape prevention and
17 education services. One of the benefits of this is that
18 then are able to talk to not only women, but also to men at
19 the same time. As you can imagine, this is a very
20 difficult issue to provide education on since it's a very
21 emotional one. Women often don't like to think of
22 themselves as being potential victims of crime, and for men
23 it's a delicate topic because they are sort of an implied,
24 you know, you might be a perpetrator, in discussing a topic
25 which is primarily perpetrated by men on women. We try to

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1 overcome that and to involve men very actively in the
2 education process and to make them feel that they are part
3 of the solution and not just part of the problem. We also
4 have mandatory workshops for fraternity and sorority
5 members who are going through new student or campus rush.
6 We also have weekly rape prevention education workshops
7 throughout the academic year. We also provide self-defense
8 workshops for students, staff and faculty, believing this
9 is an important component. We have also various kinds of
10 campus safety and awareness weeks that take place
11 throughout the academic year. And in addition to that, we
12 have, and have been very fortunate to have, the support of
13 our Chancellors who have almost at every campus put out
14 some kind of statement condemning rape, and particularly
15 campus date rape and giving information. These are
16 distributed throughout the campus to students, staff and
17 faculty, as well as I'll leave you a package of this
18 variety of brochures and educational products that are
19 given to all of our residence halls, to new students as
20 they come in, and then generally distributed throughout the
21 campus.

22 Another important component of our education has been
23 that I think we've done a good job of beginning to really
24 incorporate the topic of violence towards women in the
25 curriculum. I think this has made a tremendous impact.

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1 The last thing I'd like to talk about very briefly is
2 about the post-rape component of our campus services. We
3 know that no matter how good our prevention and education
4 services are, that some students will be assaulted, that
5 students will come to us who have already been assaulted at
6 sometime in the past or that they may be raped either on
7 campus or off campus at sometime during their stay with us.
8 So, we feel that it's really critical to have several
9 components in place. One of the things our campuses have
10 devised are protocols to respond, and I'll leave this with
11 you, to respond to rapes when they occur so that we can be
12 sure that there's not only proper administrative kind of
13 notification, but also and more importantly, that there is
14 prompt and comprehensive and compassionate response for the
15 students who have been assaulted. We also have a crisis
16 counselling for our students that includes anything they
17 might need from medical attention, psychological
18 assistance, academic help. We know, for instance, that
19 when there's this kind of traumatic event, it can have a
20 very serious and detrimental impact on things like
21 retention, so we want to be very vigilant in making sure
22 those services are available. Again, we have literature
23 distributed throughout the campus of the kind, such as this
24 brochure, "Getting Help if You or Someone You Know has been
25 Raped," so that students will know if they've been

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1 assaulted, where they can turn for assistance, and what
2 kind of support they can expect from us.

3 And lastly I'd say that we have tried to, over the
4 years, to refine our discipline system to make sure that
5 all forms of rape, including date and acquaintance rape,
6 are taken seriously. We both potentially haven't had
7 actualized dismissal of students on a permanent basis for
8 date rape, and we have also begun to include language in
9 our student code of conduct that's very specific to rape
10 and to date rape to make sure that students no ambiguity
11 about what is or is not acceptable conduct when they come
12 to our campuses.

13 I think other than answering any questions you might
14 have, that would conclude it. Thank you.

15 CHAIRPERSON HESSE: Thank you. Are there any
16 questions of the panel?

17 MR. SILLAS: I do.

18 CHAIRPERSON HESSE: Mr. Sillas.

19 MR. SILLAS: I'm not sure who would want to address
20 this, but let me ask the question. Our subject matter
21 deals with bigotry and violence on the college campus. I'd
22 like to know, in your opinions, whether you feel that
23 hiring a representation, a significant representation of
24 minorities and women in the faculty and in the
25 administration would have any impact on the subject matter

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1 we're addressing this morning?

2 DR. CARTWRIGHT: There is no direct evidence in the
3 cause and effect sense that the employment relates to the
4 climate, but conceptually, logically, that appears to be
5 the case to many of us, that when we have a more diverse
6 group of individuals on campus, we have more people who
7 bring their own personal attention to dealing with the
8 issues and overall, we do a better job of thinking
9 creatively about educational programs as well as clearly
10 communicating our statements of expectations of behavior,
11 but that's all by way of logical thinking, not any direct
12 research evidence.

13 MR. SILLAS: Right. So, there is no policy as far as
14 the University is concerned in terms of viewing the hiring
15 of minorities and women as a possible solution for the
16 issue we're discussing this morning.

17 DR. CARTWRIGHT: We believe that appointment of women
18 and minorities to both faculty, staff and administrative
19 positions is critically important on several grounds and
20 that ultimately many of these issues get interconnected.
21 We believe, for example, that students, women students,
22 students of color, perform better in their academic
23 programs and stay with us to graduation better if they see
24 role models reflected in the faculty. We believe, as I
25 stated earlier, that when there are more women and more

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1 members of minority groups among our faculty and staff,
2 some of these issues of bias and tolerance will be taken
3 more seriously. But all of this is by way of reinforcing
4 the notion that there are a lot of pieces that come
5 together in the big puzzle and we have to deal with it on a
6 number of fronts often without having any direct cause and
7 effect research results to fall back on to justify the
8 case.

9 MR. SILLAS: Okay, and just so I understand, you
10 indicated the word, or you used the word "belief," you
11 were, I take it, expounding your own belief as opposed to a
12 universal acceptance on the part of the University.

13 DR. CARTWRIGHT: The University has an affirmative
14 action plan --

15 MR. SILLAS: I understand that.

16 DR. CARTWRIGHT: Which speaks to its policies. I
17 think my own statement on personal belief is certainly an
18 important one on our campus, but in terms of the
19 institutional statement of belief, I think we have tried to
20 share with you in a variety of different ways this morning
21 that the institution does set forth its policies for
22 expected behavior and for follow-up on these issues; and
23 that becomes an institutional belief that is communicated
24 to faculty, staff and students.

25 MR. SILLAS: I understand. What you have presented,

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1 though, is things that the University is doing in
2 attempting to resolve the bigotry and the violence issue.
3 My question is, and the answer I'm getting is that no, you
4 have not -- my question is, has the University in its
5 effort to deal with this issue considered as part of the
6 solution the hiring of more minorities and women on staff
7 and faculty?

8 DR. CARTWRIGHT: Yes.

9 MR. SILLAS: And where is --

10 DR. CARTWRIGHT: As part of the solution.

11 MR. SILLAS: And where is that stated in any policy
12 statement that you have given us or presented to us this
13 morning?

14 DR. SWITKES: Let me make a comment with respect to
15 promotion and advancement of our faculty, particularly with
16 respect to tenuring, because we don't have elaborate
17 policies that address the question that you've asked, but I
18 do have one policy statement. Evaluation of faculty is
19 made on four criteria: teaching, research, university and
20 public service, professional activities. With respect to
21 teaching, one of the criteria for evaluating teaching has
22 to do with evaluating effectiveness in creating an academic
23 environment that is open and encouraging to all students;
24 and if faculty don't meet that criteria then there are
25 penalties with respect to advancement or promotion to

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1 tenure and they may have to --

2 MR. SILLAS: That's applicable to any faculty member,
3 regardless of race, creed or color.

4 DR. SWITKES: That's right. That's right.

5 MR. SILLAS: I'm still asking my question, and if I
6 don't --

7 DR. COX: We do not have a particular policy --

8 MR. SILLAS: Okay.

9 DR. COX: Which says we believe that hiring minorities
10 and women will lessen the violence on campus. What we
11 observe is the greater society from which we all come and
12 unfortunately, it's very true there that the presence of
13 minorities and women do not lessen the amount of violence.

14 MS. OAKLAND: May I add something? In response to
15 your question, while there may not be a system-wide
16 guideline, I think there is tremendous emphasis on
17 individual campuses on this issue and throughout the U-C
18 system on this issue. I know, for instance, that at
19 U-C-L-A there is both a diversity committee and a newly
20 appointed, I believe, Associate Vice Chancellor level
21 position held by Dr. Raymond Peredes who is focusing
22 specifically on trying to make sure that we increase the
23 number of minority and women applicants for faculty
24 positions, to look at tenuring kinds of issues, and to make
25 sure that this is addressed; and we have developed what we

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1 call a comprehensive community development plan, one
2 important component of which is looking specifically at
3 this issue and trying to make inroads there.

4 CHAIRPERSON HESSE: Is there a system-wide policy or
5 procedure established by the University to deal with
6 specific incidents of violence and bigotry based on sex,
7 race and religion.

8 DR. COX: There are several policies in place. One is
9 the Regent's policy on non-discrimination and it
10 specifically mentions race, sex, age, handicap, and sexual
11 orientation. In addition to that, there are university-
12 wide policies on sexual harassment which flow out of the
13 federal policy. At the present time we're developing a
14 university-wide policy in response to racial harassment.
15 There are policies in existence or being developed on
16 campuses, but this would be an overall policy, and we're
17 doing this in the context, and my testimony points this
18 out, in the context of the fighting words interpretation
19 through the courts.

20 CHAIRPERSON HESSE: How are the system-wide policies
21 and procedures enforced? Also, do you gather information
22 system-wide? I know we had the University of California at
23 Berkeley that submitted a summary of incidents

24 DR. COX: Yes.

25 CHAIRPERSON HESSE: Which excluded violence against

1 women.

2 DR. COX: Also in my testimony you will find a comment
3 about two reports which we have prepared in the past year.
4 One was in response to assembly concurrent resolution 46
5 which reports on the number of sexual assaults on campuses,
6 describes campus policies and procedures for handling rape
7 and sexual assault incidents. This is university-wide.
8 Also another policy detailing in response to a request from
9 Senator Torres appearing there, all incidents of violence.
10 Now, that's the record keeping, and each campus, as my
11 colleagues have said, do have procedures for tracking
12 incidents on campuses. In terms of the policies which
13 exist university-wide, the policy is promulgated to be
14 passed by the Regents or issued by the President. On each
15 campus, the Chancellor of that campus has responsibility
16 for insuring adherence to any and all university policies
17 and including these.

18 CHAIRPERSON HESSE: Dr. Erler.

19 DR. ERLER: The newspapers have been filled with
20 accounts of increasing racial bigotry and animosity on
21 campuses in the State of California. As a member of this
22 Advisory Committee, I've received a lot of complaints
23 myself from individuals from all races and ethnic groups
24 about incidents that have happened, and you've described a
25 very elaborate bureaucracy that exists in the U-C system to

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1 deal with these issues, but I don't get a sense from this
2 panel as to whether the incidents are increasing on the
3 campuses. Or are they decreasing? How do we stand with
4 respect to this? Now, my own impression, from newspapers
5 and just individual accounts, is that the amount of racial
6 violence and bigotry on campuses is increasing at an
7 alarming rate. Are your programs doing any good? Are you
8 addressing the right problems? Are you ferreting out the
9 causes? How do we stand?

10 DR. COX: Well, you're right. Incidents are
11 increasing. They're increasing in the communities in which
12 our campuses exist. They are increasing across the
13 country. And our campuses are reflections of the kinds of
14 attitudes, both positive and negative, values and biases
15 which people hold across the country and that, when those
16 people come to campuses, sometimes they act out these
17 prejudices. Our policies are in place to do that. The
18 campuses have described to you the fact that there are very
19 -- that the policies are given life by the actions of the
20 people -- the staff and the faculty and the students on the
21 campuses who respond very strongly any time there is a
22 particular event. In addition to that, they have described
23 for you educational programs which make an effort to get in
24 front of particular kinds of behaviors. We are very clear
25 with everyone that we do not find any kind of inappropriate

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1 behavior something that we will tolerate on the campus.
2 It's much harder to help people unlearn attitudes than it
3 is to help them learn positive attitudes, but that is part
4 of what we're about also. -

5 DR. ERLER: The number of incidents are increasing and
6 at what rate?

7 DR. COX: I can't give you the percentage at what
8 rate.

9 DR. ERLER: But are they increasing? Did you say
10 that?

11 DR. COX: I would suspect so. I said yes, they are
12 increasing and this is a national problem as well. You
13 cannot be in California or any other State, I think, in the
14 Union and not recognize that the high incidence of drug use
15 is contributing significantly to increase in violence in
16 our country, and some of that is reflected in the cities
17 around our campuses and people bring things and come to
18 campus. So, yes, I would say violence is on the increase.

19 DR. ERLER: But aren't universities supposed to be a
20 special place, let's say enclaves of tolerance and
21 understanding? Why are we failing there? Why, when you
22 say it mirrors the society as a whole? But I've always had
23 the impression that universities occupied a special place
24 in that regard. That is to say, there is the whole thrust
25 of the university should be academic freedom, tolerance,

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1 understanding, diversity. Do you think that racial
2 violence and bigotry is an inevitable by-product of
3 diversity?

4 DR. COX: No. I think the university as you've
5 described it is the ideal to which we aspire. It is our
6 mission. Those values are stated in our policies, and they
7 direct our activities. And I have described --

8 DR. ERLER: No, I understand those, but --

9 DR. COX: Our educational efforts, but to be able to
10 close the doors of the campus and keep all sin out has been
11 beyond our ability.

12 DR. ERLER: And I understand that, but it seems that
13 racial bigotry and violence on campuses is especially bad,
14 and I know that you've described a very elaborate
15 bureaucracy in the U-C system for dealing with these
16 things. I mean, it's obvious that in the U-C system, the
17 bureaucracy is thriving and well. But are these programs
18 working? Are you addressing the root causes? Are you
19 ferreting out a cause/effect relationship? What's going
20 on?

21 DR. COX: One of my colleagues who works in a hands-on
22 way with these kinds of problems can answer that for you.

23 MS. OAKLAND: I wish I did have a specific answer for
24 you. I do want to add one thing, however, and that is that
25 at least in the area of violence against women, our

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1 campuses are statistically significantly safer than the
2 surrounding communities that they are situated in. Because
3 the F-B-I does a fairly good job of keeping track of these
4 kinds of things, we really can look at the difference -- as
5 does our campus police -- we really have a way of looking
6 at the number of reports we have out of a population of
7 65,000, for instance, at U-C-L-A versus any population in
8 our surrounding community of 65,000. I think part of what
9 happens is that it's such a heinous occurrence when it
10 happens in an educational setting that it takes on a much
11 more significant visibility than it would in the
12 surrounding community; and I'd like to add one other thing,
13 and that is that if you're doing what we should be doing on
14 our campuses, I believe you could expect the number of
15 reported rapes, for instance, to increase rather than to
16 decrease, and for the number of racial incidents to
17 increase rather than decrease, and I think that's a healthy
18 sign and I say that, and perhaps the best analogy would be
19 child molestation, that for rape, for instance, it's such
20 an under-reported crime, it's considered so much a crime of
21 personal shame and degradation for the victim that they
22 often will not come forward and report. And often in
23 things like racial harassment or violence, people feel that
24 nothing will be done or they're uncomfortable talking about
25 it and so there's a tendency not to come forward. With the

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1 kinds of educational things we're doing, we're starting to
2 see more people come forward and I believe that's because
3 we've removed that sense of personal stigma.

4 DR. ERLER: You think, then, that the perceived
5 increase in racial bigotry is due, or perhaps due, only to
6 the fact that more people are willing to report incidents
7 than ever before?

8 MS. OAKLAND: I think that's part of it. I think that
9 -- I can't believe -- I'm not naive enough to believe that
10 if it's increasing throughout the country that it probably
11 is not also simultaneously increasing on our campuses. But
12 I do think that, for instance, and again, specifically in
13 terms of things like sexual assault, that the very large
14 increase we're starting to see in reports, I think, is not
15 an increase in incidents but an increase in reporting.

16 DR. ERLER: Well, I can see that with respect to
17 sexual assault. But is there an analogy between racial
18 bigotry and sexual assault?

19 MS. OAKLAND: I believe that there is primarily
20 because of the kinds of things that women have come in and
21 talked to me about in terms of what it would have been
22 about 10 years ago where things would have just simply been
23 kept privately or people would have dealt with it with
24 their peers, they are now starting to come through the
25 judicial system, and I think that's a positive thing. So,

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1 in answer to your question, I think it's both. I think
2 incidents are increasing, but I think perhaps not in
3 proportion to the number of reports that we're getting. I
4 think part of that is a good healthy sign, and again, I
5 think if we're doing our jobs properly, it may quadruple in
6 the next two years. I hope that it will. I hope people
7 will come forward with these kinds of things so we can deal
8 with them.

9 CHAIRPERSON HESSE: Ms. Davis.

10 MS. DAVIS: Yes, on the faculty conduct policies,
11 there's very specific situations that are described in
12 there. Were these developed as a result of incidents in
13 those areas?

14 DR. SWITKES: This policy was issued by the Regents --
15 I'm not even sure initially -- but this current draft of it
16 was issued in 1974 and I really don't know the background
17 on how it got put together. I know that it's -- were we to
18 try and write it today, we would have a lot of trouble
19 coming to grips with exact wording, so I'm glad it's there.
20 I can't give you the background of why it was put together
21 and the way it was. I'm sorry.

22 MS. DAVIS: Secondly, I wondered if those campuses
23 that do have such extensive programs, what kind of a
24 monitoring mechanism do you have in place and who is
25 responsible for that in, you know, developing reports as

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1 you go along and the effect that these programs are having?

2 THE REPORTER: Excuse me one moment, please.

3 (Thereupon, a short break was
4 taken off the record to
5 change the tape.)

6 THE REPORTER: Back on.

7 DR. CARTWRIGHT: The question had to do with
8 monitoring. At our campus, and at others like ours, there
9 are two primary officers responsible for tracking the data
10 and then insisting on the development of new policies or
11 programs based on what they see emerging from the data.
12 the Vice Chancellor for Student Affairs, who is responsible
13 for student life, and the Vice Chancellor for Academic
14 Affairs, who's responsible for all personnel on the campus,
15 faculty as well as staff. The data all finally come
16 together between those two individuals and are monitored on
17 a regular basis.

18 MS. DAVIS: Are those reports made public?

19 DR. CARTWRIGHT: Yes, they are in terms of overall
20 data but not in terms, or course, of individual cases
21 because we are dealing there generally with confidential
22 matters.

23 CHAIRPERSON HESSE: Are there further questions? Mr.
24 Sillas?

25 MR. SILLAS: I wanted to get back to the issue of

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1 increasing number, or your perception that there's an
2 increasing number of incidents dealing with racial bigotry.
3 Do you believe that that may be attributed -- or, let me
4 back up. Has there been an increase in minority
5 participation as students on the campuses, say in the last
6 five years? Have we had an increase in enrollment of
7 minorities in the last five years? And do you see that the
8 possible increase in number of minorities now on campus as
9 being one of the contributing factors to what you perceive
10 to be as an increasing number of incidents?

11 DR. COX: There has been an increase in the number of
12 minorities enrolled on our campuses. We're very proud of
13 that. I'm happy to be able to say that. It's very
14 possible. The thing that we have found in our tracking of
15 bigotry and racial incidents is that everyone is involved
16 in this. No one group is the victim. No sole group is the
17 perpetrator. And all racial groups have one time or
18 another had members of that group who have in some way
19 exhibited bigotry against virtually every other group. So,
20 what we're dealing with is the challenge of diversity, and
21 we've described the educational programs that we have in
22 place. The admission to the University is a precious
23 commodity. People want to get in. We are very pleased
24 that we can find a place for them, but it brings challenges
25 to us when we have a cross section of the people of

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1 California on a university campus.

2 DR. ERLER: In implementing your affirmative action
3 programs, and with the belief, at least, that they would be
4 successful, thereby bringing in more minorities into the
5 campuses, was there any planning done by the University at
6 that time to anticipate the issues that you are now facing
7 in preparing the faculty and staff and other students of
8 the fact that there would now be a diversified population?
9 And if so, to what extent?

10 DR. COX: The University has been working on this for
11 a long time. As Ellen Switkes pointed out, the policy on
12 faculty conduct which you have before you and which she has
13 marked for you, has been in existence since, what did you
14 say, 1974. The Regents' policy on non-discrimination has
15 been in existence for -- I don't know the exact date, but
16 over 10 -- more like, oh, about 10 years.

17 DR. ERLER: Let me interrupt you because of time. I
18 understand the policies, but there was some testimony
19 pertaining to sessions and workshops that are available for
20 faculty and staff. My more specific question is, when were
21 those implemented? And secondary, is it mandatory for
22 faculty to attend those classes?

23 MS. ESTRADA: On the staff side, no, in answer to your
24 second. I do not know the exact answer to when many of
25 these workshops were implemented. I would expect that they

1 began when there was an increase in diversity on the campus
2 on the employment side. I cannot help but agree with your
3 earlier statement that some form of diversity on the
4 employment side -- and that would be staff employment,
5 management, as well as the faculty -- will result in, you
6 know, increased focus, perhaps a different orientation, and
7 maybe even more leadership on this issue, which is not to
8 say that there currently is a leadership vacuum, but as we
9 all know, depending on who's in charge, you get different -
10 - perhaps a different focus. But I must say that in the
11 area of staff affirmative action and attempts at diversity,
12 currently there is in process a policy that has gone before
13 the personnel managers, the affirmative action coordinators
14 and is wending its way up through the rather bureaucratic
15 university system, and it is specifically a policy on
16 diversity. It does state in fairly general terms that the
17 University will encourage and be open to different
18 lifestyles and to different types of individuals
19 irrespective of their sexual, ethnic or racial background.
20 Again, it is merely a policy. Words on paper only mean so
21 much. It's a question of how that is implemented and what
22 type of leadership, as Dr. Cartwright began this; you know,
23 our statements here, what sort of leadership takes that to
24 the fore.

25 DR. SWITKES: In answer to your question about whether

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1 these programs have been in place for a long time, with
2 respect to faculty and students as well, they haven't been
3 in place for a long time. They have been developed
4 probably in the past five, ten years at the outset. We
5 catch our new faculty in orientation programs and they all
6 come because they want to know more about what their
7 worklife is going to be at the University of California and
8 those programs have become more sophisticated and more
9 encompassing and have included issues of diversity and
10 their responsibilities as mentors for students and staff.
11 But it is difficult to get faculty who are in place to come
12 to meetings and we go to them. We take to their department
13 meetings. As I said before, at the Santa Barbara campus,
14 for example, these films have been invited by the
15 departments to come. But it's not easy to catch people
16 after they've come in. And the same with staff. There are
17 staff orientation programs. There are lots of staff and
18 faculty programs, but requiring people to come to them is
19 difficult and we need to develop other ways to get to them.
20 We have brochures. We have publicity that's widely
21 distributed through mailboxes. But getting people to come
22 to a training session has been difficult to do.

23 DR. ERLER: All right. Let me just pursue that for a
24 moment. In your opinions, who has a greater impact in
25 terms of the administration and direction of a campus, the

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1 students or the faculty and the administrators?

2 DR. CARTWRIGHT: Well, in terms of the direction of
3 the campus, if you mean the overall direction of the
4 campus, I think that responsibility is clearly shared both
5 by the University campus faculty and the campus
6 administration.

7 DR. ERLER: So, what I understand your testimony to be
8 is that students are required to take the orientation
9 programs and these workshops, but faculty and staff, it's
10 difficult for you to get them to attend meetings on issues
11 that are very pertinent now --

12 MS. ESTRADA: No, that's not really what I said.
13 Orientation meetings it's easy to get staff and faculty to
14 come and they do. The same with orientation sessions for
15 students.

16 DR. ERLER: But these are the newly hired people.

17 MS. ESTRADA: Right.

18 DR. ERLER: The persons that have been there, who have
19 tenure, as I understand --

20 MS. ESTRADA: We need to go to them and we need to
21 make creative ways to inform them and to raise their
22 awareness and that's been difficult, and we've been doing
23 better and better at that.

24 DR. ERLER: Okay, but none of the courses that you've
25 mentioned, or workshops that you've mentioned this morning

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1 as it pertains to the diversity are required attendance for
2 either the faculty or administrators who were there prior
3 to it being implemented in the orientation program.

4 MS. ESTRADA: Right. I don't think so. One type of
5 program that is, I believe, mandatory is our training
6 program for teaching assistants and we've added components
7 to that -- well, it's really a training program that
8 happens at the beginning of each year that cover
9 sensitivity to diversity, racial incidents, and so on.

10 DR. CARTWRIGHT: If I might just follow-up in terms of
11 the faculty involvement, the best way to get faculty, if
12 you don't get them when they come in, and as Dr. Switkes
13 mentioned, we're doing that on a regular basis now, so
14 we're moving them through the pipeline having been oriented
15 properly, but the main contact with faculty beyond that is
16 through the committee structure of the academic senate and
17 through their department chair. We have found very
18 successful an approach of bringing all the department
19 chairs together to present information to them. For
20 example, we have had two meetings of all the chairs on
21 affirmative action where we have talked about some of these
22 issues in addition to the employment responsibilities of
23 the chair. We've had nearly a hundred percent attendance
24 at those meeting. It depends on who calls the meeting and
25 it depends on letting the word get around about what kind

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1 of follow-up you intend to do. In these cases, the
2 Chancellor called the meeting and he made it clear in his
3 letter of invitation that he expected people to be there,
4 and then there was a written follow-up indicating what had
5 transpired at the meeting and what was going to happen next
6 so that people had a stake in being there and in paying
7 attention to what was going on there and a responsibility
8 to submit information at a future point about those
9 responsibilities. Those kinds of things are not required
10 -- they are persuasive -- but they can be very persuasive,
11 indeed.

12 MR. SILLAS: Just one final comment, and this is
13 really taking off on Dr. Erler's earlier comment, and that
14 is that I think most all of us view that the universities
15 would be a means of solutions for issues that we face in
16 the outside community. Some of your comments earlier were
17 a little disturbing in that you had pointed to the outside
18 community as a basis to give as a criteria in terms of why
19 you are successful. It seems to me that one of the things
20 that we would want to accomplish in universities is that as
21 this diversity comes to the campus, that the persons
22 leaving there would then be able to live together outside
23 of the campus; and I'm -- we're obviously running out of
24 time -- but that is a concern that I think was echoed by
25 Dr. Erler and certainly effected by myself.

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1 CHAIRPERSON HESSE: Thank you very much, Drs. Cox,
2 Cartwright, and Switkes, and Directors Estrada and Oakland.
3 This will conclude our morning program. We'll be taking a
4 recess and returning at approximately 12:40 to begin with
5 our afternoon speakers.

6 (Whereupon, a recess was
7 taken off the record at 11:30
8 a.m., to reconvene at 12:40
9 p.m.)

10 CHAIRPERSON HESSE: This meeting of the California
11 Advisory Committee to the United States Commission on Civil
12 Rights will now come to order. The purpose of this meeting
13 this afternoon is to obtain information on issues relating
14 to bigotry and violence based on race, sex and religion in
15 the California public post-secondary campuses. I would
16 like to emphasize that this is a consultation and not an
17 adversary proceeding. Individuals have been invited to
18 come and share with the Committee information relevant to
19 today's inquiry. Each person who will participate has
20 voluntarily agreed to meet with the Committee. We are
21 concerned that no defamatory material be presented at this
22 meeting. In the unlikely event that this situation should
23 develop, it will be necessary for me to call this to the
24 attention of the persons making those statements and
25 request that they desist in their action. Such

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1 information will be stricken from the record. Every effort
2 has been made to invite persons who are knowledgeable in
3 the subject matter area to come and speak. In addition, we
4 have allocated time between the hours 4:00 p.m. and 5:00
5 p.m. to hear from anyone who wishes to share relevant
6 information with the Committee about the issues under
7 study. Our first speaker this afternoon is Rabbi Douglas
8 Kahn from the Jewish Community Relations Council.

9
10 Whereupon,

11 RABBI DOUGLAS KAHN
12 was called as a witness herein and testified as follows:

13
14 CHAIRPERSON HESSE: Would you have a seat, and when
15 you begin your presentation, would you identify yourself
16 and who you represent for the record?

17 RABBI KAHN: Thank you very much. I'm privileged to
18 be here today. My name is Douglas Kahn. I'm the Executive
19 Director of the Jewish Community Relations Council in San
20 Francisco. I'll read a short statement and out of
21 necessity I will compact my remarks into almost headlines
22 form so that we have as much time for discussion as
23 possible, but I am delighted to be here today.

24 There appears to be from general observation a
25 significant increase in acts of bigotry and violence on

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1 college campuses. Today I will focus my remarks primarily
2 on the issue of anti-semitism but want to state for the
3 record that our community is equally concerned with any
4 form of racism, bigotry or intolerance. Within the general
5 increase of bigotry and violence, there has been an
6 increase of anti-semitism on campuses throughout the
7 country. The past year alone has seen desecration of
8 religious symbols, harassment of Jewish students, anti-
9 semitic graffiti, distribution of hate literature, and
10 other incidents. This disturbing trend might be traced to
11 a number of factors which, as I stated, I will only mention
12 in headline form. More negative perceptions and hostile
13 rhetoric toward Israel, which too often results in
14 transferring blame onto American Jews for Israeli policy
15 and the raising of old canards about American Jews and
16 their loyalties. Corresponding alienation and lack of
17 hypersensitivity to anti-semitism among numerous groups,
18 including some with which Jews previously formed strong
19 coalitional efforts and which now no longer invite Jews, or
20 actually disinvite Jews, from being a part of those broader
21 coalitions. Economic stress and increased competition felt
22 by some disadvantaged groups and directed toward Jews.
23 Lack of the same degree of strong links between younger
24 Jews and younger non-Jews that existed in previous
25 generations. The breakdown of the public education system,

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1 a system which historically has helped diminish anti-
2 semitic attitudes and tendencies. And the exploitation of
3 hardcore hate groups of disaffected youth, particularly as
4 seen in the example of Skinheads.

5 Perhaps most of all, the increase in anti-semitism and
6 other forms of bigotry can be traced to a breakdown of
7 civility in our society. A few weeks ago I was on the
8 phone daily with Jewish students from the University of
9 California at Davis who were verbally and physically
10 intimidated by Palestinian students. From Dartmouth to
11 Stanford, there have been in the past year encounters on
12 campus mirroring the decreased civility in the general
13 populous. The U-C system has not been exempt. At places
14 such as U-C Davis, and I believe to a slightly lesser
15 extent at U-C Berkeley, Jewish students today often feel
16 personally vulnerable to a level of abuse substantially
17 greater than in previous years, particularly if they are
18 engaged in pro-Israel programming.

19 Others can elaborate on specific issues of bigotry and
20 violence on U-C campuses; I would prefer to spend the
21 remainder of my time on some thoughts about addressing
22 these concerns. I might preface those thoughts by adding
23 one other factor and that is that Jewish students face a
24 difficult and unusual problem in that they typically see
25 themselves as a minority -- after all, Jews are about 2-1/2

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1 percent of the population -- whose special needs should be
2 addressed in various forums that deal with the problems of
3 prejudice encountered by the minorities -- after all, Jews
4 are not exempt from prejudice. Yet, they are often viewed
5 today not as minorities because of the perception that Jews
6 have "made it" in American society and, therefore, are
7 often not made to feel welcome in such forums that address
8 issues of racism, bigotry, intolerance and the special
9 concerns of minorities.

10 In our experience, the single most important factor in
11 combatting and prejudice is to show that such acts have no
12 place on campus and will not be tolerated. The university
13 administration, faculty senate, student groups, campus
14 media and law enforcement personnel all have a special role
15 in responding quickly and convincingly to create a climate
16 that is hostile to bigotry. Bigots feed on fear, not only
17 trying to intimidate the victim but also trying to
18 intimidate the bystander, and I think that's a point that's
19 too often lost that bigots also try to intimidate the
20 bystander. Special efforts are needed to move each of
21 these campus constituencies to understand the role they can
22 and need to play in combatting bigotry on campus. Speaking
23 out and taking decisive action does not always come easily
24 to the various entities I mentioned, particularly
25 university administrations. It is the only way, however,

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1 to let the bigots know they have no haven and to let the
2 victims of bigotry know they do have an ally.

3 Secondly, it is important that all incidents --
4 whether it's graffiti, hate-calls and hate mail, minor
5 desecration of religious symbols -- be taken seriously both
6 because victims of acts of hate often feel violated and
7 vulnerable, and because of the deterrent effect of early
8 responses. Last week, our organization testified in
9 support of a hate crimes unit in the San Francisco Police
10 Department believing such a unit could not only provide for
11 better information gathering and policy recommendations
12 regarding prejudiced based crimes, but that it could also
13 serve as a deterrent sending a message to the community
14 that apprehending the perpetrators of such acts is a high
15 priority. By the same token, creation of a highly visible
16 on-campus committee comprised of representation from the
17 administration, faculty, students, law enforcement
18 personnel and perhaps the media to coordinate the most
19 effective responses to acts of bigotry and violence on
20 campus could serve a very useful function.

21 Thirdly, it could be extremely helpful to also create
22 an inter-campus consultative committee comprised of
23 representatives from area campuses and from human relations
24 organizations with expertise in this area to serve a kind
25 of watchdog role and to develop strategies to increase

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1 sensitivity on the campus and to combat incidents of
2 intolerance against any minority. The notion that the
3 campus is an island no longer holds. Hate spills over from
4 the campus to the community and from the community to the
5 campus and, therefore, an inter-communal approach which
6 would bring people who are concerned with bigotry and
7 prejudice in society together on a regular basis would be
8 both desirable and logical. After all, we have a common
9 purpose -- to eliminate acts of prejudice and bigotry which
10 distort and do violence to the very purpose for which our
11 universities stand. We are prepared to help in any way
12 toward the reduction of such bigotry, whether it be
13 directed toward Jews or any other racial, ethnic or
14 religious group.

15 Thank you very much.

16 CHAIRPERSON HESSE: Thank you. Are there some
17 questions for Mr. Kahn? Ms. Davis.

18 MS. DAVIS: Rabbi Kahn, you mentioned right at the
19 offset that you've lost some of the relationships with
20 other ethnic groups. What do you attribute this to?

21 RABBI KAHN: I think there are two main factors. I
22 think the first factor is what I also alluded to which is
23 that my sense is that Jewish students and non-Jewish
24 students, when they come onto the college campus, haven't
25 had the same degree of interaction with each other that

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1 previous generations of Jews and non-Jews had. By the way,
2 I don't mean to only turn this into Jewish/non-Jewish
3 situation. I think it's probably true within other
4 minority groups with respect to other minority groups as
5 well, that in earlier days there was much more cross
6 connection working on projects of common concern in early
7 days and in high school, in college, and so on, and that
8 there's just not the same degree of familiarity and
9 attention to each other's agendas as there has been in
10 previous generations.

11 I think the second thing that I would point to is the
12 fact that there is a growing degree of sort of ideological
13 alienation that has taken place for Jews as well. One
14 example that has been most unfortunate is that in several
15 universities where coalitions have been formed to combat
16 apartheid in South Africa, Jewish students have been made
17 to feel unwelcome in that coalition because they were told
18 that Zionists should not take their place in such a
19 coalition; and I think that kind of alienation has also
20 served to create the gap that I alluded to. In some cases,
21 as a result, Jewish students have gone on to form
22 additional coalitions to combat apartheid because they want
23 to weigh in on that issue. But that's the kind of thing
24 that I was alluding to.

25 MS. DAVIS: Do you think that the position that the

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1 Jewish community took on the Bakke decision also
2 contributed to this alienation?

3 RABBI KAHN: When you refer to the issue of
4 affirmative action, I do not know that I would isolate that
5 out. I think that over the past number of years there has
6 been a perception perhaps particularly with respect to the
7 Jewish and the black community of -- probably a wrong
8 perception, I would add -- of a sort of parting of the
9 traditional agreements that the two communities had over
10 civil rights issues, and then when it came to decisions
11 such as the Bakke case, there was a feeling that perhaps
12 the Jewish community and the black community were on the
13 opposite end of the spectrum. I think that was a
14 misrepresentation, I might add, of the Jewish community's
15 position which has always been supportive of goals and
16 timetables with respect to affirmative action but has had
17 trouble with quotas because of the connotation it has had
18 historically when quotas were used against Jews to keep
19 Jews out of universities. Nevertheless, I also think it's
20 been a point of lack of sensitivity that the Jewish
21 community might have had to some degree in terms of
22 understanding how important an issue was or is for the
23 black community and that there's also been a lack of
24 sensitivity toward other issues, which is part of the
25 alienation I referred to before, that different groups are

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1 not as sensitive to the priority agendas of other minority
2 groups as they have been in previous generations.

3 CHAIRPERSON HESSE: Further questions? Dr. Erler.

4 DR. ERLER: Do you have any speculation as to why that
5 might be the case, why there is less sensitivity to the
6 position of other groups today as opposed year previous?

7 RABBI KAHN: One bit of speculation, again, I alluded
8 to some of it before, I think, with sort of the ideological
9 map as it's taken shape in which it's now much less popular
10 to be supportive of Israel in certain circles, and if you
11 are supportive of Israel you're not necessarily welcome in
12 other coalitions. So, I think it's partly the ideological
13 map has been cut right now. But the other thing that I
14 hadn't mentioned before that I think could be a factor is
15 the extent to which different groups feel that the issues
16 today are much muddier, in a way, or let me put it slightly
17 different: I think there's a sense of lack of appreciation
18 for the battles of, say, the civil rights era and what this
19 country had to go through to open the schools, to open free
20 access in jobs and housing, public housing, education. In
21 a sense, there's a taking for granted that I believe is
22 true among many groups -- it's true among younger Jews, I
23 believe it's true among younger non-Jews as well -- a
24 taking for granted of those gains that, therefore, doesn't
25 draw the groups together in as readily identifiable common

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1 purpose as was done previously. That is, when it was clear
2 that clubs were discriminating and clubs, of course, still
3 discriminate, but when it was clear that clubs and
4 universities and all sorts of institutions were
5 discriminating, they were discriminating against Jews and
6 blacks and women and other minorities, and the common
7 purpose was readily identified. As many of those legal
8 barriers have come down, even though the de-facto barriers
9 often still exist, I believe that it's been harder to
10 identify that common purpose. It still exists, and our
11 community and others still search for it, but it's much
12 harder to translate those values, I think, to a younger
13 generation that grew up taking these gains as a given than
14 it might otherwise be. I don't know if that's a clear
15 answer, but I think that's a large part of it.

16 DR. ERLER: Do you believe that there's an increase in
17 racial consciousness on the campuses generally and the
18 universities generally?

19 RABBI KAHN: Racial consciousness in which sense?

20 DR. ERLER: That is to say the propensity to single
21 yourself out as a particular member of a race and to press
22 issues in terms of racial consciousness rather than the
23 common purpose that you talked about earlier.

24 RABBI KAHN: I can't really comment to that extent.
25 We work very closely with campuses but I'm not on the

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1 campus enough to know to what degree there is that kind of
2 definition. I would say that my sense is that it's not
3 mutually exclusive and that is to say that Jews are proud
4 to define themselves as active American Jewish students as
5 other groups are probably proud to define themselves
6 according to their own racial or ethnic group, -but that
7 that in no way precludes the kind of inter-group
8 cooperation that has existed in previous generations and
9 that I think serves as kind of safeguard against the lack
10 of civility and the growth of the hostility that we talked
11 about. So, yes, it may be that such racial consciousness
12 is a fact of life on the campus today. I can't answer for
13 sure, but if it's true I don't see that in and of itself as
14 being part of the problem.

15 CHAIRPERSON HESSE: Rabbi Kahn, does the Jewish
16 Community Relations Council monitor the University of
17 California campuses? You mentioned the incident at U-C
18 Davis. Do they monitor U-C Berkeley?

19 RABBI KAHN: We monitor to the extent that we are in a
20 sense on-call to deal with any incidents that surface and
21 that's why it's our view that there were no specific
22 examples of anti-semitism that we are aware of at Berkeley
23 in this past year, but we know of some in the past. I
24 would --

25 CHAIRPERSON HESSE: Would your organization be willing

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1 to submit some factual information about what you're aware
2 of what has occurred, I suppose, at U-C Davis --

3 RABBI KAHN: Yes, we --

4 CHAIRPERSON HESSE: And the University of California
5 at Berkeley, and send us a written factual account of what
6 happened and what the disposition was, or the resolution as
7 you know it?

8 RABBI KAHN: We would be glad to. What kind of
9 timeframe would you like us to go back to?

10 CHAIRPERSON HESSE: I believe, according to the
11 Regional Director, the record is open for 10 days after the
12 adjournment of this hearing. The information that we have
13 from U-C Berkeley --

14 UNIDENTIFIED VOICE: It can be extended.

15 CHAIRPERSON HESSE: Yes, it can be extended. The
16 information that we have from U-C Berkeley relating to
17 specific incidents covers from 1985 to 1988, so if you
18 would be willing to submit specific factual information
19 during that time period.

20 RABBI KAHN: My question would be, would that pertain
21 to the other U-C campuses as well?

22 CHAIRPERSON HESSE: Yes.

23 RABBI KAHN: Okay. That would be fine. We monitor or
24 are active only with those in Northern California, but if
25 it would so desire the Committee, we can check with our

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1 counterparts in Southern California as well and incorporate
2 that into the report.

3 CHAIRPERSON HESSE: That would be great. Okay. Thank
4 you very much.

5 MR. SILLAS: Can I just ask one question?

6 CHAIRPERSON HESSE: Okay.

7 MR. SILLAS: Rabbi, you've made some, I think, very
8 telling points. The question I would like you to address
9 is that you mentioned that we're in a -- the ideological
10 map is different, and you gave instances of specific groups
11 who have a certain belief, and given that campuses are an
12 arena for an exchange of ideas and opinions, and perhaps
13 recognizing that those exchanges of ideas do not
14 necessarily produce unanimity in opinions, could you assist
15 us in defining what would be bigotry as opposed to
16 differences of opinions and desire not to associate with
17 someone that I believe is of a different opinion than
18 myself?

19 RABBI KAHN: Let me give you three very brief examples
20 drawn from three campuses, and I don't know that they all
21 will qualify as bigotry per se. I think they certainly
22 come within the ballpark. The first is at Berkeley,
23 probably four or five years ago -- it might be slightly
24 outside the timeline -- but one of the active Muslim
25 organizations on campus distributed throughout the campus

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1 The Protocols of the Elders of Zion, one of the most
2 notorious pieces of anti-semitic that's ever existed that's
3 been used for violent purposes in terms of defaming Jews
4 and that has been clearly shown to be a hoax perpetrated by
5 people who wanted to really do harm to the Jews. That act,
6 as I see it, which was an extension of the hostility that
7 grows out of the Israeli/Arab conflict, was an act of anti-
8 semitic bigotry, an overt act of anti-semitic bigotry on
9 the Berkeley campus. I might add that the administration
10 at that time acted forcefully and quickly to address that
11 concern and it was a short-lived distribution of the The
12 Protocols of the Elders of Zion. The second incident
13 occurred at San Francisco State University, which I
14 understand will probably be the topic of another session so
15 I didn't go into depth, but I could talk about a number of
16 incidents at State universities. I won't today because of
17 your own load of testimony. But a year-and-a-half ago, a
18 Jewish student who was presumed to be accepted on the
19 student governing council, the judicial council at San
20 Francisco State University was told, and this is almost a
21 verbatim quote, from some members of the community, of the
22 student community that they would not allow him to take his
23 seat because of his pro-Zionist activities. I believe that
24 that was an act of anti-Jewish discrimination as an
25 unacceptable extension of the ideological issues that

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1 naturally go on on the campus. All of these, in my
2 opinion, are unacceptable extensions beyond the borders of
3 civility that go on, and what happened at U-C Davis a month
4 ago I also believe is true. It's perfectly natural that
5 students would line up on all sides of the Israeli/Arab
6 conflict, but without going into detail today because we
7 will submit data on it, the degree of physical and verbal
8 intimidation that was heaped upon Jewish students day after
9 day by a number of Palestinian and pro-Palestinian students
10 on that campus had the actual effect of intimidating
11 students who are not easily intimidated. They're not
12 students who are gun shy from being out in front and being
13 visible on the campus. But it wasn't a substantive debate
14 that is appropriate for the university campus. It was a
15 clear attempt at intimidation of the students and I would
16 argue that that also goes beyond the border of the kind of
17 acceptable discourse -- and even an even difficult
18 discourse that you're talking about. Of course, there has
19 to be as free range of debate as possible, but when
20 students are really intimidated to the degree that
21 sometimes now happens, I believe that that also extends
22 beyond the line. So, I think those are three examples of
23 the kind of -- it's another spillover effect. I alluded to
24 the spillover effect from the campus to the community and
25 back. This is the spillover effect from honest ideological

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1 differences into clear acts that are threatening, that are
2 intimidating, and that make the victim of such acts feel
3 very vulnerable to be active on campus; and I don't believe
4 that students should be intimidated into being silent when
5 they feel that they do have legitimate differences with
6 others.

7 DR. ERLER: Thank you.

8 CHAIRPERSON HESSE: Thank you, Rabbi Kahn. Can we
9 hear from the African American perspective? Our speakers
10 are listed as Kimberly Papillion, Lance Johnson and Harry
11 LeGrande. Could you come forward, please?

12
13 Whereupon,

14 KIMBERLY PAPIILLION

15 LANCE JOHNSON

16 HARRY LEGRANDE

17 were called as witnesses herein and testified as follows:
18

19 CHAIRPERSON HESSE: Before you speak, will you
20 identify yourself and the organization that you are
21 representing for the record, please?

22 MR. JOHNSON: My name is Lance Johnson and I'm
23 representing the African Students Association at the campus
24 of U-C Berkeley. Kim Papillion is running a little bit
25 late, so she should be arriving any minute now, and she's

1 also representing the African Students Association at
2 U-C Berkeley. We're both the co-chair for this
3 organization.

4 MR. LEGRANDE: I'm Harry LeGrande. I'm the Associate
5 Director of Campus Housing for the University of California
6 at Berkeley.

7 CHAIRPERSON HESSE: Mr. Johnson?

8 MR. JOHNSON: In reference to the campus and the
9 attitudes towards black students on campus, that's what I'd
10 like to speak about, and I think that, you know, many of
11 these attitudes towards black students are what is causing
12 many of the problems -- causing many of the problems on
13 campus. You know, we aren't -- these attitudes towards
14 blacks are reflected in not only the curriculum and the
15 professors' teaching courses, but they're also reflected in
16 the actions taken towards black students in other instances
17 such as one of the events that happened this weekend, which
18 is what I would like to give a report about.

19 This past weekend, this Saturday, I think it's July
20 15th, there was a party given and at this party had fight
21 had broken out earlier that evening, shortly before I
22 arrived. The party was, you know, was continued and later
23 on, around 1:00 o'clock, another fight broke out among
24 about two to three people. By this time, the fight was
25 moved outside and people ran outside the party to get away

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1 from whatever was going on. By the time that I had had a
2 chance to leave the party and get to Bancroft Avenue, which
3 is the street that runs along the front of the campus,
4 which is not very far away from where the party was held at
5 the Bear's Lair, there were 21 cop cars that I counted
6 stretched from Berkeley and Telegraph to the parking lot
7 area to Esterman (ph) Hall. At this time, the cops were
8 moving to form a police line. They formed a police line
9 that extended from the Bear's Lair to the Zeller Bar (ph),
10 and this is in reference -- all these cops were called out
11 in reference to a fight that broke out among four people.
12 This was a student-held event. There were students -- the
13 majority of the people at the party were students. The
14 students were actually were outside on the lower Sproul
15 area after the party had been broken up. The cops had
16 formed a police line. The cops were stretched out all
17 along Bancroft Avenue, and without warning, without any
18 notice that was done over a loudspeaker or anything, the
19 cop line charged this group. The fight had been broken up
20 and all the people out there were being charged by the
21 police. They were being hit with billy clubs -- males,
22 females -- people were being stepped on and trampled
23 because the police were charging after them and people were
24 running away from the police. After the people had run out
25 to Bancroft, the street that's right in front of there, to

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1 get away, several instances broke out of, what I would
2 call, police brutality. One student was beaten down to the
3 ground, and I watched this incident happen. The cops were
4 kicking him, and beating and hitting him with billy clubs.
5 Another student ran over -- now, these are students at
6 U-C Berkeley and one of the students was student at Davis
7 -- ran over and threw his body on top of the other person
8 because he was being beaten so badly by the police to
9 protect him, and that student was beaten so badly that he
10 passed out at the police department after he was taken
11 there. He was -- I watched him get beaten up by the cops
12 and they threw him in on his back into the paddy wagon.
13 Right now we're following up all these different things
14 with N-A-A-C-P lawyers and we're following up with trying
15 to make reports to -- I've been talking to Assemblyman Tom
16 Bates and various other people to try and follow it up also
17 that way. We would like to have the suits followed up by
18 the different individuals who were actually harmed. After
19 most of the events that were occurring on Bancroft, the
20 police extended their attack on the students further than
21 the campus, you know, they were chasing students across,
22 you know, two and three blocks away from the actual
23 incident; and so, I think this reflects, you know, many of
24 the attitudes that there are towards black students
25 because, you know, there have been many cases of fights

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1 breaking out at other fraternity parties that are held
2 mainly by Caucasian individuals in other fraternities and,
3 you know, the response by the police has never been this
4 way. And, you know, I think this is directly reflective of
5 how people feel about, you know; black students and black
6 people in general because a response like this to, you
7 know, to an incident like this, I feel, you know, overt
8 because it was unnecessary and I think that, you know,
9 given the way that they acted, you can sort of see how, you
10 know, this tension that exists, at least, on campus and off
11 campus between students and other. I know I'd like to let
12 Kim Papillion, since she's just arrived, talk more about
13 the campus and the campus life and things like that.

14 CHAIRPERSON HESSE: For the record, would you
15 identify --

16 THE REPORTER: Excuse me one moment, please. Sorry
17 about that.

18 (Thereupon, a short break was
19 taken off the record to
20 change the tape.)

21 THE REPORTER: Okay, now we're on. Go ahead.

22 MS. PAPIILLION: Shall I re-identify myself?

23 CHAIRPERSON HESSE: Please.

24 MS. PAPIILLION: Kimberly Papillion from the African
25 Students Association at University of California, Berkeley.

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1 I'm the female co-chair of that organization. What I would
2 like to say is less an account of incidents and more of an
3 account of emotions and feelings that I believe many U-C
4 Berkeley students of African American origin, and other
5 U-C Berkeley students of color may feel any time throughout
6 their four-year time at U-C Berkeley. Quite honestly,
7 there are three different levels, or three different sides
8 that racism is coming at us from. We have the students
9 who, out of ignorance or in attempt to be hurtful or for
10 whatever reasons, are coming at the African American
11 students with different comments, different actions, and a
12 particular attitude. We have the administration, which is
13 sometimes not so sympathetic to our views and our rights.
14 And then, as Lance just described to you, we have the
15 police, definitely not a new factor in the whole scheme of
16 things.

17 Dealing with the problem on a whole, what I can see
18 happening is there is an attitude out there which says,
19 this racism, however you want to define racism from any
20 broad perspective, this racism is tolerable. We will allow
21 this to go on. We, the University, the people in power,
22 will tolerate these types of racist activities from someone
23 scrawling a swastika on the wall of a dorm room to people
24 being called names that would be offensive to physical
25 intimidation, et cetera, et cetera, et cetera, from

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1 students from the police. They also say, we will tolerate
2 a lack of diversity in the curriculum in the classrooms.
3 We will tolerate letting professors, whether they have
4 tenure or not, to insult you, to assume that you are
5 unworthy as an African American student to be present on
6 this campus. And what we will not tolerate, however, is
7 you protesting any of these actions. So, what it becomes
8 is that there are no negative sanctions, or very few
9 negative sanctions, or even much worse, delayed negative
10 sanctions taken on those who are doing the abusing and
11 there are -- we get negative sanctions taken on those who
12 are the victims and are trying to affect, either protect
13 themselves or react in some way, shape or form. There then
14 becomes a problem: African American students have to make
15 a choice. Am I going to be quiet and get my degree in the
16 next four years? Or am I going to take some type of action
17 to fight back? Am I going to fit into this society and
18 become quote/unquote, whatever that may mean, more white-
19 like, more assimilated? Or am I going to step back and
20 remember that I have as much right to be here as anybody
21 else and to express my culture, my feelings and the views
22 of my community just as anyone else here has the right to
23 do so? In a nutshell, that's what we're somewhat dealing
24 with.

25 The problem, then, comes down to what the

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1 administration might need to do, the question between
2 prevention versus punishment. Like I said, punishment
3 often comes on those students who are fighting back.
4 Prevention is rarely taken. The police force, as of yet,
5 U-C-P-D, has not been educated on, say, diversity issues.
6 They could be given a simple education program or some type
7 of maybe deprogramming which I have heard has been done
8 before to say, "Hey, look, you're coming into this job with
9 certain perspectives. You may be threatened by these
10 African American students who are out to get their four-
11 year degrees. You may dislike these students because
12 they're African American and because they are out to get
13 their four-year degrees; and, therefore, those two combined
14 may lead to you acting out upon these black students for
15 possibly nothing at all." The same type of educational
16 program should have to take place with the professors and
17 the faculty and administration to say, "Look, the students
18 here who are African American are not here because we are
19 generous." Affirmative action, in my opinion, is not a
20 method to diversify. Affirmative action is a payback and
21 we are paying them back. We are paying the African
22 American students back for all the years that they were not
23 let into this institution, and it is not a matter now of,
24 they are not welcome or they do not desire to be here. It
25 is a matter of, we must expand our minds and open up house

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1 so that these students will feel more welcome and everyone
2 can get an education. It's hard for the students to take
3 upon themselves, however, to say, "Look, administration,
4 you need to do this." Students alone -- African American,
5 liberal white students, Latino students, Native American
6 students, and Asian students -- alone cannot say, "Look,
7 you need to change." It has happened before and small
8 changes have taken place, but it's the continual pressure
9 of those people who are in power, those people who already
10 have their four-year degrees, those people who are willing
11 to say, "I'm going to make my own decision, and I'm going
12 to say what's happening here is wrong. It is wrong that
13 any student should walk onto the campus that they have been
14 accepted to, that they have paid their reg fees to go to,
15 and be told they do not belong for whatever reason, be it a
16 disabled student, be it a female student, be it a student
17 who was wearing the wrong color that particular day. It's
18 as simple as that. And it takes more than the students to
19 say that to the administration because we've been saying it
20 for quite some time. We've been saying it in a reactive
21 mode -- "Hey, we got hurt today. Can't you help us out?"
22 And they've been saying, "Look at those students down there
23 protesting. Clear them out of the way."

24 There have been many accusations that the incident
25 that Lance described was, in fact, planned. Phone calls

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1 were overheard which said, "Look, we hear that this
2 fraternity is going to have a party. You know, maybe we
3 should be there in full force." Things like that happening
4 where it is assumed that African American students don't
5 belong here and would cause trouble here at U-C Berkeley.
6 That's a problem that we have to contend with, but that we
7 should not have to contend with alone. A number of
8 speakers have often used the analogy that if you're going
9 to invite someone to your table, you should at least be
10 polite and not allow the other guests at the table to
11 insult them, not make them sit in the kitchen because
12 they're different, not serve them a plate that you know
13 they can eat -- they're vegetarian and you give them steak
14 and you say, "Well, that's the way it is in my house."
15 That's the same type of feeling somehow that I get as an
16 African American student sitting at the table of U-C
17 Berkeley. I feel like they're saying, "This is the
18 curriculum whether you like it or not. You will take this
19 expository essay class, this basic reading and writing
20 class. We will put 11 books on your book list. They will
21 all be written by white men." That's the steak. We know
22 you're a vegetarian, we know that you need more than that,
23 that most students need more than that, but you
24 specifically need to have a chance to analyze in front of
25 your other classmates, to discuss, to read, and to

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1 appreciate literature from all different backgrounds. But
2 this is what's at our table today, and this is what you
3 will eat. If you don't want to eat it, you can leave.

4 You've already paid to be here. You've already received
5 the invitation. But you can leave if you don't like it.
6 And if you can imagine yourself sitting at that table and
7 getting that response from a host or hostess who thought
8 would be kindly to you, it can be a shock, and by the time
9 you get over that shock, you're either too scared to react
10 or it's too late. We don't need African American students
11 and Latino students and Native American and Asian students
12 on campus who are in the situation of having it be too
13 late.

14 It is a shame that so many students of color have had
15 to leave the campus and go on to other institutions because
16 they felt uncomfortable at what I think is one of the
17 finest institutions in the whole world, certainly the
18 nation. And if someone at that table would say, "Look,
19 it's morally wrong to make you eat steak. We know you're
20 allergic to it or you're a vegetarian. It's morally wrong
21 to have you sit there at the corner of the table with the
22 smaller seat. It's morally wrong to have all of my guests
23 sit here and insult you and tell you you don't belong, and
24 it's morally wrong for me to say, 'Well, to avoid this
25 trouble, we'll just make you eat in the kitchen.'" If the

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1 hostess and the host would say, "I'm going to take action.
2 I am going to make sure that you do not have to fight to
3 stay here at this table. I am going to realize that this
4 table was probably set by your ancestors. I am going to
5 realize that the food that I'm eating was probably brought
6 in by members of your family. I'm going to realize that
7 this whole table and this house would never have been built
8 had it not been for the contributions of your race and
9 culture. And so I am going to take steps to make sure that
10 you are as welcome here as anybody else because a guest is
11 a guest. And that's all.

12 CHAIRPERSON HESSE: Mr. LeGrande.

13 MR. LEGRANDE: Madame Chairman and members of the
14 Commission, I apologize for not having a formal document to
15 you but I've been out of the State and then I'm on vacation
16 so I'm coming in kind of cold to deal with this, but I
17 really felt the need to be here. As I stated earlier, I'm
18 the Associate Director for Campus Housing on the U-C
19 Berkeley campus, and what I plan to share with you are some
20 of my perspectives or perceptions of what's happening on
21 the campus from an African American perspective. I think
22 that bigotry exists because students come to our campus
23 with 17 or more years of family input, and in the four-to-
24 five years that we have them there, we have to begin to
25 make a dent in those attitudes, and I know that that is

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1 probably the case because I remember from my own background
2 that the kinds of things I heard about other ethnic groups
3 when I was growing up, and by going to college in an
4 environment that was predominantly white, it made me really
5 have to realize and look at who are these people around me
6 and what were they really all about. And I don't really
7 think that high schools have really been forced to deal
8 with that issue, and so once they reach the university
9 campus, we are kind of left trying to do kind of synopsis
10 of an educational period. Many of our students today are a
11 product of the 60's, of the peace and love for one another
12 generation in that they really don't feel they have any
13 ownership in racism. In my discussion with your Americans,
14 when questioned, they really don't believe that what
15 they've done -- that an act that they've taken is even
16 racist, even an act that is as blatant as a cross burning
17 or appearing in blackface at a fraternity skit or a party.

18 I had the occasion last year of having my department
19 demonstrated on by about 40 black students who were
20 protesting racism in the residence halls, and I have come
21 question if I, not being a black person, was working in
22 that office and setting an example, what would have
23 happened to those 40 or 50 students when they marched on
24 the Housing Office? At the time, I had two choices: I
25 could let the police come in and arrest those students, or

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1 I could try to work with those students and really make
2 that a teachable moment, and I chose the latter. They were
3 more than willing to send the troops over, if you will, but
4 I had requested that the troops not be sent, that one or
5 two officers that were black, that were not in uniform be
6 present to work with the students and with me that day in
7 working through the issues that were prevalent; and I think
8 that the outcome of that was a positive one. I heard after
9 the fact that students really had chosen the Housing Office
10 because they felt there was some compassion there; there
11 were people there that really would listen and would try to
12 take a stand with them. Kim and Lance can talk about that
13 later.

14 One of my personal objectives, I guess, is to make the
15 residence halls an environment that is comfortable for all
16 students, but particularly students of color because I
17 guess I feel that you can deal with a lot of racism or
18 behaviors in society, on the campus, in your classroom, in
19 the community, but you need to feel comfortable when you
20 come home that that's an environment that is nurturing and
21 is warm and is accepting of you. Unfortunately, we have
22 not -- we're not there yet. We have about 10 months of
23 students living on campus in order to try to inundate them
24 with information about other cultures, preparing them to
25 live in a pluralistic society, one that is not strictly

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1 black or white but is made up of many different cultures,
2 if you will. One of the things that we strive for in the
3 Housing Office is that we devote about 27 hours of our 80-
4 hour training program for our live-in staff to deal with
5 issues of diversity, whether that be based on sexual
6 orientation, ethnic diversity, religious or what have you.
7 But all it takes is one "How does your hair do that?" or
8 "You're different from the others." -- that can erase all
9 the things that we try to accomplish and I think it's an
10 on-going battle because every year you get a new crop of
11 students coming in that are coming from the same reference
12 point, and I think that even students of color who have
13 grown up in integrated neighborhoods confront some of these
14 same issues when they come to the Berkeley campus.
15 Although for a lot of those students, I believe there's
16 kind of a mixed message -- our friends didn't treat us like
17 this; why are we having to deal with this once we've come
18 to this campus?

19 Another reality for us is that many of our students
20 are coming from mixed heritages. They're neither black nor
21 white, brown nor white, black and brown and brown,
22 but their families are a composite of both those racial
23 groups and many times we're forcing them to make a choice
24 whether it's on a federal form or on a campus form when you
25 have to self-identify what ethnic group you belong to. If

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1 you don't feel that either black or white but you are a
2 party of both, we're in some ways excluding those students
3 from being a part of that total campus environment, and
4 that's an issue that we're continuing to address.

5 I think that our campus has a very vocal and a maybe
6 somewhat bureaucratic commitment to combatting racism,
7 sexism and religious harassment. We have been fortunate, I
8 think, in this sense that we have not had any real media
9 grabbing acts of violence such as an Amherst or a
10 University of Michigan might have encountered, although I
11 believe there is an undercurrent of perceived
12 discrimination that young white males may feel which I
13 think we are going to be headed for a backlash if we don't
14 begin to deal with those issues. In my discussions with
15 students, I find a lot of negative attention focused on
16 affirmative action. There's a perception that quotas still
17 exist, that people are selected based on the melanin in
18 their skin versus what's in their head and in their hearts.
19 Also, our desire to cover all ethnic groups has the result
20 of pitting one group against another. It also leads to a
21 feeling that there are enough blacks in a position of
22 power; let's earmark these jobs for some other groups.
23 This perpetuates the feeling that competent people are not
24 sought out and hired regardless of color, but that we
25 really are basing that on trying to fill what I would say

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1 is a public image and to accomplish our goals. Promotion
2 opportunities to senior level management positions still in
3 great numbers escape many women and minorities, and I think
4 that that needs to become the norm and not the exception.

5 I'd like to maybe talk about a few solutions that I
6 think are worth considering. One is that we definitely
7 need to increase the number of women and people of color at
8 all disciplines of the academic campus and in the upper
9 administrative levels. I believe it's important to have
10 positive role models that are key to empowering those who
11 are not as powerful. People of color and women in key
12 administrative positions should become the rule, as I said
13 earlier, and not the exception so we don't begin to
14 whisper, and we still do this today when we see a black
15 person up there as a Vice Chancellor -- "Oh, I wonder how
16 that person got there." There's always this question
17 there; it's not something that's just taken for granted
18 that this person has the ability and the knowledge to be
19 there. I think that it's true that people of color and
20 women must be recognized and compensated for the additional
21 role that they take beyond that of what their job might be
22 on a college campus. I was hired as the Associate Director
23 of Campus Housing, not the black Associate Director of
24 Campus Housing, but based on who I am and what my
25 background is, there are unwritten expectations, I think,

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1 upon me, whether it's from students expecting support and
2 information from me, or fellow black colleagues that are
3 also depending upon me in helping their lives more
4 tolerable in their work environment. I think this is a
5 double-edged sword in the sense that as a black person, I
6 think many times I'm provided greater exposure than maybe
7 my white counterparts are, but I also get burned out or you
8 can get burned out faster because you're on every committee
9 and you're on every task force because you need to have
10 that kind of visibility and they want that cross section of
11 representation. I think campuses should develop data banks
12 on women and minorities to increase the numbers. I believe
13 that if a Howard and a Spellman and a Tuskegee Institute
14 can find qualified and comparable black faculty and staff,
15 that the University of California should be able to do
16 likewise. I believe it's also important that Euro-American
17 males begin to take ownership in training for diversity in
18 multi-culturalism rather than sitting back and waiting to
19 be learned. I think if you attend many multi-cultural
20 workshops you will see them given by predominantly people
21 of color or white females, but you very rarely see a white
22 male involved in that kind of role, and I think that that's
23 important in dispelling the myth that it's a black or
24 white, brown or white issue. I think we need to stop
25 substituting statistics for reality. We can hide a great

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1 number of things in numbers. The incidence of violence,
2 the percentage of incoming whatever do not help when, as
3 these two students have identified, the feelings are that
4 I'm not welcome here. A 17 percent, a 27 percent, a 16
5 percent doesn't mean anything if the underlying statement
6 is, "You don't belong here. You got in because you're
7 brown or because you're Asian or because you're black."

8 One of my earlier colleagues stated that by educating
9 students we will see an increase in the areas of reporting,
10 and I would agree that that is, indeed, the case. One of
11 the things that we in the Housing Office did about two
12 years ago when the campus -- well, we decided to identify a
13 staff position that would deal with multi-cultural concerns
14 specifically because one of the offsets of that was that
15 Berkeley decided that it would give priority for housing
16 for affirmative action students, and when you're living in
17 an environment that is based on a lottery, that definitely
18 changes the makeup of the residence halls as they were
19 previously known on the Berkeley campus. This meant that
20 we had to get off our, if you'll excuse my expression, our
21 butts and getting out there and really recruiting and
22 looking for students of color to come in and fill those
23 positions. The traditional ways of recruiting individuals
24 did not work. You could not send a flyer to the African
25 Students Association. You could not just send a flyer to

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1 the Center for Latin American Studies. That meant that we
2 had to spend some quality time meeting with individuals,
3 talking with students and encouraging them that we did want
4 them to be a part of our program and that they had as much
5 a right to serve as role models for those incoming freshman
6 as their non-white counterparts.

7 I think the other things is I attended a conference
8 recently on racial issues in American higher education
9 sponsored by the Southwest Center for the Study of Human
10 Relations in Oklahoma City. What I saw at that conference
11 were a lot of people of color and a lot of women. I saw
12 very few white males, and I saw very few folks in the upper
13 administration attending that conference. There was a lot
14 of worthwhile information and I think it could benefit us
15 in having to re-invent the wheel. And I'm willing to take
16 questions at this point.

17 CHAIRPERSON HESSE: Thank you. Are there questions
18 for this panel? Mr. Sillas. Or, Ms. Davis first.

19 MS. DAVIS: To the students, this morning we had a
20 presentation from the Berkeley administration and they gave
21 us a whole bunch of information on a variety of programs,
22 addressed some of the issues that you mention here. Are
23 you aware of those -- the programs, and do you feel that
24 they're making any changes through the programs?

25 MR. JOHNSON: Okay, just recently, this past semester,

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1 we were dealing with that issue about if students on campus
2 were aware of all these different programs which are on
3 campus, and many of the students that we had talked to and
4 discussed this with were not aware of a lot of the
5 different things that existed on campus. So, we fought for
6 and we just recently selected an Afro-American student
7 resource coordinator to coordinate, you know, all these
8 different things that are available to students so they can
9 find out about them, or at least know about them because
10 the campus is so large that it's easy for students to get
11 lost and then people, you know, aren't exactly sure of
12 everything that's going on. So, that's the reason why we
13 selected the Afro-American students resource coordinator
14 this past year.

15 MS. DAVIS: Also, were the police you're dealing with
16 campus police or city police?

17 MR. JOHNSON: During the initial incident and breaking
18 up of the fight, it was campus police. But the police that
19 were hitting the students with billy clubs and the ones
20 that formed the police line were city police. Now, from
21 what I understand, I'm exactly sure if this is the exact
22 number of the code -- it was code 1199 -- which calls out
23 all the available police in the area. That involved all
24 the police in Albany, Kensington, El Cerrito, and Berkeley,
25 and so all these police were called out for an incident

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1 which involved maybe four students, tops.

2 MS. PAPIILLION: Also, in response to that, there has
3 been in the past a problem with letting the students know
4 what the resources are that are available to them, but at
5 the same time, quite often the University will create a
6 program and name the program and the program will not be as
7 substantive as they advertised it to be. They are working
8 on different programs for diversity education and my
9 understand of those programs is that they are not hard
10 hitting. They are programs that say, "Let's all live
11 together and be happy," instead of ones that say, "You're
12 coming from a viewpoint that has been put in you for the
13 past 18, 19, 20 years. You need to be reprogrammed. You
14 need to be told that not every black person is going to
15 steal your purse. You need to be told that not every
16 Latino person cannot speak English. You need to be re-told
17 because all you have seen is your environment and what
18 you've been given by the media." And there hasn't been an
19 acceptance taken for that to say, "Look, western culture
20 has mis-educated me. I need to be re-educated." Instead,
21 they're saying, "Let's educate the people of color. Let's
22 change them so that they can better assimilate into our
23 environment."

24 MR. JOHNSON: And on that note, a lot of the programs
25 that exist, exist for good reasons but they aren't

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1 effective because people don't about them, basically for
2 informational reasons, and because they haven't been
3 followed through in terms of having students, lots of
4 students coming to these programs and meeting with them and
5 things of that sort.

6 CHAIRPERSON HESSE: Mr. Sillas.

7 MR. SILLAS: I have a couple of questions. One, just
8 for the record, I'm assuming but you didn't say that the
9 incidents that you complained about dealt with black
10 students.

11 MR. JOHNSON: The majority of the students who were at
12 the party were black students. I would say about 98 to 99
13 percent of the students at the party were black students.

14 MR. SILLAS: And did the people that -- and the
15 students that you saw being beaten, were they all minority
16 students or were there white students also included in it?

17 MR. JOHNSON: I only saw black students being beaten,
18 and I only have accounts from records that we have obtained
19 through an informational sheet that we handed out from
20 black students that were hit and beaten.

21 MR. SILLAS: Were there white students in attendance
22 at the party?

23 MR. JOHNSON: Yes, there were a few white students and
24 other minorities.

25 MR. SILLAS: Okay. Thank you. Ms. Papillion, a

1 couple of questions. As mentioned earlier, there was
2 testimony this morning from representatives from the
3 University that talked about the various programs that they
4 have in place, and one of the things they indicated was
5 their belief that as the programs become known to students
6 that there would be an increase in complaints. Let me ask
7 you, what is your feeling in terms of your belief of a
8 response from an administration if, in fact, you were to
9 file a complaint over a racial incident presently?

10 MS. PAPILLION: Oh, you're saying -- let me make sure
11 that I understand -- you're saying that you think that once
12 they educate people on what truly is racist, then more
13 people will come and complain and let people know.

14 MR. SILLAS: Well, that was their testimony. Their
15 testimony was that once people know these programs are in
16 place that we will begin to see more incidents of racism
17 because people will begin file complaints about them,
18 referring to child molestation and increase of numbers
19 because now people have become more aware of it; rape
20 because women feel more willing to come forward. My
21 question is, as minority students, is it your sense that
22 minority students would come forward with complaints of
23 racism if they believed there was a program? I guess
24 that's one question, and the second question is, is that
25 your belief now that you could file a complaint and that

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1 the administration would be responsive and receptive to it?

2 MS. PAPIILLION: I would say, in responding to your
3 first question, that the University would have to do more
4 than put together a couple of programs to convince the
5 black students who have already heard all these awful tales
6 about how case after case after case has gotten caught and
7 left up in this particular office and that particular
8 office because fraternity member A had a good a lawyer
9 because his father knew such-and-such a person and such-
10 and-such a person, and therefore caught the case up in an
11 office for so long that everybody had graduated, got their
12 degrees and moved on to starting their own businesses, and
13 still nothing had happened with this case. When the
14 problems are so strong to the point at which there is
15 really a disbelief that the administration will do anything
16 at all aside of putting a letter in the school newspaper,
17 then it would take a lot more than a couple of these
18 programs to convince the students. I feel that some
19 students -- I feel that once they start a couple of
20 programs, the same students who came before and lodged
21 their complaints will be those students who will come
22 again. I don't think it's a matter of them saying, "look,
23 now we have a place for you to come and put your piece of
24 paper in the box." It has to be a matter of, "Here is an
25 example. Look what we did for this person when they

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1 complained about this. Look how quickly we're acting.
2 Look how motivated we are in making sure that this is a
3 good environment for you." That is what will have to
4 happen, not three more programs. The students will say
5 this doesn't make a difference to me; show me where person
6 A, B, and C have punished for doing D, E, and F. That's
7 what it's going to take.

8 Now, the second question you asked me was?

9 MR. SILLAS: Whether you feel right now that you could
10 file a complaint and that the administration would be
11 responsive and receptive.

12 MS. PAPIILLION: Okay, yeah. Then I have answered
13 that. I really don't believe that I have -- from so many
14 people that I know who have filed complaints for so many
15 various reasons and they've set up commission after
16 committee and a committee to study that commission and a
17 commission to study that committee to the point at which, I
18 mean, it gets so far out of our hands -- it's in Sacramento
19 or in Washington or somewhere in Davis and the Berkeley
20 students don't feel that there's a tangible solution.

21 MR. SILLAS: There'll probably be another committee
22 after us, but --

23 MS. PAPIILLION: Right.

24 MR. SILLAS: One final question. Do you believe that
25 minority faculty and administrators assist in the question

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1 of acceptance of diversity? Or do they have no impact at
2 all?

3 MS. PAPHILLION: I think they would have a slight
4 impact. It must be a very difficult position to be the
5 only person of color or the only woman on a faculty of
6 anywhere between 20 to 50 white men, all who received
7 tenure before 1960. That must be a trial and a tribulation
8 and you must --

9 MR. SILLAS: Okay, let me interrupt you just a minute
10 because you've jumped into one person of 20. My question
11 is really, supposing you had 10 of 20.

12 MS. PAPHILLION: Okay.

13 MR. SILLAS: Do you sense that -- do you have any
14 opinion as to whether or not that would have any impact on
15 the issue we're discussing today dealing with bigotry and
16 violence?

17 MS. PAPHILLION: Within the faculty, yes, and possibly
18 within the students. Suddenly in front of you there is a
19 black professor, a distinguished black professor, a
20 distinguished Latino professor, and they're teaching you
21 what happened, you will get a different perspective on who
22 is intellectually capable, who has information, who has the
23 ability to teach and who has the ability to learn, and it
24 does change the whole perspective of how people look at
25 life. A student looks at there's the professor up on the

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1 podium with a large chalkboard -- oh, a person in authority
2 who's a person of color. This is strange to me. Maybe I
3 can learn about that. But at the point right now, if the
4 University used as much -- was as tenacious about
5 recruiting people of color into faculty and staff positions
6 as they are about recruiting people of color onto their
7 football and basketball teams, we would have a large, large
8 difference.

9 MR. SILLAS: Thank you.

10 CHAIRPERSON HESSE: Ms. Jett.

11 MS. JETT: Okay, this morning the University mentioned
12 the Racial Grievance Board. Are you familiar with that
13 board? Or have you had an opportunity to utilize that
14 board to your advantage?

15 MR. JOHNSON: Okay. Yes, we are familiar with the
16 racial grievance committee and this is a committee where
17 students bring up problems that they have, but like Kim had
18 mentioned before, you know, whenever students bring these
19 things forwards, a lot of times things aren't followed
20 through with and things aren't -- things get, you know,
21 transferred to so many different committees after that and
22 taken up and lost, you know, and so when you have a
23 racial -- when you have this committee that's supposed to
24 be effective, it isn't as effective as it could be if
25 things were, you know, more -- dealt with in a better way,

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1 I guess.

2 MS. JETT: Okay, you had the incident last weekend.
3 What position did the University take in terms of assisting
4 you?

5 MR. JOHNSON: We're dealing with that right now in
6 terms of the University. Right now, we're dealing with the
7 Afro-American resource coordinator who's been helping us
8 with that. As far as the University, the campus police
9 have come out with a statement and as far as the
10 administration on a whole, they haven't responded to us
11 yet.

12 MS. JETT: Thank you.

13 CHAIRPERSON HESSE: Mr. Carney.

14 MR. CARNEY: Thank you. Mr. Johnson, with respect to
15 your observations of this incident last weekend, can you
16 tell us how long a period of time went by from the time the
17 campus police arrived until the time that the city police
18 arrived?

19 MR. JOHNSON: Okay. I would say a matter of at the
20 most five minutes in the time that the city police arrived.
21 The police were there within the time it took me to walk
22 away from the party to the street, which is about 200, 300
23 yards away from the party, and the campus police were
24 already there, and the city police were already at the
25 scene. So, I would say at the most five minutes before the

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1 -- after the campus police got there.

2 MR. CARNEY: And I'm not clear, did this incident take
3 place on campus, or immediately off campus?

4 MR. JOHNSON: Okay, the fight took place on campus in
5 the party and the initial incident which started everything
6 with the police charging at the students was on campus, and
7 students were hit by the Berkeley police department, which
8 was on the campus as they tried to run away, and then
9 that's when other instances and more brutal incidents
10 occurred on the street of Bancroft, which is right off the
11 campus.

12 MR. CARNEY: Was there anyone that you've spoken to
13 who had the opportunity -- or not the opportunity -- who
14 did, in fact, hear any type of warning by any police to
15 either stop or cease and desist or anything like that?

16 MR. JOHNSON: To stop what?

17 MR. CARNEY: To stop the activity -- the fighting or
18 running or whatever -- before the --

19 MR. JOHNSON: Before the police line started?

20 MR. CARNEY: Melee started?

21 MR. JOHNSON: Before the police -- Not that I've
22 talked to. The reports that I have read from students who
23 have filled out the forms and people who I've talked to
24 said that they were unaware that the police were going to
25 start moving towards them.

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1 MR. CARNEY: Has anyone requested the tapes of the
2 radio calls, phone calls to the local city police and the
3 radio calls from the dispatcher to the police units?

4 MR. JOHNSON: I'm not sure about that right now.

5 MR. CARNEY: Has anybody reported statements made by
6 the police to the individuals who were getting accosted by
7 the police officers?

8 MR. JOHNSON: Yes. Yes, and one of the statements
9 that was made, and I quote, was "I wish I was your dad so I
10 could beat your ass."

11 MR. CARNEY: What was the racial makeup of the police
12 officers, if you can -- the ones that you observed?

13 MR. JOHNSON: That I observed. I would say that
14 approximately over 90 percent of the police officers were
15 white male. There were a few minority cops and there were
16 a few women police officers.

17 MR. CARNEY: Did you see any of the minority police
18 officers or the women officers engage in this activity of
19 striking or beating or kicking or whatever any of these
20 students?

21 MR. JOHNSON: I did see some around people who were
22 being detained and being beaten. I didn't see any actual -
23 - any of the black officers actually hitting anybody.

24 MR. CARNEY: Do you have any information with respect
25 to the names of those individuals -- the minority officers

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1 and the women officers?

2 MR. JOHNSON: Some of the campus officers, we do have
3 some of the names of the minority individuals and we have
4 access to some of their names, but as far as the city
5 police, we do not.

6 MR. CARNEY: Okay. Ms. Papillion, if I may --

7 MS. PAPIILLION: Could I also add to that for one
8 moment?

9 MR. CARNEY: Certainly.

10 MS. PAPIILLION: We also have heard of an incident
11 where one of the campus police officers who was an African
12 American male -- they hire students also to do some of the
13 campus security -- and he was involved in an incident where
14 a police officer or a number of police officers were
15 attacking another black male with a billy club --

16 MR. JOHNSON: It was a black female.

17 MS. PAPIILLION: Was it a black female and a black
18 male?

19 MR. JOHNSON: The police officers were hitting a black
20 female with their billy clubs and pushing her down the
21 street, and he told them not to do this and then he got in
22 the way of the police officer pushing the black female and
23 they threatened him with arrest and they grabbed his arm
24 and carried him up the street and told him that they were
25 going to arrest him and have him fired.

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1 MR. CARNEY: All right. Now, Ms. Papillion, this
2 morning we were addressed by Julian Klugman, Western
3 Regional Director for the Community Relations Service of
4 the United States Justice Department, and he presented us
5 with information that was apparently dug up by the American
6 Council on Education and published in an article entitled,
7 "Campus Trends -- 1988," and in it there was identified the
8 following national trends for minorities and included
9 therein was an observation that black and Hispanic students
10 -- I'm sorry -- blacks attending historically black
11 colleges and universities are more likely to complete a
12 degree than those attending predominantly white
13 institutions. Would you be in a position to state whether
14 or not you could say that that would be because of the
15 treatment the students at the white universities receive,
16 that is the minority students, the black students --

17 MS. PAPIILLION: I would say that's highly likely.
18 There is always going to be the case of, and I'm sure they
19 used this in the days of desegregation, where people will
20 say, "Well, these students of color just will not feel as
21 comfortable around white students. They should,
22 quote/unquote, stay with their own kind. They will feel
23 more comfortable there. It will be a more supportive
24 environment. It will work better for them." And for some
25 students, it does work better; and what I think most people

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1 are saying is not that this racism makes one of the
2 solutions to be that students of color should go and set up
3 these different colleges and go into these different
4 colleges and try to get their degrees there, but rather
5 that these institutions should change so that everybody has
6 an option to go to whichever one they want. There should
7 be that option. But I do think, in response to your
8 question, that it is a matter of racism, overt and covert,
9 and a sense of not being welcomed, and I do believe it was
10 the Black Task Force report of 1987 in which the University
11 came out with statistics and a report specifically saying
12 that 50 percent of the students that will not graduate in
13 the five years, or approximately half of students that will
14 not graduate in five years were people of color -- Latinos,
15 African Americans, and Native Americans, specifically --
16 will leave with a 2.0 G-P-A or above. In other words, they
17 will leave in good academic standing. The factors that
18 they said would affect that 50 percent as to why they left
19 would be financial problems and a feeling of alienation. --
20 Financial aid is always going to be a problem, but the
21 sense of alienation will be a major problem as long as
22 there is a number of white students who will not accept,
23 who will not learn about, and who will reject the idea of
24 African American and Latino students coming into a
25 predominantly white institution.

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1 THE REPORTER: Excuse me one moment, please.

2 (Thereupon, a short break was
3 taken off the record to
4 change the tape.)

5 THE REPORTER: Okay. Back on.

6 MR. CARNEY: In response to Mr. Sillas' question, I
7 got the impression that you felt that the University here
8 at Berkeley was really just giving lip service to any
9 complaints that minority students would voice. Is that
10 your opinion?

11 MS. PAPIILLION: That's definitely my opinion.

12 MR. CARNEY: Thank you. I have nothing further.

13 CHAIRPERSON HESSE: Okay, I have two points of
14 clarification, and then we will try to wrap up. There were
15 a couple of references made by the panel regarding
16 affirmative action students and regarding affirmative
17 action being referenced as a payback. We got testimony
18 this morning from the University that all of the
19 University's students are eligible students. Is there an
20 implication that affirmative action students are somehow
21 less eligible?

22 MS. PAPIILLION: From who?

23 CHAIRPERSON HESSE: From the panel.

24 MS. PAPIILLION: From us? Oh, no, that's not what I
25 was saying at all, rather saying that it is perceived as a

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1 method to diversify but it is, in fact, a payback; and I
2 assume that there was a time when even eligible students of
3 color were not allowed into institutions such as U-C
4 Berkeley.

5 CHAIRPERSON HESSE: Okay. We would like to ask the
6 African Students Association, as well as Mr. LeGrande, to
7 submit any factual information that you have pertaining to
8 the subject of our inquiry to the panel, and you can get
9 our address and telephone number from our staff. I just
10 saw the two gentlemen leaving, Mr. Montez and Mr. Dulles,
11 or Ms. Hernandez outside. Thank you very much. We will
12 take a brief five-minute recess, and then we'll begin with
13 the Hispanic perspectives at what time, Grace?

14 MS. DAVIS: Well, you want five minutes?

15 CHAIRPERSON HESSE: Yeah, five minutes.

16 MR. SILLAS: 2:07, 2:08.

17 CHAIRPERSON HESSE: 2:08. Thank you.

18 (Whereupon, a five-minute
19 recess was taken off the
20 record.)

21 CHAIRPERSON HESSE: This meeting of the California
22 Advisory Committee to the U.S. Commission on Civil Rights
23 will come to order. May we hear from the Hispanic
24 perspectives?

25 MR. SILLAS: Madame Chairman, before that panel, would

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1 the Chair entertain a motion to have the matter of the
2 incident that we've just heard testified to, would the
3 Chair entertain a motion that that matter be referred to
4 the Department of Justice for investigation or monitoring?

5 CHAIRPERSON HESSE: Yes.

6 MR. CARNEY: I would second that motion.

7 CHAIRPERSON HESSE: There's a motion before the
8 Advisory Committee to refer the incident reported by the
9 African American Students Association to the Justice
10 Department for further investigation.

11 MR. SILLAS: Yes, that's my motion, Madame Chair.

12 CHAIRPERSON HESSE: Is there any discussion, please?

13 MR. CARNEY: Call for the question.

14 CHAIRPERSON HESSE: All those in favor vote "aye."

15 ALL COMMITTEE MEMBERS: Aye.

16 CHAIRPERSON HESSE: All those opposed? All those
17 abstaining? The motion is carried. May we hear from the
18 Hispanic representatives. I have listed Susan Brown, the
19 Director of Higher Education at the Mexican American Legal
20 Defense and Education Fund, John Gamboa, Executive
21 Director, Latino Issues Forum, and Guillermo Rodriguez,
22 Student Regent, University of California.

23
24 Whereupon,

25 SUSAN BROWN

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1 JOHN C. GAMBOA

2 GUILLERMO RODRIGUEZ

3 were called as witnesses herein and testified as follows:

4
5 CHAIRPERSON HESSE: Would you identify yourselves
6 before you speak and who you represent?

7 MR. RODRIGUEZ: My name is Guillermo Rodriguez. I'm
8 on the Board of Regents for the University of California.
9 I'd like to thank the Committee for the opportunity to be
10 here today to discuss an issue that's close to my heart and
11 an issue that I have been working on as a student and as a
12 member of the Board. I would like to begin with just some
13 broad observations of sitting in on the audience and
14 listening to the panels, the previous panels. Those same
15 concerns lie for many of the minorities on the campuses of
16 the University of California and throughout the nation. It
17 concerns me that these issues are becoming much more aware
18 of things of what's going on. The media's covering it a
19 lot more than it had in the past. The same concepts that
20 were brought up by the African Students Association
21 happened with the American Latino students on the Berkeley
22 campuses, and all the eight other campuses. My biggest
23 concern and the concern that was brought up by the students
24 and the members of this Committee is the fact that there
25 are no University representatives here in the key areas

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1 that reside on these issues present listening to the
2 concerns of the students. They brought up very important
3 concerns and issues that they need to address. They are
4 not here and it concerns me, and I will be mentioning that
5 to them when I see them. The lack of having high-ranking
6 officials here is, indeed, a concern because they are
7 responsible for the issues that are being brought up by the
8 students. They talked about the various committees,
9 programs, Racial Grievance Boards that were created. All
10 of those were ideas that originated from students and
11 because of student pressure they became a reality on our
12 campuses. But we don't have a process by which racial
13 grievances are monitored system-wide, all the nine
14 campuses. Each campus has a different way of handling a
15 problem. The Berkeley campus has a Racial Grievance Board.
16 It also has a staff ombudsman. Other campuses have other
17 programs, other committees. There is no coordinated effort
18 to deal with this issue from the high levels of the
19 University of California. This is a concern of mine, and a
20 concern that there should be a commitment from the highest
21 levels of the University in dealing with this issue on its
22 campuses. Its goal is to educate the people of the State
23 of California and if it cannot complete that, then it is
24 not fulfilling its mission; and in my eyes, it is not
25 fulfilling its mission by having the problems that exist on

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1 its campuses.

2 A year ago, Senator Art Torres held a similar type of
3 informational hearing on this issue at the University of
4 California campus in Los Angeles, and he asked the
5 University to please list all the problems and grievances
6 that they are aware of, and they submitted to Senator
7 Torres a 50-page document listing all of the grievances
8 that year. It concerns me that it took them a very long
9 time to put that report together because of the lack of
10 coordinated effort, and it concerns me that here it is in
11 print, signed by the Vice President of the University of
12 California, detailing all of the incidents that have
13 happened on our campuses. It me concerns me, again, that
14 we have these problems.

15 Now, what are the solutions? The solutions we've
16 offered at the campus level has a coordinated effort
17 between the students and the faculty and the staff and the
18 University hierarchy in dealing with this issue, having
19 people who are accountable among the University who can be
20 called unquestioned when there is a problem. Students find
21 it very difficult to report problems to the University and
22 they need to find out who they can say that to. Do you go
23 to the Racial Grievance Board? Do you go to the
24 ombudsperson? Do you go to a faculty member? Do you go to
25 a faculty committee? It is so desegregated in the sense of

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1 how to deal with that issue. It is not centralized where a
2 student can go and make comments. Now, this same problem
3 happens at the faculty level in terms of tenure. We have
4 the same bigotry. We see that at staff level in
5 promotions. And we see that throughout the campus at every
6 level. It is a concern that we need to deal with.

7 One of the areas that Berkeley has taken a leadership
8 role in the country is in terms of its curriculum. Our
9 curriculum had been and still is very Eurocentric. You do
10 not go into a classroom and read scholarship by an African
11 American, Native American, Asian American, a Chicano or a
12 Latino. You read scholarship from a western perspective.
13 Now, there has been great debate, you know, this former
14 Assistant Secretary of Education has dealt with this issue
15 with Stanford and the terms of the decline of western
16 civilization. Now, the Berkeley campus took upon itself
17 through students' pressure and commitment by the
18 administration to alter our curriculum to offer an American
19 cultures program slash ethnic studies, a class that is
20 required to be taken by every student in order to earn a
21 baccalaureate degree from the University in terms of race
22 relations and looking at different races and cultures and
23 how they affected this country. Now, it is a required
24 course which makes it different than any other program the
25 University has sought to design, meaning that every student

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1 must take it and gives them an opportunity to deal with
2 these issues. Other campuses in the University of
3 California have followed suit, U-C Irvine being the latest
4 in having an ethnic studies type of a course. This type of
5 a mandatory requirement seems to be effective on other
6 campuses who have already tried it. The University of
7 Santa Cruz, for example, has already tried some type of
8 this course. So has the University of Wisconsin, I
9 believe. These are the types of organizations and
10 suggestions that are necessary and appropriate to be dealt
11 with.

12 In the concept of the curriculum also means who
13 teaches the curriculum. When we look at the faculty of our
14 institutions of higher education, they are white men, and
15 they are growing old very fast and will be retiring. We
16 have a window of opportunity, as we call it, but is that
17 window really open? Are we really concerned about this
18 issue? If we look at the Berkeley campus again, for an
19 example, 28 of the departments are run by faculty who are
20 old men and who are all white. And these are in the hard
21 sciences and some of our professional schools that occurs.
22 At the graduate levels, we are increasing some graduate
23 students of color but not a rate that they need to be
24 increasing in order to fill the faculty positions that will
25 be available to them in relatively near future.

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1 These are the concerns that we have and we need to
2 work. The University of California has boasted and should
3 boast about its good affirmative action at the
4 undergraduate level on its campuses. It should share that
5 same vigor of affirmative action success at the graduate
6 and faculty levels, as well as staff. If they can share
7 that support and programs and enthusiasm from the top down
8 and from the bottom up, we will see change at the
9 University of California and other institutions of its
10 caliber. Thank you.

11 MS. BROWN: I'm Susan Brown from Mexican American
12 Legal Defense and Educational Fund. I'm pleased today to
13 offer on behalf of MALDEF our perspective and
14 recommendations on the very serious issue of racial bigotry
15 and violence on campuses, particularly at the University of
16 California. As we rapidly approach the 21st Century, it is
17 truly frightening that racial incidents should permeate the
18 fabric of our universities. A few examples suffice, and I
19 know you've heard many this morning. At Hastings Law
20 School this past year, white supremacists literature and
21 offensive racial caricatures such as Black Sambo found
22 their way to the student bulletin boards. At Stanford
23 University this past year, there have also been numerous
24 racial incidents including media disclosures of Stanford
25 University's exploitation of the adjoining Webb Ranch where

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1 Mexican workers were hired under the table, so to speak, to
2 circumvent labor and employment laws. And here at U-C
3 Berkeley, student racial incidents accompanied allegations
4 of institutional racism such as Boalt Hall, Berkeley's law
5 school's long-standing problem in finding minority or
6 female professors who "think like lawyers." While these
7 incidents shock, it is my belief that they are tacitly
8 condoned by the overall structures of the universities
9 themselves. Let me be clear: I do not contend that any
10 official university spokesperson would condone a racist
11 attitude toward either students or institutionally. What I
12 do contend, however, is that universities' reluctance and
13 recalcitrance in integrating their top administrative
14 staffs and tenure track faculty slots not only rob students
15 of multi-cultural pluralistic experiences, but that it also
16 sends a very clear message to the student body that racial
17 integration and equality will come only begrudgingly. The
18 message is that the all deliberate speed spoken of in Brown
19 versus Board of Education has been interpreted by our
20 universities to mean only where mandated by the courts or
21 by legislation. Thus, here at U-C Berkeley, we see the
22 university hiring four blacks and two Latinos from a
23 respective pool of its own 1980 to '85 P-H-D candidates of
24 222 blacks and 320 Hispanics. These are people who
25 received P-H-D's from the University. This data was

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1 compiled by Dr. Gene Cota-Robles at the Regents' request in
2 1987. At the same time, the University has blamed the
3 unavailability of Hispanics and blacks within the P-H-D
4 pool for its abysmal under-representation of minority
5 professors and tenure track faculty positions.

6 At the University system-wide we see black and
7 Hispanic transfer students from all 106 community colleges
8 to all U-C campuses in 1988 totalling approximately 700
9 students out of 5,465 total transfers. That would be fewer
10 than seven black and Latino students from each community
11 college campus to the U-C. This is where the California
12 Master Plan, California's blueprint for higher education,
13 mandates that nearly 70 percent of all students begin their
14 higher education in the community colleges with the right
15 to transfer on if they show academic promise. Yet, the 80
16 percent or more of under-represented students who begin
17 post-secondary education in California's community colleges
18 are subjected to a confounded transfer morass where course
19 equivalencies and transfer agreements with the University
20 exists in reality only at the predominantly white affluent
21 community colleges, approximately 15 community colleges.
22 And I'm going to distribute testimony and I attached a
23 recent newspaper article that documents this.

24 Finally, we see a university system where top
25 governance positions are not awarded to Latinos and blacks.

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1 Until very recently, the data was as follows: In 1987,
2 Chicano-Latino faculty represented only 3.2 percent of all
3 university faculty, and three percent of the university's
4 management and professional program; an upper level
5 management series offered for career development at the
6 University of California. The point that I want to make is
7 that the tone of racial tolerance and embracing a
8 pluralistic multi-cultural State and nation must come from
9 the highest echelons of the university itself. The message
10 must be clear and consistent. What we see instead is a
11 university system that itself has only reluctantly and
12 under pressure acknowledged racial ethnic realities in
13 California. It is my firm belief that incidents of student
14 racism and violence reflect not only societal racism in
15 general, but the overall administration's commitment, or
16 lack thereof, to principles of equality, equity and
17 pluralism.

18 When the clear message from the President and the
19 Chancellor of each U-C campus is that racial ethnic
20 equality in all its manifestations at the University is of
21 primary importance and all university actions, whether
22 hiring or student access, confirm that message, then the
23 message will be conveyed to the student body that there is
24 no tolerance for racism. The University, in many aspects,
25 has not unequivocally made that statement. MALDEF urges

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1 the University to set its own house and priorities in order
2 and thereby set the moral tone for its student body and the
3 State overall. Thank you.

4 MR. GAMBOA: My name is John Gamboa. I'm the
5 Executive Director of Latino Issues Forum, and I'm also the
6 co-chair of a unique coalition of Hispanic organizations
7 that recently got together about a year-and-a-half ago.
8 It's called the Hispanic Coalition on Higher Education, a
9 coalition of over 83 Hispanic organizations across the
10 State who have come together to collectively work on the
11 problems of diversity within the University and all the
12 other institutions of higher education in the State. The
13 Hispanic Coalition on Higher Education, some of you may
14 have known, has been working in trying to establish a
15 dialogue with the University of California administrators
16 in trying to establish a partnership to work together on
17 trying to solve these problems. We have not been
18 successful.

19 I'd like to go back a little bit and state, I was a
20 student at the University of California in 1969 and I was
21 listening to the students that preceded us up here, and I
22 could have been one of those students at that time saying
23 the very same things that they were saying to you. Nothing
24 has changed. Well, I can't say that nothing has changed.
25 Some things have changed. The top administrators have

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1 changed names, but their attitudes haven't changed. We had
2 Saxon then, we now have Gardner. We had Heinz, we now have
3 Heyman as the Chancellor. But nothing much has changed,
4 except that there's a growing disparity. These
5 administrators, and I include those two, but all the
6 administrators in the University of California, have
7 failed. They have stated over and over again since
8 1969/1970 that one of their highest priorities has been to
9 diversify the University of California to better reflect
10 the total population of the State. They have stated that
11 one of their major goals in this was to increase the number
12 of Hispanics at all levels. Well, they have failed.

13 I think they have failed -- well, there's two reasons
14 they could fail. They could fail because, one, they're
15 incompetent and are unable to do so, or two, they're
16 unwilling to do so. Quite frankly, I don't know what the
17 answer is. However, I think the answer into motivating
18 these administrators must take a stronger tone. I think
19 these administrators, if they were in any other realm of
20 business in this country, or if they were actually working
21 in Japan, they would know what to do with this kind of
22 failure. However, working in institutions like the
23 University of California which seems to reward failures,
24 especially failures in the area of affirmative action.

25 I also had the opportunity to work for the University

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1 of California for two years. In that time, I tried to find
2 out what happens if you do not fulfill your affirmative
3 action goals or if you somehow violate an equal employment
4 opportunity law, and I was looked at with puzzlement. What
5 do you mean, what happens? I says, "Yes, what happens to
6 your salary? I worked in private enterprise for 12 years.
7 I know what happens to me when I didn't meet an index that
8 was set or a goal that was set by my boss before." I says,
9 "It affected my salary and it affected my promotion-
10 ability. Does that also happen in the University of
11 California?" Well, the answer was, it was a laugh, said,
12 "No, nobody ever measures it." And I think that's the real
13 reason that we're seeing all of these problems today.
14 Nobody ever -- there's no accountability. Nobody ever
15 measures these administrators for their affirmative action
16 success, or we wouldn't be here 20 years. In 1969, there
17 was a Third World strike by the students requesting -- on a
18 Third World college -- requesting more curriculum that
19 reflected more their own culture, and yet I hear the same
20 kind of demands and requests today. Nothing has changed
21 much, except the disparity.

22 Since President Gardner has taken office -- I'm not
23 going to get into a lot of University bashing, but I think
24 this is relevant -- since President Gardner has taken
25 office, a disparity -- I see disparity as the percentage

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1 between the population, the ethnic population, and the
2 percentage of the work force or of the student body -- in
3 these areas has increased tremendously. Disparity grew for
4 Hispanic faculty by one-third. The disparity grew for
5 graduate students by 46 percent. And the disparity for the
6 area that the University sounds so proud of, of increasing
7 Hispanic students, has grown 23 percent for undergraduates,
8 which is not a record that they should be proud of. This
9 is not a record that these administrators should be
10 continuing to receive the, in my estimation, the gross
11 salaries that they're receiving and receiving every year, a
12 seven and ten percent increase in these salaries. These
13 kind of figures to me say these are the kind of failures
14 that these administrators should be replaced.

15 I'm going to be brief because of the time, but I would
16 like to state a few things. In my estimation, and I think
17 in discussing this problem with lots of the people from the
18 Coalition, we feel that the problem can be solved when the
19 University itself, and the administrators themselves, have
20 come to the conclusion that they are not going to be able
21 to solve this by themselves. They're going to have to
22 change their attitude and develop a partnership, a
23 partnership with the minority communities. What's
24 happening right now on the University of California is the
25 administration is reacting to negative press by their own

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1 faculty, by their own minority organizations within it, and
2 -- I don't want to mention names in here -- but there are
3 individuals have been working to increase the diversity
4 within the University that work for the University and have
5 suffered for it. This is not an action that I think the
6 University should undertake. Okay, the University should
7 be working with these organizations and saying, "We need
8 your help." The community, the Hispanic community, and
9 representing the Hispanic Coalition here, is we're ready
10 and willing to work with the University when we feel that
11 they are making a sincere commitment toward solving the
12 problems of diversity at all levels. Thank you.

13 CHAIRPERSON HESSE: Thank you. Are there questions
14 for this panel? Mr. Carney, first.

15 MR. CARNEY: Mr. Gamboa, you were just reciting some
16 figures about the increase or lack thereof of minority
17 students. First of all, what are the sources of these
18 figures?

19 MR. GAMBOA: The sources are from the University, the
20 Office of the President himself.

21 MR. CARNEY: Okay, and are there any reasons that are
22 put forth for this? Specifically, might it be that these
23 minimal increases or no increases or decreases, would they
24 be due to a lack of qualified students?

25 MR. GAMBOA: Well, you know, affirmative action has

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1 been a goal of the University for over 20 years. I was a
2 loaned executive from Pacific Telephone when I worked in
3 the compliance field to help the University put together
4 its affirmative action program. After 20 years, they can't
5 fall back and say there are not qualified students. The
6 University has a unique responsibility to the total State.
7 It can't sit back and state, "We will take every Hispanic
8 student that comes qualified." It has a responsibility to
9 reach out and do more. It has a responsibility -- it's the
10 leading educational institution in this State. I'll give a
11 good example what I'm talking about. The University of
12 California in the late 40's and early 50's made a
13 commitment toward agriculture in this State. It said, "We
14 are going to make California the agricultural wonder of the
15 world," and it did. It made the commitment, it put the
16 resources to it, and we now have what we call the "super
17 tomato" and it bounces like a rubber ball and it tastes
18 like a watermelon and it costs \$7 million to produce. That
19 kind of effort is what's needed to making these kind of
20 changes. So, they can't sit back and say, "We'll take
21 every qualified student." It has much more responsibility
22 than that.

23 MR. CARNEY: Well, I'm not saying that they do that.
24 I'm just trying to figure, at least in my own mind, are
25 there reasons given by the University for this lack of

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1 increase of minority students, and if so, are these reasons
2 -- have any basis, any valid basis?

3 MS. BROWN: If I may comment, I think the numbers are
4 a bit deceptive because the University takes the position
5 that it accepts every qualified first-time freshman. It
6 also takes the position it takes every qualified transfer
7 student. What it doesn't say is if you are missing one,
8 your A-to-F course requirements because your high school
9 doesn't offer it in sufficient numbers for everybody in the
10 high school to prepare, and especially this is more
11 difficult since the C-S-U changed its admission criteria
12 two or three years ago to be co-equal with U-C's. There
13 was never a State study done and, indeed, we know that many
14 high schools cannot prepare 50 percent of students for
15 four-year college entrance. So, in theory, you're admitted
16 if you've taken those courses with the requisite G-P-A and
17 the test scores, but if you don't have one of those things,
18 then you're not eligible, and that happens extensively in
19 the area of transfer. The University says it accepts every
20 qualified transfer student, or at least Latino; however,
21 what they don't say is, if you can't ascertain what courses
22 to take that satisfy your major requirement or which
23 courses are acceptable for transfer, then you're not
24 eligible. Hence, then they don't have to accept you.
25 Hence, you know, there's no default on their part.

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1 MR. CARNEY: Do you find in that particular area --
2
3 now, we're using that little avenue of escape -- that there
4 are exceptions made? For example, we found out this
5 morning through inquiry that they stated that there was a
6 two percent allowance for athletes or special students, if
7 you will, and that included the athletes. Where they go to
8 such great extremes to bring in students that have great
9 athletic ability but yet are not in other areas
10 academically qualified or qualified in that second tier
11 that they talked about. Do you have any comments about
12 that?

13 MR. RODRIGUEZ: You're talking about the notion of
14 special action. The University does admit six percent of
15 its class via special action, those students who are not
16 academically qualified to come, but they have the faith in
17 those students that they will be able to use the resources
18 of the University to further enhance their education. We
19 had what we call -- 12 percent of that six percent should --
20 go to under-represented minorities. That's what the
21 current definition of that area is, and so we use that as a
22 vehicle to increase the under-representation of under-
23 represented students on our campuses. There is presently a
24 resolution by our faculty coming to the fore saying to
25 remove that four percent and say that the total should be

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1 six percent, again, and that there should be no specific
2 mention of what type of student should come in under that
3 area. So, it could mean that under-represented minorities
4 could be six percent of that total, or it could be no
5 percent. So, that is an option that the University is
6 being proposed to.

7 MR. CARNEY: I'm a little --

8 CHAIRPERSON HESSE: Ms. Davis.

9 MS. DAVIS: Mr. Rodriguez, what is the role of the
10 Regents in these areas that we're discussing? Specifically
11 because -- and I just wondered what they talk about --
12 several years ago at U-C-L-A where they had the Sebopup
13 (ph) parties in a fraternity and when I called it to the
14 attention of one of the Regents, I was told that this was
15 not an area that they should get involved in, and I just
16 wondered if that has changed or if that is predominantly
17 the Regents' position.

18 MR. RODRIGUEZ: I believe it is the position of
19 individual Regents. In my opinion and in the opinion of
20 the way the Constitution of the State of California is
21 written that the ultimate responsibility for the University
22 of California rests with the Board of Regents. They are
23 the ultimate responsibility -- it is in their hands. They
24 choose not to get involved in these issues because of the
25 reasons they feel that they are not qualified to handle

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1 them, for the reasons that they handed over admissions to
2 the faculty, for the reasons that they've handed over many
3 of the business practices over to full-time staff.

4 MS. DAVIS: But, in other words, they only discuss
5 them in terms of, you know, this is something that has been
6 brought to our attention and then they delegate it to other
7 people. Don't they get that back in terms of making policy
8 at all?

9 MR. RODRIGUEZ: No.

10 MS. DAVIS: Why do we need them?

11 CHAIRPERSON HESSE: Mr. Erler.

12 DR. ERLER: I'm a little confused about the discussion
13 here so far. I have the statistics before me here showing
14 that in 1981, 6.4 percent of the freshman class was
15 Hispanic, and in 1988, 18.6 percent of the freshman class
16 was Hispanic, yet we seem to hear in testimony here that
17 there's been no progress made. I consider that to be
18 tremendous progress.

19 MR. GAMBOA: At the same time that that's been
20 happening, the Hispanic population has probably almost
21 doubled.

22 DR. ERLER: What is the Hispanic population of
23 California?

24 MR. GAMBOA: Right now, current estimates, it's 26.3.

25 DR. ERLER: Well, don't you think that within a span

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1 of seven years the admission rate to Berkeley has more than
2 tripled.

3 MR. GAMBOA: Well, the last figures I had -- you have
4 different figures than I do. The last figures I got from
5 the University was the incoming freshman class was about 11
6 percent was last year's figures that I had, and at that
7 time the population here was 24.8 was the figures I had
8 which gave a disparity somewhere around 14 percent. The
9 disparity in 1979 was about 10 percent. So, that's an
10 increase of five percent, five percent over the 15, that's
11 a 33 percent increase. That's the numbers I was talking
12 about.

13 DR. ERLER: Well, that's an unusual way to look at the
14 matter. I have here -- I'm quoting from the report by the
15 Committee on Admissions Enrollment which just has published
16 this report here, and they say that the 1988 freshman class
17 was 18.6, the 1988 freshman class, 10.8 percent black, and
18 during that same period between 1981 and 1988, white
19 admission has gone from 57.9 percent to 37 percent; and it
20 seems to me that in terms of the diversity issue there's
21 been incredible progress here, yet you seem to be unwilling
22 to give any credit whatsoever,

23 MR. RODRIGUEZ: At least to that issue that you did
24 mention, I was an author of that report that you have in
25 front of you, a member of that committee, and this is my

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1 perspective. The Berkeley campus and the U-C-L-A campus
2 have succeeded in increasing the enrollment of Latinos and
3 Chicanos; however, the University of California has nine
4 campuses and the other campuses have failed to increase at
5 the same numbers, so when we look at one campus maybe doing
6 well, not all the other campuses share that same goals that
7 the Berkeley campus and the U-C-L-A campus have shared.
8 Things that are happening there, and the reasons are is
9 that because these two campuses are in large urban centers
10 where they're in close proximity to students who are
11 qualified to attend do attend those areas. They don't
12 attend other campuses because they are far away from home.
13 They are far away financially. It's a big burden on the
14 family. And so, increasing those areas is a concern to us,
15 but I'm not --

16 DR. ERLER: No, I understand that --

17 MR. RODRIGUEZ: -- the campus is --

18 DR. ERLER: That may be legitimate, but the testimony
19 earlier was about U-C Berkeley. I wanted to correct the
20 record on that score at least.

21 MR. GAMBOA: Well, the figures I gave was University
22 system-wide, and I have the numbers here as of November,
23 1988. There were 119,523 total undergraduate students. Of
24 those, there 11,678 Hispanic which comes out to 10.1.
25 Those are the figures I was working with.

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1 DR. ERLER: Well, I'm only correcting because you said
2 nothing had changed at Berkeley since your days there and
3 your statement seemed to imply that this was the Berkeley
4 statistics.

5 CHAIRPERSON HESSE: Mr. Sillas.

6 MR. SILLAS: I want to go back to Susan Brown's
7 comment pertaining to the graduates of P-H-D's from the
8 University and you gave a very startling statistic --
9 300-and-some graduates from the University's P-H-D's?

10 MS. BROWN: The figures that Dr. Cota-Robles gave to
11 the Regents were the number of Latinos and blacks who
12 received P-H-D's between 1980 and '85 from the University
13 were respectively 222 blacks and 322 Hispanics. Of those,
14 the University hired four blacks and two Hispanics.

15 MR. SILLAS: Do you know whether or not -- well, let
16 me ask this: Do you know how many new professors or
17 positions were open during that period of time?

18 MS. BROWN: Dr. Cota-Robles did include that in his
19 study. I unfortunately did not bring that with me, but I
20 can provide that to the Commission --

21 MR. SILLAS: Can you tell this Committee --

22 MS. BROWN: Or the University can, for that matter.
23 It's a public document.

24 MR. SILLAS: Can you tell me or tell this Committee
25 how many applicants there were from the minority graduates

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1 for those positions?

2 MS. BROWN: I cannot tell you that. Perhaps Dr. Cota-
3 Robles could, but I cannot.

4 MR. SILLAS: You don't know whether that report
5 indicates that or not?

6 MS. BROWN: No, and I don't know if it discloses the
7 University's recruitment or attempts to recruit. I am not
8 sure of that.

9 MR. SILLAS: Can you comment at all pertaining to the
10 University's efforts to recruit minorities in the position
11 of faculty?

12 MS. BROWN: Well, I think those numbers are rather
13 eloquent. I think that if the University had made heroic
14 efforts, it certainly would have come up with more than
15 four and two people.

16 MR. SILLAS: Possibly, but if there weren't
17 applications, et cetera, it's a big leap and we're trying
18 to pin down the statistics; and the reason that I'm dealing
19 with is based on the testimony that was given earlier by
20 some students who indicated that, in their opinion, if
21 there were more minority faculty persons that the issue
22 we're dealing with, which is bigotry and violence on the
23 campus; might be lessened because of the role models, and
24 so I'm trying to focus in terms of from your perspective
25 whether or not you see any effort on the part of the

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1 University to recruit minorities into the faculties and to
2 what extent they're doing it or to what they're not doing
3 it, and what evidence or facts you can give us to support
4 your position.

5 MR. GAMBOA: Mr. Sillas, I can tell you that a Latino
6 report card was issued by the Chicano/Latino Consortium,
7 which is the employees of the University of California, the
8 staff and faculty of the University of California, and our
9 own group from the Hispanic Coalition, and in the area of
10 faculty and F-minus was given because in the last year,
11 when the first report card was issued, the percentage of
12 Hispanic faculty had actually decreased. I can't give you
13 the exact numbers. I can give that to you later, but you
14 may be interested to know it's at 3.1 percent now.

15 MR. SILLAS: One of the things that was asked or that
16 we have heard is that obtaining minority graduates to come
17 into the University is very difficult because of the pay,
18 that these people that graduate, minorities, are being
19 picked up by I-B-M, other major companies of the Fortune
20 500, and are going to positions that pay sometimes twice as
21 much as a professor can get at the beginning. Any validity
22 to that type of comment as it pertains to recruitment of
23 minorities?

24 MR. GAMBOA: I can give you an example of what we're
25 talking about in that just recently one Chicano faculty was

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1 denied tenure, fully qualified, would well represent the
2 University faculty. The name was Doyle Garcia in the
3 Department of Public Health was just denied tenure at the
4 University of California, Berkeley, even though he was well
5 supported by the community and by his peers.

6 MS. BROWN: In working with faculty members,
7 Hispanic/Latino/Chicano faculty members, as I have over the
8 years, the feedback that I consistently get is that they
9 feel as though they are outsiders within the system as
10 there were comments made earlier about how the few Hispanic
11 and black faculty members that there are are supposed to be
12 on every committee and to be all things for all people.
13 When I'm in Sacramento and the University has to testify,
14 you can bet that they have some of their people of color up
15 to testify. But at the same time, these people I don't
16 think are included within the camaraderie and the
17 brotherhood in the same way that white male faculty are,
18 and that's anecdotal but it's what I hear from everybody.

19 MR. SILLAS: Can you make available to this Committee
20 that report --

21 CHAIRPERSON HESSE: One minute left.

22 MR. SILLAS: Dr. --

23 MS. BROWN: Cota-Robles? Yes, I would be happy to.

24 MR. SILLAS: Thank you.

25 CHAIRPERSON HESSE: Okay. I have one last question

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1 since I'm the Chair, and then we'll have to end and bring
2 the Asian American's perspective. I think this is directed
3 towards Mr. Rodriguez. You talked about there being a lack
4 of a system-wide process to monitor racial grievances and I
5 assume you mean racial, sexual, ethnic, religious
6 grievances. Also, in response to Ms. Davis' question,
7 there seemed to be an indication that the Regents do not
8 monitor the number of incidents of violence or -- Who is
9 really held accountable for monitoring the number of
10 incidents of violence and prejudice in the University
11 system?

12 MR. RODRIGUEZ: I can't answer that question because I
13 don't know who is responsible at the system-wide level. In
14 my opinion, at each individual campus level, the Chancellor
15 is responsible. Again, I mention that there is no system-
16 wide person or office to deal with this. There may be a
17 place that they do collect the data. I do know when the
18 Senator asked for this report to be prepared, which I will
19 make available to this Committee --

20 CHAIRPERSON HESSE: Would you, please?

21 MR. RODRIGUEZ: Yes, it took them quite a bit of time
22 and they called each and every campus to find out and
23 collect the information. They had not had it available.
24 As to my tenure on the Board, I have not yet seen or heard
25 of any reports of this nature being brought to our

1 attention or a report on what's going on on the campus. We
2 read about it in the paper.

3 CHAIRPERSON HESSE: When the Regents meet and the
4 President, or either the President meets with the
5 Chancellors, and they discuss the accomplishments the
6 University system has made, are there any accomplishments
7 reported on affirmative action or reduction in the
8 incidence of violence or bigotry? Or is that not
9 measurable?

10 MR. RODRIGUEZ: In terms of affirmative action, yes,
11 they do boast that they have increased. In terms of the
12 racial incidences of bigotry, whether they've increased or
13 decreased, since they have no one place that can collect
14 this data, they don't mention that.

15 CHAIRPERSON HESSE: Okay. I would ask all the
16 panelists, Ms. Brown, Mr. Gamboa, and Mr. Rodriguez, to
17 submit any factual information in addition to the reports
18 and other information that you indicated you would give us
19 to our Committee through Mr. Montez or Mr. Dulles; and I
20 want to thank you very much. Can we hear from the Asian
21 American perspective, please?

22 THE REPORTER: One moment, please.

23 (Thereupon, a short break was
24 taken off the record to
25 change the tape.)

End P7

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1 THE REPORTER: Back on the record.

2 CHAIRPERSON HESSE: Our agenda shows that we have
3 representatives Ms. Melanie Hahn, Professor Ling-Chi Wang,
4 and Cecillia Wong.

5
6 Whereupon,

7 MELANIE HAHN

8 LING-CHI WANG

9 CECILLIA WONG

10 were called as witnesses herein and testified as follows:

11
12 CHAIRPERSON HESSE: For the record, when you begin
13 speaking, -would you identify yourself and the organization
14 that you represent?

15 MS. HAHN: My name is Melanie Hahn. I am a writing
16 specialist at the University of California, Berkeley. My
17 professional academic experience limits me today to a
18 discussion of racism as it affects one student
19 constituency, ethno-linguistic minorities, the majority of
20 whom at U-C Berkeley are recently arrived Asian American
21 refugee and immigrant students. Non-native English
22 speaking students, unless they fall into protected
23 categories for admission, under-represented minorities at
24 Berkeley, the Hispanics, Chicanos, Latinos, African
25 Americans, or Native American are not given special

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1 consideration for extenuating circumstances that might
2 affect their admissibility. Immigrant and refugee students
3 who are ethnically Asian American are grouped together with
4 other Asian Americans for admissions and ethnic breakdowns.
5 The linguistic needs of Asian immigrant refugee students
6 goes unrecognized and no special allowances are given to
7 these students, even given their obvious English language
8 handicap. This fact is a bit ironic and the irony will
9 become clearer as my discussion unfolds.

10 The irony begins with admissions. In the past, in
11 evaluating admission packets, if a student were lucky, a
12 sensitive admission counsellor may exercise leniency in
13 weighing the linguistic and cultural adjustments immigrant
14 and refugee students encounter when making judgments about
15 admissions. Presently, there is no formal category for
16 linguistic minorities for admissions. In fact, the
17 University makes no formal distinction between a second-
18 language Asian American and a native English speaking third
19 generation Asian American like myself. Immigrant and
20 refugee students are not protected as other ethnic minority
21 students.

22 The recent controversy surrounding Asian admissions
23 stems largely from the educational needs of non-native
24 English speaking students. Findings of the latest report
25 of the special committee of Asian American admissions of

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1 the Berkeley division of the academic senate, otherwise
2 known as the Shack Report, documents a switch that occurred
3 in 1983 in which changed U-C admission policies eliminated
4 E-O-P status from protection for admission. The intent of
5 the E-O-P program was to provide class-based protection
6 regardless of race. The findings of the Shack Report
7 indicate that the decision that E-O-P students should not
8 be protected for admissions was based upon "evidence that
9 E-O-P applicants, once admitted, were having English
10 language difficulties that imposed substantial cost on the
11 campus." Thus, the University, by its own admission,
12 eliminated E-O-P because many of the E-O-P students were
13 English as a second language, or E-S-O, students. During
14 the same time, a report allegedly complained about "too
15 many Asians" on campus and interviews uncovered a
16 prevailing perception at that time that "some people were
17 deliberately searching for a way to exclude Asian immigrant
18 applicants." It is no accident that the students who are
19 clearly disadvantaged were the Asian American immigrant and
20 refugee students. Under-represented applicants are
21 affirmative action protected.

22 Like other regularly admissible students, regularly
23 admissible second language immigrant students matriculate
24 at Berkeley having performed academically in the top 12
25 percent of their graduating high school class. These

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1 students have been in this country ranging from two to 12
2 years, intend to stay in this country, raise families,
3 establish themselves professionally, and contribute as any
4 other taxpaying citizen of this society. Most importantly,
5 like the native English speaking counterparts, they have
6 demonstrated their potential for further academic success
7 at Berkeley, evidenced by their acceptance for admission.

8 In preparation for this brief talk, I was asked to
9 offer information regarding the possible causes as well as
10 describe the extent of insensitivity, be it intentional or
11 unintentional, or where systematic if not outright
12 willfully discriminatory. To illustrate how racial and
13 ethnic bias are manifested in one particular institute of
14 higher learning with one particular student population,
15 I've chosen examples that stem from the debate regarding
16 those demonstrating English language proficiency.
17 Specifically, the proficiency debate refers to the express
18 concern, if not resistance, on the part of the University
19 in graduating students who do not demonstrate an acceptable
20 fluent command of the English language. Students for whom
21 English is a second language bear a different, if not a
22 heavier academic burden than their native English speaking
23 counterparts. Not only must they demonstrate their
24 academic ability, but they must also demonstrate a facility
25 with the English language without which, it is our view,

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1 students will be unable to benefit from the education that
2 is before them.

3 Let me provide you with a concrete example of the
4 evolution of the English proficiency debate. All students
5 who are admitted to the U-C system and who score below 600
6 on the English achievement tests of the college board test
7 must take the Subject A diagnostic exam, an essay exam used
8 to determine whether or not a student's writing skills are
9 adequate for university-level writing. Students may pass
10 out of the Subject A requirement, be held for the Subject A
11 requirement, or if they are non-native speakers of English
12 can satisfy the Subject A requirement in the Subject A for
13 non-native speakers of English, or Sans-A program, on the
14 Berkeley campus. It is a sub-program under the regular
15 Subject A program. The diagnostic examination is issued
16 twice a year, once in May, which about 50 percent of all
17 students held for the exam take, and again in August, which
18 the remaining 50 percent of the students held for the
19 examination take. In May, the placement procedure involves
20 anonymous readings of student essay exams. The essays of
21 students who are thought to have E-S-O type writing
22 problems are submitted to a set of readers with expertise
23 in English language instruction for non-native speakers.

24 Although Subject A is a system-wide university
25 requirement with standardized procedures for placement,

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1 when it comes to evaluating non-native English speaking
2 students, Berkeley employs its own placement procedure. It
3 was recently revealed that during the August exam that
4 placement procedures differ employed at the State level.
5 At Berkeley, the essays of students who have resided in
6 this country for fewer than five years, non-linguistic
7 evidence, sight unseen, are referred to the Sans A program
8 before they are evaluated. In so doing, an a-priori
9 distinction is made based on non-linguistic evidence which
10 constitutes a placement procedure that discriminates
11 against students who take the August exam. One must also
12 remember that for a small program such as the Sans A
13 program, the more students, the better, as their presence
14 legitimizes its existence. Students who are held for the
15 Sans A program will subsequently be placed in either of two
16 pre-Subject A levels or one Subject A equivalent course.
17 Students have two semesters to complete a single level,
18 which for some students means taking up to six semesters of
19 language instruction to satisfy the basic University
20 writing requirement. It is possible -- and worse, not
21 uncommon -- for students held for the Sans A program to
22 begin to satisfy their freshman composition requirement in
23 the beginning of their junior year. In short, the program
24 is too long.

25 The key question is, are students benefitting from the

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1 language instruction offered in this program?

2 Unfortunately, my experience, the oral and written
3 testimonies of tutors and students who attest the
4 problematic nature of Sans-A instruction, and the
5 assessment of Sans A course descriptions and instructional
6 rationales by experts in the field of second language
7 teaching claim that this program, designed ostensibly to
8 ameliorate linguistic disparities for non-native English
9 speaking students on the one hand have not been able to
10 reveal or substantiate its instructional effectiveness over
11 the last decade; and worse, has been perceived by students,
12 post Sans-A course instructors, writing tutors and experts
13 as unhelpful, punitive and worse, stigmatizing. Given the
14 potential negative effects such language programs inflict
15 upon its students, it can easily be argued that such
16 programs have the theoretic potential for negatively
17 affecting a student's overall academic performance, and
18 logically, a student's professional career.

19 There exists a hierarchy of degrees of sensitivity
20 -- or rather, insensitivity. To begin, a single individual
21 has coordinated this program for some 22 years,
22 unprecedented in any university setting in which faculty
23 chairs are required to rotate anywhere from two to five
24 years. During that 22-year period, a grand total of three
25 minority instructors have taught students who at the

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1 programs inception were mostly foreign students, and in the
2 last 10 to 15 years, immigrant and refugee students, most
3 of whom are both ethnic and linguistic minorities. The
4 teaching positions are part-time positions, and the less
5 than full-time status offers instructors little, if any,
6 job security affecting teacher morale profoundly. Over the
7 last decade, although most students have obviously been
8 ethno-linguistic minorities, this demographic reality was
9 not reflected in the faculty. Failure year after year to
10 abide by or comply with the University's affirmative action
11 hiring formulas clearly stands as testimony to the
12 perceived insensitivity on the part of this program's
13 administration.

14 However, most troubling are the criticisms and
15 complaints lodged by students, many of which are documented
16 in campus committee reports, which I will provide you,
17 currently available or soon to be made public, while others
18 are on file in Dean Billingly's (ph) office, the Dean of
19 Student Life. Students criticize the instructional aspects
20 of the program citing ethnically insensitive and culturally
21 biased reading material, essay topics, exam questions, to
22 name a few. Some felt that certain instructors had made
23 racially slanderous comments, comments that were
24 condescending, and other blatantly humiliating comments
25 made just of a student's lack of language control or how

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1 the student's linguistic and cultural background is
2 responsible for their poor written performance.

3 The numbers of ethno-linguistic students becomes
4 particularly significant in this discussion. Over 80
5 percent of the students in the Sans A program are Asian
6 American, and the alleged discriminatory practices in the
7 Sans A program profoundly affect one ethnic student body
8 rendering those Sans A students victims of ethnic
9 discrimination; and discrimination on the basis of
10 ethnicity is, by definition, illegal. Add to these other
11 programmatic infractions that contribute to the hierarchy
12 which are not only students, but experts in the field of
13 second language acquisition find very troubling. First is
14 the inability to comprehend the distinctions between the
15 various levels of the program for which no pedagogical
16 rationale has ever been offered. Once placed, students
17 study in a learning environment in which a failing grade is
18 thought to be a motivator complemented by instructors who
19 are encouraged to give D's and F's in the early part of the
20 semester resulting in predictably high fail rates in which
21 grammar is graded heavily when the courses are considered
22 composition courses, and one in which students are locked
23 into a tracking system which disallows incentives for
24 skipping levels by failing to reward hard-working high-
25 performing students for their exemplary performance.

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1 Contrast this instructional response to the general
2 academic performance of the students typically enrolled in
3 this program. Most usually enter the hard science or
4 technical fields whose potential contributions to
5 scientific and technological development are actively being
6 thwarted by archaic programs such as these. Recent
7 educational research findings in second language learning
8 quoted in a report describing U-C system-wide E-S-O
9 students noted that "academic parity precedes language
10 parity." In other words, identified weaknesses in English
11 language proficiency for non-native speakers system-wide
12 did not interfere with their academic performance.

13 This is not to suggest that E-S-O programs be
14 abolished. On the contrary, many of the over 2,000
15 undergraduate immigrant refugee students at Berkeley could
16 very well benefit from an exemplary language instruction,
17 not to mention foreign T-A's. The research finding does,
18 however, tell us that the English language proficiency
19 skills of students who are no doubt advanced language
20 learners has had an insignificant negative effect. Let us
21 review how immigrant and refugee students, and particularly
22 those of Asian ancestry, have been treated on this campus.
23 First, Asian American immigrant and refugee students have
24 been identified as the targeted victims of decisions that
25 dramatically affected their opportunity for admission.

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1 Second, once accepted, many were placed in a language
2 program that is pedagogically questionable and unsound.
3 Third, only to emerge after years of studying and learning
4 at an institute of higher learning to be couched in an
5 articulated concern by the University, expected to
6 demonstrate command over the English language before the
7 University feels confident in graduating them. How ironic.
8 The language differences and linguistic needs, until
9 recently, were insignificant in determining the eligibility
10 of Asian American immigrant refugee students for
11 admissions. Yet, once accepted, little attention, until
12 recently, had been paid to the quality of instruction for
13 these students, which is, after all, the foremost
14 obligation of any educational institution.

15 The real question at this point is, does U-C-B offer
16 the best language education program it can? Or is this
17 program the best program that the University of California
18 at Berkeley can offer? High fail rates, years of language
19 courses, and the repeated similar nature of student
20 complaints calls into question not the students' ability
21 but the program's treatment of immigrant students and as we
22 know, as in most cases, it is the students who bear the
23 burden of institutionalized bias. It seems safe to say
24 here as well that it is no accident that the English
25 language proficiency debate is merely another pretext to

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1 mask bigotry and prejudice, if not racism, aimed at one
2 particular student community, the Asian American immigrant
3 and refugee student.

4 MS. WONG: Hi. My name is Cecillia Wong. I am a
5 Senator of the Associated Students of the University of
6 California. I am also a member of the Student Coalition
7 for Fair Admissions, a founding member of the Forum on
8 Asian Issues and Representation, and I'd like to mention to
9 the Committee that I've noticed in the past few panelists
10 that you've mentioned the Racial Grievance Board. I'm a
11 member of that body and I'd welcome any questions about it
12 during the question period. In preparing my presentation
13 for you today I decided to gather anecdotal testimony on
14 the general climate at Cal rather than drawing from the
15 large pool of statistical and factual evidence about
16 racism. I'll just begin now.

17 As an Asian American raised in a white middle class
18 suburb, I came to the University of California at Berkeley
19 well accustomed to prejudice and racial harassment.
20 Knowing Berkeley's reputation for liberal tolerance and
21 progressive attitudes, I looked forward to my years at
22 Berkeley as a respite from the cruel wave of anti-Asian
23 feeling and activity which is so prevalent today. It was
24 only a matter of weeks, however, before I realized my hopes
25 and expectations would be sadly disappointed. In my one

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1 year on the Berkeley campus, I have been both the observer
2 and victim of a wide range of racially motivated incidents.
3 One day while walking to class near Eastgate, four young
4 whites rolled down the windows of their car and yelled,
5 "Gook," at me. At first, I was confused as I looked around
6 me. When I realized that I was the target of their racial
7 epithet, I stopped dead in the middle of the street,
8 staring after the car as two passengers in the backseat
9 turned to leer through the window. Their laughter echoing
10 in my ears, I tried to keep back a bitter flood of tears.
11 Furious, shocked, hurt, I ran to my mother who has worked
12 on campus for 15 years. Seeing my stricken expression, she
13 asked me what had happened. In recounting the story, my
14 fury mounted. With all my hours of work on issues
15 concerning people of color, trying to increase sensitivity
16 and awareness among my peers, I was completely frustrated
17 in my own personal inability to shield myself and other
18 Asian students from racism on our own campus. My mother's
19 response infuriated me even further. "Just forget it," she
20 told me with a nervous laugh, glancing at her co-worker.
21 "It happens all the time. Just learn to ignore it."
22 Forget it? No way, I vowed.

23 I haven't forgotten that incident because of its
24 blatant racist nature, yet I also found that racism was not
25 limited to verbal attacks from passing strangers.

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1 Shockingly, my experiences led me to the discovery that
2 even University staff, supposedly given training in
3 diversity, are often the perpetrators of racially
4 insensitive acts. One such experience caused a minor
5 uproar which made it to the pages of the Daily Californian,
6 a campus newspaper. The incident occurred in the dining
7 commons at the dormitory in which I lived last year.
8 Periodically throughout the school year, the dining hall
9 staff prepares a special theme night to give residents a
10 welcome break from the monotony of dorm food. One night
11 last Spring, the dinner theme was Mardi Gras. As I walked
12 by the salad bar, I noticed two paper decorations propped
13 up on the counter. Each depicted a straw-hatted African
14 American man driving a mule cart carrying a well-dressed
15 white couple. I felt uneasy with the implied racist
16 message about African Americans and immediately asked the
17 Assistant Manager of the dining commons to remove the
18 decorations. Instead of complying with, or even discussing
19 my polite request, she indignantly told me to leave the
20 decoration alone. I watched as she hurried over to the
21 Manager and held a whispered conversation. I then
22 approached the part-time student manager who asked me if
23 I'd complained about the decoration. When I answered in
24 the affirmative, he told me that at least two other
25 students had express similar concern about the paper

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1 decorations. He admitted that he felt they were racist and
2 had been uneasy when they were displayed. The manager who
3 first ignored our concerns by refusing to remove the
4 decorations then dismissed our polite comments in a
5 sarcastic and flippant manner.

6 The Cal's treatment of genuine student concerns
7 galvanized me into action. A call to the Daily Cal and a
8 formal letter to the Housing Office resulted in written and
9 verbal apologies from the management, but even that
10 positive resolution was tainted by harassment I faced at
11 the hands of resident assistants who tried to discourage me
12 from "mistreating the dining hall staff." Other residents
13 also expressed support for the manager's refusal to be
14 sensitive to people of color saying such things as, "Yeah,
15 I love the way the manager answered those stupid comments.
16 Go get 'em." These reactions convinced me that I was
17 correct in my assessment that my actions in publicizing the
18 incident were needed to bring to light the pernicious
19 stereotypes which are so deep-rooted that they are
20 considered historical fact instead of racism.

21 That experience shattered my trust in the residence
22 hall system. My resident assistant, who was given training
23 in issues of diversity, was not only unable to comprehend
24 the viewpoint of a person of color towards stereotypes, but
25 went so far as to verbally accost me in a threatening

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1 manner to discourage my viewpoint. Other students later
2 told me of specific incidents where resident assistants had
3 verbally abused their residents because of their race or
4 physical disability. While the insensitivity of residence
5 hall staff is disturbing in that the victims are new
6 students and lower classmen, University staff and even
7 higher administrative circles are guilty of the same racist
8 bias. The Asian admissions issue has brought embarrassment
9 to the Berkeley administration after a six-year long battle
10 and cover-up with Asian American community and students.
11 The State Senate's special committee on university
12 admissions, headed by Senator Art Torres, publicly
13 reprimanded the Chancellor and top-level administrators for
14 racist exclusionary admissions policies. The unveiled
15 facts were hard evidence that to many people on our campus,
16 Asian Americans are seen as a threat and foreign minority
17 which deserves no access to the public institution of the
18 University of California.

19 The highly publicized admissions fiasco shattered the
20 trust of the Asian American community and helped to prod
21 the Chancellor into establishing a special committee on
22 Asians on the Berkeley campus. The report of this
23 committee reiterated the feeling of most Asian Americans on
24 this campus. While we have made dramatic inroads in the
25 past few decades, we are still made to feel that we are

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1 guests of this institution. We are subjected to a wide
2 range of abuses, from outright physical violence to verbal
3 attacks to institutional discrimination to subtle
4 stereotyping and insensitivity. One such subtle stereotype
5 addressed by the report of the Koyama-Lee Committee was the
6 pervasive model minority myth, a "positive stereotype which
7 harms the Asian American community as much as older images
8 of the inscrutable celestial." Since many Asians have made
9 inordinate sacrifices just to keep up to par in society, we
10 are categorically classified as the minority that made it.
11 This insidious stereotype is dangerous and unshakable in
12 its wide acceptance. Non-Asian and Asian students alike
13 buy into this image, perceiving classrooms filled with
14 Asian faces as intimidating and intrusive on some unspoken,
15 unseen academic and social turf. Many Asian American
16 students retreat into an all-Asian clique to get the
17 support that is so hard to find on our campus. Others,
18 many of them suburban second and third generation Asian
19 Americans like myself, reject their ethnicity, caustically
20 criticizing their fellow Asians with limited English in a
21 desperate bid for acceptance by the white majority.

22 Often, Asian Americans like myself are taunted for
23 being overly sensitive by other students, including fellow
24 Asians. But the ever increasing tide of anecdotal evidence
25 convinces me that I am right in my assessment. Many people

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1 on campus claiming that physical abuse of people of color
2 has ended say that racism does not exist. Yet the reality
3 is that physical violence is often replaced today by a more
4 covert psychological abuse. This manifestation of racism
5 undermines the integrity of campus society, eroding the
6 self-respect of its victims and protecting its perpetrators
7 under a false cover of tolerance.

8 Recently, A-S-U-C student advocate Bonaparte Lee
9 related a story told to him by a Cal-So (ph) counsellor.
10 At a recent orientation weekend for new first-year
11 students, an African American student was given a grim
12 welcome to the University of California at Berkeley. In
13 his presence, several white participants in the program
14 began a discussion of affirmative action admissions
15 policies which degenerated into a racist criticism of a
16 system which the white students believe let in undeserving
17 people, namely African Americans and Latinos. The black
18 student, shaken by the verbal attacks he suffered, told his
19 counsellor that he did not want to continue with the
20 orientation program. In fact, he did not want to Cal at
21 all. Sadly, I would have to tell that prospective student
22 and countless other young people of color that those are
23 the facts of everyday life at Cal. Racism underscores
24 reality on campus, permeating every aspect of student life
25 from the classroom to the dorm to the highest

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1 administrative echelons." While various student groups and
2 programs like DARE -- Diversity and Race Education -- have
3 made progress in the constant battle against racism, the
4 fact is that in many minds the doors are closed to equal
5 access and acceptance. As one of the directors of DARE
6 told me, you can put on a workshop on diversity but those
7 who attend usually don't need it. Fundamentally, racism
8 stems from fear on the part of the established majority.
9 It manifests itself in a wide range of guises, from the
10 insidious subtlety of the model minority myth to blatant
11 harassment people of color face everyday on bathroom walls,
12 in classroom discussions, and out of the mouths of their
13 peers, teachers, and administrators. Without a new
14 direction in attitudes toward diversity, there can be no
15 equal access and there can be no valid educational
16 experience. The traditional college images of hallowed
17 academia, the school colors and team spirit, are outmoded
18 when certain groups are denied membership because of their
19 race, ethnicity, sex, physical disability, or sexual
20 preference.

21 In order to bring the University up to present reality
22 of a multi-cultural, multi-talented student body, a new
23 focus must be developed. Only the concerted commitment of
24 resources and energies on the part of students, staff,
25 faculty and community can make the campus what it truly

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1 should be, a backdrop for the fulfillment of dreams and the
2 expansion of possibilities. Closed minds and closed-door
3 policies have no place in such a setting. Thank you.

4 DR. WANG: Madame Chair, my name Ling-Chi Wang. I
5 teach Asian American studies at University of California,
6 Berkeley. I'm delighted to see two people on the panel
7 that I have met nearly 20 years ago -- I hate to admit it
8 -- but nearly 20 years, Mr. Sillas and Mr. Montez. I think
9 the two gentlemen were very much instrumental in bringing
10 to this particular advisory committee the Asian American
11 perspectives. Up until then, they had been largely ignored
12 and so I'm delighted to see the two gentlemen survive both
13 the Republican and Democratic administrations all these
14 years, and still carrying out the fight. You know, I
15 assumed that when I was asked to speak before this
16 Committee that I was, because of my interest and my own
17 personal involvements since 1981/82 on the question of
18 Asian American admissions into the University of California
19 system, and more particularly, into the University of
20 California on the Berkeley campus. I have actually
21 written, you know, a very, very long detailed account on
22 how this whole incident began and the process we went
23 through, and it was not really until sometime this year,
24 earlier this year, that we finally, you know, reached some
25 kind of a tentative agreement and settlement with the

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1 University and I'll be glad to actually furnish a copy of
2 that paper to this Committee. What I would like to do is,
3 I know it's been a long day and I'm going to just say a few
4 words about what I think, you know, is the main problem
5 with regard to the Asian American admissions issue and let
6 the details be filled in by the report that I will send to
7 you separately.

8 But I think, you know, at the heart of what we're
9 talking about here is the problem that, you know, the race
10 relations in the United States in general, and I think race
11 relations in California in particular, has entered a new
12 era and an era that I will characterize it as an era of
13 transition. We have moved from a period in which race
14 relations and political discourse on race relations was
15 defined exclusively by a relatively simple paradigm of
16 majority/minority relations to a new period of changing
17 race relations and most importantly, of shifting power
18 relations among races and classes in California. We do not
19 know how long this transitional period will last, what
20 exactly the consequences of the changing race relations
21 are, and what kind of race relations, social institutions,
22 and political realignments will eventually emerge to take
23 the place of the old majority/minority relations or
24 paradigm.

25 The transition period is characterized on one hand by

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1 heightened racial conflict between white and racial
2 minorities, and on the other hand by growing conflict among
3 non-white races and within each racial group as a result of
4 shifting political and economic power, and intense struggle
5 for political power and distribution of resources. And I
6 want to use this as a setting to discuss the admissions
7 issue at U-C Berkeley in particular because what we're
8 really talking about is a lot of, you know, shifting
9 political relations and race relations that's happening
10 here in California as a result of these rapid changes. I
11 remember one of your former colleagues who was also on the
12 Committee, then Lt. Governor Dymally, and that was one of
13 the early persons, I think, in California politics to talk
14 about the demographic trends. I think at the time when he
15 spoke about it through this Committee and also as Lt.
16 Governor, he was like a voice in the wilderness. You know,
17 he was telling Californians that, hey, by the end of the
18 century the minorities are going to become majority in
19 California. By that time, by and large, most people pay no
20 attention to it. But we're now actually approaching that
21 reality and as a result, as I said here, there is on one
22 hand this heightened racial conflict between the dominant
23 whites, of course, which is resisting the change, and so
24 the whole conflict between white and racial minorities on
25 the one hand, and on the other hand this growing conflict

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1 among non-whites -- and I certainly hope that this
2 Committee one of these days will also take up this issue
3 -- the conflicts among the non-white racial groups, and
4 within each racial group, you know, as a result of these
5 shifting changes in political alignments and economic
6 power.

7 Now, the question of Asian American admissions
8 actually, as I said, began in the academic year 1981/82.
9 At the time, I was the Chairman of the Department of Ethnic
10 Studies, and I remember attending several meeting because
11 at that time the University was considering changing from
12 the quarter system to a semester system; and so, attending
13 a lot of the University meetings, both in the
14 administration, the faculty senate, and among the staff of
15 how to make this transition. During the course of these
16 meetings I began to hear comments from faculty, from staff,
17 and administrators that we have too many Asians on this
18 campus, that, you know, many of them really should not have
19 been allowed to be admitted into this campus to begin with
20 because of the problem that Melanie Hahn addressed earlier,
21 or those that are in the University are using up a lot of
22 resources at the expense of other racial minority groups.
23 You know, this kind of a, you know, racial, you know,
24 overtone type of a statement was circulated all over the
25 campus and, in fact, by around 1983 I became very concerned

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1 about what possible implications this kind of an emerging
2 anti-Asian sentiment on campus would have on the admissions
3 policy, and, in fact, in '83 I took the trouble of
4 talking -- expressing my concerns to top administrators on
5 the Berkeley campus and all of them assured me that they
6 will have no effect whatsoever on the admissions of Asian
7 Americans. But what happened, of course, in 1983/84
8 academic year, was that the result for the freshman class,
9 '84, came out, I was shocked that the Asian American
10 freshman enrollment had dropped within one year by 21
11 percent overall, and the group that was most affected by
12 the decline was the Chinese Americans with a drop of about
13 30 percent in one year. And I began to question the
14 administration about what happened and, of course, you
15 know, and since then there have been several reports
16 -- several campus reports, some prepared by the
17 administration, some prepared by the faculty, some reports
18 were prepared by the community, and some reports prepared
19 by the California both State Assembly Committee on Higher
20 Education and also by the State Senate; and then, of
21 course, we also have a report requested by Senator
22 Robertti, the Auditor General's report. You know, there
23 has been no university has been subjected to more reports
24 and more studies on this Asian American admission, you
25 know, on admissions than the Asian American admissions

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1 issue. So, you know, if the Committee is interested -- and
2 there is really tons of reports to read -- and the
3 interesting thing is that after around, I counted around
4 eight or nine such reports that have surfaced in the last
5 five years, one thing that you'll find out from reading
6 these reports, you know, as each report is released, you
7 will find that university made, you know, concessions --
8 admissions to certain things that had gone wrong. And of
9 course, now we know fairly much, I hope, all the full
10 story, although the last thing that came out was earlier
11 this year when the faculty senate came out with a report
12 that we found out that in the first tier of the admission,
13 which I had assumed all along in the last five years that
14 there's no possibility of racial discrimination against
15 Asians because they, you know, students are admitted
16 virtually by a computer. You know, they look at your
17 G-P-A, they look at your, you know, S-A-T test scores, and
18 they look at your achievement test scores, and on that
19 basis you are ranked and then, you know, they have a cut-
20 off point where you're automatically admitted. Well, I was
21 really shocked that in 1984, the freshman class for the
22 first year, Asian Americans were actually discriminated
23 because up until that year, the University admitted the
24 first-year students strictly either by high G-P-A,
25 competitively high G-P-A, or by very high test scores; and

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1 I found out that unbeknownst to all of us and after all
2 these years of my personal investigation into this whole
3 area, this time I found out just a few months ago that in
4 1984 in the College of Letters and Science, the University
5 administration actually made a decision to arbitrarily
6 raise the G-P-A requirement for automatic admission in the
7 first tier from 3.7 to 3.9, but without comparable raise in
8 the standardized test score requirements. What that meant,
9 of course, if you'd study the Auditor General's report, you
10 will find out that generally between Asians and white
11 applicants, and this is the tier that almost all of Asians
12 and whites are admitted, Asians tend to do well, better
13 than white, in the G-P-A and not as well in the
14 standardized test scores; and as a result of that, quite a
15 significant number of Asian American applicants, in fact,
16 were knocked off from the first tier, in a tier that is
17 supposed to be completely racially blind, mutual criteria,
18 scientific, you know, criteria.

19 Now, the point that I'm trying to make here is that
20 the, you know, there is no question in my mind, now, after
21 all these reports and investigations, and the Chancellor
22 did apologize twice to the Asian American community, one
23 time on his failure to take the Asian American concern
24 seriously, but it was, you know, a policy based upon, you
25 know, procedural lack of concern from the issues first

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1 raised. The second time, which he did this time earlier
2 this year, he finally admitted that, you know, some of the
3 policy changes initiated back in 1983/84, in fact, did have
4 an adverse impact and, in fact, he -- well, while he did
5 not admit intentional racial bias, he was willing to
6 concede about possible, you know, unconscious bias against
7 Asian Americans. But I think the data is fairly clear at
8 this moment that the University did initiate a series of
9 admission policy changes unbeknownst to the general public
10 and certainly not to the Asian American applicants and
11 probably of questionable legality back then, which
12 precipitated that significant drop of 21 percent of overall
13 for Asian American freshmen in one year and, in particular,
14 a 30 percent drop of Chinese Americans. Now, it's
15 interesting --

16 CHAIRPERSON HESSE: Professor Wang --

17 DR. WANG: Yes.

18 CHAIRPERSON HESSE: Can you sum up the rest of your
19 remarks so we'll have time for questions?

20 DR. WANG: Sure.

21 CHAIRPERSON HESSE: Thank you.

22 DR. WANG: Okay. What I wanted to say here is that,
23 you know, often times, you know, when we talk about
24 meritocracy, how a university is committed to academic
25 excellence, when you have a racial minority group, in this

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1 case Asian Americans, who are able to compete successfully,
2 in fact, even better than white applicants, suddenly you
3 have the traditional institutions resorted to unfair
4 tactics all for what? To preserve the privilege of, you
5 know, and the control that the white have of these
6 institutions. Somehow it's unthinkable that Asian
7 Americans could actually dominate the admissions process,
8 at least in competition with whites, and as a result, I
9 think the institutions try to respond to its, you know, its
10 privilege, protection of its privilege and perpetuate of
11 privilege by undertaking policy changes that will allow
12 them to continue the maintenance of the, you know, of the
13 structural privilege under which they control. And I
14 think, you know, the issue would not have been an issue had
15 it not been because, I think, Asian Americans were not
16 treated as Americans. We were basically treated as
17 foreigners. That's why the issue, you know, to begin with,
18 surfaced, and I think this is the racist aspect of really
19 what happened in the University of California at Berkeley
20 in the last few years. Now, I'm glad to report that after
21 all these investigations, the University finally came out
22 and admitted that they had made mistakes and they had taken
23 the steps to correct those mistakes; and of course, I'm
24 hopeful that those corrections were done in good faith and
25 will have a more lasting impact on the future admissions

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1 policy of the University. Thank you.

2 CHAIRPERSON HESSE: Thank you. -Are there questions?

3 Dr. Erler.

4 DR. ERLER: Yes, Professor Wang, I've read your
5 article that was published in March in the East West News
6 and it was very critical of the Shack Report. You seem to
7 imply there that you believe that the decision in 1984,
8 which you've just described to us, was an act of
9 intentional discrimination. Do I read the article
10 correctly?

11 DR. WANG: There is no question in my mind that it was
12 done intentionally.

13 DR. ERLER: Yes, no, and I quite agree.

14 DR. WANG: They were singling out specific targets to
15 be excluded.

16 DR. ERLER: I quite agree, and in subsequent years I
17 notice that the percentage of Asian students has not
18 recovered its former level. Has there been continued
19 discrimination in the admission policies against Asian
20 students?

21 DR. WANG: I think the answer is yes, and the reason
22 is that, you know, there were certain, you know, beyond
23 1984, in 1985 the University introduced a whole series of
24 criteria, new criteria for admissions, and many of those
25 criteria we have pointed out repeatedly to the University,

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1 that they were discriminatory toward Asians and I don't
2 think, you know, I don't want to go into the details of
3 what those criterias are and how they affected the Asian,
4 but they -- well, to make a long story short, finally, this
5 year, just two months ago in the report by the Academic
6 Senate Committee on Admissions and Enrollment, they finally
7 dropped all those criteria that we've been protesting since
8 1985. So, I suspect that, you know, at least, you know,
9 well, you know, in the coming year, I think we will see a
10 fairer treatment of Asian American in terms of their
11 competitiveness with white applicants.

12 DR. ERLER: But you also mentioned in your statement
13 that you believe that the intentional discrimination was
14 undertaken in order to benefit white applicants. Did I
15 understand you correctly?

16 DR. WANG: Yes.

17 DR. ERLER: But at the same time, the percentage of
18 white applicants in the freshman class has been steadily
19 declining at a much more precipitous rate than the decline
20 in Asian students. Is there some contradiction in your
21 statement there? Or how do you explain that?

22 DR. WANG: No, not at all. In fact, I think that if
23 it weren't for those changes in admissions policy that
24 targeted Asian American applicant, I suspect that the white
25 applicant enrollment will have dropped even more.

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1 DR. ERLER: I see. Well, of course, now it's down to
2 37 percent, whereas in 1984, it was at 55 percent, but --

3 DR. WANG: Right. But it would have dropped even
4 more, that's what I'm suggesting.

5 DR. ERLER: Yes, no, I understand your statement
6 there. Does affirmative action, as undertaken by the
7 University, does that harm Asian students in admission
8 policies?

9 DR. WANG: No, I don't think so, and I think that the,
10 you know, even though the Asian American students do not
11 benefit by the whites from the affirmative action program,
12 Asian American students have benefitted from affirmative
13 action in the private Ivy League universities where they
14 have been kept out of the door just like the other racial
15 minority. But in terms of Berkeley, I think that the --
16 and in terms of the University of California, I think the,
17 you know, affirmative action program have not, you know,
18 hurt the Asian American and I think there's a common
19 misperception on the part of the general public, and
20 unfortunately also a lot of people on campus believe that
21 the major trouble of the Asian American issue is really
22 against the affirmative action program. Not at all. In
23 fact, throughout this whole conflict in the last six, seven
24 years, we have consistently supported the affirmative
25 action. We wanted the University to do a lot more because

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1 just because we, you know, and furthermore, we do not see,
2 for instance, a competition between Asian applicants and
3 the other minority applicants at all. The University, you
4 know, admissions are done by tiers, and the tiers do not
5 compete against each other. Asian Americans are admitted
6 now almost exclusively under the first tier, and there
7 the --

End P8 8 THE REPORTER: Excuse me one moment. Excuse me. I
9 have to change the tape.

10 (Thereupon, a short break was
11 taken off the record to
12 change the tape.)

Begin P9 13 THE REPORTER: Back on.

14 DR. WANG: There Asian Americans, you know, competed
15 with whites only and so I don't see how, you know, how the
16 existing policy would affect, you know, affirmative action.

17 DR. ERLER: I read this morning, when we had a group
18 of administration representatives here, a statement that
19 was made by Vice Chancellor Park in a letter to The New
20 York Times in which he said in order to achieve a better
21 educational balance, it was necessary to reduce the number
22 of both Asian and white freshmen. This was a statement
23 that the Vice Chancellor made. Has that been the case that
24 to achieve diversity in the student body in the sense of
25 which we know racial and ethnic diversity, his statement

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1 was, it is necessary to reduce the numbers of white and
2 Asian students. Has that been your perception? Or is
3 that --

4 DR. WANG: No, I don't agree with the way he, you
5 know, he stated the University's position. I think when
6 you look at the California's Master Plan --

7 DR. ERLER: But isn't that what happened in '84,
8 though, if it was an intentional discrimination? Why was
9 there an intentional discrimination against Asian students?
10 Was it in the name of diversity?

11 DR. WANG: To slow down the decline of whites, yes.
12 But I don't think it was the intention was to, for
13 instance, to knock off Asians to increase the other racial
14 minorities' enrollment. Not at all. In fact, it had no
15 impact whatsoever. I think the real problem is that, you
16 know, when you look at each year, the admissions data,
17 you'll find that, you know, I know that there are going to
18 be people in the administration that I think will disagree
19 with what I'm going to say, but if you look at the data
20 each year, you'll find that there are almost as many whites
21 offered admissions on a non-competitive basis -- in other
22 words, not on the first tier -- as there are blacks offered
23 admissions. That's why I said I meant -- what I meant in
24 the article that you talked about, it was really an
25 affirmative action program for whites. The decision to

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1 reduce Asian American enrollment through these changes in
2 admissions policy was, in fact, another way of looking at
3 it, was affirmative action for whites so that to slow down
4 the decline of white enrollment and at the same time to
5 slow down the increase in Asian American enrollment in the
6 first tier.

7 CHAIRPERSON HESSE: Ms. Davis.

8 MS. DAVIS: How do you explain -- what is your
9 explanation for the difference in impact on the refugee and
10 foreign Asian and the American-born Asian? Is there a
11 difference in the way they're affected by these policies?

12 DR. WANG: You know; all the data and all the reports
13 that have been published deal exclusively with domestic
14 students. They do not include foreign students. In fact,
15 the University of California at Berkeley's undergraduate
16 program admitted very, very few foreign students, and
17 invariably, they are counted separately. They are not
18 included in this physical analysis.

19 MS. DAVIS: So, how did --

20 DR. WANG: So, it would do, you know, so what we're
21 talking about American students of Asian descent... We're
22 not talking about foreign Asian students coming into the
23 University of California taking up slots. You know, very
24 very few people get admitted.

25 MS. DAVIS: So, how do you account for the report in

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1 terms of language that Ms. Hahn mentioned?

2 DR. WANG: Okay, I'm talking about people like myself.
3 I'm an immigrant, and many of us, you know, English is our
4 second language and this is one aspect of our application
5 that is most vulnerable, and the University knew that. You
6 know, you heard about the minimum S-A-T verbal standard
7 policy that was temporarily imposed and quickly withdrawn
8 in 1984 precisely because when they look at the S-A-T
9 verbal score and where the cut-off point was for Asians,
10 they knew what they were doing when they make that secret
11 decision. It was intentional to knock off some, you know,
12 large number of Asian American applicants because of their
13 language deficiency.

14 CHAIRPERSON HESSE: Mr. Sillas.

15 MR. SILLAS: I have a couple of questions, too. First
16 to Cecillia Wong, your description of the campus is that
17 there was a lot of racial incidents, comments, et cetera,
18 kind of an atmosphere of racism on the campus, which
19 obviously has impacted you significantly. My question is,
20 is that different on campus, is the atmosphere different on
21 campus as opposed to off campus? Are you experiencing the
22 same type of feeling off the campus that you have described
23 on campus?

24 MS. WONG: Not necessarily. There's a lot of anti-
25 Asian feeling everywhere, you know, in the past few years,

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1 campus, especially Berkeley, is that as a first-year
2 student coming onto the campus, I expected that, you know,
3 my peers at this university would be more sensitive to
4 these issues. I rather naively assumed that educated
5 people wouldn't be bigots, and I was wrong.

6 MR. SILLAS: All right, so that part of your
7 experience is that you did not anticipate any type of
8 racial incidents that would be occurring to you on
9 campus --

10 MS. WONG: Right.

11 MR. SILLAS: Merely because of the location.

12 MS. WONG: Not necessarily just the location, but also
13 in terms of where and who the bigotry came from. I did not
14 expect top-level university administrators, for example, to
15 be racist. In addition, on a university campus, the
16 character of the racial bias is different. As the African
17 American students stated, you know, we're made to feel by
18 other students that we are guests and when we see that the
19 University fails to take action, fails to protect us from
20 that type of attitude on the part of students and even, you
21 know, faculty and staff, that it's a really bad feeling to
22 be at a place where you've struggled, you know, to struggle
23 so hard to get to a place where you think your dreams will
24 come true and then, you know, as Kimberly Papillion said in
25 the African American perspectives, that you're sitting at

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1 the African American perspectives, that you're sitting at
2 the table and you're made to feel like you don't belong
3 there.

4 MR. SILLAS: All right. We heard earlier this morning
5 from administrators who indicated that they felt the campus
6 was in some ways a reflection of the society around them,
7 but that the campus in comparison was better as it
8 pertained to the racial atmosphere compared to outside.
9 Would you care to comment on that? Do you agree with that
10 statement? Or do you disagree with that statement?

11 MS. WONG: I disagree with that statement because at
12 the University, the ethnic makeup is very different from my
13 own personal experience. I come from a hugely white suburb
14 in the Bay Area, and when I got to the University I found
15 from my personal viewpoint that when you throw together
16 such a diverse mix that a lot of misunderstandings take
17 place because you've got people coming from different
18 backgrounds who don't understand each other, and the
19 University makes very little attempt to solve those
20 differences and to help students come to an understanding
21 and gain an education from that experience.

22 MR. SILLAS: Okay, thank you. I wanted to just go, if
23 I can, go back to Professor Ling-Chi Wang who it's always
24 good to see and glad to see he's continuing the battle.
25 But let me just have you comment on, I think, something

1 that we have to deal with as a Committee and probably as a
2 society and you kind of set the precedent there. There
3 appears, based upon what we heard this morning, that there
4 is a goal on the part of administrators and the University
5 to arrive at diversity on the campus, diversity being
6 defined as various people from different cultures and
7 ethnic backgrounds. You have described what can occur when
8 a group takes the measurements that are there and excels
9 with the measurements so that there is an increasing number
10 of persons then coming in under the established guidelines.
11 Do you think it's correct, if the goal is for diversity,
12 that administrators or a university should then begin to
13 create formulas so that it maintains diversity? Or should
14 it just deal with the process that allows people to come
15 in, and let's suppose that the University winds up with 80
16 percent Asian -- and I'm just giving you an extreme -- 80
17 percent Asian or 80 percent black or 80 percent any ethnic
18 group, and then decides that as it looks at the total
19 population of the State that that group that now represents
20 80 percent on the campus is only 15 percent of the total
21 population. I'd appreciate your comments in terms of
22 whether or not you believe the University has some sense of
23 responsibility to try to cause the population to reflect
24 -- its educational population to reflect the total State
25 population and what kind of -- and if your answer is yes,

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1 what kind of manipulation do you believe is proper for it
2 to do so? In 10 words or less.

3 DR. WANG: Yeah. Well, my answer is obviously yes. I
4 think that as a taxpayer-supported institution, the
5 University has the obligation to try to achieve some
6 diversity and balance on the particular campus. In fact,
7 if we should reach that point with 80 percent Asian -- and
8 I hope we will never reach that point -- it's really an
9 indictment on our whole educational system's failure. I
10 don't think we can afford to allow California to become a,
11 you know, a State that turns out nothing but failed
12 students and allowing one particular group -- in this case,
13 Asian American students -- to dominate a particular campus.
14 I think there are a lot of historical, cultural and other
15 factors that affected the performance of Asian American
16 students, one of which was normally people don't like to
17 talk about, and that is how our immigration policy actually
18 is skewed toward attracting the cream of Asian countries to
19 this country. You know, it's not that Asian Americans are
20 any brighter than other racial groups, including whites,
21 but because we manage through out immigration policies to
22 recruit and skim the best and the brightest from, you know,
23 from places, especially from China. I mean, we are going
24 to see, for instance, probably the best and the brightest
25 of 40,000 Chinese students that are attending our, you

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1 know, universities as a result of the crisis, political
2 crisis in China, and those are the people that eventually
3 will end up in our 1990 census, and they're going to say,
4 my God, you know, Asian American or Chinese American must
5 be really bright. So, I hope that that is not going to be
6 the case, that I think the University has that
7 obligation --

8 MR. SILLAS: All right, let me --

9 DR. WANG: To achieve that diversity on the campus for
10 educational reasons. Now, then --

11 MR. SILLAS: Then let me get to the next question --

12 DR. WANG: The second part of your question --

13 MR. SILLAS: How do you do it?

14 DR. WANG: Okay, the second part of your question is a
15 lot harder to deal with, but I think that the University's
16 recently adopted policy, and I'm talking about Berkeley
17 campus, not the other campus, I think will begin to at
18 least allow some fairness in the administration of the
19 admissions policies to take place because up until this
20 year, prior to the adoption of the new policies, the
21 University somehow, you know, have, you know, I mentioned
22 the first tier, and then there's the other tier which is
23 made up of so-called protected categories, but if you were
24 to take a look at the racial composition of those protected
25 categories, you will find that, for instance, you know,

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1 among those people who are protected are the disabled
2 people. You will find that the whites seem to have a
3 monopoly over disability, you know, or the whites seem to
4 have a monopoly over; what I would characterize as, you
5 know, there's a channel, you know, children of I
6 characterize it as children of V-I-P and wealthy alumni who
7 are also, you know, admitted at so-called administration
8 discretion, you know, admittees, seems to be dominated by,
9 you know, certain racial group. I think what the new
10 policy will address is that, for instance, under the
11 disabled people, I think the University will have to also
12 apply a, you know, some kind of a recruitment program to
13 make sure that other groups are as well represented. So, I
14 think that the, you know, I don't know how this is going to
15 work out yet. You know, we're going into that phase
16 beginning next year, and you know, I'm hopeful that it will
17 be a fairer kind of diversity and there are all together
18 nine different categories. I don't know if the
19 administration presented that new report or not. But there
20 are nine categories, and among which are two new categories
21 that may be of interest to this Committee, and I personally
22 do not have any objections to them. One is called rural
23 applicants, and the other one is re-entry students. Now, I
24 know exactly what will be the outcome of those two
25 categories. These are people who are going to be admitted

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1 on a non-competitive basis. They are, I think, going to be
2 predominantly white, you know, because, you know, I mean,
3 we look at Asian and whites, you know, over 98 percent of
4 California's Asian population are in urban area, so the
5 protected category for rural area will not benefit Asian,
6 but it will benefit large number of whites who may be
7 living in Chicots (sic) or somewhere else, you know, will
8 benefit from it. And I think it's the right policy. I
9 think to recruit people from, you know, the rural area.
10 The re-entry students, I think, are by and large going to
11 be white women who after they raised their children decided
12 to go back to school and finish college. I think that's
13 fine. I think white women, you know, are just as much
14 entitled to the benefit of a public education as anyone
15 else. So, I think that the, you know, it's a fairly
16 thoughtful way of trying to achieve diversity in the tax
17 supported institutions, and I think we should try to
18 achieve that and not all Asian American students should
19 apply to U-C Berkeley. I think they should apply to other
20 universities as well. And Berkeley is not good for all
21 Asian American students either, and so I'd like to see, you
22 know, our students, especially Asian American students,
23 exposed to students of diverse racial background, class
24 background, you know, in the university setting. So, it
25 will not be a good education Asian Americans if Berkeley

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1 turn out to be predominantly, you know, Asian American
2 dominated campus.

3 CHAIRPERSON HESSE: I'm sorry. We're going to have to
4 close our presentation here. I would like to ask Professor
5 Wang, Ms. Wong, and Ms. Hahn to submit any factual
6 information that you feel is relevant to the inquiry
7 presented here. Professor Wang, I believe that you said
8 you would submit your article to the Committee. Thank you.
9 May we hear from the American Indian perspective?

10
11 Whereupon,

12 JOHN LAVELLE

13 MELINDA MICCO

14 were called as witnesses herein and testified as follows:

15
16 CHAIRPERSON HESSE: On our agenda I show Mr. John
17 LaVelle and Ms. Melinda Micco. Before you begin to speak,
18 please identify yourself and the organization that you
19 represent, please, for the record.

20 MS. MICCO: My name is Melinda Micco and I'm with the
21 American Indian Student Association.

22 MR. LAVELLE: And I'm John LaVelle with the American
23 Indian Student Association, member of the Santee tribe of
24 Nebraska.

25 MS. MICCO: I'm a member of the Seminole, Creek and

1 Choctaw tribe.

2 CHAIRPERSON HESSE: Thank you.

3 MR. LAVELLE: Our presentation will be rather
4 informal. We'll be adding our observations together as we
5 speak. First of all, we'd like to thank this Committee for
6 inviting us to share our perspective and for inviting
7 Indian students generally to share their perspective. We
8 realize that often times Indians are left out when it comes
9 to hearing the perspective of minority students, and we
10 think that this is a really good move on the part of the
11 Committee to get that perspective from Indian students. We
12 note that this Committee does not have an Indian member of
13 the Committee and that's something that rather disturbed
14 us. There are many Indian tribes in California and if
15 their concerns are to be adequately dealt with, I think
16 that it would be very appropriate to have an American
17 Indian on this particular Committee.

18 I have expressed reluctance about testifying here
19 today and I think Melinda has shared my reluctance
20 basically because we perceive that the Civil Rights
21 Commission itself has shown some hostility toward the
22 interests of Indians and we're particularly outraged by the
23 behavior of Commissioner Allen on the White Mountain Apache
24 Indian Reservation. It's an incident that has outraged
25 many Indians, and I believe I speak for Melinda, too, in

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1 saying that we share that sense of outrage for his behavior
2 there. We hope that in the future, Indian students at this
3 University will feel, you know, less reluctant to testify
4 before this Committee if we perceive some movement toward
5 really addressing the interests of Indian people and Indian
6 students.

7 Our experience is that, on the U-C campus, is that
8 often times Indians are left out from discussions of
9 affirmative action. Our point of view is not solicited.
10 When there are statements that are made concerning
11 affirmative action movement on campus, often times there's
12 just the entire category of American Indians is completely
13 deleted and not mentioned. We think that that is a problem
14 that's shared by many other Indian students on campus. We
15 also find that there is basically a lack of accountability
16 on the part of the University with respect to the admission
17 of Indian students. At the University, applicants are
18 basically asked to self-identify themselves as Indians, as
19 members of tribes, or just as Native Americans; and we're
20 concerned that there's not proper oversight as to who is
21 getting in as Indians at the University, that we have
22 problems with the designation Native American precisely
23 because it is ambiguous and it gives a rise to confusion on
24 the part of applicants. We think that perhaps a corrective
25 to this problem would be to standardize the designation on

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1 applications, not use the term Native American but use the
2 term American Indian/Alaskan Natives. That is as
3 unambiguous as we can find and it would prevent people from
4 claiming that yes, they were born in Cincinnati, Ohio, so
5 they are native Americans. That's the kind of thing that
6 we want to avoid and we also find that there is a lack of
7 review of applications determining the legitimacy of
8 students who claim that they're Indian.

9 I am a student at the Law School at the University and
10 there we do have a procedure whereby students, Indian
11 students, member of the American Indian Law Student
12 Association consult the admissions committee and actually
13 review applicants' files to look at the question of
14 legitimacy and to make recommendations to the admissions
15 committee. That's a policy that's not, you know, done
16 universally, not implemented universally at the University
17 or system-wide and we think that it would be helpful for
18 other departments to implement a similar program.

19 We question how Indian students are listed.— There are
20 University lists that I've seen as Chairman of the American
21 Indian Student Association during this past academic year.
22 I received a list apparently that was generated by the
23 University of supposedly all of the Indian students on
24 campus. My name was not on the list. Out of 10 law
25 students, 10 Indian law students, there was one name on

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1 that list. I could not make heads or tails as to how that
2 list was generated, who was being accountable for keeping
3 track of who the Indian students are the University. I
4 think that's a matter that really needs to be looked into.

5 As a footnote here with respect to our interest in
6 having American Indians/Alaskan Natives be the official
7 standard designation system-wide, the American Indian
8 graduate program board of advisors at the University has
9 adopted a resolution showing preference for the designation
10 American Indian rather than Native American, which again,
11 as I say, leads to ambiguity and confusion on the part of
12 many applicants.

13 We also would recommend that there be formed some sort
14 of a committee of perhaps consisting of American Indian
15 faculty at the University and American Indian students who
16 are empowered to oversee procedures relating to Indian
17 admissions so that these particular problems that I'm
18 trying to pinpoint now can be addressed by such a
19 committee. That, we think, would be very helpful. And as
20 I said, to use Indian students also in the consultation
21 -- as consultants in the admissions process in the
22 different graduate departments and at the undergraduate
23 level, it would be very helpful. We also would recommend
24 that Indian student applicants be required to show some
25 kind of documentation of their Indian-ness. This need not

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1 be a certificate of degree of Indian blood or tribal
2 enrollment. In some cases, there are tribes that are not
3 Federally recognized, of course, and there are some Indian
4 people who perhaps do not have the blood degree required by
5 their tribes but have sufficient contacts with the Indian
6 communities that they're from to be considered Indian for
7 the purposes of affirmative action. We would recommend
8 that if an applicant cannot provide documentation from
9 their tribe, that they at least, you know, report what
10 their connection to Indian community life is, perhaps have
11 an elder within that community vouch for their Indian-ness,
12 and that would perhaps prevent this problem of students
13 getting in just by checking a box on a form and never
14 having that form reviewed by anyone.

15 We have concerns about the retention of Indian
16 students. It's a big problem. Perhaps Melinda is more up
17 on this issue.

18 MS. MICCO: Okay, I'm an undergraduate in the
19 Department of Ethnic Studies and Native American Studies.
20 I'm a re-entry student. I came to the University of
21 California after attending a community college for a couple
22 of years down on the peninsula. I chose to come to
23 Berkeley because of my cousin was a recruiter here for the
24 Indian student community and had done a lot of work here
25 and I was interested in pursuing a degree in ethnic studies

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1 and primarily related to an ethno-historical view of my
2 tribe in Oklahoma. So, I came to the University with the
3 intention of pursuing that degree and receiving the kind of
4 support, emotional support and financial support to
5 accomplish first a B-A and then a P-H-D in the ethnic
6 studies program.

7 It's fairly common for American Indian students to be
8 older students. Either they have to make up for deficient
9 schools on reservations, or they have to go to community
10 college to bring their grades up or to take courses to
11 prepare them to come to the University. Mine was
12 interrupted by marriage and children, and coming back, even
13 though I had gone to fairly good schools, coming to the
14 University of California was alienating in some ways
15 because I tried to make contact with as many Indian
16 students as I could so I could share similar experiences,
17 be in an Indian community, and went to the American Indian
18 Student Association with the intent of meeting quite a few
19 students. I was surprised at the amount of students that
20 were there from the records or the information I had that
21 there were quite a few Indian students on campus. I mean,
22 250 students they admitted is a fairly large portion of
23 Indian students, but I found that there were about 20,
24 maybe 20 people that attended these meetings and I began to
25 think that maybe the figures were skewed and there weren't

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1 that many Indian students.

2 Last semester I spent considerable time with Jeff
3 Chang's Presidential Commission on Affirmative Action in
4 Admissions, and during that process, meeting with other
5 students, one of whom you spoke to today, Guillermo
6 Rodriguez, and trying to go through the process of
7 admissions step-by-step and how people were admitted and
8 the numbers of students. We found several discrepancies.
9 I have a copy of that report which I'll leave for you. It
10 was very informative for me to be able to work with these
11 students, one, because as John mentioned earlier, any time
12 minority groups are mentioned, very rarely are American
13 Indian students mentioned, and the undergraduate president
14 of our Association took it upon herself, largely with the
15 other students, the minority groups, to have Indian
16 students recognized so that any time there was a
17 discussion, a rally, a debate, anything that came up, that
18 we would be included in that; and during this past
19 semester, she and I did a lot of public speaking on behalf
20 of Indian students because of our concern about the
21 students, and one of the issues that John touched on
22 briefly was the retention rate.

23 Part of the idea of coming to the University is my
24 involvement with the Indian community, my commitment to my
25 tribal history, and going back as I've done two Summers to

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1 do research in Oklahoma. But a large percentage of Indian
2 students do not graduate from this University, so they come
3 out here, they feel very alienated, especially if they're
4 from a reservation. They feel cultural shock. The size of
5 Berkeley is intimidating. Sometimes professors will make
6 remarks about Indian students and call them redskins, and
7 we sort of retreat into the woodwork and those of who
8 aren't articulate enough or loud enough to talk about it or
9 actually confront professors about calling Indian students
10 redskins, they don't do as well in class and then they
11 start feeling more alienated. A lot of times the financial
12 support isn't sufficient from them to really survive or
13 it's late-in-coming; and we don't have wealthy bank
14 accounts to rely on to fall back on before getting these
15 financial supports. Therefore, we're not graduating and
16 then we're not going back to our communities to make that
17 tie, to be role models for those younger Indian students
18 that are still left on the reservation.

19 Outside of the Department of Native American Studies,
20 I can think of only one professor in traditional
21 departments and for us to go beyond that area, fortunately
22 that's the area that I wanted to go into, but if I had
23 decided to pursue a degree in political science, history,
24 business administration or whatever, I wouldn't find a role
25 model of an American Indian, especially an American Indian

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1 woman. They just wouldn't be there and I think that's part
2 of the problem in feeling the alienation on this University
3 campus.

4 MR. LAVELLE: If I might add a comment concerning
5 retention, there's also a lack of support systems at the
6 University for Indian students. Indian students often
7 require or could really well use support for being at a
8 very alienating place like the University of California, as
9 Melinda mentioned, especially those students who come from
10 rural reservation areas. The American Indian Graduate
11 Program exists at the University; which as been a fine
12 program that has extended support to Indian graduate
13 students; however, the Indian graduate program itself has
14 been subject to funding cuts now and they're desperately in
15 search of soft funding sources to keep their program
16 afloat. One of the consequences of these budget cuts has
17 been that the administrative assistant to the director of
18 that program, her time has been cut to half-time. She has
19 been an exceptional help for a lot of Indian graduate
20 students who have come into the University from rural
21 reservation areas and she has helped them to find housing
22 and helped them to find their way around the community and
23 just to feel at home. She is now able to -- or her
24 position has now been cut to half-time and that is a big
25 problem.

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1 With respect to financial aid, this, of course, is a
2 major issue for Indian students who often do not have the
3 resources to fall back on that people from other groups
4 have. There are bureaucratic delays in getting financial
5 aid as students may be awarded funds from the American
6 Indian scholarships in Albuquerque; however, often times
7 it's many, many weeks or sometimes as long as a month
8 before they see that money once the check arrives on the
9 campus because of the tremendous bureaucracy that it has to
10 go through to have the check deposited in the University's
11 own accounts and a new check generated. And there's often
12 nothing that can be done to speed up that process, and the
13 University recommends, you know, looking into personal
14 resources to, you know, to cover for that delay, but often
15 times Indian students simply do not have those resources
16 and it's a tremendous burden for Indian students.

17 If I might bring up a couple of examples of Indian
18 students that I know of who have experienced pretty direct
19 forms of racism on campus. One very brilliant Indian
20 doctoral student failed an exam prior to leaving the
21 master's program in his particular field. This failure, of
22 course, she's a brilliant student and it just struck at the
23 heart of her sense of inadequacy and she compared her exam
24 results with other students' results and she noted that
25 other students who passed the exam had exams with almost

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1 the professor on this point and the professor told her that
2 since she was a minority student that this professor needed
3 to be harder on her now in order to prepare her for the
4 rough times that she could expect in the mainstream society
5 ahead of her.

6 Another example even more disturbing is the example of
7 a female applicant to a department, graduate-level
8 department within the University, a woman from a
9 reservation who was admitted to that department, to that
10 program, on a provisional basis. Then she was allowed to
11 defer for a year due to a pregnancy. During that year, she
12 was invited to dinner by an administrative dean in another
13 area of the University. This administrative dean told her
14 that she had been approached by persons from the highest
15 administrative levels in this department and was
16 encouraging this student to withdraw her application -- to
17 withdraw her application from this department so that her
18 seat could be filled by a better qualified student. She
19 was also told that if she were to chose to keep her
20 application there and to come to this department, that she
21 would be denied financial aid and that otherwise she would
22 be assisted in gaining admission to another less demanding
23 department or similar department in another school. This
24 student was completely torn up by this, what began as a
25 friendly discussion with this particular dean, and she told

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1 friendly discussion with this particular dean, and she told
2 -- eventually the student told the dean that she was going
3 to come to this department nevertheless. She did enter the
4 program and she left before the end of the first semester,
5 having been made to feel very unwelcome by an
6 administration that was shockingly insensitive to her
7 special needs, a very shocking incident that has disturbed
8 a lot of us who have heard about it from her. And
9 basically the upshot of these examples that I give here are
10 just that while there appears to be this ostensible
11 welcoming and accommodating policy of affirmative action on
12 this campus, and it's, of course, eloquently stated in
13 brochures that minority students are welcome, when Indian
14 students actually get here, they find a very cold and
15 different environment, very alien to what they're used to,
16 very few support systems, not even adequate help with their
17 financial needs, and consequently we have students who just
18 drop out, who just go back to their home areas, and we're
19 very frustrated by this lack of accommodation by the
20 University and we hope that this Committee can, you know,
21 help us do something about maybe moving in a more
22 supportive direction.

23 We'd like to thank the Committee for hearing our point
24 of view and we hope that you will invite Indian students in
25 the future to testify before this Committee. Thank you.

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1 CHAIRPERSON HESSE: Are there questions? Ms. Davis.

2 MS. DAVIS: I was wondering, of the number of American
3 Indians that are on campus, I just wondered how many of
4 them actually graduate. And secondly, this morning we were
5 told and I was trying to determine how much academic
6 support minority students get and I was told that they have
7 a learning center here that's been operable for about 20
8 years. I'm just wondering, are the American Indian
9 students encouraged to use the learning center in terms of
10 academic support? Or are you also alienated from using
11 that facility?

12 MS. MICCO: I'll answer that. That's primarily
13 probably undergraduate areas and approximately 20 percent
14 of American Indian students graduate from the University.
15 When I came to the University, what they do with freshmen
16 that are coming in, they have a Summer program called
17 Bridge Program and they have students come here and live at
18 the campus for six weeks and get used to the University and
19 see what it's like. As a transfer student and as a single
20 parent, you don't have the wherewithal to pick up and take
21 your kids to a dormitory and live for six weeks while they
22 introduce you to the campus. So, therefore, that isn't
23 even offered, it isn't even a consideration. Part of this
24 report I did on community colleges was to interview the
25 people who are in charge of that program at the learning

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1 center and you receive a letter that says that they
2 encourage you to use the student learning center and to
3 avail yourself of an advisor. Coming to the University and
4 finding yourself with 30 books to read in a semester and be
5 a T-A for a course and raise two kids, it's hard to put in
6 the time there; and usually, most of the hours available
7 are in the evening and that means you have to get childcare
8 for your children, which isn't available and no one's
9 paying for it. Once you're at home, that's it. You stay
10 home and you work at home and do all your things there.
11 So, using those facilities are primarily for unmarried
12 undergraduate, lower division students, I would say. And
13 that's not the case for most American Indian students.

14 CHAIRPERSON HESSE: I have just a point of
15 clarification. You said working as a teaching assistant?
16 You have undergraduate teaching --

17 MS. MICCO: Tutor.

18 CHAIRPERSON HESSE: Oh, tutors. Okay. Thank you.
19 Mr. Carney.

20 MR. CARNEY: You both mentioned cultural shock and the
21 alien environment and I would like to know, first of all,
22 if you're familiar with the -- I don't even know if it
23 still exists now, but I know about 20 years ago the Bureau
24 of Indian Affairs had a program which was not just
25 educational in nature as far as schools are concerned or

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1 universities and colleges, but also work education oriented
2 in bringing out young Indian people and a little bit older
3 Indian people from the reservations into not just Los
4 Angeles or San Francisco, but to other major metropolitan
5 areas where they were either put into school under this
6 program or brought into other environmental situations, and
7 again, I don't know if you're familiar with it or not, but
8 in that situation, the individuals became very clannish and
9 they were very withdrawn from the regular mainstream of
10 society, and this is in general, and these are my
11 observations in the Los Angeles area, and I'm curious as to
12 how you feel that situation would be different than what
13 you're commenting on with respect to the University
14 presently.

15 MS. MICCO: Are you speaking about the relocation
16 program?

17 MR. CARNEY: Well, it wasn't necessarily a relocation
18 program. It was a Bureau of Indian Affairs had a program
19 where they had -- well, it was temporary relocation, if you
20 will -- but they came out, the ones that I'm familiar with,
21 they came to California, various areas of California. They
22 were here for educational purposes, not just academic but
23 practical, like mechanics and other things like that, to
24 learn the trades, if you will, in order to go back to the
25 reservation or to wherever they wanted to go and, you know,

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1 contribute to the community at that time, to their own
2 communities.

3 MS. MICCO: Well, I'm not --

4 MR. CARNEY: But I see from your remarks, my
5 observations 20 years ago are similar to what you appear to
6 be saying now that the alien environment exists presently
7 as it did then, again, in my experience. But my bottom
8 line question would be, how does that differ from, you
9 know, students from other States or other countries coming
10 to the University. They're in a totally alien environment
11 as well, and not because of the fact that they're American
12 Indians or Alaskan Natives, and I'm just making an inquiry
13 to see what your observations are with respect to the
14 University --

15 MR. LAVELLE: Well, one observation I have is that
16 American Indians come from a completely different cultural
17 perspective unlike students from other States and so that
18 their needs and their sense of alienation is of a much
19 different sort and a much different quality. Also, there
20 is a sense among Indians of having their sovereignty as
21 independent nations and peoples violated in a way that, I
22 think, that, you know, students from different States could
23 not possibly, you know, identify with. So, I think there
24 is that qualitative difference in the sense of alienation
25 that Indian students feel. They have unique and special

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1 needs that cannot be addressed by programs that appeal just
2 to the mainstream sense of alienation that all students
3 feel in being away from home. It's a much different sense
4 of culture shock and of drastic change in their being
5 exposed to entire value systems that are completely alien;
6 and I think the same cannot be said of students just coming
7 from different States.

8 MR. CARNEY: Well, do you think that it becomes the
9 obligation of the University to make up for deficits that
10 are existing in situations pre-college level?

11 MR. LAVELLE: Well, I think that it's the obligation
12 of the University to be not only tolerant of alternative
13 perspectives and alternative cultural perspectives, but to
14 encourage development of those perspectives and to
15 encourage diversity in that regard, and I think that's
16 where the University is -- precisely where the University
17 is lacking. There's an implicit -- there's more or less an
18 implicit ideological orientation or cultural orientation
19 that simply does not accommodate Indian's special interests
20 and needs in the way that I think that this society's
21 obliged to do.

22 THE REPORTER: Excuse me one moment, please.

23 (Thereupon, a short break was
24 taken off the record to
25 change the tape.)

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THE REPORTER: Back on.

MR. CARNEY: You heard the other ladies and gentlemen and professor that was here just preceding you, they also have indicated the lack of sensitivity, if you will, present on the campus, at least at Berkeley, with respect to the Asian American students, and I would ask you, without Mr. Sillas being here, what do you suggest should be done to implement a change in the attitudes or the practices of the administration and faculty of the University?

MS. MICCO: I think a lot of people perceive American Indian students as invisible. I think they expect us to wear feather bonnets and things like that, and if we don't fill that role, we're not really Indian students; and I think first of all, recognizing that our numbers are far smaller than what they're reporting from the lists that John received that shows Indian students on that list, and we know from our contacts and we try to make telephone contacts to all these students because we want them, one, not only to be involved in the political structure of this University, but also if there's any way that we can help them -- at least we're a couple of years beyond that initial phase of being terrified of the University -- and, you know, have them over for dinner or whatever. In going through that process, we find that the numbers are very

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1 small and for the University, one, in John's recommendation
2 that there be a committee composed students and faculty
3 that would monitor the admissions policy in recognizing
4 what students, what numbers we really have in Indian
5 students and not assuming that there's a much larger
6 proportion. I think that would be one of the first steps
7 to right the wrong that the University assumes there's a
8 lot more Indian students than there are.

9 MR. LAVELLE: Another very isolated way that I
10 perceive the University could accommodate Indians'
11 perspective, Indians' point of view, Indians' special
12 needs, is, for example, at the Law School there's an
13 American Indian Law course that's currently offered once
14 every other year. We've made some initial attempts to try
15 to get that course offered every year. There's usually a
16 pretty good demand for the course. There are courses of
17 comparable enrollment that are offered every year, and the
18 way things stand now is that law students, since their
19 entire first year courses are prescribed, they have one
20 shot and one shot only at taking Indian Law; and if they
21 had the opportunity to take that course in perhaps their
22 second year, and if it's offered only in the third year, if
23 they had had the chance in the second year, a whole vista
24 of opportunity for helping Indian people might be opened to
25 them. But the administration at the Law School simply says

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1 that it's an expensive endeavor and they simply cannot
2 afford it, and so whenever money considerations come to the
3 administration, it always seems to be Indians who suffer
4 the first cutback or the first blow, and that's the case
5 here. So, I think, offering, you know, offering more
6 courses that present the alternative cultural perspective
7 of Indians in different departments would be a real
8 positive move and it's something that could be done.

9 MR. CARNEY: You mentioned the financial needs of
10 Indian students. How do those needs differ from any other
11 student that comes to the University? I mean, assuming
12 that they're not coming from, you know, wealthy families,
13 et cetera. I mean just --

14 MR. LAVELLE: Well, that's a big assumption given this
15 University and the students who come here, the actual
16 students who come here.

17 MR. CARNEY: Well, I don't know what the make-up is
18 economically of the --

19 MS. MICCO: American Indian or --

20 MR. CARNEY: No, I'm talking about the students, just
21 the general students that, you know, have come from working
22 class people, working class families, that have to, in
23 pursuit of higher education at a quality university have to
24 undergo financial hardships, and I just wanted to know how
25 do you feel the American Indian student differs from those

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1 students?

2 MR. LAVELLE: Well, I'm sure that there are, you know,
3 students from working class families who do suffer great
4 frustration with the bureaucracy and with the lack of
5 financial aid. With American Indians, however, if these
6 students particularly come from reservation areas and
7 they're to get, for example, you know, someone to co-sign a
8 document in order to get an advance on their scholarship
9 which they're waiting for the University to process, you
10 know, they have to write back to the reservation family and
11 ask, you know -- I mean, it's almost impossible to get that
12 kind of documentation to allow them to get an advance and
13 if they have to tax the family for any reason to get money
14 from them, it's often a great hardship just given the hard
15 circumstances under which some people live on American
16 Indian reservations. So, there is that difference.

17 MR. CARNEY: I have nothing further.

18 CHAIRPERSON HESSE: Okay. I have one comment. The
19 panel talked about challenging the validity of the
20 admission and retention statistics. I think there were a
21 couple of references to the number of American Indians the
22 University said that it admitted versus what your
23 organization found to be the actual number, and my follow-
24 up question is actually two parts. One is, I want to know
25 how do the other students -- how does the University

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1 identify any groups? Is it by self-certification? Self-
2 identification? And secondly, I think you just implied,
3 did your organization follow-up to find out, you know, who
4 the 250 were and that's how you came to know that the
5 number is actually smaller -- undergraduate students?

6 MS. MICCO: It's both. The American Indian Students
7 Association is both undergraduate and graduate students.

8 CHAIRPERSON HESSE: Okay. Right.

9 MS. MICCO: We found that there's such a small number
10 of us that we have to kind of band together, and what we
11 tried to do, as other Indian students, is contact those
12 people. That isn't really to say that we've contacted
13 every single person on that list, and obviously the people
14 who are interested in the American Indian Student
15 Association, we have to send out mailers to each of these
16 people and then they choose to attend the meeting. It's
17 their own choice. So, we never know if all of the Indian
18 students -- a lot of them are so busy with classes that
19 they can't fit another meeting or whatever.

20 MR. LAVELLE: Well, with respect to the first part of
21 your question, I believe that, as I recall, when I filled
22 out my application for law school, students were required
23 to check a similar box for membership in another group. It
24 just happens to be easier for people to sneak by as Indians
25 if they're not, you know, if checking that box is not

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1 followed up on or reviewed. So, I think that students
2 perceive that, perhaps, you know, non-Indian students or
3 whatever, will perceive this to be an easy opportunity for
4 special consideration when they really don't qualify for
5 it. As far as the lists and how -- The American Indian
6 Student Association consists of 41 members right now, and
7 this is the largest it's ever been. So, we do not have the
8 manpower really to do the University's work for it by
9 trying to follow up with who really is Indian and who
10 isn't. We just have a sense of frustration that there are
11 names that are shown to us that are Indian that we've never
12 seen or we wonder if they just disappeared into the
13 mainstream, you know, student population. At the Law
14 School we've actually come across particular incidents
15 where people did falsify their records and said that they
16 were Indian and then the Indian Law Students Association
17 didn't, because it's a smaller group, was able to follow up
18 and in one case got the person rejected, got the person
19 kicked out of the Law School. This was several years ago,
20 but this sort of thing, we're afraid that this sort of
21 thing happens more often, and there needs to be some kind
22 of accountability. It's the University's responsibility to
23 provide that accountability. We don't have the manpower as
24 Indian students and as such a small Indian student
25 association to really pursue things ourselves on our

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1 initiative.

2 -- CHAIRPERSON HESSE: Well, the question was coming
3 from, I guess, part on my own background that, you know,
4 black people come in all shades of color and it only takes
5 1/16th of a person's blood to be considered black; however,
6 there are people brown like me or someone that is as fair
7 as Ed that call themselves black, so that's why I was
8 asking about, you know, how do the other groups certify.
9 Is it self-identification? And then secondly that -- the
10 reason why I asked the second question had to do with when
11 you were talking about retention rates. Are you talking
12 about retention rates within the group that you know to
13 be -- I mean, that the Association knows to be Indian? For
14 example, in the Law School you know which people are
15 American Indians and so, when you talk about retention, the
16 retention rate, you're talking about people that you know
17 are American Indian.

18 MR. LAVELLE: Yes. More or less, when we refer to
19 retention problems, that's who we're referring to.

20 CHAIRPERSON HESSE: Okay.

21 MR. LAVELLE: At the Law School, like I said, we have
22 a particularly adequate -- we have a pretty good system for
23 reviewing applicants' qualifications as Indian and,
24 therefore, you know, we don't have as much question about
25 their Indian-ness.

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1 CHAIRPERSON HESSE: Okay. I want to thank you for
2 your comments. I believe that you're going to submit a
3 report to us, and if there is any additional factual
4 information which you wish to submit -- I think you talked
5 about two incidences of bigotry -- if you wish to submit
6 those incidences or additional incidences to the Advisory
7 Committee, please do, and I would like you to contact
8 Regional Director Phillip Montez, or John Dulles. John
9 Dulles is the man who's sort of back there with the red tie
10 looking into the carpet. We'd like to get your additional
11 comments -- maybe things that you hadn't thought of or
12 things that will come to you later. Okay.

13 MR. LAVELLE: Thank you very much.

14 MS. MICCO: Thank you.

15 CHAIRPERSON HESSE: Thank you. Mr. Montez, do we have
16 a list of individuals who wish to address the Committee?

17 MR. MONTEZ: Well, I know of nobody that signed up.
18 Did you want to address the committee?

19 COMMISSIONER ALLEN: Sure. I didn't sign up, but I'll
20 take advantage of the public hour.

21 CHAIRPERSON HESSE: Just one moment. In addition to
22 Commissioner Allen, there's a lady in the third row. Could
23 I have Mr. Montez or Mr. Dulles get her name also.

24 MR. MONTEZ: Who was that?

25 CHAIRPERSON HESSE: The lady in the third row right

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1 there. And we'll hear from Commissioner Allen.

2 COMMISSIONER ALLEN: Thank you. I only wanted to take
3 a few moments to thank the Committee for arranging this
4 discussion of racial, sexual and ethnic violence and
5 harassment in higher education. It's a subject of special
6 interest to the Commission and we, in fact, should be
7 publishing a report on the subject later this year looking
8 at the nation as a whole. And I learned a good deal from
9 hearing many of the presentations today, and in some
10 respects even more than I anticipated from looking at the
11 agenda because I found the agenda's division into different
12 groups made it harder for me to conceptualize exactly what
13 it was we were going to talk about since I had actually
14 have thought of looking at the question violence and
15 harassment with a panel of people of several groups all
16 addressing some rather generic type of violence or
17 harassment that we could then focus on. Nevertheless, I
18 think the point came through in the end, and though we
19 can't have so much trouble getting past this habit of
20 dividing our country up into its respective groups as if
21 we're setting them up to be knocked over some day.
22 Nevertheless, we can still get to the core of the matter in
23 hearing presentations like this and I'm grateful for it and
24 grateful for the opportunity to join you. I also wanted
25 officially to make known to you, for your record and for

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1 you to carry to your Committee members who are not present
2 now, that the Commission will be meeting in San Francisco
3 on the 28th and 29th of this month and I trust that proper
4 arrangements will be made for the Advisory Committee to
5 join us there and I extend my personal invitation to you if
6 you can join us in San Francisco, to join us in a reception
7 for the Commissioners and for you which I will host on
8 Friday evening the 28th, and the details of which will be made
9 available when we are there that morning in San Francisco.

10 Thank you again. It's good to be with you.

11 ALL COMMITTEE MEMBERS: Thank you.

12 MS. ROBSON: Thank you, Madame Chair. This will be
13 just a brief comment.

14 CHAIRPERSON HESSE: Could you identify yourself and if
15 you're representing an organization or representing
16 yourself?

17 MS. ROBSON: Sure. Absolutely. My name is Suzanna
18 Castillo Robson and I am the Acting Director of Student
19 Affairs and Services in the U-C Office of the President. I
20 report to Assistant Vice President Alice Cox who monitored
21 the panel this morning from the University-wide offices. I
22 would like to just briefly provide the Committee with an
23 explanation of how the Regents are kept informed with
24 respect to incidents on campuses in response to some
25 comments made by Student Regent Guillermo Rodriguez. Lest

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1 the Commission leave with the impression that the Regents
2 do not know what goes on, I would like to let you know that
3 my office is responsible for monitoring all activities on
4 the campuses. The report that Guillermo alluded to, the
5 50-page report, was prepared by my office. There are also
6 a number of other monitoring devices that we use in our
7 great bureaucracy. One of them is via standing meetings
8 with our Vice Chancellors for Student Affairs. We
9 routinely meet with them on an on-going basis to discuss
10 incidents on the campuses. We periodically review campus
11 policies to make sure that they conform with University-
12 wide general policies, not only with respect to Title Nine
13 and Title Six, but also Section 504 of the Rehabilitation
14 Act and a host of student conduct regulations. And we also
15 work as liaisons with staff in a host of student services
16 such as childcare center directors, women's centers, re-
17 entry programs, and the like to make sure that issues are
18 brought up and provided to the upper level administrators
19 in the office of the President. I did not want you to feel
20 that the Regents were not informed and, as a matter of
21 fact, we do on an on-going basis hear from our Regents with
22 respect to individual student incidents if they are
23 concerned with a particular incident, or just in general
24 what the mood of the campuses are. Unfortunately, due to
25 being a State institution, we feel that dollars are better

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1 spent on the line and, therefore, we don't annually request
2 campuses to submit support, you know, supporting
3 documentation with respect to incidents unless it is
4 mandated either by Federal or State law.

5 CHAIRPERSON HESSE: Questions?

6 MOST COMMITTEE MEMBERS: I have no questions.

7 CHAIRPERSON HESSE: Thank you very much.

8 MS. JETT: Debbie, I have a question.

9 CHAIRPERSON HESSE: Oops, I'm sorry. I'm sorry.

10 MS. JETT: Okay. You mentioned very briefly about
11 your meetings and that you review policies. How do you
12 assure the implementation of the policies that you have set
13 forth?

14 MS. ROBSON: On an on-going basis, we do meet with the
15 Vice Chancellors and on our agendas routinely, we do ask
16 for updates on campus issues with respect to, for example,
17 if there are an increasing number of sexual assaults on
18 campuses, we do ask what kind of protocols are on campuses
19 to make sure that women's issues are being addressed. When
20 there are particular student demonstrations, for example,
21 that say that policies are not being implemented, we use
22 moral-suasion in terms of just our particular connections
23 with the upper-level administrators speaking directly to
24 the Vice Chancellors as to exactly what goes on, if those
25 are ineffective, why they are, and how we could not only

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1 strengthen our campus policies if they are seen as weak,
2 but also the University-wide ones which serve as the
3 template for all of the campus implementing policies.

4 MS. JETT: Do you set prior consequences for certain
5 policies that you have? Or are these handled as an
6 individual case?

7 MS. ROBSON: You mean in terms of sanctions for
8 activities?

9 MS. JETT: Yes.

10 MS. ROBSON: We do have University-wide policies that
11 establish wide parameters with respect to the type of
12 sanctions that can be imposed to student perpetrators if,
13 indeed, a racial incident occurs, for example, or some sort
14 of violent activity occurs on the campus up to and
15 including expulsion from the University. Those are then
16 communicated to the Chancellors who really do have the line
17 responsibility to make sure that they are implemented; and
18 with respect to University-wide policies, the Chancellor is
19 really seen as the final authority with respect to making
20 decisions on disciplinary action against students, faculty
21 and staff.

22 MS. JETT: Thank you.

23 MS. ROBSON: Thank you.

24 CHAIRPERSON HESSE: Further questions? Okay, thank
25 you very much. And I believe this adjourns our --

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1 Beatrice, it's just you and I -- Advisory Committee
2 meeting. Thank you all very much for attending.

3 (Whereupon, the meeting was
4 adjourned at 4:35 p.m.)

End P10

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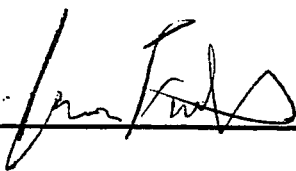
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