

**UNPRECEDENTED URGENCY:**

**GENDER DISCRIMINATION IN FACULTY HIRING**

**AT**

**THE UNIVERSITY OF CALIFORNIA**

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\* This report has been completed under the auspices of a grant from the Institute for Women's Leadership, Rutgers University, as part of its project, "Re-affirming Action: Designs for Diversity in Higher Education," with funding provided by the Ford Foundation.

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## Executive Summary

This document details the efforts of faculty within the University of California to halt the discrimination against women that has occurred since the UC Regents' resolutions in 1995 to abolish affirmative action. The peak in the hiring of women as faculty members at UC occurred in 1994—37% of new faculty hires were women. ("Faculty" means tenured or tenure-track faculty.) After the 1995 Regents' resolution, and after Proposition 209 was adopted by California voters in 1996, the hiring of women dropped to 26%. By 1999, women's percentage had declined to 25%. (Appendix #1)

The drop was even more dramatic at UC Davis. The percentage of women among new faculty hires fell from **52% in 1994 to 13% in 1998.** (Appendix #2) This precipitous drop occurred just as the UC system was preparing to hire record numbers of new faculty to meet anticipated enrollment growth and large numbers of retirements. It also took place during the years that women's percentage among US citizen PhD recipients was increasing from 43% in the early 1990's to 48% in 1998. If the qualified labor pool is 48% women, and the hires from that pool are only 25% women (or 13% at UCD), this data suggests gender discrimination in employment. Under federal and state law, gender discrimination in hiring is illegal, and as a recipient of federal funds, UC is required to make good faith efforts to eliminate gender, racial, and ethnic under-representation on its faculty. The data demonstrates that these efforts on behalf of women had apparently ceased.

In response to this crisis in hiring, Professors Gyöngy Laky and Martha West contacted California State Senator Jackie Speier, San Francisco, in 1999 and requested her help in investigating the hiring procedures of the University of California. Professors Laky and West sought help outside the university because, as veterans of the university committee system, they knew how slow and cumbersome university investigations and procedures were. Also, they anticipated that the state legislature would be more sympathetic to their concerns about sex discrimination than the UC Regents or UC administration. With UC's planned increase in faculty hiring, time was of the essence.

This report first offers a perspective from each of the faculty authors on their years of work within the UC system and the factors that prompted them to seek help from the outside. The report then documents their work with Senator Speier. In 2000, Senator Speier first requested an audit of UC's hiring practices by the Bureau of State Audits. She then conducted an unprecedented series of three hearings in 2001, 2002, and 2003, exploring faculty hiring issues. (These hearing transcripts are located at [http://www.senate.ca.gov/htbin/testbin/seninfo\\_dated?sen.committee.select.goover.transcript](http://www.senate.ca.gov/htbin/testbin/seninfo_dated?sen.committee.select.goover.transcript).)

Faculty from throughout the UC campuses testified. Professor Laky pointed out that Prop. 209 had become an "affirmative action" program for men: men were being given "preference" by being hired at rates 30% above their availability in the PhD pool. Professor Christine Gailey from UC Riverside testified at the third hearing about studies demonstrating that women as a whole must be at least one-third more productive than

men to get equal treatment. Women of color must be twice as productive, twice as well-qualified as men to get equal treatment in hiring.

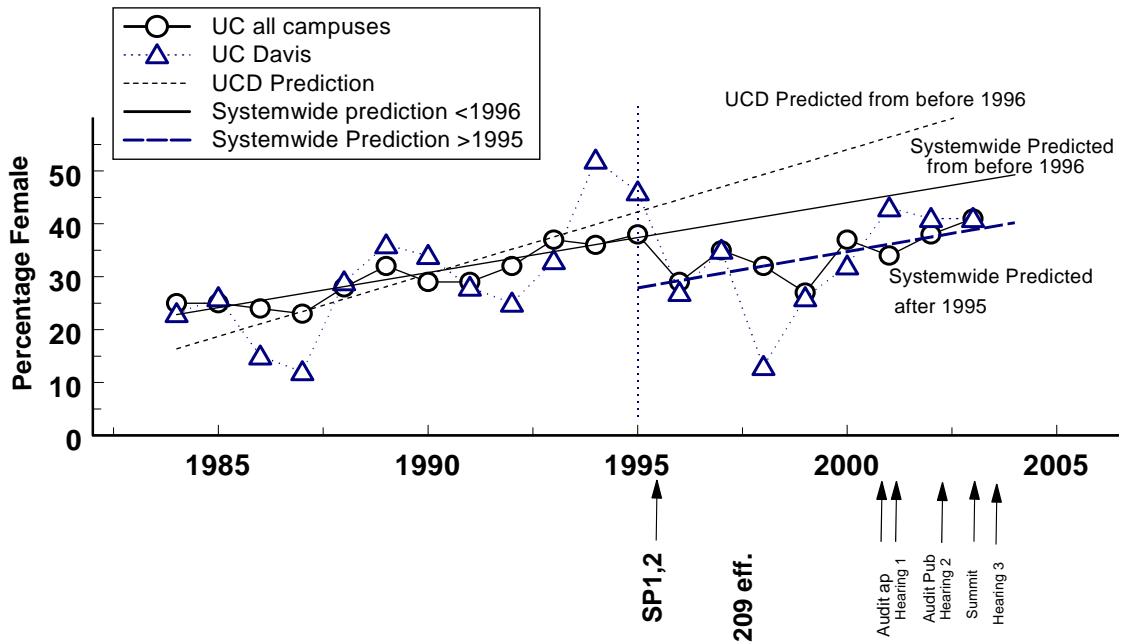
UC President Richard Atkinson testified personally at the third hearing, after being represented by UC Santa Cruz Chancellor M.R.C. Greenwood at the first hearing, and UC Davis Executive Vice Chancellor and Provost Virginia Hinshaw at the second hearing. State Auditor Elaine Howle completed the audit of UC in 2001 and testified at the second hearing in 2002. Although she was pleased by UC's official response to the audit, she wondered aloud how UC was going to monitor the campuses to make sure official policies supporting equitable hiring were actually being implemented.

As a result of this legislative activity, and the hard work of many faculty members on each campus, the percentage of women among new faculty hires has gradually increased at UC. After the first two hearings, women's percentage among new hires rose to 30%. At the time of the third hearing, it stood at a disappointing 31%, but in 2002-03, after the third hearing, women's percentage rose to 36%, where it remained in 2003-04. It is clear that further action needs to be taken to bring the hires of women faculty more in line with their current availability in the PhD pool, reaching a new high of 51% among US citizen PhDs in 2003.

The final section of the report sets forth recommendations for change in UC's faculty hiring practices that emerged from the hearing testimony. UC leaders must continue to work with their colleagues across all departments to educate faculty about the continuing effects of discrimination against women in hiring and to encourage them to adopt new approaches so that women attain their equitable place at UC.

The following chart compares the hiring of faculty women by the UC system and by UC Davis, both before and after the UC Regents' Resolutions, SP 1 and 2, in 1995, and Proposition 209 in 1996. The anticipated rates of hire have fallen significantly from what was predicted by hiring patterns in the early 1990's. A sharp up-turn in the rate of hiring women will be necessary in the immediate future for UC to make up for the losses of the last eight years.

## Predicted rates of hire for Faculty Women before and after 1995



UCD prediction rate is based on the increase in the hires of women from 1984 to 1995.

Systemwide prediction before 1996 is based on hires from 1984 to 1995.

Systemwide prediction after 1995 is based on hires from 1996 to 2003.

**“The world will not evolve past its current state of crisis by using the same thinking that created the situation.”**

**Albert Einstein**

## **Introduction**

This is a story about thinking outside the box, literally. The key players had reluctantly come to the realization, after many years of struggle, that significant, meaningful change at the University of California would not take place by continuing to work within the UC system, by attempting to utilize formal committees and official venues to further their cause. Their cause: gender equity for faculty women. In one year the percentage of women among new faculty hires at UC Davis had dropped 22 points: from 35% in 1997-98 to only 13% in 1998-99. UC Davis was only one campus among the 9-campus system, but the hiring of women faculty was declining at all the campuses. Rather than moan and groan among themselves, do nothing, or try to take it up with the University one more time, they went outside the system. They managed to get the attention of a state senator, the state auditor, and the state legislature. Only by creating outside pressure were they finally successful in catching the ear of the President of the University of California, which, in turn, caused him to take steps to effect change.

These UC Davis faculty members focused their efforts on calling attention to issues of sex discrimination, that is, active on-going discrimination against women in the UC faculty hiring process. They were not dealing with issues of “affirmative action.” “Affirmative action” as a viable public policy had died in California with the UC Regent’s resolutions SP-1 and SP-2 in 1995, abolishing affirmative action as university policy, and with the amendment to the California Constitution, Proposition 209, in 1996, forbidding any state entity from giving “preferences” based on race, ethnicity, or sex.

The issue of discrimination in faculty hiring is a particularly difficult issue because the decision makers are faculty members themselves. The decision of whom to hire as a faculty member is made by faculty at the department level, a highly decentralized process conducted in different ways at every UC school or college. The campus administration can veto a proposed hire, but cannot make an actual decision to hire any particular faculty member. Thus, it is a daunting challenge to sensitize faculty to issues of sex or race/ethnic discrimination, and thereby, bring about change among such a wide group of decision makers.

The Institute for Women’s Leadership at Rutgers University selected projects at universities focusing on the work of faculty as change agents outside formal university structures, faculty who were finding innovative ways to create greater campus diversity. As part of that project, this report will first present personal narratives from the faculty authors, detailing the events and motivations that led to their five years of work with State Senator Jackie Speier in the California legislature. The bulk of the report following the personal narratives tells the story of how they brought political pressure to bear on the university system.

## **Personal Narratives**

The following personal narratives tell the tales of how each of us came to the recognition that action outside of existing university structures and committees was necessary for the effective pursuit of the goals of ethnic and gender equity among UC Davis faculty. As a lawyer, a scientist, a literature teacher and an artist, our disciplinary backgrounds could hardly have been more disparate. Yet our experiences were remarkably similar. We all volunteered for or willingly accepted positions on university committees ostensibly committed to diversification of the faculty. What we found were committees virtually powerless in the face of both deeply ingrained and often unconscious prejudices, and seemingly immovable bureaucracies and institutional structures. Recommendations made year after year languished in file cabinets. Faculty governance seemed more a myth than a reality, democratization of university processes and structures an elusive goal.

Fortuitously, our paths crossed in significant ways. Professors Martha West and Gyöngy (pronounced “Ginge”) Laky met as members of the UC Davis Academic Senate Affirmative Action Committee in 1984. Professor Kyaw Tha Paw U joined that same committee when Professor Laky served as Chair beginning in 1988. Professor Lokke was aware of Professor West’s efforts as an advocate for women faculty on campus from the time she joined the English Department in 1988. Indeed our narratives make clear the vital and heartening example that Professors West and Laky have set as steadfast, tireless and courageous leaders in the cause of gender equity for newer faculty like Paw U and Lokke.

Throughout our years at UC Davis, we had all witnessed political action/pressure “outside the system” that, in contrast to work “within the system,” did indeed seem to have the potential to effect change: demonstrations by Asian-American students and faculty, graduate student teaching assistant strikes resolved with the help of pressure on the part of sympathetic legislators, a gender equity faculty pay and rank study spearheaded by faculty with only minimal administrative support, collective faculty action to transform the personnel process. Given the existence of large and well-documented sets of data on UC’s hiring of women, as well as evidence that the presence of more women on search committees increases diversity in hiring, we were all also convinced that a clear focus on gender equity in hiring was a smart strategic move in the direction of addressing even broader and more inclusive issues of social justice. Thus, once Professor Laky had initiated contact with Senator Speier and the senate hearings were underway, we all offered what support we could and welcomed the hearings enthusiastically.

## **On Working Inside and Outside the System**

**Martha S. West**

I began teaching labor and employment law at UC Davis Law School in 1982. At that time, women constituted 10% of the UC Davis ladder rank faculty. I have always been politically active on a volunteer basis, finding issues to work on outside of my regular job and my family responsibilities. When I was a management employment lawyer at a big firm in Indianapolis, I was treasurer of the Indiana Equal Rights Amendment campaign. Indiana was the last state to ratify the ERA in 1977 by one vote. In 1980, I gave birth to my third child. I realized at the time that there was no more child care available in the United States than there had been when my first child was born in 1967. Consequently, I decided the only political issue I would work on would be child care.

When I arrived at UC Davis in 1982, with a two-year-old and two high-school daughters, I discovered that UC Davis was the only UC campus that had survived the militant years of the women's movement in the early 1970s without establishing any child care center on campus for faculty, staff or students. So my early volunteer activities on campus, and in the Davis community, focused on developing child care facilities or, in the alternative, convincing the campus to subsidize students' child care costs. I used my early years at UC Davis to get the "lay of the land" concerning faculty and administration politics, to figure out who the players were, and to analyze the decision-making power structure on campus. After a couple of years, I realized that as an untenured professor, I could be active on political issues outside the law school, as long as I kept my head down inside the law school. I worked hard on my law school teaching and scholarship so I would not jeopardize my chances for tenure. I wrote traditional scholarship about labor and employment law, never mentioning women or women's issues in any of my published work during the 1980s.

As an untenured professor, my first campus committee assignment was the UCD Academic Senate Committee on Affirmative Action in fall 1984. This was a natural committee for me because of my expertise in employment law. Another new member of the committee that year was Professor Gyöngy Laky. The committee was in the midst of trying to counteract the negative view of "affirmative action" held by many faculty members, and was encouraging the largely white male faculty to diversify itself, in order to begin to reflect the increasingly diverse population of California. The Committee's focus in 1984 and 1985 was on the faculty hiring process and the difficulty of increasing faculty appointments of women and people of color. In the spring of 1986, the Committee's report reflected its continuing dismay that the percentage of women on the faculty remained at 11%.

I became chair of the Senate's Affirmative Action Committee in fall 1986. I urged the committee to take a more direct approach to increasing the faculty hires of

white women and men and women of color. Using the campus's official and federally required Affirmative Action Plan, I presented the Committee with data by department showing the current numbers of women and minority faculty and the current goals for each department to achieve parity with the percentage of women and minority PhD recipients in the department's relevant fields. (By 1984, women were receiving 38% of the PhDs earned in the U.S. by American citizens or permanent residents.) During the 1986-87 academic year, we targeted the 12 departments on campus that had goals to hire 5 or more women faculty. We met with department chairs and search committee chairs from these departments, presenting them with data on their faculty hires over the previous 5 years, stressing the relatively high numbers of women PhD candidates in their fields and the corresponding low numbers of women or minority hires. The most troubled department was UCD's English Department, which had a goal to hire at least 10 more women. In 1986, only 17% of English faculty were women, but the PhD pool contained 53% women. From 1981 through 1985, the department had hired no women faculty. In 1986, the department also had zero African American, Latino, or Asian American faculty, simply 5 white women and 24 white men. (In 1987, the department hired 2 more white men, raising the department's goal for faculty women to 11.) At the end of the academic year, our committee published a 10-page report, detailing our efforts to educate selected departments about the opportunity and the need to diversify their faculty and publishing the data on the 12 departments, showing the increasing presence of women among the relevant PhD pools and their limited presence among 5 years of faculty hires.

Unbeknownst to our committee, the UC Davis campus as a whole was in the middle of its worst year for hiring women faculty since 1981. Certainly, our committee's active efforts in 1986-87 did not produce any immediate positive results during that hiring year. Only 7% of the new faculty hires were women, down from 25% and 26% in 1983 and 1984. Because the hiring results were so dreadful in 1986-87, our Affirmative Action Committee wrote an even stronger report the following year. Full of data, we documented the campus's dismal record in hiring women, African American and Latino faculty since 1981. We were particularly concerned because the total number of women faculty at UCD actually declined from 146 to 136 during 1986-87: only 4 women had been hired, but 14 women had retired or left.

Despite our gloomy report, the 1987-88 academic year turned out to be an excellent one for hiring women faculty: 37% of the new hires were women. By the fall of 1988, women's percentage of the entire faculty had increased from 11% to 12%; one year later, in the fall of 1989, women's percentage had increased to 14%. Perhaps our hard work in 1986-87 was paying off after all.

I left the Affirmative Action Committee in 1988 when I received tenure and became Associate Dean of the Law School. I then joined the UCD Status of Women at Davis Administrative Advisory Committee (SWADAAC), a committee of both faculty and staff women appointed by the administration. I chaired its Academic Subcommittee from 1990 to 1992, continuing my focus on publishing the UCD data showing the increasing gap between women in the PhD pool and women among faculty hires. Our subcommittee conducted well-attended workshops for untenured women on the tenure

process, so they would know what to expect. I also became a Sexual Harassment Advisor on campus, working with our sexual harassment prevention program to educate the campus community and helping women—students, staff or faculty—who were experiencing harassment.

In 1992, when I stepped down as Associate Dean, I began serious scholarly research on discrimination against faculty women in America's research universities. In February 1992, while still Associate Dean, I had given an informal talk on discrimination against women faculty for a "Focus on Women Scholars" brown-bag lunch sponsored by the Women's Center on campus. The local paper published a front-page article about my talk, complete with my graphs comparing women in PhD pools with the hiring of women faculty. The newspaper article caught the attention of the Executive Vice Chancellor, who wrote a critical letter to the editor in the local paper, attacking my presentation and saying that "any graduate student trained in rigorous research methods knows that the data do not support Dr. West's conclusions." Well, after that accusation, it was clear I had to publish my work in a scholarly format. [That Executive Vice Chancellor became our Chancellor in 1994, ending any hope I had of pursuing a career in academic administration at UCD.]

My major article, *Gender Bias in Academic Robes: the Law's Failure to Protect Women Faculty*, was published by the Temple University Law Review in 1994. I had written the bulk of it while I was on sabbatical in 1992-93. That article eventually led to my career as a national "expert" on academic sex discrimination issues. In 1994, just after the article came out, Dean Herma Hill Kay from Boalt Hall, UC Berkeley's Law School, asked me to write an amicus brief on behalf of Equal Rights Advocate, a public interest legal advocacy organization in San Francisco, in a case against Vassar College, *Fisher v. Vassar College*. I wrote the brief in support of Cynthia Fisher, a woman denied tenure at Vassar in the biology department. As found by the federal district court, the faculty committee recommended denial of tenure, in part, because Fisher had taken 8 years off from academia to raise her children. Fisher's break from academia, however, occurred *before* she began teaching at Vassar. The district court found that Vassar College had never tenured a married woman in the sciences. Eventually, on appeal, the Second Circuit ruled for Vassar, overturning the trial court's verdict for Fisher. Dean Herma Hill Kay, nevertheless, was impressed by my brief and invited me to join her as co-author of her law school textbook, *Sex-Based Discrimination*. Our revised edition of the textbook was published in 1996 (and again in 2002).

Meanwhile, I had re-entered UCD Academic Senate politics after stepping down as the Law School's associate dean and returning from sabbatical in 1993. I was elected by the faculty to a two-year term on the Davis Senate's Committee on Committee, the only elected faculty body, which appoints the officers of the Academic Senate and members of all the other Senate committees. During my two years on the Committee, I was in charge of developing the names of faculty willing to serve on the Committee on Academic Personnel (CAP). CAP is the most important committee in terms of faculty women's advancement on campus because it makes recommendations on their files for tenure, promotion to full professor, and accelerated merit increases.

During my first year on the committee, 1994, the campus administration released the results of a study of faculty salaries, comparing the salaries of men and women of equal rank and in the same fields. Across the board, the study demonstrated that women were paid less than men, when controlling for time since degree, time at Davis, rank, and field. The administration then proposed that the Senate Committee on Academic Personnel review the files of individual women who might qualify for an equity adjustment. These women could nominate themselves or be nominated by department chairs who thought their steps/salaries were too low. This proposal was immediately attacked by a group of faculty, primarily men, who used the petition procedures of the Senate to request a vote of the entire faculty to prevent CAP from doing the equity reviews. The political battle over the salary equity study raged for the entire 1994-95 academic year at Davis. A small group of women faculty worked hard organizing women and men across the campus to allow the study to go forward. Because I was chair of the Committee on Committees in 1995, during the worst of the fight over salary equity, I became the target of attack by the men who led the opposition. Those of us who supported the equity study finally prevailed in the spring of 1995, but at an enormous cost of time and personal strife. My detailed account of this struggle was published as a law review narrative in the UCLA Women's Law Journal, *Faculty Women's Struggle for Equality at the University of California Davis* (2000).

Just as the salary equity battle ended, the UC Regents voted in July 1995 to abolish UC's affirmative action policies in admissions and employment. A year later the voters of California passed Proposition 209, amending the California Constitution to disallow any "preference" based on race, ethnicity, or gender in government programs or activities. Consequently, my "volunteer" time during the 1995-96 academic year was spent giving speeches on the history of affirmative action throughout California, trying to educate people about the need for affirmative action as a remedy for past and current discrimination. Proposition 209 passed on the strength of white voters, both white men and white women. I presented an endowed lecture at the University of Georgia Law School in the fall of 1996, shortly before the vote in California on Prop. 209, on the topic, "Why Don't White Women Support Affirmative Action?" My thesis was that 70% of working women continue to work in female-dominated job categories, where they do not compete with men, and, consequently, have no need for affirmative action. Among white women, only the 10% in male-dominated professional jobs (such as university teaching, medicine, and law), and the 15% to 20% working in male-dominated blue collar jobs have any interest in protecting affirmative action programs. With less than 30% of working women competing with men on the job, and with the under-representation of people of color among California's voters, Proposition 209 passed.

Taking stock of the political scene within the UC system in early 1997, and discouraged about creating change on campus, I quit my Academic Senate involvement and ran for the local school board in Davis, pursuing my earlier interest in the care of children and how it affects women's lives. After all, for working women and men, the public schools are the most important source of child care for children ages 5 and over. I hoped I could be an effective change agent within the public schools. Mastering the

arcane nature of school finance in California was also an interesting new challenge. I was elected to the school board in November 1997, and re-elected for a second term in 2001. I swore off all political activity on campus, but then Gyöngy Laky called me; we discovered the drastic drop in hires of faculty women at UC Davis in 1997 and 1998; and a new chapter began.

## **Obstacles to Equity Kyaw Tha Paw U**

My experience with equity issues in the UC system began during my years as an Assistant and then Associate Professor. I wanted to limit my administrative service to meaningful committees, and, having witnessed discriminatory behavior and talk directed against women and ethnic minorities in both academic and non-academic contexts, I believed that the Affirmative Action Committees of the UCD Campus and the College of Agricultural and Environmental Sciences would be good places to put my efforts.

Professor Gyöngy Laky was Chair of one of the first Affirmative Action Committees to which I was appointed after volunteering my name for consideration. Her active role was very inspiring. She brought volumes of data and documents into the meetings, all supporting a general picture of rampant ethnic and gender discrimination at many levels on our campus. In addition, Professor Martha West had gained recognition amongst those concerned about this problem by independently gathering statistics showing anomalously low numbers of women in the ladder-rank professorial ranks.

The constraints limiting considerations of the ugly issue of discrimination in the context of Affirmative Action committees were daunting. Besides institutional limitations such as the incredible slowness of most faculty committees, there were the numerous and grave impediments stemming from the social culture of academia. The vast majority of faculty were (and still are) European American males, and all Academic Senate activities have to go through quasi-democratic procedures involving votes; anything alienating this dominant demographic group, then, would be doomed to failure. In addition, the large egos of faculty, many of whom refuse even to recognize their own prejudices or are convinced that they can, as 'objective' scholars, overcome their ethnic and gender biases developed over decades of societal and media enculturation, made it difficult to progress. Every step of the way was blocked by impediments ranging from the grand to the minute. Obscure procedural barriers were brought up in some cases and in other cases obvious statistical evidence was questioned on the grounds of purported sampling and procedural errors.

Within the Department, evidence mounted confirming my fears concerning discriminatory behaviors; but fellow faculty were my friends and close colleagues, so it was difficult to challenge their ideas as forcefully as I would have liked. In faculty searches, women candidates were asked potentially illegal questions concerning their family/marital status; non-European American male and both European and non-European female candidates were discounted for trivial reasons while major

shortcomings of European American males were overlooked. Curricula (including required courses, language offerings, etc.) focused on Western male-oriented topics, with other cultures slighted, despite an increasingly diverse student body.

The word discrimination itself was almost forbidden; white male faculty and administrators were invariably seriously offended by any mention of discrimination. Affirmative Action could be discussed, but it was always tainted with the assumption that it presupposed preferential treatment for males of color and all females.

Solutions in the committees, besides being glacially slow in implementation, were usually exceptionally weak because of the refusal of most committee members to recognize the reality and the magnitude of rampant discrimination. In one example, our Affirmative Action and Diversity Committee drafted a plan for all faculty search committees to attend mandatory sessions providing information concerning federal affirmative action laws and goals. The middle administration rejected many of the recommendations, including this universal training for faculty search committees. In another case, attempts to obtain ethnic and gender demography for undergraduate student employees met with stalling, although eventually some data were obtained despite objections from some levels of student leadership and campus administration. Part of the argument given against release of these data was that since the demographics of part-time students were not required for federal affirmative action enforcement, they should not be studied.

In the face of these obstacles, my activities became two-fold. From within the system, I continued my advocacy work in the Affirmative Action and Diversity Committee and attended meetings with administrators. From outside the system, student, staff and faculty activism linked with the public and legislators on behalf of gender equity and Asian American equity seemed to have positive effects. In the case of Asian American equity, an organization of students, staff, and faculty began to raise to prominence the issue of lack of progress at UCD of Asian Americans. In a demographic equivalent to gender disparities, qualified Asian Americans were available at relatively high percentages, yet hiring percentages were far below these available pools. This was apparent not just for faculty positions, but also for administrative positions. It was furthermore coupled with a lack of sufficient staff resources in gender and ethnic studies.

The eruption of several incidents of Asian-American/European American student fights served as a catalyst for future activism. The perceived casual treatment of the alleged European American perpetrators, and the lack of sufficient press coverage along with the apparent bias in the little press coverage that did exist, led to a large student teach-in/demonstration and other associated activities outside of the main administrative building. Subsequently, a group of students met with the Chancellor. Clearly, the administration took such pressures seriously, despite their strong disapproval of this external action. Several demands regarding increased staffing for ethnic study groups, and the hiring of two high level Asian American administrators followed the events above; although the latter hiring actions could not be proven to be related to the teach-in

and demonstrations against discrimination, the coincidence of events is certainly suggestive of some influence.

In a similar manner, the gender equity studies for faculty in the 1990s were diluted in faculty assembly meetings to a faculty review procedure for all, regardless of gender, who thought they might be at an inappropriately low level. However, the majority of equity review participants were women, approximately one-half of whom were successful in increasing the level of their position (38 of 70). Around the same time, budget cuts to the UC system resulted in plans to close the UCD Women's Resources and Research Center (WRRC). Pressure from various groups, including our Affirmative Action and Diversity Committee, helped to preserve the WRRC.

Following this, the UC Regental decisions SP1 and SP2 banned activities and programs based on ethnicity and gender. Soon after the related California state initiative Proposition 209 (strongly supported by one Regent, Ward Connerly who has famously served as a role model in the battle against affirmative action nationwide), banned affirmative action except when federal funding was jeopardized. In the next few years following, the bottom fell out of women's hiring at UC Davis, possibly as a result of the hidden discriminators feeling more comfortable about not having to worry about affirmative action or careful external scrutiny of their decisions, despite the rising number of women in the federal affirmative action identified pools. Professor Laky continued to be active, but now became more serious in gaining the attention of certain State Legislators; this leadership inspired the rest of us in our anti-discriminatory efforts. This resulted in a State Audit of the UC system, in addition to the hearings which will be discussed in the report that follows. Concurrently, a new female Provost was hired (again, some influence of the external pressures may have played a role here). Subsequent to those activities, the hiring of women rose to levels more comparable to the federal pools, I believe, in part, because of actions by the new Provost, and partially because of the external pressures.

These examples of external pressures show how institutional discrimination was tempered or in part corrected by faculty, joining with other activists, taking their fight outside the system. At the present, the existence of ever larger available pools is not easily refuted for many hires, and yet fractions substantially smaller than the pools are still the hiring pattern. Clearly, institutional sexism and racism as well as discriminatory feelings and behaviors on the part of many faculty and administrators remain, forming a major, continuing obstacle to equity.

### **In Search of Faculty Governance Kari Lokke**

Like so many of my generation, my belief in the necessity of social action outside of institutionalized governmental and political structures was galvanized by the anti-war and feminist movements of the late 1960s. And it was my experience as an assistant professor at the University of Wisconsin in the early '80s that convinced me of the specific need for individual faculty and groups of faculty to press for change in the values

and power relations of our country's universities. 1980, my first year as an assistant professor, coincided with a bitter teaching assistant strike that came close to shutting the university down until it was crushed by the administration. That same year a colleague in my department who had been outspoken and active in support of the striking teaching assistants was denied tenure by a dean whose anti-union sentiments were widely known and felt. After a long, expensive and grueling appeal, the Committee on Faculty Rights and Responsibilities found in favor of my colleague. Joy at that decision was short lived, however, when the dean announced that the committee's ruling was advisory only and reasserted his decision to terminate the colleague's appointment. Nothing could have spelled out more clearly the hollowness of the phrase "faculty governance" when applied to university structures nor the urgent need for action on the part of faculty to wrest some power away from an authoritarian and undemocratic administration. Six years later when I was denied tenure for reasons obliquely but significantly related to the conflicts so prominent in my first year at Wisconsin, with the same dean in power, I decided *not* to appeal the decision. I had been denied tenure at the department level in what I believe was an effort to placate and please the aforementioned dean.

In many ways happy to leave that department, I was happier still in 1988 to have secured a new position at the University of California. When I informed the Wisconsin colleague who had been in charge of presenting my case to the department that I was moving to California, he responded by asking, "Oh, are you getting married?" That astonishingly sexist query was a harbinger of things to come at Davis. I joined an English department with a history of discrimination against women who were still very much in the minority among its members. Several members decided that my hire fell under the category of "affirmative action" and lobbied hard against my appointment, even after I had been offered the position. When I finally received my official offer from the President's office, six months after the original letter, it was at a reduced salary and one step lower. The other women hired around the same time experienced similar resistance. One was compelled to request that her pre-tenure fourth-year review be judged by a committee from another UC campus. Another received a negative tenure vote in the department, sued for sex discrimination, and ended up with a large settlement.

I'm sure university lawyers and administrators breathed a sigh of relief when, in 1998, the first female Chair of the English department took over. After a number of ensuing years featuring high percentages of women faculty hires, the department quickly reverted to its old practices in 2002-3 after she stepped down and a man became Chair. The hiring of five white men and only one woman in that academic year, despite a pool that was almost 60% women, was clearly welcomed by a number of long term members of the department as a sign that any vestiges of "affirmative action" could be dispensed with. My tenure and promotion had gone smoothly in 1992 in part because of my joint appointment with a very supportive Comparative Literature program, and I eventually moved my appointment entirely into that more congenial and welcoming program in 2003.

In the last decade at UC Davis I've been engaged in a balancing act with regard to my activist efforts, participating in committees and service that I believed worked in the

interests of women faculty and students, democratization of institutional structures and genuine faculty governance. I also sought other avenues when confronted with institutional roadblocks and resistance. For example, I have served on hiring committees in a wide variety of departments – Comparative Literature, English, French, German, Theatre and Dance – and saw clearly the potential for the enormous positive impact of even one significant hire. As Director of the Comparative Literature Program from 1997 to 2000, I worked – outside of then existing university structures – with a group of faculty from across the campus to transform the personnel process at UCD to make it more fair and flexible. I was particularly disturbed by what I perceived as a lack of understanding on the part of university wide committees of fair and intellectually appropriate criteria for the evaluation of humanistic scholarship – feminist and ethnic studies scholarship in particular. It turned out that many faculty in the social, physical and natural sciences had equally serious concerns. Full fledged merit reviews in the UC system occur every two or three years, depending upon rank; thus the review process has an enormous influence on faculty morale. I was deeply concerned that UC Davis was losing some of its finest professors to early retirements or to other universities at least in part because faculty members had felt humiliated by an uncomprehending, narrow minded and even punitive review system. It was and still is clear to me that UCD does a poor job of retaining its first rate female faculty and faculty of color in the humanities and social sciences; if we can't keep them, it does little good to hire a diverse faculty. The verdict is still out as to whether that arduous effort on our part has really born fruit and genuinely improved the post-tenure merit action process here at UCD. In any case, it was heartening to see faculty from a wide variety of disciplines and political persuasions join forces in an effort to democratize the personnel process, an effort that was ultimately recognized by the Academic Senate and that resulted in what will hopefully represent significant improvements.

As Director of Comparative Literature, it seemed like poetic justice, after my experiences at Madison, to be in a position during the 1998-99 TA strike that allowed me to assure our teaching assistants that they would not be penalized for activities that were well within their rights and that our faculty would not serve as scab labor despite pressure from the office of the Dean. It was also particularly gratifying to see the strike settled in favor of the TA's as the result of pressure from pro-labor legislators in Sacramento so that students here were spared the defeat that marred and even ended many graduate careers at the University of Wisconsin. The politics of the strike suggested that progressive members of the legislature could be powerful allies in the battle against the conservative corporate nature of the UC system.

With regard to feminist action, I had eagerly volunteered to serve on the Committee on the Status of Women at Davis (SWADAAC) my first year on campus, only to realize very quickly that the committee had in reality little or no power or impact. When asked to chair the committee in 1994, I declined because when I asked what role the committee would play in relation to a recently initiated campus gender equity study, the answer I was given was "none." SWADAAC has since ceased to exist – testimony, I think, to the inevitable clash between bureaucratic structures and entrenched interests versus social change.

The aforementioned gender equity initiative, spearheaded by Martha West with statistical data compiled by Professor Jessica Utts and limited administrative support from Vice Provost Carol Tomlinson Keasey, sought to remedy salary and rank inequities tied to gender. The fierce opposition it met, acted out in tense debates on the floor of the academic senate punctuated by nasty personal attacks on Professors West and Utts, was a real eye opener for me. Clearly a very vocal and determined group of white male faculty had no understanding whatsoever of institutionalized sexism nor any clue as to the social significance of the fact that women across the country and in all kinds of jobs made 75 cents to every dollar earned by men. They considered the initiative both a personal accusation and an effort to give unfair advantage to women! These opponents succeeded in transforming the program so that it could only be implemented in a compromised form that included men as well. The result was a legacy of denial on the part of university faculty that they had indeed been complicit in refusing women equal pay for equal work. On the immediate and pragmatic level, however, the study was a success; though a number of men turned in their files for consideration, equity increases were granted to five times as many women as men. I was one of them; the “demotion” that had accompanied my original appointment at UC Davis was finally reversed. I will always be grateful to Martha West and Jessica Utts for the strength, determination and courage that they showed in that most difficult process that benefited so many women and, perhaps even more importantly, offered us hard lessons and even hope for effective, viable future feminist action.

In fall 2000 I was appointed as Director of the Consortium for Women and Research, a small institute that supports research on and by women and serves as an advocate for the professional advancement of women faculty and graduate students at UC Davis. After learning of Senator Jackie Speier’s state senate hearings on gender equity in UC hiring, I invited her, on behalf of the Consortium, to speak at UC Davis, her alma mater, in the fall quarter of 2001. Her talk was well attended by faculty and relevant administrators who were clearly on alert as a result of Senator Speier’s assertion of the urgent need for such unprecedented governmental oversight of hiring processes in the UC system. In an effort to keep UCD faculty informed about the Speier hearings and the related activities of California Academics For Equity (CAFÉ), the Consortium newsletter published reports on these activities by Professors Laky and West in the Spring 2002, Fall 2002 and Winter 2004 issues. Links to the relevant state government website and information about CAFÉ and other related UC faculty initiatives were added to the Consortium website. The success of these activist endeavors on the part of faculty systemwide to engage with legislators in efforts to compel change in university hiring practices struck me as remarkable. I was happy to lend the resources of the Consortium to publicizing them as widely as possible and am honored to be a part of the team that is now writing a history of this work which I am convinced is in the true spirit of faculty governance.

## A Democracy?...Not.....Yet! Gyöngy Laky

As a student at UC Berkeley in the late 1960s and early 70s, I became both an artist and an activist. I was often engaged in causes and projects—the anti-war movement, ending capital punishment and creating a student café (still in existence) that demanded healthy food be served. After post-graduate studies in India, I returned to Berkeley in 1972 and founded a school and exhibition center with students, artists and faculty. I joined the faculty at UC Davis in 1978.

I became a member of the Academic Senate Affirmative Action Committee in 1984. I was now a tenured Associate Professor. This was my first appointment to an Academic Senate campus wide committee and I was eager to participate. I had already initiated and written a proposal to transform the Design Program, housed in the Department of Applied Behavioral Sciences, into the independent Department of Environmental Design. It was moving forward toward approval. I was ready for new projects.

The prior Affirmative Action Committee's year-end report began, "UCD is the northern most and most conservative of the UC campuses." Chair Ed Schroeder (Civil Engineering and an early mentor) continued, in that report, to outline our miserable record in hiring women and faculty from under-utilized/underrepresented minority groups. Professor Martha West (Law School) an expert in labor and employment law, introduced our committee to reading data and trained us to analyze and use it. I came to understand from Schroeder's report that UCD was not hiring effectively. Nor were hires always based on merit, as we would like to believe. Cronyism often appeared to be at play. The power of data as a tool lies not only in helping to understand a problem, but also, in being able to describe it clearly to others. For me, essentially a practicing, studio artist, this was like a new art form. It was not long before the data showed me how much work there was to do. It seemed shameful that a public institution of the stature of UC was not also at the forefront of smart faculty hiring that prepared our great university for the future.

When I was hired in 1978 only 5 to 6% of full professors were female. Women were woefully underrepresented across ladder rank steps. Few women or faculty of color held leadership positions. One of my direct experiences with the subject of gender equity was participation in a focus group for a study of the so-called "chilly climate" for campus ladder rank women. I was startled by the stories other faculty told, but also surprised and disturbed that I already had my own to contribute. I had noticed that men were addressed more frequently at meetings than women, that men's names adorned campus facilities, that men received promotions and advancements more easily and that women were not chairs and deans. I was at the beginning of a multi-year struggle myself (eventually successful) to be permitted to compete for the same research support that male colleagues in my college enjoyed.

Our Affirmative Action committee in 1984-85 focused on the hiring of women because the numbers were so large that anyone could readily recognize the magnitude of the problem and the obvious discrimination that the data suggested. Our administration and faculty leadership, all male and all white at the time, apparently had not paid attention. This may have been “unintentional prejudice,” as most male faculty had no idea of the numbers of female senate faculty, how many women were hired in a given year, or how many earned Ph.D.’s. Discrimination was not on their radar, nor was the need to include them. I had the impression that men at UCD believed that motherhood was incompatible with being a professor as were other aspects of being female. Most did not even notice the absence of women among their ranks.

A relevant anecdote from just a few years ago illustrates the attitudinal problem and also holds some hope for systemic change. At a UC meeting on diversity, a professor in a scientific field at Berkeley described a recent search in his field. Search committee members contacted their colleagues nationwide to get names of possible candidates. Their efforts resulted in an excellent pool of candidates who were, however, all male. The committee, rightfully, understood that this would not be acceptable in the 21<sup>st</sup> century so they called their friends back to ask if they had any woman to recommend. The resulting group of applicants was again excellent, but, this time, it also included women.

With more awareness, more information, discussion and publicity about gender and diversity, faculty were becoming informed and cognizant of the need to be more inclusive in order to attract top talent, but some contrariness also emerged along the way. Several of the more conservative male faculty worked to oppose change. UC administrations, being rather conservative entities themselves, were loathe to disrupt the status quo. Thus, they tended to support the more conservative view though they recognized the need to change. Paradoxically, the women who were most active and outspoken and who were the most informed - who could potentially do the most to aid the administration to enhance the composition of the faculty – were passed over for the important administrative jobs.

“Why was I appointed to the Affirmative Action Committee? Why was it not some regular business committee of the Academic Senate?” I later asked myself. I believe one of the answers is that the prevailing attitude was that the Affirmative Action Committee was the *proper* place for *others* while it was the white men who took care of the *important* business of the campus. Unintentional bias? Perhaps, but it seemed to be occurring out of a combination of both ignorance and prejudice. It was, at once, inadvertent and willful. This did not bode well for significant action on the part of the campus Senate leadership as agents of change.

Faculty tend to function in isolation and are often unaware of the experiences of others and, therefore, not cognizant that all are not treated equitably. The published report on “climate” was devastating in its criticisms of conditions on campus concerning inequality in resources, differential treatment of male and female faculty, sexual harassment, hostile work environments and other problems women faculty faced. The

campus community at large, mostly male, and mostly European American, seemed to be unaware that such conditions existed. Educating our faculty leadership and the administration was obviously a key to bringing about needed change.

I was being progressively radicalized by my own experiences, by the climate study, by my committee activity, by the data, by the few enlightened male faculty who were my friends, and, ultimately, by the urgency the events of the late 1990s made evident. Events along the way also played a role in driving me to look **outside** the system for ways to tackle the work so urgently needed.

From 1988 to 1990, I chaired the UCD Academic Senate Affirmative Action Committee myself, following Professor West's lead. In both years' annual reports my committee set forth a number of concrete recommendations as we had in the past. The Representative Assembly of the UCD Academic Senate accepted and supported them, but there was little actual follow-through. The 1989-90 report mentioned that the State Legislature's Joint Committee Report challenged the University to reflect the demographics of California by the year 2000. My committee formulated a plan to meet this goal. To meet the Legislature's challenge would require that we hire approximately 50 women and 32 faculty from underutilized racial/ethnic groups each year for the next 10 years. This sounds difficult but that very year, 1990, UCD hired 36 women and 15 underrepresented minority faculty (17 the following year), not far from the needed levels.

We had spent years advancing and sliding back, never making a fast and hard commitment that would ensure the level of change needed. Our plan was, again, not carried out. I was hopeful, nonetheless, and in 1989-90 I was also a member of the state wide Affirmative Action Committee and agreed to chair it in 1990-91. This was my introduction to system wide UC and the beginning of my in-depth disappointment. Davis was, perhaps, the most conservative campus, but others had dismal records too. I realized that hiring discrimination was endemic throughout. I was now a Full Professor, Step III, which provided me with some confidence that I could speak out. Our 1991 annual report was hard hitting and controversial, challenging UC to do better in attracting and hiring a diverse faculty. We included mention of the Regents' discussion of a report, *The University of California in the 21<sup>st</sup> Century*, at their November 1988 meeting. That report noted, "If the University of California is to meet the challenge of diversifying its faculty in the 21<sup>st</sup> Century, it must take extraordinary efforts in the next 2 decades." Earlier President Gardner had called upon all the chancellors "to make an even greater effort to achieve this objective." But, yet again, that "extraordinary" effort was not made and the discrimination and disparity continued.

In 1994, Professor Jessica Utts (Statistics) was requested by the campus administration to conduct a report on inequities in salary levels comparing men to women faculty at UCD. The magnitude of the gulf in pay it delineated sent a shock through campus. The administration asked the Academic Senate leadership, specifically the Committee on Academic Personnel, to institute full-career personnel reviews of women faculty and to make the adjustments as needed. It was not an easy thing to accomplish since some of the more recalcitrant members of UCD's male faculty (joined by a few

women) tried hard to derail the effort. Professor West and others became active in bringing together women faculty to meet and discuss issues and to put pressure on the administration and the faculty. The salary equity reviews and adjustments moved forward and remedied some of the most blatant discrepancies. I was chairing the Department of Art in the mid 1990's, undertook comparative analyses and oversaw several salary adjustments for female faculty whose advancement records had flagrant inconsistencies when compared to their male counterparts.

Though there were surely various reasons for salary inequity, one form of discrimination that often played a significant role occurred by bringing female faculty in at lower salary steps. Often this was a last minute switch, reducing the entry level of hire, *after* a female candidate was selected, but before she signed an employment contract. I had experienced something similar. In 1978 I was being considered for hire for what I understood to be Associate Professor, Step I, a tenured position, reflecting my extensive background. After I began teaching in the fall quarter, my proposed appointment was changed without consultation to an "Acting" Associate Professor title, indicating no tenure. What was I to do? I felt in a weak position. I did want the job. [Much later I learned that "acting" is used when a candidate may not have enough teaching experience, but I had founded a school and had established accredited undergraduate and graduate programs, and not only had university teaching, but also curriculum planning, advising and administrative experience as well.] I did achieve tenure the following year. Such tactics were not uncommon. Not only were women brought in at lower steps than their experience merited, but, also, behind-the-scenes manipulations resulted in unfair treatment, lower salaries and reduced start-up packages, or occasional back-door efforts to derail the hiring of a woman or person of color all together.

These questionable and objectionable practices are difficult to root out because they are part of tradition-bound culture. Sometimes, even enlightened policy can have an unintended and unforeseen adverse effect. UC has done a remarkable job instituting new standards for child-bearing/family care leave. Many women, however, perceive that such leaves can have a negative impact on a woman's subsequent personnel review. I have heard male colleagues in personnel committees say that a female colleague who had recently given birth and taken a leave should have gotten more published during that time period, having had "so much time off"—exactly contrary to what the new policies intended.

After several years working on committees and chairing them, I could see that our lists of suggestions to correct the inequities were the same lists recommended to the administration and the Academic Senate over and over again. Every time the question of hiring disparities received increased attention—when the numbers of women hired dropped to alarming levels—the administration put together a task force or committee that looked good, did little and came up with mostly the same recommendations. To be fair, these committees had many good people appointed to them, but they were orchestrated to be largely ineffective. The administration would shift the question of hiring to focus away from women and onto minorities when we all knew it was generally impossible to have large enough candidate pools among African American or Latino

Ph.D. recipients to force change—the numbers in most fields were too small to make a point or lead us in a workable direction. I heard the excuse...“We tried but we could not compete with Cornell (Yale or Harvard or Stanford)” for that single, black physics Ph.D. recipient out there. Thus, we were off the hook for another year of hiring and avoided basic institutional change, though it looked as if we were trying. In my own College of Agricultural and Environmental Sciences, under UC’s federally-mandated affirmative action plan, we had goals in 2003 to hire 60 more women faculty to correspond to women’s availability in our Ph.D. pools. At the same time, we had goals to hire 8 more African American faculty, 13 more Asian American faculty, and 6 more Latino/a faculty, reflecting the gap between the racial/ethnic breakdown of Ph.D. recipients in our fields and the composition of the faculty.

My first priority in hiring issues has always been diversifying the faculty of UC. Given the multi-cultural demographics of California (our “minority” majority population that UCB Chancellor Robert Birgeneau describes as the “majestic tapestry”), I believe it is imperative that UC embraces the full palette of talent at our doors. It is even more difficult to combat racial prejudice than gender discrimination. We believed we could accomplish the institutional change needed more quickly by emphasizing gender equity where we had lots of data, and large numbers in the Ph.D. pool, and where our discriminatory behavior was most obvious, where it was not a question of relying on affirmative action (an approach being widely attacked). After all, federal and state law mandated that we not discriminate based on gender. We had strong evidence to suggest that we were probably in a constant state of violation. In addition, various studies suggest that when hiring greater numbers of women, the composition of hires tends to be more diverse ethnically/racially. We have recently witnessed this in UCD’s new faculty cohorts.

While chair of the state-wide Affirmative Action Committee I continued the practice initiated by the previous committee of campus visits. We spent a day at UC San Diego. We openly tape recorded our meetings with faculty, chairs, deans and other administrators including the chancellor. A dean in the sciences, speaking on the record, described the inability to diversify his faculty. He said of African American scholars (having hired *one* in the past), that they had tried “them” but “they” had not worked out. He suggested that he and his faculty did not feel it was a good idea to introduce someone to the group who was different from the others and, therefore, might feel uncomfortable and out of place and might have a negative experience. Even in my own department, a male faculty member, somewhat younger than I, suggested at a faculty meeting discussing the hiring of women, “We should try them out in the visiting lecturer positions.” I asked him rhetorically if he had been tried out as a visiting lecturer prior to joining the ladder ranks of the faculty? When he replied, “no,” he reddened and must have realized the absurdity of his suggestion.

There was much else UC Davis could have done. Candidate pools are more conducive to diverse hiring at Assistant Professor levels, but a large percentage of new positions remain at Associate and Full Professor. Likewise, for many years “monitor, monitor, monitor” has been a mantra, but we are still not adequately monitoring search

procedures though we have the tools to do so. In my testimony at the 2003 State Legislature's hearing, I mentioned a conversation with a high level UC administrator, who said to me, "there are no teeth behind the talk," and then asked rhetorically, "how many years of data do we need to see before we are convinced that there are inequities?" I was asked not to identify the individual, which is, in itself, indicative of the problem. The quote conveys so aptly the frustration many of us experience when working within the system.

The general chumminess of the old boy system does not open easily to women or others. It is consistent with human nature to prefer the groups with which we are used to socializing, with which we feel most comfortable. So, it is not surprising that the mostly male academic environment has perpetuated itself by hiring like kind. It is now an urgent necessity to change this. With women, at UC and nationwide, earning almost 50% of all Ph.D.'s (many of whom are women of color) and, additionally, with increasing numbers of males of color earning Ph.D.'s, we are, more and more, hiring from a shrinking minority pool of white males. Is it not statistically impossible to hire white men at the high rates we do, and still be reaching all the top talent? Can it be, as we always claim, that we are hiring on merit alone with such a shrinking pool?

The bad news hit after passage of California Proposition 209 (prohibiting preferential treatment for any specific gender or ethnic/racial group): UCD had hired only 13% women in 1997-98 (the lowest level in a decade). While I had not voted for Proposition 209, I understood its prohibition, but, here we were, preferring and hiring white men at rates of 87%, way beyond their 59% presence in available pools, when for almost a decade more than 45% of all Ph.D.'s had been granted to women. With Prop. 209, we had, it seemed, created an effective affirmative action program for white men. In 1998, not only had the hiring of women plummeted throughout UC, but we had begun the greatest hiring surge in UC's history. The lowest levels of new faculty women juxtaposed with the highest levels of hiring pointed to a catastrophic step backward and called for immediate action.

I love the University of California. It is not only my alma mater, but as a faculty member I have devoted over a quarter century to it. In addition to my work on hiring issues, I have also served on the Committee on Academic Personnel, and most recently, worked to get our Senate Assembly to pass a resolution opposing the abuses of the U.S. Patriot Act. I have great respect and appreciation for UC. Its importance to the world as the top public university system anywhere cannot be overstated. Given the globalization of our lives, we can no longer turn our backs, nor keep our doors closed, to the rich array of talent we are educating but are reluctant to hire.

In discussing these dire circumstances and what we might possibly do to counter them, Professor West and I agreed that the normal channels would be inadequate to the challenge we now faced. We had observed that when pressure was applied in the past we were often able to improve hiring at UC. Given the circumstances and the urgency, we knew we could no longer work at the usual slow pace of the committee process and administrative foot-dragging. Nor did we have a "class" for a class action suit. We realized that some form of strong public pressure, coming from outside, would be an alternative force that could motive UC to move quickly. The

only thing I could think of to get us there was to go to the state legislature. The future health and relevance of UC was at stake. The immediacy of this disaster in our institution drove my colleagues and me outside the system.

I had now advanced to Professor, Step VI. I informed my husband, letting him know that I was determined to embark on a project of unknown outcome and that one potential risk might be making some colleagues angry and that my trajectory of advancement might come to an end as a result. There was a possibility of retaliation and the end of my ladder advancements and, with them, any further salary increases. This would, of course, ultimately impact my retirement income and could represent a sizable financial loss for us over a period of years.

At a dinner party, my friend's mother and I discussed the UC situation. She (from a long standing, prominent "UC family") was astonished by what I described and the next day spoke with State Senator Jackie Speier on our behalf. Our following report describes and documents what ensued.

### **The Story: Developing Political Pressure to Create Change within the University of California**

#### **The Problem and the Players**

In 1984, Professors Gyöngy Laky and Martha West met while serving on the faculty Academic Senate Affirmative Action Committee at UC Davis. Laky was a professor of Environmental Design in the College of Agriculture and Environmental Sciences and West was a professor at the Law School. The two soon formed a strong bond of friendship and political commitments.

It was West who first became aware that women's numbers among new faculty hires had taken a nose dive at UC Davis in 1998-99, after California's Prop. 209 had gone into effect in 1997. West brought the statistics to Laky's attention and the two were appalled, dumbfounded. The statistics were so outrageous that they thought, "well, maybe this year is just a fluke." Nevertheless, they began to discuss possible action to take. And indeed it was not a fluke, as they discovered when UCD's internal statistics the following year showed that only 18% of new faculty hires were women. They looked at hiring data for UC state-wide and found a significant decline in hiring women at most of the campuses. With more than forty years of combined UC political experience, these two activist-savvy women, a lawyer and an artist, knew that large-scale change within the UC system happened at approximately a snail's pace. What was most troubling to them was a faculty newsletter from Larry Coleman, Chair of the System-wide Academic Senate, regarding the growth of the University of California. The administration was expecting the student body to increase by 40% over the next ten years, from 152,000 to 210,000 students. In addition, UC anticipated large numbers of faculty retirements. A corresponding faculty hiring increase was projected – a need to hire 7,500 new faculty over ten years, more than the total 6,400 UC faculty employed at that time. Because

faculty in academia tend to remain at their institutions for long careers, this tremendous hiring surge would be shaping the make-up of the UC faculty for the next half century or more. Massive faculty turnover, combined with the alarming decline in women's hires, concerned Laky and West, and made the need for change urgent. If they did not act soon, it would be too late.

Laky and West had discussed the possibility of getting someone in the legislature to champion their cause and be their voice. One evening at a dinner party in San Francisco, Laky was talking to an old friend, Phyllis Friedman. Friedman was a prominent UC Berkeley alum and supporter; her architect husband had chaired a UCB department; her father and her three children were all UCB alums. Friedman mentioned a friend of hers, Pedro Noguera, an African American Professor at UC Berkeley, who was leaving Berkeley for Harvard, and had commented in a recent news article that UCB does not care about its faculty of color. Laky told Friedman about the egregious decline in the hiring of women faculty at UC Davis. Laky went on to say that if she and her colleagues could find someone in the legislature who would be willing to investigate UC's hiring practices, perhaps the University would take their concerns about women faculty more seriously. Without hesitation, Friedman said she knew just the right person. The next day Laky received a phone call from the office of State Senator Jackie Speier, giving her Senator Speier's work number, cell phone number, pager number, and home phone number. Speier was clearly interested. Laky and West had their voice, and their movement began to take shape.

Senator Jackie Speier is a woman of tremendous courage, willing to take on any challenge despite obstacles that may stand in her way, a survivor in the truest sense of the word. Twenty-seven years ago, as a young congressional staff person, Speier almost lost her life in an attempt to uncover the facts about the Reverend Jim Jones and his People's Temple followers. Over 900 people died that day, November 18, 1978, in the incident that has come to be known as the Jonestown massacre. Jackie Speier was shot five times on the airport tarmac in Guyana and left for dead. Thankfully, Speier survived, to the betterment of the people around her and all Californians. Senator Speier has done tremendous work in doggedly pursuing corruption at the highest levels. She persistently held hearings exploring the professional and ethical conduct of the State Insurance Commissioner, which eventually led to his resignation in 2000 and to substantial reform. She has won many battles, including protecting California consumers' privacy rights by forbidding companies from sharing a customer's personal information, and uncovering illegal activity and wasteful spending in the California state prison system. She has played a vital role in enacting new California laws in the areas of consumer protection, child support, and health care. She is an alum of both UC Davis and UC Hastings College of Law. She worked on the merger of the UC and Stanford hospitals, and as chair of the Senate's Government Oversight Committee, had extensive experience with UC. Senator Speier has a strong tie and commitment to ensuring the vitality of the UC system.

## **Work with Senator Jackie Speier in 1999 and 2000**

On December 14, 1999, Professors Laky and West, along with Phyllis Friedman and Professor Jessica Utts from UCD's Statistics Department, met with Senator Jackie Speier for the first time in her San Francisco office. After discussing the dramatic decline in women faculty hires at UCD, and the many obstacles Professors Laky, West and Utts had faced on campus, Speier suggested a state audit of UC's hiring practices. She felt an audit would give them a baseline from which to work. It would highlight the issues, and make public the crucial information on which one could build a legislative hearing and subsequent conversations. Before Senator Speier was comfortable with requesting an audit, however, she wanted to meet and hear from faculty from other UC campuses to understand the problem more broadly.

Meanwhile, Senator Speier immediately went to work. She contacted the UC Office of the President, informed UC that she was considering requesting an audit of its hiring practices, and began asking for data. In February 2000, she met with UC officials, including the lobbyist for UC, an Assistant Vice President from the UC Office of the President (UCOP), and the Vice Provost from UC Davis, raising her own concerns about gender equity in faculty hiring. In March 2000, UC President Atkinson sent a memo to all the UC chancellors, asking each of them to review their campus's faculty recruitment procedures. Atkinson specifically mentioned a task force on faculty recruitment that had been established at UC Davis in November 1999, in response to UCD's drastic decline in hires of faculty women. (Professor West had been appointed to the UCD task force and, at its first meeting, suggested the committee begin by reading the half-dozen reports written by former UCD committees on the same topic over the previous 10 to 15 years.)

To gain further insight before requesting an audit, in July 2000 Senator Speier met with a group of 13 senior faculty women, all full professors and representing five campuses. The women were unanimous in detailing the need for an investigation of UC's hiring practices. One woman after another described the difficulties they had encountered in bringing the serious under-representation of women among the ladder rank faculty to the attention of campus officials. After Prop. 209, neither the UC Office of the President nor the campus administrations seemed concerned that the hiring data indicated increasing gender discrimination. Campus administrators and department chairs also seemed confused about the impact of Prop. 209 on federal hiring requirements. At the meeting, Senator Speier agreed to seek approval from the legislature for an audit of UC's hiring practices.

On August 22, 2000, the Joint Legislative Audit Committee approved Senator Speier's request, and a quarter of a million dollars was appropriated to fund the audit. UCOP representatives were present at the committee's meeting and were supportive, publicly acknowledging that there appeared to be a "problem." During the fall of 2000, word spread among UC faculty and staff that an audit of gender issues in faculty hiring was occurring. At UCLA, all faculty members received a memo about the audit in January, 2001, informing the faculty that a team from the State Auditor's office would be visiting the campus that month. On other campuses, only deans and department chairs

were directly informed, but information was passed on to lower levels by word of mouth. All of this activity was very useful in raising the profile of the faculty women's concerns.

Once the audit was underway, Senator Speier's office began preparations for the Senate Select Committee on Government Oversight, which Senator Speier chaired, to hold a hearing on UC's hiring practices. The date was set for the end of January 2001. Again, even before the hearing date, UC responded. In a January 3, 2001 memo, UC President Atkinson confirmed an agreement with the UC chancellors to designate a number of faculty positions for hires of "outstanding" scholars in research fields dealing with issues of "race, ethnicity, gender, and multiculturalism" or examination of "disadvantaged" groups. The Office of the President set aside \$2 million over three years to help provide start-up research funds for these positions. It seemed apparent that UC wanted to have something to report at the January hearing.

### **Hearing #1 – January 31, 2001**

At 10:00 in the morning on January 31<sup>st</sup>, the first of what was to become a series of three hearings convened. The sole focus of the hearing: gender inequity in faculty hiring across UC campuses. Senator Jackie Speier, chair of the Senate Select Committee on Government Oversight, opened the hearing with the crucial fact that, due to the anticipated 40% increase in student enrollment and faculty retirements during the next ten years, UC would be hiring unprecedented numbers of new faculty. The 7,500 new faculty members hired during the next decade would shape the make-up of the faculty at UC for the next 30 to 50 years. Senator Speier spoke of the applicant pools, recent PhD recipients, from which faculty are hired, as an important benchmark in determining inequity in hiring. Because UC hires across all disciplines, one would expect the percentage of women hired to reflect generally the percentage of women receiving PhDs. Unfortunately, this had never been the case. Furthermore, in the mid 1990's, the gap between the expected percentage of women faculty hires and the actual percentage hired had increased, not decreased.

UC faculty members were called upon to give testimony regarding gender disparity in hiring at their respective campuses. Professor Gyöngy Laky of UC Davis, the prime organizer who sparked this movement, was the first to speak. Professor Laky noted that in 1997 she had realized how serious the problem was. A campus publication displayed the outrageous statistic that UC Davis had hired 50% fewer women than it hired the year before. According to internal UCD figures, during 1997-98, UC Davis hired 15.5% women and 84.5% men, the lowest percentage of women ladder rank faculty hired at UCD since 1986.

Many people believe that the drop in the hiring of women can be blamed on the passage of Proposition 209 in 1996, and indeed the statistics do correlate. Professor Laky noted the main objective of Prop. 209 was to prohibit preferential treatment, and yet now, UCD was hiring men at 30% *above* their expected numbers based on the candidate pools – clearly preferential treatment in favor of men. The 1997-98 hiring number might have been expected 30 years ago when only 13% of PhDs were awarded to women. But today,

with nearly 50% of all PhDs nationwide obtained by women, 84% male hires was not a pipeline problem, but an issue of discrimination. Laky further testified that National Education Associations statistics show that since 1978, women have been more interested in academic employment than men. In 2000, 56% of all women receiving PhDs chose to apply for academic jobs as opposed to only 44% of men earning PhDs.

Professor Martha West testified next. Speaking as an employment law expert, Professor West stated that when analyzing issues of hiring discrimination, first look at the gender (or racial) composition of the qualified labor pool from which the employer hires. Then examine the employer's recent hires, which should reflect the composition of the qualified labor pool. If it doesn't, ask whether this indicates discrimination or if there is some other explanation. In the UC system, as Senator Speier noted, the qualified labor pool, the primary source of ladder-rank faculty hires, is recent PhD recipients. In the early 1990's women made up between 43% and 45% of Americans obtaining PhDs. In 1998 women were 48% of American PhD recipients. While the percentage of women among PhD recipients was **increasing**, the percentage of faculty women being hired by UC was **decreasing**. (Appendix #3) Between 1990 and 1994, the percentage of women hires at UC increased from 32% to 37%. UC appeared to be on the right track, but the 1995 UC Regents' anti-affirmative action resolution and Prop. 209 seemingly dealt a devastating blow to this trend toward gender equity. In 1997, women's percentage among new hires within the UC system fell to 27%. It rose to 32% the next year, but fell back to 27% again in 1999. At that point the gap between the percentage of women available, 48%, and women hired, 27%, had almost tripled from an 8-point gap in 1994 to a 21-point gap in 1999.

Why was this happening? How could women's numbers in hiring drop so dramatically? Professor West gave a few explanations. First of all, the "fallout" from Prop. 209 and the UC Regent's action allegedly "abolishing" affirmative action in 1995 had significant impact. Professor West suggested that faculty (80% of whom were men) had "relaxed," thinking that affirmative action was gone, and that everything was back to "normal." "Normal" meant hiring people most like themselves, hiring the "best" graduate students recommended by their mostly male colleagues at other schools – in effect, hiring primarily men. Since 1998, there had been no pressure from deans or department chairs urging hiring committees to consider the need to hire women. UC administrators no longer mentioned the hiring goals for women required by federal law to search committees who invited candidates to interview or to faculty who voted on whom to hire. Hiring women faculty had become a non-issue for most faculty.

Second, as Professor West explained, UC hires approximately 40% of its new faculty at the tenured ranks of associate and full professor. When hiring professors with tenure, women's numbers in the applicant pool drop to about 20%, the average number of women among tenured faculty at research universities including UC. Only when UC hires at the entry level, for assistant professor positions, does it hire from the applicant pool of recent PhD recipients, where women constitute 48%. Herein lies one solution for UC to increase the hires of women. Hire more faculty at the assistant professor level.

Finally, Professor West reminded everyone at the hearing that UC was still bound by federal law. Under Federal Executive Order 11246, as a recipient of federal funds, UC is required to maintain written employment affirmative action plans. Federal regulations governing such plans require that the University make “good faith efforts” to hire faculty from underrepresented groups. Most departments within the university had continuing goals to hire women faculty because their presence in the qualified labor pool (recent PhDs) was not reflected within the ladder faculty ranks. California’s Prop. 209 itself specifically recognized the need to comply with federal law. Consequently, UC should not be using Prop. 209 as an excuse for its failure to hire a representative group of women. In fact, UC was violating Prop. 209 by “preferring” men.

Three professors from UC Berkeley testified next, presenting graphs and statistics painting a dismal picture for faculty women systemwide and in particular at UC Berkeley. Professor Sally K. Fairfax of the UCB College of Natural Resources presented one graph depicting the present composition of women within the UC system, documenting the gradual decline in the percentage of women as they graduate and climb the ladder in rank. In 2000, women composed 55% of degrees granted to undergraduate students, 45% of degrees granted to graduate students, 38% of assistant professors, and 21% of professors with tenure, a steep downward slope.

According to Professors Marge Schultz and Angela Harris from UC Berkeley’s School of Law, the picture was especially bleak at Boalt Hall. In 2000, the make-up of Boalt’s law faculty consisted of 81% (44) men and 19% (10) women. A look at the hiring of women faculty at Boalt over the years was particularly telling. Boalt hired a total of 2 women in the 1960s and 2 women in the 1970s. (The two women hired in the 1970s were both initially denied tenure. Eventually, both tenure denials were reversed.) In the 1980s, 5 women were hired, three of them after 1985, the year the first appeal was filed over the earlier tenure denials. Between 1990 and 1996, another 5 women were hired. Then Prop. 209 passed. Between 1996 and 2001, Boalt hired no women. Even more outrageous was the fact that between 1997 and 2000, Boalt faculty made 10 offers to men and ZERO offers to women! Looking at a ten-year period, from 1991 through 2000, Boalt made 24 offers to men to join the law faculty, while making only 4 offers to women. (Appendix #3) This was particularly egregious because the percentage of women graduating from law school, the applicant pool for law school faculty, had climbed nationwide from 34% in 1980 to 46% in 1998. At Boalt Hall, women law students rose from 40% in 1980 to 54% in 2000. The entering class at Boalt in Fall 2000 was 64% women.

Professor Carole Goldberg, from UCLA’s School of Law and President of UCLA’s Association of Academic Women, testified next. She pointed out that, in contrast to the more prestigious tenure-track and tenured ranks of faculty employment, women are concentrated in the less prestigious non-ladder faculty positions, where they receive lower pay, have heavier teaching burdens, and get little consideration for promotion to tenure-track. Professor Goldberg noted that we must look beyond the applicant pools to try to determine why women are showing up in such low numbers in the tenure-track ranks. For example, whether women with doctorates will even apply for

tenure-track jobs depends in part on whether they believe the academic environment will welcome them and foster success. The historically low rates of hiring women into ladder rank positions, resulting in departments with only one or no women, becomes a self-perpetuating cycle. Women fail to apply because they do not wish to work in such an environment. Inadequate childcare may also discourage women from applying for faculty positions, without having the same discouraging impact on men.

Furthermore, Professor Goldberg suggested that even where female applicants are available and departmental offers are made, issues such as pay equity, promotional opportunities and campus climate may make a big difference in hiring success. Even top universities, like UCLA, must compete heavily to attract outstanding faculty. Women will choose the university where they believe they will receive fair treatment and support. Consequently, Professor Goldberg continued, it is not an excuse for a campus to justify its failure to hire more women by citing women's refusal to accept its offers if gender equity issues on campus make it a less appealing choice for women.

Goldberg offered some important statistics to give everyone a feel for the campus environment at UCLA. In 15 years, from 1984-85 to 1998-99, the percentage of women hired as ladder rank faculty at UCLA had fallen from 29.9% to 27.5%. UCLA's own affirmative action plan, although deemed noncompliant by the UC Office of the President because it failed to include goals or timetables, continued to show serious under-utilization of women in all departments but Nursing. According to UCLA's own analysis, women should have represented 35% of UCLA's faculty, rather than the 23% present in 2000.

Women faculty continued to suffer from lower pay at UCLA. The UCLA Gender Equity Task Force reported that, after controlling for certain variables, men earned 11.4% more than comparable women. Some of this pay difference was attributable to women's lower ranks, and more was attributable to women working in lower-paying departments. Women were less likely to have achieved either the rank of Full Professor, or the most prestigious UC rank of Full Professor Step VI. The Gender Equity Task Force also found several qualitative indicators of gender inequity based on extensive interviews. Women were concerned that pregnancy disability leave and child care leave policies were not consistently implemented and that there was a shortage of childcare on campus. Faculty women also believed that they were overburdened with committee and department assignments.

In Professor Goldberg's opinion, the causes of gender inequities are complex. Faculty control hiring and often focus on the growing specialization within academic disciplines. This narrow focus, combined with continuing favoritism and cronyism among senior faculty at feeder schools, mostly men, encourages faculty to hire people most like themselves. Cognitive biases shared by both men and women lead to overvaluing the accomplishments of men and undervaluing the accomplishments of women. More importantly, individual schools and departments are not held accountable for their failure to hire women. Proposition 209 and the UC Regents' Resolution SP-2 have created uncertainty about UC's continued obligation under federal and state non-

discrimination law to diversify the faculty. Searches are often targeted for subfields and specializations where women are less likely to be present. Finally, the structure and pacing of academic careers favors traditionally male family roles.

Professor Goldberg recommended that UC establish and publicize an ambitious goal of eliminating the under-utilization of women at all ranks by a set target date. UC should provide resources to reward departments that are successful in hiring women, should expand childcare facilities, and provide release time for faculty who experience burdensome service obligations. Goldberg also recommended both expanding the scope of some searches and targeting other searches in fields where women are more likely to be found.

Professor Afaf Meleis, a medical sociologist from UCSF School of Nursing, followed Professor Goldberg. Professor Meleis testified that the UCSF campus has worked hard to recruit and retain women, who represented 35% of the ladder-rank faculty in 2000. However, women's percentage of faculty positions still did not reflect their representation in the available labor pool. In addition, these statistics alone did not tell the whole story. At UCSF, women are not found in high positions; women suffer from a discriminatory work environment; and UCSF lacks institutionalized mechanisms to eliminate gender discrimination and to monitor equity in a vigilant, consistent way.

Subtle discrimination occurs in a variety of ways. Women faculty complain about lack of mentoring. Without mentors, women are passed over for academic opportunities, lack critical information and feel ignored. Women complain of marginalization and exclusion from men's critical networking groups. Again, deprived of vital information, women feel this form of exclusion negatively influences their career choices, the availability of research opportunities and grants, slowing their progress and promotion through the faculty ranks. Finally, women feel intimidated from exercising their rights to maternity leave or caregiving family leave. Taking such leaves is held against them. These subtle and not so subtle examples of discrimination seriously affect the recruitment and retention of women faculty.

To eliminate discriminatory work environments and encourage women to seek faculty positions, Professor Meleis noted that we must develop campuses that are gender-sensitive and friendly to women, embracing their perspectives and accommodating their life demands. In her 33 years of academic experience, Meleis has found that women suffer from both outright and subtle discrimination. The outright discrimination is manifested both in the lower numbers of women in ladder faculty positions compared to their higher numbers in non-tenure track faculty positions, and in the serious under-representation of women in leadership positions.

The UC Office of the President was represented at the hearing by Chancellor M.R.C. Greenwood from UC Santa Cruz. In contrast to the faculty members' testimony, Chancellor Greenwood stressed UC's success in hiring faculty women. Greenwood presented a graph showing that UC had hired a greater percentage of women faculty (34.5%) over an eight year period, from 1992-2000, than the average of eight comparison

institutions (31.5%). Additionally, the overall percentage of women faculty in 2001 at UC, 23.5%, was substantially greater than that of esteemed private institutions such as Harvard at 12.9%, Massachusetts Institute of Technology (MIT) at 14.5% and Stanford at 17%. However, Greenwood noted that there was bad news as well, referencing the dramatic drop in hiring women since the passage of Prop. 209, but she did not want to attribute the drop to any one causal factor.

Chancellor Greenwood next discussed the applicant pool issue. In contrast to the prior speakers, she noted that simply having a PhD was generally not enough in itself to be hired at UC. Some teaching experience, publication in an outstanding journal, a book project, or independent research funding were often additional qualifications that UC looked for in hiring the best. Also, UC's hiring fields may be narrower than the overall national PhD pools. For example in the 1990s, women received approximately 65% of PhDs in psychology, but more than half of these PhDs are awarded in the areas of clinical and counseling fields where women make up 70%. UC does not have large programs in these areas, thus the percentage of women hired in psychology, she suggested, should only be compared to the availability of women PhDs in non-clinical and non-counseling areas. Greenwood suggested that to assess accurately the progress in hiring female faculty the university needed to define more realistic pools by field.

Finally, Chancellor Greenwood described what UC was doing to combat the problem. The UC Office of the President (UCOP) would continue to work with the Academic Senate and UC administrators to develop best practices in hiring. Chancellor Greenwood noted that UCOP had recently issued new Affirmative Action Guidelines for Recruitment and Retention of Faculty, to provide departments on every campus with information about federal hiring requirements and practices permissible after Prop. 209 to promote diversity among faculty. She also mentioned specific examples of how individual campuses had begun addressing the issue of gender disparity in hiring. In conclusion, Chancellor Greenwood presented a list of eight "new action" items that UC campuses would pursue during the coming year: setting new campus goals for ladder-rank women faculty; analyzing campus candidate pools by discipline; identifying crucial points in academic careers that affect faculty composition; developing new campus plans for meeting campus hiring goals; providing resources to support campus plans; holding Chancellors accountable; asking for commitments from deans and provosts; and establishing a system-wide database of UC dissertation-stage graduate students. Thus, although Chancellor Greenwood minimized the problem of hiring women faculty at the outset of her testimony, the UCOP "action" plan demonstrated that UC was appearing to take the issues seriously.

Following Chancellor Greenwood, Professor Nancy Hopkins from MIT, presented expert testimony from an outside perspective. Nancy Hopkins, professor of molecular biology, joined the faculty at MIT in 1973. In 1995, she was appointed Chair of the first Committee on Women Faculty in the School of Science at MIT, culminating in a published report in 1999 on the discrimination women faculty at MIT had faced for years. In the course of their study, Hopkins and her colleagues found that there were only 15 tenured women faculty in the School of Science, and 197 tenured men. The

Committee found that, as of 1994, the percent of women faculty in the School of Science (8%) had not changed significantly for 10 to 20 years.

Hopkins said that women and men who testify on such matters are brave. It is not easy to testify and speak out regarding discrimination in the work place, for there is always the fear and often the reality of retaliation. Hopkins herself experienced alienation from many MIT faculty members because of her actions. At MIT, Hopkins and other women faculty had discovered that “equal in merit” did not mean “equal in value.” Yet, for a long time she was in denial about the outright discrimination taking place at MIT because it is like saying “you’re not good enough.” The faculty women found that junior women faculty became marginalized as they climbed the ladder in the system, and their feeling was always that something was wrong with them. Hopkins stated that women without children experienced the same problems as those with children, so that women’s choices with respect to family could not be blamed for the disparities. Hopkins concluded by stating that the problem resides in the hearts and minds of individual faculty who are all in need of consciousness raising.

Elaine Shoben, Professor at University of Illinois School of Law, presented another outside perspective and expert testimony. Professor Shoben remarked on the importance of these hearings in light of the data demonstrating significant backsliding at UC since the passage of Prop. 209. Professor Shoben stated that there were two possibilities: either “women don’t measure up,” or women are disadvantaged by the system so they do not get hired. In her opinion, the system is the problem. What UC needs to do with respect to hiring more women faculty is focus on the issue, make it a priority, and constantly evaluate progress. Clearly, there had not been vigilant monitoring because so few had actually noticed the dramatic decline in women faculty hires. Shoben concluded by noting that UC really needs special funding for high-level, on-going equity studies.

Senator Speier next invited professors from various campuses to discuss possible solutions or steps toward gender parity in faculty hiring. Professor Naomi Oreskes from UC San Diego opened by discussing her campus’s environment of support, coming from individuals within the administration and through various campus-wide committees devoted to diversity and gender equity. Despite this support, however, Professor Oreskes noted that women were still only 17% of the UCSD ladder faculty, the lowest of all the campuses. This low number could partially be explained by the campus’ emphasis on science and engineering, but based on statistical analyses, there is underutilization of women in nearly every department. Professor Oreskes recommended that UC conduct a study of the “availability gap.” She suggested that no one truly understands why a gap exists between the pool of available scholars and the faculty because no studies have been done. Oreskes proposed a study that would examine at what steps in the hiring process female applicants are lost, then develop appropriate responses based on the facts discovered.

Professor Andrew Dickson, Professor at UCSD’s Scripps Institute of Oceanography, was the first male faculty member to testify at the hearing. Professor

Dickson testified as to the hiring approach at Scripps, as he has witnessed it. Traditionally, the faculty, which is 90% male, will state, “we need someone in x field...like my friend over here.” Over many years women remained a small percentage of the faculty at Scripps, despite the fact that they were graduating 35% women from their graduate programs. Professor Dickson spoke about prior “search” committees, which were really just a formality, because they searched within small groups with a pre-determined candidate in mind. Scripps had now recognized this problem, and was promising in the future to hire two-thirds of new faculty at the assistant professor level. In the past, only 1 out of 20 faculty were hired at the assistant professor level. In the last year, Scripps had gone from 10% women faculty hires to 50%, hiring 4 women out of a total of 8 new hires.

Professor Deborah Wingard, of the Department of Family and Preventative Medicine at UCSD, presented testimony regarding UCSD’s Medical School. Professor Wingard noted that when you look at the Medical School’s faculty data and separate it out by tenure track, only 20% of faculty are on tenure track in the Medical School. Women are often appointed into non-tenure track clinical and adjunct positions. An additional hindrance to women is family leave, which is supported in policy, but very weak in implementation. Realistically, women on the medical faculty cannot take family leave.

Professor Susan Bryant, professor and Dean of Biological Sciences at UC Irvine, testified next with a laundry list of possible solutions, including broad advertisements in faculty searches, advertising the availability of spousal positions, administration monitoring of available pools and proposed short lists before departments may proceed to interview candidates. She suggested that deans and women faculty groups meet all women candidates to encourage their interest in the campus. The number of women on search committees must be increased. Searches must be broadly conceived, not narrowed by the personal preferences of faculty committee members. Professor Bryant also addressed the need to eliminate existing salary inequities, conduct a climate survey, and make affordable childcare a high priority on campus. She also thought it was critical that deans and chairs be held accountable for making progress in hiring women faculty.

Finally, Professor Bryant noted the need to educate those in positions of power to increase awareness of the effects of unconscious preferences and of the consequences of equating excellence with assertiveness and single-mindedness. Those hiring new faculty should realize that different negotiation styles exist, and be willing to pursue seemingly reluctant candidates with strong records of accomplishment.

Leslie W. Rabine, professor of French and Associate Dean of Humanities at UC Irvine, presented her proposed solutions next. In contrast to Dean Bryant, Professor Rabine came from a school where there was no gender disparity. In 2000, women made up 42% of the faculty in the School of Humanities at UCI, and 63% of its assistant professors. Professor Rabine warned that these statistics should not be taken as evidence of the false assumption that women are naturally more suited to humanities than to sciences. She noted that thirty years ago, the humanities were as deprived of women as

the sciences are today. One of the key factors that led to the hiring and retention of women faculty was the curricular development in Humanities of courses and programs that focused on issues of gender and ethnicity. Both men and women teach these courses, and the result is increased consciousness by the faculty for the need for diversity across the campus.

Professor Elizabeth M. Lord, from Botany at UC Riverside, presented her impressions of what could be done to increase the number of women faculty hired at UC. Having served as chair of her department as well as chair of the Committee on Academic Personnel, she believed that affirmative action, a specific focus on under-represented groups, was still necessary to break the barriers for women in academia. Prop. 209 has thwarted this continuing goal. In Botany, UC Berkeley has been awarding PhDs to women in large numbers since the early 1900s. It was not until 1976, however, that a UCB woman PhD recipient received a faculty position at any four-year research institution. So, simply having the numbers in the pool was not enough. Societal changes had to occur, including adoption of the affirmative action policies of the 1970s, before women were hired as faculty members.

Professor Lord focused her testimony on possible solutions in the sciences, where women's numbers are the lowest. Applicant pools are too small and job descriptions are often written too narrowly, to target specific pre-selected applicants. Since there are few or no faculty women in these departments, search committees are made up entirely of men. Lack of women faculty also leads to lack of mentors for junior women faculty. Spousal hires are not pursued by traditionally conservative agricultural departments, creating problems for many women in their career search. Finally, Professor Lord suggested that hiring and retention packages for women may not be as good as they are for men.

Professor Lord suggested that affirmative action officers gather data on the number of women applying for positions and the number of women who leave prior to tenure. She also suggested that UC develop a spousal faculty position pool that the administration can use to facilitate hires of women, and to develop and support mentorship programs for women faculty. Finally, Professor Lord noted that UC should provide training for chairs in hiring and retention. Knowing how to put together a good package is an art, according to Lord, and she has noticed that in negotiating start-up packages, women do not ask for as much as their male counterparts. Chairs and deans need to be sure to monitor for equity from the beginning of each faculty member's career.

Professor William Bielby, from the Department of Sociology at UC Santa Barbara, testified next. Professor Bielby has published widely on organizational policies and practices that generate and sustain gender and racial bias. Discussing the sources of bias, Bielby noted that hiring decisions can be vulnerable to bias when they are based on arbitrary, idiosyncratic, and subjective criteria for evaluating the qualifications and "fit" of candidates. This is particularly true where the job context is one in which there has long been severe underrepresentation of women and persons of color. In order to minimize bias, Bielby noted that a well-defined, systematic process for evaluating strictly

job-relevant information is necessary. We must also hold decision-makers accountable for the integrity of the decision-making process and for implementing the organization's Equal Employment Opportunity (EEO) policy. Bielby suggested that it is essential to monitor the hiring process; administrators or faculty committees must make concerted efforts to identify and remove any barriers that exist. These efforts have nothing to do with "quotas" or "preferences," but are directed at eliminating discrimination.

Finally, Professor Bielby discussed the challenges in the UC context with regard to achieving and sustaining equity in faculty hiring. At UC there is decentralized decision-making, with each department conducting its own recruitment and selection, an inherently subjective process, requiring the exercise of professional judgment. The process is vulnerable to bias when faculty and search committees stray from the systematic assessment of clearly specified criteria, and the issue of "fit" comes into play, which is highly subjective and arbitrary. UC needs to ensure the integrity of the hiring process at every stage, beginning with relevant campus bodies gathering convincing evidence of the soundness of a particular department's process for recruitment before allocating new faculty positions. During on-going recruitments, a department-level mechanism that ensures accountability in systematic evaluation of job-relevant information is essential. Campus-wide monitoring of hiring statistics and hiring practices can help identify weaknesses in the process and guide efforts to make the system more open to the contributions of those who have been historically underrepresented on the faculty.

The next testimony came from Professor Susan Kaiser, of UC Davis' Department of Textiles and Clothing. Professor Kaiser spoke of the "star" or "rising star" system, whereby huge packages are offered to bring in the new "star" faculty member, often a full professor and male. Kaiser suggested that this method was detrimental to teaching, and recommended a shift of focus to emphasize interdisciplinary hires. One effective way to increase diversity in faculty hires was to abandon old borders between disciplines.

The final testimony, concluding this crucial first hearing, came from Professor Ying-Shin Christine Peng, Entomology Department at UC Davis. Professor Peng reiterated how dim the picture is for women in the sciences. She had been particularly disturbed at how hard UC works training, encouraging and challenging their women graduate students, and yet these women then have a hard time getting hired by universities, including the University of California. Based on survey results from several reputable independent monitors, between 1988 and 1998, women PhD recipients increased significantly to at or above 50% in molecular biology, cell biology, neurobiology, and health sciences. Yet women are not hired for faculty positions. For example, UCD's new Neuroscience Center hired 6 new faculty members in 1992-93, one at full professor rank and five at the assistant professor level. All six positions were filled by men despite the fact that 35-40% of PhD recipients in this field were women. Professor Peng suggested that the hiring of women has simply not been a top priority for UC. She agreed with the prior suggestion that one solution is to simply hire more new faculty at the assistant professor level where the pool is so rich with qualified women

candidates. Even then, however, these searches must be closely monitored to achieve equitable results.

[The transcript of this hearing and the two hearings that followed in 2002 and 2003 are available on the website of the California State Senate at: [http://www.senate.ca.gov/htbin/testbin/seninfo\\_dated?sen.committee.select.goover.transcript](http://www.senate.ca.gov/htbin/testbin/seninfo_dated?sen.committee.select.goover.transcript).]

## **Actions and Reactions in 2001**

Professors Laky and West were pleased with the impact of Senator Speier's first hearing. The hearing room was crowded, and many administrative staff members were there, both from UCOP and from the UC Davis Chancellor's office. The press coverage was excellent in northern California, particularly because the hearing took place two days after an historic meeting at MIT. Professor Nancy Hopkins and the MIT president had gathered leaders from nine of the top research universities in science and engineering to discuss steps they could take to increase the hires of faculty women. The hearing was also covered in the Chronicle of Higher Education, reaching a national audience.

After Professor West returned to campus from the hearing, she read the written testimony and examined the data charts that Chancellor Greenwood had presented at the hearing on behalf of UCOP. She became incensed when she discovered that the University had presented manipulated data, showing an "average" percentage of women faculty hired at UC that was higher than what actually had occurred. West detailed her discovery in a subsequent letter to Senator Speier in early February, pointing out the misleading nature of Greenwood's testimony. Chancellor Greenwood had presented a chart comparing UC's hiring of ladder rank faculty with eight comparable research universities. According to this chart, UC was not doing so badly, with an average of 34.5% women among new hires, compared to an average of only 31% at the other prestigious universities. Professor West discovered, however, that the UC average was based on hires at UC only during alternate years, leaving out the years in between. Greenwood just happened to pick the years when women's percentages were higher, and left out the alternate years when women's percentages were lower. Had UC included all of the years from 1993-1998, the figure would have been 31% women hires, the same as the other research universities, no better. In addition, West pointed out that Greenwood neglected to include, or even mention, the most recent year of hire data, when UC's percentage of women fell to 25%. Finally, West noted that the UC data included "lecturers with security of employment," who are not ladder rank faculty. Including this lower non-tenure rank also skewed the number of women among UC's hires: the hire rate for women among this rank was 50%, compared to the 25% for ladder rank women. Professor West strongly objected to UC's use of this distorted data. She concluded that this manipulation of data "undermines the credibility" of UC, creating the suspicion that the actions UC proposed at the hearing may be "more show than substance." Consequently, West urged Senator Speier to hold another hearing in a year to see if there would be any change at UC.

Steve Arditti, UC's Director of Governmental Relations, responded to Prof. West's letter at the end of February. He claimed that the every-other-year data was not prepared by UC, but came from a national report. He did recognize that the percentage of women hired had dropped and that UC was "making significant commitments to understand the nature of the problem and implement effective solutions."

Shortly after the January 2001 hearing, President Atkinson forwarded to each UC chancellor a copy of the "new action" items Chancellor Greenwood had presented at the hearing. He asked the chancellors to prepare reports by May 1, 2001, giving a review of faculty hiring on each campus and the efforts they have taken to address these equity issues. From Professor West's and Laky's point of view, Senator Speier had already been successful in calling the attention of the UC hierarchy to the serious decline in faculty women hires.

### **May 2001—the State Auditor's Report on UC Faculty Hiring**

On May 2, 2001, State Auditor Elaine Howle released the Bureau of State Audits' report on UC's faculty hiring process titled: "University of California: Some Campuses and Academic Departments Need to Take Additional Steps to Resolve Gender Disparities Among Professors." Auditor Howle, in her introduction to the 111 page report, concluded that "UC's hiring data for the past 5 years show that a significant disparity appears to exist between the proportion of female professors hired by UC and the overall proportion of female doctorate recipients nationwide." In analyzing UC's hiring data, the audit found that by taking into account UC's current practices, the percentage of women available to be hired was only 33%, not the 46% of women in the PhD recipient pool. Because UC hires a significant number of faculty at the tenured ranks of full professor or associate professor (39% of hires), rather than the untenured assistant professor rank, fewer women are available for hire when hiring from among those faculty already tenured at another college or university. In addition, UC hires many faculty in fields with fewer women PhD recipients. Therefore, the auditors adjusted the available labor pool to contain only 33% women. Comparing UC's hires over a 5-year period to this more restricted pool, the audit still found a significant disparity—only 29% of UC's faculty hires were women.

In order to address the under-representation of women among faculty hires, the Auditor's report included a variety of recommended actions for UC to take:

- Direct deans and departments to more fully consider the rank at which hires will be made, taking into account the impact on reaching gender parity in a department.
- Avoid using all-male or predominantly male search committees. (The audit found that out of the 242 hires reviewed, 83 of the search committees had no women on them, and 73 had only one woman. Only 9 search committees contained no men. Each committee averaged 6 faculty members.)

- Require search committees to prepare written search plans detailing methods of advertisement of positions, criteria for selection, and the process used to select winning candidates.
- Require search committees to incorporate the federally-mandated data on under-representation of women in their search plans and develop new strategies to help achieve these recruitment goals.
- Collect applicable hiring data on a system-wide basis and devise a uniform method for calculating benchmarks for departments to meet.
- Evaluate deans and department chairs on their contributions to resolving gender parity issues, and evaluate them more frequently than every 5 years, UC’s current practice.
- Redefine UC’s concept of “excellence” to encompass a broader vision—one that recognizes the full use of a talent pool, which includes women, can promote new ideas, new research areas, and greater productivity.
- Work with university rating organizations to incorporate faculty gender parity into their definition of excellence.

The Auditor was pleased to report that UC concurred in the report’s findings and “will make every effort to implement the recommendations in our report.” UC had reviewed a draft of the report before it was published and its response letter was included in the report. The Auditor requested that UC periodically report its progress in implementing the recommendations—after 60 days, 6 months, and after one year.

The Auditor’s report received wide press coverage, conveying differing messages. The *Los Angeles Times* reported that the “Audit finds inequities in UC hiring,” but noted: “the report says experience and other factors, but not bias, result in fewer women getting faculty posts.” In the reporter’s opinion, “the report gave fodder to both critics and defenders of the university’s hiring practices.” The *LA Times* called Prof. West for her reaction, and quoted West as saying:

the report shows UC campuses should take more risks and hire younger unknowns as assistant professors, rather than established names, since there are greater percentages of women in the junior faculty labor pool. . . . The university system plays a game of ‘let’s steal your superstars’ . . . . But the way the University of California became great after World War II is we hired young, brilliant faculty and were willing to take risks. (*LA Times*, May 3, 2001, p. A3.)

The reporter concluded that the auditors found little evidence of gender-based discrimination in hiring decisions or salaries. On the other hand, Sheila O’Rourke from UCOP was quoted as saying, “the university will also encourage campuses and departments to consider hiring greater percentages of junior faculty” instead of tenured professors. She noted, however, that “individual campuses retain autonomy over such decisions.” (*LA Times*, p. A24.)

The *Sacramento Bee* took a stronger view of the audit, reporting, “The University of California is failing in its efforts to hire female professors, and should take additional

steps—such as avoiding all-male search committees—to correct what has become a chronic problem in the aftermath of Proposition 209, according to a state audit.” In addition, “the audit found a ‘significant disparity’ in the proportion of female professors hired compared with those entering the professorial labor pool in recent years.” Acknowledging that Prop. 209 placed limits on the ability to target women in hiring, “the auditors said the university is exacerbating the disparity by its own decisions, such as recruiting from an international pool of doctorate recipients, which effectively reduces the proportion of available women.” (*Sacramento Bee*, May 3, 2001.)

Senator Speier issued a press release and concurred with the audit’s findings that the University “should take specific actions to resolve the gender disparity that exists among faculty at its nine campuses.” In her press release, Speier announced that she will hold a hearing in January, 2002, “to assess progress made by UC” in meeting the Auditor’s recommendations. In her view, the audit “charts a clear path for UC to follow in addressing the fact that over the past five years, only 29% of the professors hired have been women, although women comprise 46% of the available pool of doctoral recipients.”

Professors Laky and West were both delighted and disappointed in the state audit. They were delighted that the audit called attention to UC’s failure to hire women in proportion to their availability, and they were delighted at the wide press coverage the audit received. On the other hand, they were disappointed that the audit did not focus on the significant downturn in the hires of women since Prop. 209 took effect. The audit covered 5 years of hires: 1995-96 through 1999-2000. The years 1995 through 1997 before Prop. 209 took effect were relatively good years, but 1998 through 2000 showed a steep decline in the hires of women. This averaging of good and bad years made the hiring rate for women (29% average) look much better than it currently was (24%). The audit did not make the point that UC was on a significant downward trend.

Professor West was particularly disappointed that the auditors allowed UC to convince them that the available labor pool was only 33% women, not the current 46% of recent PhD recipients. By including PhD pools from the 1970s with significantly fewer women, the audit was simply accommodating UC’s discriminatory practice of hiring 40% full professors, knowing these hires would include relatively few women. The audit’s data indicated that among full professor hires, 21% were women; among associate professor hires, 27% were women; and among assistant professor hires, 33% were women.

Still, the audit was very eye-opening—it provided a window for all to look through and see how little oversight UC campuses had been receiving from UCOP. West was appalled that the audit had to recommend that UC search committees file written search plans. Such written plans had been required under federal employment regulations since at least 1978. How was it possible that some UC campuses were failing to comply with these relatively simple legal requirements? No wonder the campuses were in widespread non-compliance with the more difficult federal requirements of making “good faith efforts” to meet parity goals and reduce the under-representation of

women on the faculty. Laky, West, and Senator Speier were all determined to build upon the momentum the audit had created.

Senator Speier arranged for a conference call on June 20, 2001, among those faculty who had participated in the January hearing to discuss the audit and next steps to be taken. Eleven faculty members participated, including Laky, West, and Nancy Hopkins from MIT. All the campuses except UC Irvine and San Francisco were represented. Senator Speier reported that in her recent conversations with members of the UC administration, they were satisfied with the audit, but felt they were constrained in their ability to respond because of Prop. 209. As a result, Senator Speier would be asking the state Legislative Counsel's Office for a legal opinion on the impact of Prop. 209 on UC's hiring practices and proposed outreach activities to attract more women to apply for faculty positions. As a whole, the participating faculty members were pleased that the audit had identified the issue as one of discrimination against women, and that the audit had included good recommendations for action, particularly the recommendation for holding deans and department chairs accountable for making progress. The faculty participants in the telephone call emphasized their sense that what was missing at the campus level was the political will to turn the situation around. Senator Speier told the faculty that she planned to hold a second hearing during the spring of 2002 to monitor UC's progress. She urged the interested faculty to organize themselves in order to prepare for the next hearing. At the end of the conference call, Professor Barbara Herman, representing the UCLA Association of Academic Women, offered to host a meeting at UCLA in October, to lay the ground work for a more formalized system-wide faculty organization to monitor hiring issues on an on-going basis. Professor Laky welcomed Barbara's assistance in helping Laky expand her rudimentary organization developed by her efforts to recruit faculty to testify at the first hearing.

### **Organization of CAFE: California Academics For Equity**

One month after September 11, 2001, Professor Laky sent an e-mail message to the many faculty members on her list inviting them to come to UCLA on October 26 to organize efforts to promote equitable hiring within the UC system. In her e-mail, Laky explained the purpose of the meeting:

As you know, UC has a long history of discrimination in hiring women faculty as well as faculty of color, and we are very entrenched in our ways. UC faculty are also a group of extremely intelligent people who are very good at justifying our behavior, making it difficult to bring about fundamental change in our institution. In the 23 years I have been at UCD, we have made some headway here and there, so I know we can accomplish the needed change. Prejudice, however, is a difficult thing to overcome or alter; it will take a concerted and on-going effort. You are on our invitation list because of the good work you have done in the past. We need your help now more than ever because we have the opportunity to

influence hiring practices throughout the UC system. Senator Speier is preparing for a follow-up Legislative hearing at the beginning of the year.

The meeting was hosted by Professor Barbara Herman, then serving as president of UCLA's Association of Academic Women, an independent organization of faculty not affiliated with the administration or the faculty senate.

On October 26, eleven women met on the UCLA campus, forming a new organization, "California Academics For Equity"—CAFE. Laky and West came from UC Davis, Herman, Chris Littleton, and Judi Smith from UCLA, Etel Solingen came from UC Irvine (on behalf of Martha Mecartney), Priscilla Kehoe and Pauline Yahr represented UC Irvine, Nancy Beckage and Elizabeth Lord came from UC Riverside, and Sue Ervin-Tripp from UC Berkeley. The women agreed they needed a system-wide organization to maintain a liaison relationship with the faculty women's organizations that already existed on several campuses (UCLA, UCB, UCI, and UCR), and to create some type of faculty women's organization on the other campuses. Laky and Herman would serve as co-chairs and the group would meet twice a year, hoping to recruit 2 faculty members from each campus to form an executive committee. The first task of CAFE would be to prepare for the next hearing of the Senate Governmental Oversight Committee on UC's hiring process, now set for the spring of 2002.

The more long term goal of CAFE was to organize faculty on each campus to monitor equity issues over the years. Judi Smith gave an overview of the Association of Academic Women at UCLA. It began in 1945, was very active in the 1970s, but began dying in the 1980s. By the 1990s, it was dead. It was resurrected in 2000 in response to the 1999 MIT report, when UCLA faculty women again realized the need to come together to deal with current forms of discrimination. The organization was separate from the faculty senate in order to maintain its independence and its freedom to act when necessary. As the women continued to discuss the need to organize similar groups on other campuses, they also recognized the need to develop leadership skills among faculty women in general. The UCLA women reported that among 95 department chairs in science fields at UCLA over 10 years, only 3 were women. All hoped that CAFE could develop into a coordinating group that would be able to pursue broader issues, such as expanding female leadership, after the immediate hiring crisis passed.

## **Hearing #2 – March, 2002**

Senator Jackie Speier convened the second hearing of the Senate Select Committee on Government Oversight on March 11, 2002, "A Hearing to Assess Progress Made by the University of California to Reduce Gender Disparity in Faculty Hiring." In welcoming the participants, Senator Speier stressed the importance of these unprecedented hearings, noting that the faculty hired in the next few years would have a major impact on UC for the next 30 to 50 years. Senator Speier commented that women's percentage on the UC faculty – 24% – was even lower than the percentage of women in the California legislature – 28% – in 2002. Hard work remained to increase

women's participation on the faculty of what many believed to be the world's greatest public university.

Senator Speier was pleased that the State Auditor's report on UC's faculty hiring process had been released in May 2001. To begin this hearing, she called on State Auditor Elaine Howle to summarize her findings from the audit and give her evaluation of UC's November 2001 responses to the Audit's recommendations. Auditor Howle noted that the University had recently issued new Affirmative Action Guidelines on Recruitment and Retention of Faculty, dated January 2002, but it was not clear to her how UC was going to implement these guidelines. The Auditor suggested that the UC Office of the President request each campus respond specifically to the items identified in the Audit as problem areas and detail how they were responding to the new Guidelines. The Auditor commented that UC needs a uniform method to determine availability for faculty hires; the UC system should develop benchmark data for use by all the campuses. The Auditor stressed that UC needs to evaluate deans and department chairs on an annual basis, not just every 5 years, on their efforts to achieve gender equity in faculty hires. She further commented that the gender equity issue needs to be addressed specifically, not just as part of a more general diversity concern.

Executive Vice-Chancellor and Provost at UC Davis, Virginia Hinshaw, represented the UC Office of the President at the hearing. Provost Hinshaw had joined the UC Davis campus in July 2001, coming from the University of Wisconsin. Provost Hinshaw presented some promising figures. New appointments of all ladder rank women faculty at UC increased from 25% of the total faculty hires in 2000 to 30% in 2001. An even larger increase was seen in new appointments of women at the entry level of assistant professor, rising from 27% in 2000 to 37% in 2001. Provost Hinshaw reported that President Atkinson had allocated \$6 million to support the hiring of faculty who are engaged in research that advances the understanding of issues such as race, gender and ethnicity as they intersect with traditional academic fields. In January 2002 the President had reissued UC's Affirmative Action Guidelines for Recruitment and Retention of Faculty, providing campuses with a list of good practices for increasing faculty diversity and creating a welcoming climate. Provost Hinshaw also stated that each campus was implementing the affirmative action hiring practices required by federal law, including monitoring search committees, training deans and department chairs, and evaluating senior academic administrators on their affirmative action efforts. Furthermore, each campus was preparing in-depth reviews of gender equity concerns on their campus.

Provost Hinshaw also provided data regarding the promotion and retention of women faculty at UC. The data on the overall retention rate of men and women faculty appointed to non-tenured, entry-level positions between 1989 and 1999 showed that 74.7% of the women and 76.9% of the men had received tenure and are still at UC. According to Hinshaw, this data reflected little disparity and a high rate of overall retention.

Despite the hiring progress made over the last year, Hinshaw noted that there continue to be problem areas. In three areas—physical sciences and math, life sciences, and the professional schools—the rate of hiring women faculty decreased in 2001 and continued to fall short of the estimated availability of women in national pools. She pledged that UC will continue its efforts to eliminate the barriers women face.

Following Provost Hinshaw's remarks, there was a lively dialogue among Senator Speier, Auditor Howle, and Provost Hinshaw regarding what UC was actively doing to remedy the problem of gender disparity in faculty hiring. Senator Speier had numerous questions and recommendations that she requested Provost Hinshaw personally deliver to President Atkinson. Senator Speier mentioned that she had spoken with President Atkinson before the hearing and had obtained his promise that he would personally appear at a third hearing the following year. [Senator Speier had called Atkinson in response to Chancellor Greenwood's refusal to participate in the second hearing. When Senator Speier's office had called Greenwood to schedule the second hearing, her office was told the only time Greenwood had available in the spring was the afternoon of Good Friday. Angered by Greenwood's response, Speier had called Atkinson.]

Professor Gyöngy Laky, from Environmental Design at UC Davis, introduced the first panel of faculty women. Professor Laky noted that after 24 years of teaching at Davis, and participating in a wide variety of Academic Senate committees, she had become increasingly aware of the “deep-seated discrimination against women pervasive on my campus and throughout the UC system.” She urged the UC system to recognize this bias and respond to it, following the example of MIT President Charles Vest in committing himself and his institution to making significant changes after his “clear and unambiguous recognition” of the barriers faculty women face. She appreciated the “new action” items that Chancellor Greenwood had presented at the first hearing in 2001, but she had no indication that these action items had been carried out on her campus. Because the decision-makers for hiring faculty are the current faculty members, it is critical that the administration “get the word out” that it is doing something to guarantee equity in hiring. Since Prop. 209 passed in 1996, prohibiting “preferences” in admissions and employment by UC, the data show that significant preferences have been given to men: 84.1% of faculty hires at UCD in 1997-98 were men, even though they constituted only about 50% of the candidate pool. With an “affirmative action” advantage of over 30%, UC was violating, not only federal law, but Prop. 209 as well. On the other hand, with the pressure generated by these hearings and by the state audit, hiring of women faculty had improved at UC Davis. During the past hiring season of 2000-01, 40% of the new hires were women, and almost a third were women of color. So, in Professor Laky’s opinion, UC knows how to do things right, but “we need action on all levels.”

In response to Provost Hinshaw's positive spin, Professor Martha West, UCD School of Law, noted that although UC's hiring of women ladder rank faculty improved from 25% to 30%, UC is still hiring women at lower rates than it did in the early 1990's when women represented between 32% and 37% of new hires. Furthermore, although most campuses improved over the past year, one, UC Irvine, saw a decline in women

hires, from 32% in 1999-00 to only 28.6% in 2000-01. UC had significant room for improvement.

Prof. West testified that the overall composition of the UC ladder faculty had changed very slowly. The biggest increase in women's faculty representation occurred in the early 1990's due to mass retirements of men: in three years women went from 17% to 22% of the faculty as a result of UC's early retirement programs from 1990 to 1994, not as a result of better hiring practices. Over the last seven years, women's percentage had increased by only 2 points, reaching 24% of UC's faculty in 2001. Meanwhile, the national PhD pool of women continued to increase, reaching 49% women among all doctorates obtained by U.S. citizens in 2000.

One of the problems mentioned by West was the fact that the applicant pool for faculty positions does not reflect the national PhD pool. The California Audit found that only 20% of applicants for UC faculty jobs were women. Professor West offered various explanations for this discrepancy. Faculty do not get jobs by submitting cold applications sent in response to advertisements. Hiring is a much more complicated process, often based on informal networks of colleagues recommending their graduate students. Women are simply not recommended by senior faculty as often or on the same basis as men. Consequently, UC must continue to emphasize extensive and aggressive recruitment efforts targeted at women to increase their representation in the applicant pools.

Professor West repeated her recommendation from the first hearing to hire a larger percentage of faculty at the assistant professor level. Women's presence in the qualified pool of potential candidates is significantly higher at the assistant professor level (44 to 49%), than at the tenured associate or full professor levels (less than 25%). One of the main reasons UC Davis was able to increase its percentage of women among faculty hires so significantly over the past year, from 26% to 32%, was its adoption of a policy in 2000 to make 80% of its hires at the assistant professor or early associate professor level. Professor West believed that among all of the recommendations of UCD's recent faculty recruitment task force, this was the most important. She hoped UCOP would encourage all campuses to adopt an 80% goal for assistant professor hires.

Professor West also stressed the importance of keeping UC's attention focused on the need to diversify its faculty. Professor West shared the sentiment previously expressed that it is vital for women to be appointed to more leadership positions in the UC system. In 2001, all of President Atkinson's twelve vice presidents or senior staff were men, as well as eight out of ten chancellors. According to Professor West, "we need to be talking to the men who continue to control our system and our campuses, not the excellent, very talented, but rare women sent by President Atkinson to represent him at these hearings."

Professor Carole Goldberg, UCLA School of Law, another first hearing veteran, testified next in her capacity as immediate past President of the Association of Academic Women (AAW), a non-profit women's organization at UCLA. Goldberg focused her

testimony on what had changed and what had remained the same at UCLA in the year since the first hearing.

Among issues unchanged at UCLA, women continue to remain underutilized on the faculty as a whole and the rates of hiring women remain below availability. Women were 23.6% of the UCLA faculty in 2001-02, compared with 23.3% the year before. UCLA had approved an affirmative action plan during the past year, which showed that if UCLA were employing faculty women in accordance with availability, there would be approximately 195 more women ladder rank faculty (UCLA then employed 389 women ladder faculty and 1,258 men.) Goldberg also presented charts of UCLA's hiring data, based on five-year running averages, from 1986-2000. These charts demonstrated that in the most recent 5-year period, UCLA hired women at a lower rate than ever before. Women were 28.5% of new hires from 1986-90, 30% from 1991-95, and only 24.8% from 1996-2000, the post-Prop. 209 period. Pay equity also remained a concern at UCLA.

Professor Goldberg testified that despite these remaining problems, the attention that this Committee and the State Auditor have focused on gender equity issues has produced significant administrative activity at UCLA directed at achieving faculty diversity. The campus engaged consultants to work with UCLA departments to refine the PhD availability data and make it more credible. The UCLA administration has educated deans and academic leaders about federal affirmative action requirements and about best practices for conducting searches. In the College of Letters & Sciences, new electronic methods are in place to monitor the search process, identify the gender and ethnicity of applicants, and track how they fare within the search process. This will assist leaders in evaluating whether search committees have engaged in inclusive outreach in areas where women are underrepresented.

Additionally, UCLA created a new position, Associate Vice Chancellor, Faculty Diversity, who will report to the Vice Chancellor, Academic Personnel. When filled, this individual will serve in the chancellor's cabinet and have meaningful resources to carry out his/her tasks. New Senate-Administration committees have been established to follow up on UCLA's Gender Equity Task Force Report released in 2000. These committees are focusing on pay equity, campus climate, and data collection. There has also been progress in increasing childcare facilities for UCLA faculty, through both a private gift and matching funds from UCOP. Professor Goldberg thanked Senator Speier for the attention these hearings have brought to issues of gender equity within UC.

Susan Bryant, professor and Dean of Biological Sciences at UC Irvine, testified about Irvine's Advance Program, a \$3.45 million award from the National Science Foundation (NSF), with a mission to increase participation of women in science and engineering careers. The Advance Program seeks to increase the number of women faculty, as well as increasing faculty women's rank, salary, and level of participation in campus leadership positions. Specifically, the Advance Program has appointed campus Equity Advisors, senior faculty members in each of 10 schools, to ensure equity in faculty recruitment, retention, and advancement. Each Equity Advisor receives a

\$15,000 yearly stipend and a budget of \$5,000 to support their efforts. The program also funds 2 endowed chairs for outstanding scholars that have demonstrated a commitment to gender equity. Each chair will be held for five years and receive \$50,000 per year in discretionary funds. Dean Bryant is hopeful that these efforts will help UCI recruit women faculty into biological science and engineering. In 2001, UCI had the lowest representation of women on its science faculty among UC campuses (approximately 15%). Bryant also indicated the UCI chancellor had expanded the Advance Program to the entire campus, not limiting it to science and engineering departments.

Following this first panel of faculty speakers, Senator Speier called on Dr. Carol Mandell to speak. Dr. Mandell, in a moving and powerful presentation, briefly traced the difficulties she had encountered in applying for a faculty position at the UC Davis Veterinary School. Dr. Mandell is a board-certified veterinary clinical pathologist, and a highly trained PhD research scientist. With the goal of becoming a full-time, tenure track faculty member, she sought the advice of faculty mentors. They told her to become board certified, obtain a PhD and teaching experience, obtain grants from the National Institutes of Health, do state-of-the-art research, and publish research papers in high quality journals. Mandell gladly did all of those things, receiving her PhD from UCD in 1994, and a 3-year \$250,000 grant from NIH. In 1998, when an assistant professor position opened up at the UCD Vet School in Mandell's field, Clinical Pathology, she applied. She had served as a lecturer at the Vet School since 1997, received a merit increase in 1999 during the search process, and had authored over 20 publications in peer-reviewed journals. In August 1999, the department chair told her she had been rejected. Not only did Dr. Mandell not get the assistant professor position, but the next year she lost her job as a lecturer; her career at UCD ended.

According to Dr. Mandell, during the final phase of the search, five candidates were interviewed: four women and one man. Three of the four women, including Dr. Mandell, had not only received their PhDs, but had received highly competitive federal research grants, and had greater numbers of publications. The male candidate was the only who had not yet received a PhD, and had yet to take his PhD oral qualifying exams. As you may have guessed by now, the Vet School faculty awarded the position to the man.

Dr. Mandell testified that a faculty member in the department told her during the search that he believed this man was being groomed for the job. Consequently, Dr. Mandell believed the successful candidate had been pre-selected to fill the position. One member of the search committee was the man's PhD advisor and close personal friend.

The male candidate, his PhD advisor, the department chair, and the Vet School's Executive Associate Dean were golfing partners, playing as a foursome at school-sponsored golf tournaments. In addition, the male candidate had received preferential treatment from the search committee during the hiring process in arranging interviews and scheduling his faculty presentation. Dr. Mandell's employment with UC Davis ended in the spring of 2000 when the successful man, now a tenure track professor, took over her lecturer duties.

Mandell filed a complaint with the California Department of Fair Employment and Housing and then a subsequent lawsuit. [Not long after the hearing, we learned that Mandell's case had been dismissed on summary judgment by a local superior court judge. She appealed, and in the fall of 2004, the appellate court overturned the summary judgment and sent it back for a trial on the merits.]

A second panel of UC faculty presented testimony following Dr. Mandell's illustrative case study. Senator Speier asked the faculty to address steps to increase gender equity on campus. Barbara Gerbert, professor and Chair of the Department of Preventive and Restorative Dental Sciences at UC San Francisco, began on a positive note: the percentage of female ladder-rank faculty at UCSF had increased significantly over 10 years from 22% to 36% women between 1991 and 2001. On the other hand, many new faculty were not hired into ladder rank positions, but were hired as clinical or research faculty (currently UCSF had 96 women among ladder faculty, 212 women in non-ladder positions). Accordingly, most of these new non-ladder faculty women enjoy less security in their appointments and have no formal voice in the development of curriculum or on issues of faculty governance and campus policies, because they are not members of the Academic Senate. By 2001, women were 45% of the non-senate faculty, but only 36% of the Senate faculty. [Men were also hired in non-ladder-rank positions. At UCSF, women's relatively high percentage of the ladder faculty in 2001 was due to the significant *decrease* in the number of ladder-rank faculty men. In 1991, UCSF had 286 ladder-rank faculty men and 81 ladder-rank women; by 2001, UCSF had only 169 ladder-rank men and 96 women, an increase of 15 women and a decrease of 117 men.]

UCSF faculty committees had developed three pilot initiatives focused on faculty recruitment, hiring, retention, and promotion, and sent them to the UCSF chancellor. One recommended a Search Committee Ambassador Program, using trained faculty and staff to assist and monitor searches. The Ambassador would provide a search committee with demographic data pertinent to the potential pool of applicants and advise the search committee on the best ways to advertise a position to ensure that the most diverse pool of candidates are invited to apply. A second UCSF recommendation outlined the creation of an Appointment Inventory to give to new faculty at the time of hire. The Appointment Inventory would lay out expectations for clinical service and teaching, the amount of time for research, allocated space, and start-up funding. Professor Gerbert recommended that UCSF be clear with each new faculty at the time of hire about the type of faculty appointment, senate or non-senate, and what the promotion requirements were. To address faculty retention and promotion, Gerbert recommended a Career Review program to assist faculty in deciding when to seek promotion, in compiling their promotion files, and in obtaining the support of their department chairs.

Following Professor Gerbert, three women faculty members from UC Berkeley testified about accomplishments and problems at the Berkeley campus. Professor Angelica Stacy, Chemistry Department, and Professor Deborah Nolan, Statistics Department, gave an overview of women on campus. The percentage of women faculty hires at UC Berkeley had dropped to 21% in 1999-2000, but rose to 27% in 2000-01. Nine years earlier, however, over 35% of hires had been women. Professor Nolan

testified that if the hire rate had stayed the same as it was in 1993, 90 more women would have been hired at Berkeley between 1993 and 2002. With relatively low rates of hires, the percentage of total women on the UCB faculty had remained fairly constant at 23% since Prop. 209 passed. Mathematics, science and engineering continued to hire very low percentages of women, with women constituting only 5% of the hires in the physical sciences from 1999 to 2002.

Professor Stacy had recently assumed the position of Associate Vice Provost for Faculty Equity at UCB. In examining the demographics of campus administrators who approve faculty hires, she discovered that all the deans and senior administrators were men: 17 deans, vice provost, provost, and chancellor. Among 63 department chairs, only 15 were women, concentrated in the fields of arts and humanities. In her words, “the vast majority of faculty [at UC Berkeley] are reviewed by an entirely male administration.” (Appendix #4)

Professor Alice Agogino in Mechanical Engineering ended the testimony on a high note, describing the faculty recruitment steps taken in the UC Berkeley College of Engineering during the 2000-01 academic year that resulted in the hiring of 4 women and 3 men. Overall, issues of bias in hiring practices had gained visibility thanks to the hearings, the audit, newspaper articles, Nancy Hopkins’ initiative at MIT, and other studies receiving wide distribution. UCB Chancellor Berdahl had attended a leadership meeting on gender issues at MIT in January 2001, and established a high-level task force on campus to increase gender and ethnic diversity. In the Engineering College, flaws in hiring practices had been identified before the beginning of the 2001-02 hiring season, and the Dean had asked that all search committees have at least one female member. Women engineering faculty met as a group to educate each other and help monitor for fair hiring practices. During the 2001-02 search process, the Chancellor’s task force conducted a survey among all faculty search committees, asking for affirmative action plans, diversity counts in the available pool, the applicant pool, and the interview pool. This study served to draw the attention of the Engineering search committees to issues of fairness in the process. As a result, more women faculty were hired in Berkeley’s College of Engineering in one year than during the previous 6 years combined.

## **Actions and Reactions in 2002**

The faculty members who testified at the second hearing were unanimous in their assessment of the importance of the legislative hearings. In their opinion, whatever progress was occurring on their campuses was a result of the interest and political pressure generated by Senator Speier’s two hearings and the state Audit. All witnesses urged Senator Speier to hold a follow-up hearing the next year.

The day’s events were reported in the *Sacramento Bee* and the *Davis Enterprise*. The *Bee* focused on Auditor Howle’s testimony urging the university “to be more aggressive in attracting women to the faculty.” The *Bee* quoted Auditor Howle: “she said she would give [UC’s] new [hiring] guidelines ‘a B-plus’ but added, ‘I don’t think I’d give the Office of the President a passing grade.’” (*Sacramento Bee*, Mar. 12, 2002.) The

*Davis Enterprise* also reported Auditor Howle's acknowledgment that UC had published new hiring and recruitment guidelines, but detailed her concern that UC is not implementing the guidelines. The *Enterprise* then reviewed Senator Speier's response:

[B]ecause women look at the world in a different way than men, UC is losing a valuable resource by not hiring more women. ‘When women are shut out it not only affects the type of research that UC conducts, it affects the kinds of questions that are asked.’ ... Speier called on [Provost] Hinshaw to deliver several recommendations to President Atkinson. Overall, she said, she wants the university to move from providing voluntary guidelines for improving gender disparity to making those guidelines mandatory. (*Davis Enterprise*, March 12, 2002, p. A2.)

Immediately after the conclusion of the second hearing, both UC's Office of the President and CAFE, led by Professor Laky, began preparations for a third hearing in 2003.

In July 2002, California Congressman Sam Farr, who had expressed his dismay after the 2001 hearing at the decline of women hires, authored a letter to President Atkinson. He conveyed his concerns, and those of other Democratic members of the California Congressional delegation, in his letter:

We are concerned that at a time when the UC system is hiring thousands of new faculty, the data suggest UC is hiring fewer women ... today than it did a decade ago. ... [W]e hope that UC's hiring rates would parallel this progress [in women earning PhDs in record numbers.] This unprecedented level of hiring activity gives the University an opportunity to ensure a diverse and eminent faculty to continue its leadership role in the 21<sup>st</sup> Century.

The letter was signed by Congressman Farr and 13 of his California Congressional colleagues. (Appendix #5)

### **President Atkinson's Summit on Faculty Gender Equity, November 2002**

On September 16, 2002, Professor West received an e-mailed invitation from the UC Office of the President inviting her and approximately 30 other faculty women to come to Oakland in November for a “UC President’s Summit on Faculty Gender Equity.” Apparently, four senior women from each campus had been nominated by the campus and chosen by UCOP to attend the event, along with the 3 UC chancellors who were women. The conference was scheduled for a day and a half, and the keynote speaker at the evening dinner would be Senator Speier. Professor West was pleased to note that the conference would be organized around workshop groups focusing on the following topics: 1) hiring and retention of faculty in fields with few women in the hiring pool or on the UC faculty; 2) a second group focusing on hiring and retention in fields with women in the pool, but few on the faculty; 3) improving campus climate and working conditions for women; and 4) building academic leadership. In preparation for the Summit, each participant received a large binder containing sets of data on faculty composition,

relevant reports from the various campuses, and other background materials. Included on the Summit's invitation list were seven other women who had testified at the Speier hearings: UCLA's Carole Goldberg, UC Berkeley's Angela Stacy and Deb Nolan, UCSF's Barbara Gerbert, and UCI's Sue Bryant, plus UCSC Chancellor M.R.C. Greenwood and UCD Provost Hinshaw.

The President's Summit was held on November 6-7, 2002, attended by 37 women faculty and administrators. For the evening's dinner, the conferees were joined by the 10 senior administrators in the UC Office of the President, all men, and by 7 chancellors or vice chancellors from the other campuses (6 men and one woman). Professor West was struck by the visual experience of watching the powerful leaders of UC walk into the room, virtually all male, joining the group of women who had been meeting throughout the day. A dramatic illustration of the gender divide at UC. Senator Speier gave a lively keynote speech at dinner, repeating many of the points from the hearings, stressing the need for system-wide and campus leadership on issues of equity for women.

The major work of the Summit was done in the 4 small work groups, which came together on the second day to report recommendations each group had developed. In a committee of the whole, the conferees prepared consolidated recommendations to present to President Atkinson at the end of the conference. As summarized in the Summit's final 16-page report published in January 2003, all agreed that in order for UC to remain competitive in higher education, it must successfully address the problem of under-representation of women on its faculty and in its leadership ranks. With white women and men and women of color, the fastest growing pool of faculty candidates, now outnumbering white men, UC must become more inclusive in order to take advantage of all available intellectual resources and maintain its academic edge. The Summit participants stressed the need for each chancellor to provide visible leadership to tackle the persistent gender inequities, and suggested that President Atkinson write an editorial for the New York Times on the urgent need for reform, in order to demonstrate UC's leadership on this issue. Summit members recommended that each campus hold a similar summit and urged President Atkinson to reconvene the Summit in a year to evaluate progress.

After receiving an oral report on the Summit's recommendations, President Atkinson responded, promising to convene another summit in a year's time. He noted that UCOP had issued a policy four years ago requesting each campus to set up its own "career equity review" process, and he assumed the campuses had done so. He also assumed this included an evaluation of pay equity among faculty, and agreed with the suggestion that a system-wide pay equity study be conducted every other year. He discussed a current initiative underway from UCOP to expand child care centers on campuses. On the other hand, it was evident he didn't fully understand the dynamics of faculty hiring that made it difficult to hire equitable numbers of women. He was unaware that UC hired approximately 40% of its faculty at tenured levels and was surprised when told that a significantly lower percentage of women are hired at the tenured ranks than at the assistant professor ranks.

The Summit brought together a distinguished and powerful group of women faculty and administrators; hopes were high that many of the Summit's recommendations would be adopted. Unfortunately, a week after the Summit, President Atkinson announced his retirement, effective October 1, 2003. Consequently, his promise to reconvene the Summit a year later was impossible for him to fulfill.

### **Preparation for the Third Hearing**

In early December, 2002, as West and Laky were preparing for a third hearing with Senator Speier, scheduled for February 2003, West went to the UCOP website to again look for the hire data for the 2001-02 academic year—nothing was there. Despite a cut-off date of June 30, 2002, UCOP had not yet revealed the results of faculty hiring six months later. West wondered what they would discuss at the third hearing if they had no idea what impact all the work and discussion within the UC system had had on UC practice. West contacted Richard Steffen, chief consultant in Senator Speier's office, to alert him to the problem.

In January 2003, Laky organized the women and men of CAFE to send a letter to the UC Regents, inviting them to attend the February 2003 hearing. (Appendix # 5) Over the internet, Laky collected “signatures” from 62 UC faculty members across all campuses for the letter. The letter described the significant drop in the hires of women faculty in the late 1990s, contrary to the simultaneous increase in women in the PhD recipient pool. With the current level of increased faculty hiring throughout the UC system, it was crucial that UC take action so that “the next generation of UC faculty reflects the most qualified talent available.” Because the Regents would be choosing a new president of the University in the near future, the letter urged them to attend the hearing which would be most informative on this crucial issue at this critical time. Attached to the Regents’ letter was a copy of the letter sent to President Atkinson in July 2002 from Congressman Sam Farr and 13 of his California colleagues in the U.S. House of Representatives. At a preparation meeting at UC Berkeley in early February, Laky, West, and the Berkeley participants each volunteered to call Regents, urging them to attend the hearing. Thus, the women used the hearing invitation as another opportunity to bring the issue of discrimination against women faculty to the attention of the wider UC community.

Senator Speier e-mailed a letter of invitation in early February to all the prospective hearing participants. Although the hire data for the previous year was still not available, UCOP had promised her that it would be available before the hearing, now scheduled for February 19. She also attached a copy of the remarks President Atkinson had given to the Regents at their recent meeting on January 15. In his remarks, Atkinson reported on the November Gender Equity Summit and indicated that the Summit “only heightened my awareness that achieving gender equity on the faculty is one of the most pressing issues facing the University of California today.” He continued, “the university has made progress . . . , but . . . in many fields, the percentage of women on the UC faculty lags what would be expected based on the availability of women for faculty positions.” Senator Speier was pleased that President Atkinson would be testifying at the

hearing. She asked the hearing participants to focus on what has worked well on their campuses and what has not. She particularly asked about campus environments and whether women were experiencing “marginalization” leading to workplace differences between women and men.

In a letter dated February 6, 2003, UC President Atkinson wrote to the UC chancellors, forwarding a copy of the recently released report on the November Faculty Gender Equity Summit. In his letter, Atkinson announced two new policy changes as a result of the Summit: (1) childbearing leave and/or a period of “active service/modified duties” will become automatic, upon notice to the department, for every faculty member eligible for such relief for the academic term “including or immediately following” the birth or adoption of a child; and (2) funding for departments to support childbearing leaves and periods of “active service/modified duties” will be centralized so that individual departments will not be disadvantaged by faculty use of the UC work/family policies already in place. Paying for family-related teaching release time out of department budgets had been a burden on small departments or departments with larger numbers of women faculty. President Atkinson was hopeful that with these changes, department chairs would no longer discourage women from taking leave or asking for modified duties because of budget constraints.

President Atkinson also acknowledged that “the barriers facing women faculty are not just those associated with childbearing and child rearing, but may also be imbedded in the peer evaluation process” fundamental to the selection of faculty, and their promotion, compensation, and recognition. He reaffirmed the University’s commitment to implementing the recommendations of the 2001 State Audit report on gender equity in faculty hiring, including the monitoring of the faculty search and selection process. He would continue to evaluate “academic administrators on their efforts to address gender equity …acknowledging the importance of gender equity in the achievement of true academic excellence.” He also asked that each campus host a follow-up meeting to his President’s Summit on Faculty Gender Equity “so that our faculty can participate actively in partnership with the academic administration in developing effective solutions for the future of the University of California.” With this letter, President Atkinson made a strong statement in support of gender equity principles in faculty hiring in anticipation of his appearance at Senator Speier’s hearing on February 19.

### **Hearing #3 – February, 2003**

On February 19, 2003—in an unprecedented third hearing—Senator Jackie Speier expected a positive report about how UC had been working to turn around discrimination against women in faculty hiring. As promised, President Atkinson himself, UC’s leader, was present to testify at the hearing. The news, however, was not good. The percentage of women among new faculty hires had risen only one point over the past year, from 30% in 2000-01 to 31% in 2001-02, and was still significantly below the 37% women in 1993-94. More disturbing was the decline in women among assistant professor hires, dropping from 36.7% to 34.5% over the past year. Senator Speier and the faculty participants were quite disappointed.

President Atkinson began his remarks by describing his Summit on Faculty Gender Equity held in November 2002. He anticipated that the recent Summit report and recommendations would be instrumental in guiding UC initiatives to address gender equity. Following the summit, President Atkinson had written letters to each chancellor, conveying his commitment to an equitable university, and asking each chancellor to make gender equity a priority. Atkinson also reviewed the reports which UC had filed in response to the May 2001 State Audit. The most recent report, completed in November 2002, demonstrated that each campus had reviewed its faculty recruitment and appointment procedures and implemented a wide array of initiatives to ensure that the hiring process was inclusive and equitable.

Atkinson then turned to the hiring figures, noting that while 1999-2000 was very disappointing, with women representing only a meager 25% of new hires, the following year showed a dramatic increase to 30%. Atkinson noted that UC sustained the 30% level, increasing slightly last year to 31.2% women among new faculty hires. President Atkinson acknowledged that while this increase continued a trend in the right direction, the University of California still had not returned to the level of hiring women faculty (37%) that existed prior to the UC Regent's Resolution SP-2 in 1995 and Prop. 209 in 1996. President Atkinson was also disappointed by the drop in the percentage of women hired into assistant professor positions. This was very disconcerting because the assistant professor position seemed to be the most promising position in which to increase women's numbers, as the applicant pool at the entry level should more closely reflect the pool of recent PhD recipients, now almost 50% women. Despite this disappointing drop, women made great strides in the full professor position, increasing from 18.5% of those hired in 2000-01 to 27.1% in 2001-02.

President Atkinson recognized the importance of having accurate data on availability pools, as the availability of women for academic positions varies widely by field. As discussed at past hearings, more women are available in the arts and humanities and fewer in sciences and engineering. Atkinson reported that in UC's most recent study comparing availability to hires, the estimated availability of women for non-tenured, assistant professor positions, was 44.2%, while UC's most recent rate of assistant professor hires was 34.4% women. At the tenured associate and full professor level, the availability of women was estimated at 36.5%, while UC hired 22.3% women. These statistics indicate that UC needs to focus further attention on increasing the hiring of women at all faculty levels.

Beyond the statistics, President Atkinson addressed academic climate, which he was aware had been troublesome for many women faculty for years. Atkinson had requested that each campus initiate a Career Review Program, giving faculty members an opportunity to ask for a reevaluation of their career accomplishments, to ensure that they are at the appropriate rank and step within the UC merit system. President Atkinson stressed the need for strong policies to accommodate faculty with family responsibilities. Despite the generous policies that UC has established, many women feel that there are continuous barriers to utilization of the policies. Atkinson mentioned specific initiatives

he has taken to strengthen UC's existing family leave policies, and has directed the chancellors to increase their efforts to ensure these policies are widely disseminated and fully available to all faculty. Atkinson concluded by mentioning that one of the primary themes to emerge from the Gender Equity Summit was the importance of academic leadership in establishing a climate of inclusiveness and equity within UC. Although President Atkinson would be stepping down as President at the end of the academic year, he strongly encouraged the chancellors to continue the dialogue and the focus on gender equity.

Senator Speier expressed her grave concern to President Atkinson about the 3% decline in women's percentage of assistant professor hires and the increase of only 1% in the hires of all women faculty since the prior hearing in March 2002. "Disappointment is an understatement," she said. In her view, this was a crisis and UC needed a better game plan to reverse the decline at the entry level. "Gentle persuasion has had limited results. We need less talk, less lip service, and more action," in Senator Speier's opinion. Senator Speier asked if the chancellors were autonomous in operating their own campuses: "What kind of authority does the UC President have over the campuses?" President Atkinson responded with a smile, "Some days, I wonder." More seriously, he explained that all must follow systemwide policies, although there is variation among campuses. Senator Speier responded that the data showing significant **decline** in the hire of women faculty on some campuses suggests defiance of UC policy, given all the efforts of the state audit and the senate hearings. "We are not being heard," concluded Speier. President Atkinson responded that all the chancellors are committed, "now we must get the message down to the level of deans and vice chancellors." President Atkinson acknowledged that SP-1 and 2, the UC Regents' resolutions against affirmative action in 1995, and Prop. 209 had put a big damper on UC's efforts to diversify its faculty and students.

Senator Speier next invited UC faculty members to testify about their perspectives on progress, continuing problems and future steps to be taken. Professor Gyöngy Laky expressed her thankfulness that President Atkinson was acknowledging the severity of the situation by his presence at the hearing. As in her testimony at the prior two hearings, Laky looked at hiring from the opposite end, noting that last year UC hired almost 70% male faculty, clearly preferential treatment of men, and indicating discrimination against women. Professor Laky wanted everyone to take a step back and look at the big picture. At UC Davis in 2001-02, 55% of the students were female, and nearly half of all PhD recipients nationwide were women. UC's hiring rates have not reflected this progress. As an administrator had asked Laky, and she asked herself, "How many years of data do we need to see before we are convinced there are inequities?" Leadership is crucial, Laky noted, and the Regents were about to begin a search for a new President. UC needs enlightened leadership, committed to promoting diversity, and dedicated to seeking and attracting the most talented academics in California and the nation.

Professor Martha West focused on the recent data presented by President Atkinson, pointing out the increasing gap between PhD recipients and faculty hires. In 1994, women were 46% of the PhD pool and 37% of the faculty hires at UC. Eight years

later, in 2002, women were over 49% of the PhD pool, but only 31% of the faculty hires. The gap between the available qualified labor pool and faculty hires had **doubled** from 9% to 18%! West stated that what really interested her were trends. At the hearing the previous year, the trends looked good, with women faculty hires going from 25% to 30%, but “in 2001-02, we only climbed one point, from 30% to 31%, a very disappointing increase.” The trend was particularly disturbing at the assistant professor level, which is where the PhD pool is most relevant. “To go from 37% down to 34% women hires at the assistant professor level is a very disturbing trend.” Despite the success of many campuses during 2001-02, such as Davis, Berkeley and San Francisco, four campuses declined in their percentages of women hires. UCLA showed a dramatic decrease, going from 30% down to 27% overall, particularly disturbing because UCLA has had gender equity panels and committees meeting for three years. When Professor West looked into the goals of these UCLA gender equity committees, there was no mention of faculty hiring. The focus at UCLA has been on climate and campus policies, important concerns, but to ignore the issue of faculty hiring she found very distressing. The Irvine, Santa Barbara and Riverside campuses also saw declines in faculty women hires.

West’s conclusion: there has not been significant leadership on this issue. The problem, as West saw it, was that all the talk about gender equity had been at the top, whereas the people who make the hiring decisions are the department level faculty. In her view, there is a huge disconnect between the UC Office of the President, what the chancellors say, and the faculty. Faculty members are not receiving communications about these new policies, or about any recent campus reviews of faculty goals and hiring results. The message is not getting through. In her opinion, there are two possible explanations for the failure of campus leaders and departmental faculty to respond to the legislature’s concerns, to the audit’s findings, to the hearing testimony. One, a very sobering possibility, they just don’t care. Second, they don’t know. The University could do a great deal more to publish hiring information. If the UCOP will now be requiring the chancellors to submit progress reports on gender equity twice a year, those reports should be published and circulated to the faculty. Currently, the data is hard to come by. At some point, West stated, someone has to tell the faculty, “you are discriminating against women.” “Unless the department faculty get that message, nothing is going to change.” West’s testimony met with a round of applause. Senator Speier promised to go to the four campuses where the percentage of women faculty hires had fallen, and personally meet with those chancellors.

Senator Speier next invited a panel of professors from various campuses to give campus updates. Professor Angelica Stacy, from UC Berkeley, was the bearer of better news. In 1999-2000, UC Berkeley dipped down to 21% women faculty hires, but since then there has been a consistent trend upward: to 27%, 31%, and 34% in successive years. Professor Stacy noted that there has been renewed activism at the Berkeley campus to improve faculty diversity. Berkeley implemented a web-based system by which they track gender and ethnic diversity of their faculty applicants. Based on the 4,000 applicants that have responded, they have a good idea of the gender diversity in the pool. The 34% women among faculty hires was exactly equal to the percentage of offers made to women and exactly equal to their percentage in the applicant pool. So, if women

apply to Berkeley, they are receiving offers, and they are coming to the campus. The disparity comes into play when you look at certain disciplines. Professor Stacy noted that Berkeley is one of the largest producers of female PhD recipients, particularly in math and science. And yet, in the last ten years, out of 28 new hires in math, Berkeley has not hired a single female math professor.

Professor Stacy had recently taken the job of Associate Vice Provost for Faculty Equity at UCB. Senator Speier inquired whether this was a special position created by Berkeley or if it is a position at all UC campuses. Stacy responded that the Berkeley campus had created this position some time ago. One of her strongest recommendations was for every campus to create this critical position, appoint a tenured faculty member to the position and give it meaningful job resources. The position at Berkeley carries with it research staff, adequate funding, access to data, and most importantly, membership in the chancellor's cabinet with the opportunity to express her views on a weekly basis to campus leaders.

Professor Stacy presented data from a faculty survey on family leave. The preliminary findings showed that 64% of the faculty women who responded were eligible to take family leave, but did not do so out of fear of hurting their careers, and 39% of the women had fewer children than they wanted to have. These numbers were dramatically lower among the faculty men who responded. Professor Stacy introduced Mary Ann Mason, Dean of the Graduate Division of UC Berkeley, who described her study, *Do Babies Matter?: The Effect of Family Formation on the Life Long Careers of Academic Men and Women*. Mason illustrated her presentation with data showing that the percentages of women in academia vary significantly based on their role in the institution. At UC Berkeley, women are 22% of ladder-rank faculty, (281 out of 1283), 66% of the non-ladder academic personnel, such as lecturers or adjuncts (256 of 386), and 57% of the remaining UCB staff (4,000 out of 7,000). Dean Mason attributed this sex-skewed distribution to family formation. She found that women with babies are 33% less likely than all others to land a tenure track position. Mason therefore focused her recommendations on developing a more "family friendly" package for UC ladder-rank faculty, which would encourage more women to apply for faculty positions. UC should guarantee pregnant women a one-semester leave from teaching duties, and make an institutional commitment to offer part-time options for ladder rank faculty with substantial family caregiving responsibilities. UC should also make high quality childcare slots available to all ladder rank faculty.

Professor Alice Agogino, from the UC Berkeley College of Engineering, testified next. At the previous hearing in 2002, Agogino was pleased to report that 50% of the new hires in Engineering had been women, after hiring 39 men and only 2 women (5%) from 1995-2000. Unfortunately the preliminary data for 2002-03 was not looking as good, with only 1 out of 7 new hires being a woman. One of the bigger problems was that fewer women applied than one would expect based on women's percent among Engineering PhD recipients. The Dean was continuing to address gender issues, requiring that all search committees have at least one female faculty member. In many cases, he had asked a woman to chair the search committee, a big factor in promoting fair

hiring practices. At UCB, all deans and department chairs must submit a self-study of their progress in meeting gender/minority hiring goals when they request new faculty slots.

Martha Mecartney, Professor of Chemical Engineering and Materials Science at UC Irvine, testified next. Professor Mecartney was most distressed by the decline in women's percentage of new hires at UCI because it had occurred in the midst of great attention given to increasing faculty diversity as a result of UCI's Advance Program grant from NSF. Despite this heightened awareness, the percentage of women faculty hires had consistently gone down, from 31% to 29% to 28%, between 1999 and 2002. Mecartney also voiced her frustrations at the lack of available data. The hiring data for 2001-02 had just become available two weeks prior to the hearing, and data on which faculty had left during 2001-02 was not yet available. She had no idea exactly how many women were even on the faculty for the 2002-03 academic year. Mecartney questioned whether gender equity was really a priority if UCI (or UCOP) had not yet determined or analyzed who is now on the UCI faculty.

Professor Pauline Yahr, also from UC Irvine, the Department of Neurobiology and Behavior, picked up where Professor Mecartney left off. Professor Yahr presented the results from studies on pay equity at UC Irvine in which she participated. Creating an equation for white men's pay, and taking variables into account, such as education and experience, the study then predicted the pay of women or minority colleagues in the same fields. The study found that women with similar education and experience were consistently paid less than would be predicted by the pay of their white male peers. As an example, in Biological, Physical and Social Sciences, 70-90% of the women were paid less than expected. Translated into dollars, women in Biological, Physical and Social Sciences have received about \$4,000-\$8,000 less per year than they should have. Even more disturbing was the fact that the pay differentials for women faculty in the humanities were increasing, not decreasing. In 1997, 40% of women faculty were paid less than expected; by 2001, 70% of the women were paid less than expected. According to Professor Yahr, this data suggested a systematic gender bias, whether conscious or not. Yahr noted that even discussing pay equity upsets many of her male colleagues, which only worsens the work environment for women. She suggested that preventing sex discrimination in faculty hiring in pay, and in retention will require more serious involvement by UC's leading men.

The final panel of faculty to testify included 3 faculty members from UC San Diego. Professor Naomi Oreskes from UC San Diego's History Department presented key findings from a March 2002 UCSD Gender Equity Task Force. At UCSD women represent only 18% of the ladder rank faculty, lowest among UC campuses, and lower than other comparison schools. Even if the available candidate pool is limited to women from top institutions and with post-doctoral experience, women are underrepresented among faculty hires. Women are more likely to leave UCSD, where they represent a meaningfully higher percentage of separations (22%) than their current population (18%). Additionally, women were found to serve on too many committees, to be confused about child care and parental leave policies, creating dissatisfaction with the campus climate.

Oreskes concluded that UC needs systemwide practices to increase the hiring of women. Each campus “should not have to re-invent the wheel” over and over again. If departments on each campus knew that the allocation of new faculty positions depended on the past results regarding the hiring of women, UC would see a significant change.

Professor Andrew Dickson from UC San Diego’s Scripps Institute of Oceanography, also a participant in the first hearing, testified that each campus should change the actual process of faculty hiring. Scripps had to do that in order to hire women faculty. It created multiple slots, instead of narrowly-defined single slots that a restricted clique of faculty controlled. It created inter-disciplinary positions that opened up the applicant pool. It hired at the assistant professor level, instead of the senior or tenured level. It involved whole departments in screening the applicant files instead of delegating that function to a small group of faculty. The year these changes were made, 50% of the hires were women, as compared to the previous year, when only 10% of the hires were women. In Professor Dickson’s opinion, in order to change the composition of the UC faculty, over 40% of the hires must be women for at least the next 20 years.

Professor Michael Bernstein from UC San Diego’s History Department testified on behalf of the “majority of male faculty members who want to see the hiring of women improve.” His experience as chair of the History Department for more than six years, and as chair of the Senate at San Diego, had taught him structural issues in the faculty search process get in the way. The goals of each faculty search are to increase academic excellence and gain academic visibility for the department. Consequently, the faculty want to recruit very visible and prestigious faculty from other institutions. These senior colleagues at other institutions are overwhelmingly white men. The goals of the search process itself privilege men, and if these goals are met, then more resources flow to these departments from the central campus. Consequently, departments will always argue to recruit for senior positions. Only if departments are forced to recruit at the assistant professor level will the percentage of women among new hires increase.

Professor Susan Koshy from UC Santa Barbara, Department of Asian American Studies, testified next. Professor Koshy noted that the hiring of ladder rank women faculty rose steadily from 27% in 1984-85, peaking at 41% in 1993-94, and then steadily declined after 1997-98 until it hit 28% in 2001-02, bringing UCSB back to just 1% ahead of where it was nearly two decades earlier. According to Koshy, this decline in the hires of women faculty has brought a new sense of urgency and awareness to UCSB administrators. Professor Koshy extended her gratitude to President Atkinson for holding the Summit on Faculty Gender Equity, which she felt gave strong momentum to efforts on her campus. In July 2002, UCSB established a formal mechanism for Career Equity Reviews that enables any faculty member to request a career review to determine whether their rank, step, and/or salary are commensurate with their merit. If effectively utilized, such reviews might help women equalize their salaries.

Professor Barbara Gerbert from the School of Dentistry at the UC San Francisco campus testified that faculty recruitment procedures had improved at UCSF as a direct result of Senator Speier’s series of hearings. She was pleased to report that two of the

three initiatives she had described at last year's hearing, recommended by the UCSF Committee on Equal Opportunity, had been adopted by the UCSF administration in the fall of 2002. UCSF now has a new check list to govern the faculty hiring process and appointment, so new faculty know what the expectations for performance will be. The campus is looking for ways to publicize the newly adopted Career Review process, a way for faculty to obtain an equity salary and rank review of their entire academic file if they think they may have been treated unfairly at some point in the past. Although the campus would like to adopt the proposed Ambassador program to assist search committees, the campus has no funds to provide the necessary stipends and support staff to implement the program. Women continue to be under-represented among the UCSF faculty. Among the ladder rank faculty, only 30% are women, whereas among the clinical faculty, 48% are women, and among the adjunct faculty, 44% are women. Among the students at UCSF, a campus of only graduate or professional students, 65% are women. Among PhD candidates, 53% are women. Among medical students at UCSF, 55% are women.

In introducing Professor Christine Gailey from UC Riverside, chair of the Women's Studies Department, Senator Speier repeated her promise to visit the Riverside campus, to explore why the hires of women at all levels declined from 30% to 27%, and particularly, why the hires of women at the assistant professor level declined from 34% down to 28%. Professor Gailey welcomed Senator Speier's visit because in her view, "gender equity is at most a rhetorical flourish, while cloning faculty by gender, race, and ethnicity remains the practice." UCR's current hires of women faculty remain below the percentage of women hires in the early 1990s. Deans committed to the principle of gender equity make a real difference. At Riverside, in the College of Humanities, Arts, and Social Science, under the leadership of 2 committed deans, the percentage of women among non-tenure assistant professor hires rose to 61.5% during the 1997-2001 period. In contrast, only 19.8% of assistant professor hires in the College of Natural and Agricultural Science were women, despite availability by fields ranging from 26% to 48% women in relevant areas. In Engineering, Math, and Computer Science, zero women were hired out of 17 appointments during the 1997-2001 period, where availability ranged from 13% to 28%. Professor Gailey asked, "where is the accountability for those deans, those department chairs? Where is the accountability at the Executive Vice Chancellor level?" At Riverside, the situation for tenured hires was similar, but even worse. In her opinion, campus leadership on this issue is crucial.

Professor Gailey's experiences showed that women must be better qualified than men to receive similar treatment, at least one-third more productive. And for women of color, they must be twice as productive, twice as well qualified. In creating hiring packages, deans and chairs are "proactive" in putting together packages for men, and "reactive" in putting together packages for women. The UCR Women's Faculty Association runs a mentoring program for new women faculty; both the women's faculty association and the Women's Studies Department offer a variety of workshops for junior and tenured women on the academic personnel process. The UCR administration provides no financial or other support for these efforts.

The final faculty presenter at the hearing was Professor Susan Prager, former Dean of the UCLA Law School and currently the Arjay & Frances Fearing Miller Professor of Law. She joined the law faculty at UCLA in 1972, and served as dean for 16 years, from 1982 until 1998, when she left to serve as Provost at Dartmouth for 3 years. Now, back at UCLA, she wanted to re-emphasize the point that Professor Laky made at the beginning of the hearing: the UC data is evidence of discrimination against women. This discrimination may not be conscious, but it is serious. During the last year, the percentage of women among new faculty hires at UCLA reached another low: only 20% were women. Furthermore, and more ominous, only 20% of the entry-level assistant professor hires were women. Low hires of women during a time when their availability in the candidate pool has increased leads to significant under-utilization. For example, in Humanities at UCLA, the official affirmative action plan indicates that there should be 47 more faculty women based on the gap between current composition and availability.

Professor Prager asked, “why have higher availability rates not resulted in a higher level of female hires?” When she was dean, these issues were brought to her attention by the administration, but “now we don’t do that because of the misperception caused by Proposition 209.” Prop. 209 and the Regents’ Resolution SP-2 had a tremendous chilling effect “on how we talk about this problem.” Faculty believe affirmative action is gone, but, in fact, discrimination law remains in effect. “Proposition 209 should not be read to prohibit discussion of how to address our current situation. . . . A discriminatory effect must be addressed by appropriate administrators” even in circumstances where there have been no conscious discriminatory practices. Faculty and administrators “may well be overlooking the overarching legal framework . . . namely the anti-discrimination principle itself.” We need “to pay attention to the data that suggests we have a significant problem,” and “we need to end the period where speech about these issues has been chilled by the presence of Prop. 209.” In her view, the work that is currently being done on campuses and at the systemwide level “has not permeated the faculty” who are the decision-makers on faculty hires. To get the message to the faculty, UC needs to put resources into training and retaining department chairs so that they stay long enough to provide leadership on this issue. Professor Prager thanked Senator Speier for her significant contribution to UC by creating a sharper focus on the issues and welcomed her visit to the UCLA campus.

The third hearing closed by a short presentation from the San Francisco Greenlining Institute presenting results from its study of the gender, racial and ethnic breakdown of UC administrators, faculty, and staff. Its report reinforced the point that the decision-makers within the UC system and on the campuses are overwhelmingly white men.

In closing the hearing, Senator Speier commented that it was interesting that in 2003 just as 25% of the ladder faculty at UC are women, so are 25% of the state legislators in California. Senator Speier promised to follow-up on the hearing by visiting campuses, and by giving input into the search for a new president of UC. She also wanted to consider whether or not it would be advisable to insert legislative language into the UC budget to focus the attention of UC department chairs on the need to end

discrimination against women in the faculty hiring process. Finally, Senator Speier conveyed her willingness, if necessary, to schedule yet another hearing on the UC hiring process.

The best press coverage the hearing received was an editorial in the *San Francisco Chronicle*, “Closing UC’s gender gap,” published the morning of the hearing. The *Chronicle* noted that the 31% of women among faculty hires was still significantly below the 37% of women hired ten years earlier. The *Chronicle* acknowledged the progress being made in improving the work/family policies at UC, but pointed out that “implementation of these policies is uneven. The university could do much more to publicize them, and to ensure women are not discouraged from taking advantage of them by entrenched attitudes within departments and disciplines.” The editorial noted that Senator Speier would be holding another hearing that day “in an effort to keep the issue on the public policy agenda, and to prod the university to do more.” Finally, the *Chronicle* commented that this “is a complex challenge the university must enthusiastically embrace—and overcome.”

## **Developments Since 2003**

Hiring of women faculty in the UC system has continued to slowly increase. In 2002-03, 36% of the new hires were women, up from 31% at the time of the third hearing, but still below the level reached a decade ago. UCOP did not release the data for the 2003-04 hiring year until January 2005, and then only when Senator Speier’s office again contacted UCOP. One wonders if UCOP did not release it earlier because it showed no improvement. Again, 36% of the new faculty hires were women, the same percentage as the year before. Perhaps it is time for another hearing.

Hires at the assistant professor ranks, however, showed improvement, with women’s percentage of those hires increasing from 34% in 2001-02 to 38% in 2002-03, and to 41% in 2003-04. UC almost reached its high of 42% among assistant professors hires that it had reached 10 years earlier in 1993-94. In the struggle to reduce the percentage of hires made at the tenured ranks, UC made some progress. In 2001-02, 37% of hires were with tenure; in 2002-03, only 31.5% were at the tenured ranks. In 2003-04, that percentage went up to 33.2%, but this was still significantly below the 40% tenured hires made from 1998 through 2001.

Progress was very mixed throughout the UC system. The campus that made the most progress in hiring women was UC Berkeley. Berkeley reached an all-time high in hiring faculty women in 2003-04: 48% of all hires. At the assistant professor level, 54% of the hires were women. Out of 82 total hires, 61 (74%) were at the assistant professor level, and only 26% at the tenured level. UC Davis maintained 41% women among new faculty hires for both 2002-03 and 2003-04, but for the 2004-05 year, based on recent internal data, UCD’s numbers are expected to fall to 36% women among new hires. The campus with the most uneven progress was UCLA. In 2001-02, only 20% of its faculty hires were women. In 2002-03, UCLA saw a dramatic increase to 40% of hires, but in 2003-04, the campus declined again to only 32% women among its new faculty.

Riverside decreased from 35% women to only 22% in 2003-04. Santa Barbara decreased from 40% women to 28% women. Santa Cruz stayed steady at 38% and San Diego at 32%.

Without Berkeley's tremendous increase, UC would have shown no progress last year in the hiring of faculty women. UC Berkeley is in an excellent position to provide systemwide leadership on this issue. Its new Chancellor, Robert Birgeneau, was the Dean of Science at MIT in 1999 who strongly supported MIT's women when they issued their path-breaking report on discrimination against faculty women there.

The unprecedeted spike in UC faculty hires anticipated in 1998 is now in full swing. For five years, 1995 through 2000, approximately 370 new faculty were hired each year systemwide. Since 2000 the numbers have gone up significantly:

2000-01:	460 hires
2001-02:	493 hires
2002-03:	519 hires
2003-04:	586 hires

This data demonstrates how important each hiring season is in determining the overall composition of the UC faculty for many future generations of students.

The new president of UC is Robert Dynes, formerly Chancellor of UC San Diego. (Both he and former President Atkinson were from the San Diego campus, the campus with the lowest percentage of women faculty: 22% in 2004, compared to 27% systemwide.) Although he has been in conversations with Senator Speier, he has not announced any new initiatives to address the continuing gender inequities in faculty hiring. It is of some concern that President Dynes came from the campus with the lowest percentage of women on its faculty: in 2003 San Diego's ladder-rank faculty included only 21% women, compared to the total UC composition of 26% women faculty. Former President Atkinson did not write an editorial on gender equity issues before he left office, but he did mention faculty gender equity as one of his priorities in his farewell message to staff and faculty.

Former Chancellor M.R.C. Greenwood has left Santa Cruz and is now UC Provost and Senior Vice President. President Dynes deserves credit for finally bringing a woman into the top level of the UC administration.

Several campuses have held gender equity summits, but other campuses have not. New UC policies are being developed to give parents an extra quarter of relief from teaching upon the birth or adoption of a child. And the UC system is exploring the option of allowing campuses to offer less-than-full-time tenure-track faculty positions on a temporary basis for faculty with heavy family responsibilities. Finally, language is being added to the faculty personnel manual to make "contributions to diversity" a criterion to be considered in faculty personnel actions.

Faculty organization supporting gender equity issues has not increased. CAFE continues to meet once or twice a year, with 10 to 15 faculty members coming together from all the campuses to assess the state of affairs and make recommendations for future action. Several efforts were made by CAFE and its members to offer input into the search for the new UC president, to make sure the search committee considered any candidate's record on gender issues. The independent faculty women's organization at UCLA has ceased to exist. Perhaps the best development, in an ironic sense, was Harvard President Larry Summers' remarks in January 2005, questioning whether women have intellectual capacity equal to men. His comments have made gender equity issues on university faculties a major news item for several months.

### **Recommended Actions for UC to Increase the Hires of Faculty Women**

Although women's percentage among faculty hires has increased since 2000, it is still below the 37% mark reached in 1994, and significantly below the current 51% of women among American PhD recipients. Because faculty at the department level are the decision makers on new faculty hires, any efforts UC makes to improve the situation must reach the attention of all the faculty, not just campus administrators.

Among the suggestions made by faculty from throughout the UC system, we emphasize the following:

- Disseminate widely the past year's hiring data, and relevant PhD pool information, to each faculty member, by **October 1<sup>st</sup>** of every academic year, at the **beginning** of the faculty hiring season. The cut-off date for the UC data is July 1<sup>st</sup>, making the October 1<sup>st</sup> date realistic. Ensure that the UC President and upper levels of campus administrations are regularly informed about gender equity and hiring diversity progress.
- By UC Presidential directive, expand the percentage of faculty hired at the entry level of assistant professor to 80% of new hires. Currently, only 65% to 67% of new faculty are hired at the entry level of assistant professor. When hires are made at the assistant professor level, a significantly higher percentage of white women, and women and men of color, are hired.
- Increase the number of faculty women on hiring search committees and assure diversity among committee members.
- Set up uniform procedures to monitor faculty searches, so that the composition of candidates invited to campus for in-depth interviews reflects the gender and racial/ethnic composition of the PhD pool in the relevant field of expertise. (Although some campuses have procedures to monitor searches, and to stop the search if the interview pool is not sufficiently diverse, these procedures are not enforced.)

- Require each campus to set up a system to monitor faculty members' starting salaries and support packages to make sure they are equitable across gender and racial/ethnic lines.
- Reward departments and department chairs who are making effective progress in hiring white women, and women and men of color, at rates commensurate with their availability in the PhD pool. (Rewards in the UC context could include additional faculty positions, additional research funds, or additional space on campus.)
- Appoint more women to administrative leadership positions, particularly as department chairs and deans.
- Provide training for chairs of search committees, department chairs, and deans to increase awareness of unconscious preferences.
- Review the performance of deans on an annual basis, evaluating their efforts and effectiveness in creating greater gender and racial/ethnic equity among the departmental faculty under their supervision.
- Provide leadership on these issues at the UC President's level, publishing statements and articles addressing the need to hire women at equitable levels in all academic departments. Search out and publicize success stories, highlighting those departments that have made significant progress in diversifying their faculties.

These are just a few of the many suggestions made during the three years of legislative hearings. Several of these recommendations were made many times, and appear on lists of "best practices" throughout the UC system. Several coincide with the eight new "action items" presented by Chancellor M.R.C. Greenwood at the first hearing.

Leadership on these issues is essential. UC is capable of hiring on an equitable and diverse basis as can be seen at various points in the past. Although we have not yet returned to the level of hiring women faculty achieved in the mid-1990's, we hope that the current progress will continue and will increase. We ask that the UC administration become the national leader on efforts to treat women in an equitable manner, to educate faculty about the subconscious nature of gender prejudice, so that women no longer experience discrimination in the hiring process. In March 2005, UC Berkeley Chancellor Robert Birgeneau, referring to the diversity of UC's students, stated: "I feel a moral obligation to address the issue of inclusion head-on. Ultimately, it is a fight for the soul of this institution." Likewise, the issue of fully welcoming women among the university faculty is a similar challenge that must be met for UC to retain its status as the premier public university in the world.

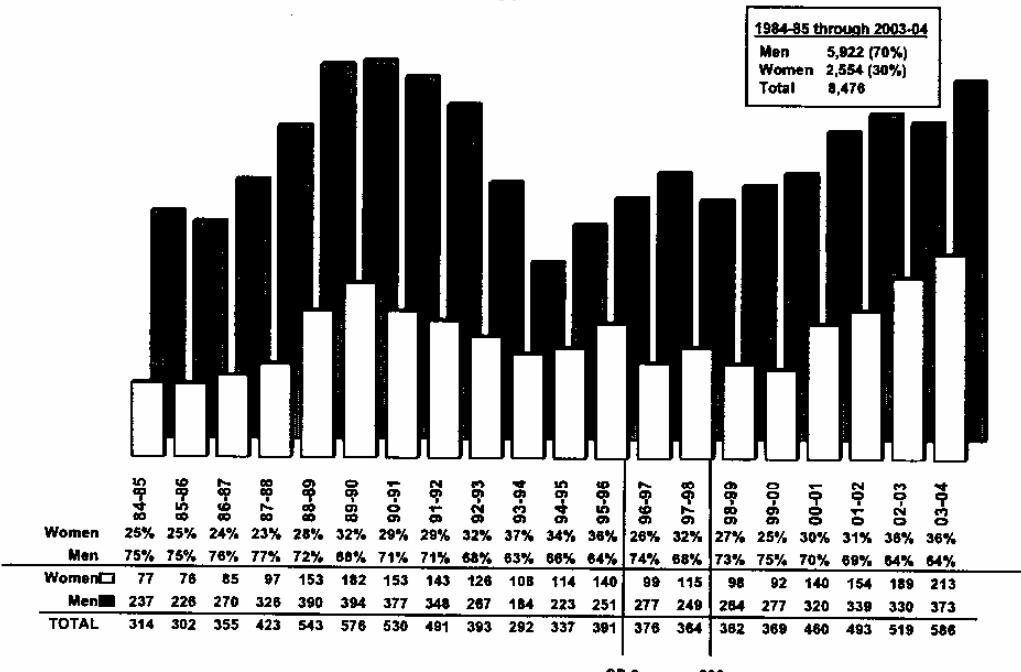
## **Appendix**

1. New Appointments of Ladder Rank Faculty, UC Systemwide, 1984 through 2004 (UCOP website, <http://www.ucop.edu/acadadv/datamgmt/welcome.html> Jan. 2005).
2. New Appointments, UC Davis, 1984 – 2004 (UCOP, Jan. 2005).
3. Charts from first hearing, 2001: Ten Years of UC Faculty Hires  
Boalt Hall School of Law (Berkeley)
4. Excerpt from “Report from UC Berkeley,” March 11, 2002
5. Copy of letter sent to all UC Regents, Jan. 27, 2003, including copy of Congressional letter to UC President Atkinson, July 2002.
6. Authors’ short biographies.

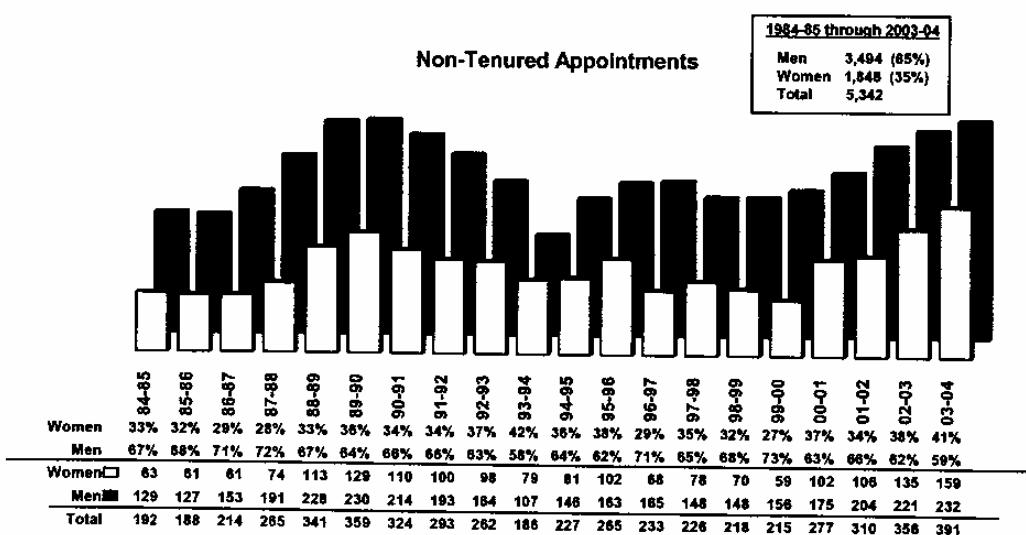
**UNIVERSITY OF CALIFORNIA  
New Appointments of Ladder Rank Faculty  
1984-85 through 2003-04**

## UNIVERSITYWIDE TOTALS

## All Appointments

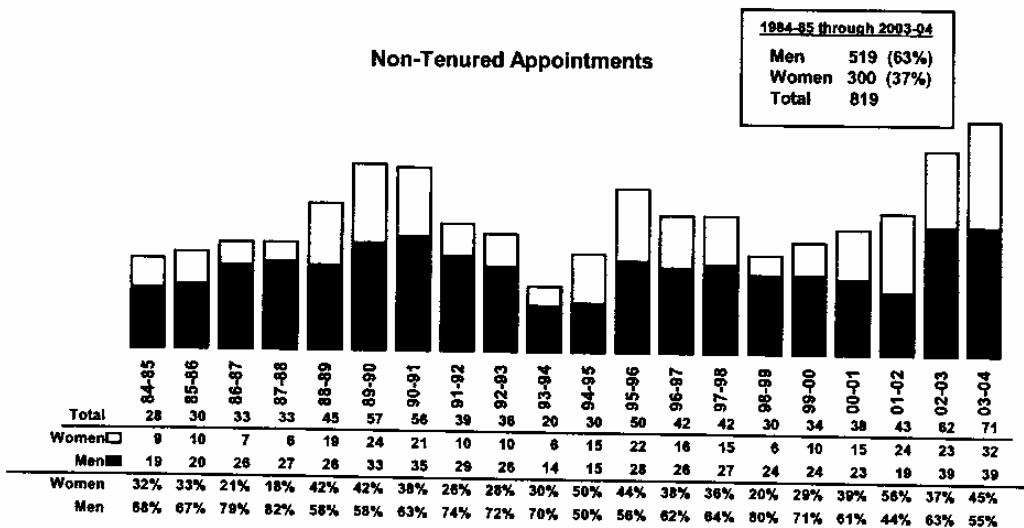
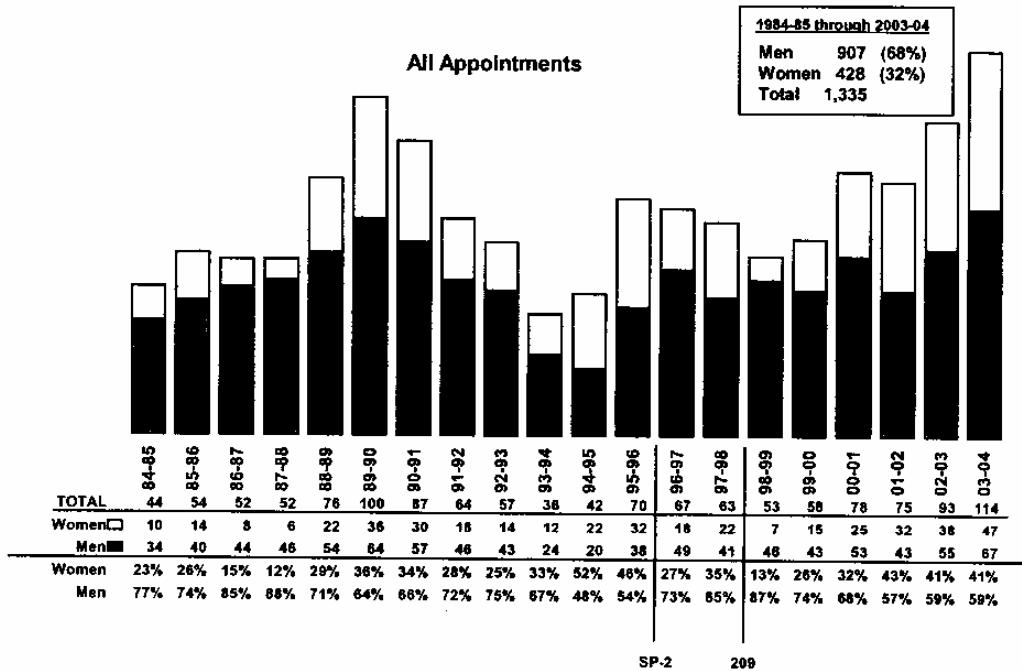


#### **Non-Tenured Appointments**

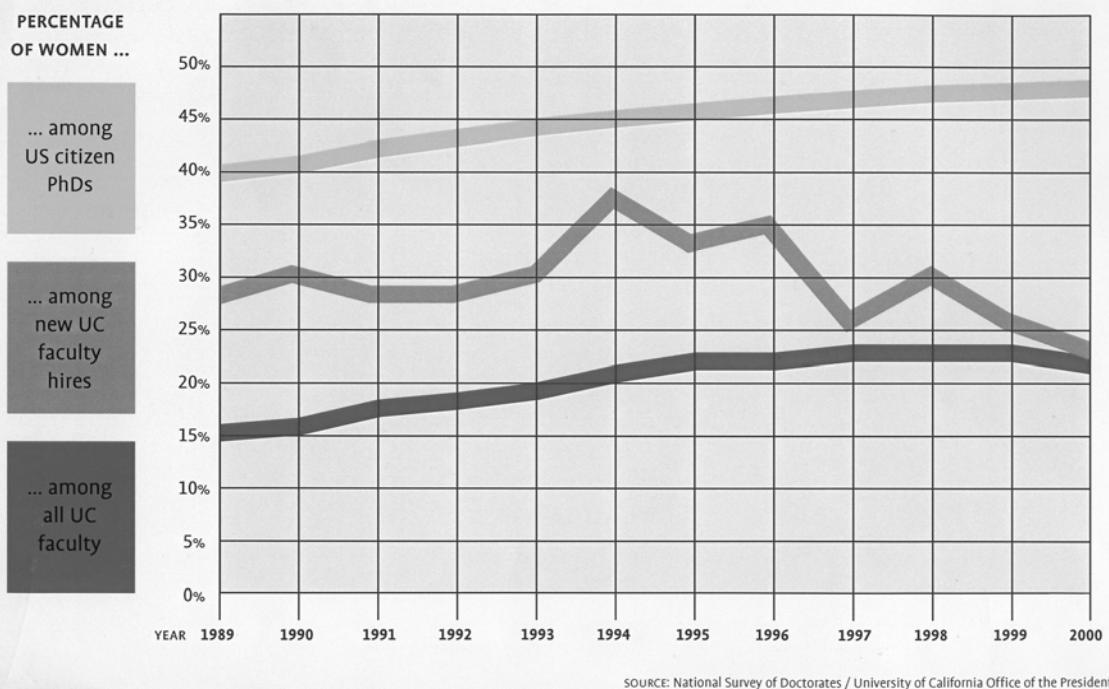


**UNIVERSITY OF CALIFORNIA  
NEW APPOINTMENTS OF LADDER RANK FACULTY  
1984-85 through 2003-04**

Davis



# TEN YEARS OF UC FACULTY HIRES



# BOALT HALL SCHOOL OF LAW (BERKELEY)

OFFERS MADE TO WOMEN FOR FACULTY POSITIONS IN THE JD PROGRAM



1991 – 2000

men ..... 24  
women ..... 4  
total ..... 28



*State Senate Select Committee on Government Oversight*

**A Hearing to Assess Progress Made by the University of California  
to Reduce Gender Disparity in Faculty Hiring**

March 11, 2002

Excerpt from :

**Report from UC Berkeley**

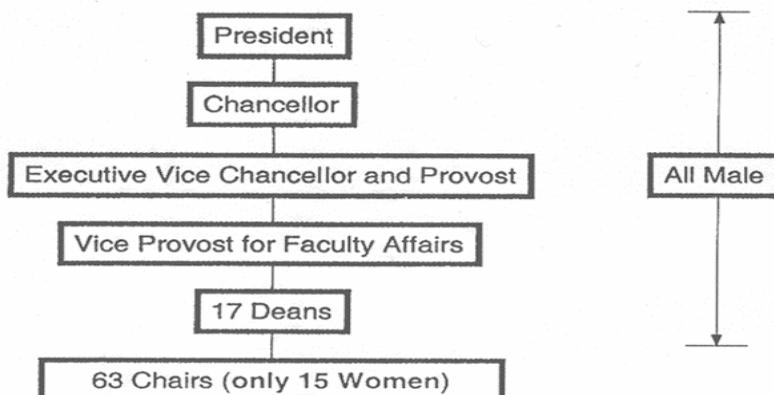
Professor Alice Agogino, UC Berkeley, Mechanical Engineering

Professor Deborah Nolan, UC Berkeley, Dept. of Statistics

Professor Angelica Stacy, UC Berkeley, Dept. of Chemistry

Professor Sue Ervin Tripp, UC Berkeley, Dept. of Psychology

**Administrators Who Approve Faculty Hiring  
UC Berkeley**



Women have little say in hiring and promotion

Prepared by Angelica M. Stacy

**Chairs of Departments  
UC Berkeley**

	Total	Female
Engineering	8	0
Physical Sciences	6	1
Biological Sciences	8	2
Environmental Sciences	8	1
Social Sciences	12	3
Environmental Design	3	0
Arts and Humanities	18	8
<b>Overall</b>	<b>63</b>	<b>15</b>

The vast majority of faculty are reviewed by an entirely male administration.  
[Note: The departments in the humanities are small.]

Prepared by Angelica M. Stacy  
Associate Vice Provost for Faculty Equity  
astacy@socrates.berkeley.edu

**COPY OF LETTER SENT TO ALL REGENTS** January 27, 2003      Appendix #5

Richard C. Blum  
Regent, University of California  
909 Montgomery  
San Francisco CA 94104

Dear Regent Blum,

As University of California faculty, we write to invite you to attend the upcoming hearing of the State Senate Select Committee on Government Oversight, chaired by Senator Jackie Speier, that is addressing hiring practices of UC in an effort to reduce gender disparity and to promote diversity in faculty hiring. The hearing is open to the public and we feel it would be extremely informative to you at a time when you are searching for a new president for our great University. The hearing is scheduled for February 19, 2003, at 9:30 a.m. in the State Capitol Building.

We wish to express our concern about the dramatic drop in the hiring of women faculty throughout UC. At a time when the UC system is hiring thousands of new faculty, the data tell us that UC is hiring proportionately fewer women as ladder rank, tenure track professors today than we did a decade ago.

By 1993-94 the percentage of women hired into the permanent ranks of UC ladder faculty ranged in the 30 percentile level and reached a high of 37% that year. The percentage of women joining the faculty fell sharply at the end of the 1990s to a disappointing low of 25% statewide. Today the percentage is not much higher, hovering at just 30%.

This decline is most troubling because women have been attending institutions of higher education and earning Ph. D.s in record numbers nationally over the past decade (49% of all Ph. D.s granted to US citizens were earned by women last year). UC's hiring rates have not paralleled this progress, but have gone in the opposite direction. Moreover UC's hiring rates are remarkably worrisome given the rate at which UC itself grants Ph. D.s - 45% of all Ph. D.s were awarded to female students at UC across all fields last year. Women are clearly excelling in their studies and research, but, since the passage of Proposition 209, forbidding special attention to any one group, men appear to enjoy a substantial preference when it comes to obtaining faculty positions at UC. We are not talking about affirmative action here - - with such large numbers of accomplished women available, we are talking about discrimination.

With the graying of the professoriate, UC is experiencing record numbers of hires due to faculty retirements. Retirements coupled with California's continuing population growth of approximately 500,000 people each year account for the current surge in faculty hiring that began about 4 or 5 years ago and is expected to continue for 5 to 6 more years. We are in the midst of hiring more faculty (approximately 7500 by 2010-12) than we employed in 1997 (approximately 6400 faculty statewide). Even with the State's current budget crisis, we will be replacing retiring faculty.

The current levels of hiring provide us with an excellent opportunity to assure a diverse and eminent faculty for the future excellence, success and health of our institution. We must ensure that the next generation of UC faculty reflects the most qualified talent available.

As you move toward choosing a new president, we hope you will be able to attend the hearing on February 19. We know that the hearing will be informative. It will encourage you to examine the dramatic drop in hiring women tenure track faculty at the University of California. We urge you to use the strength of your office to lead UC in its efforts to hire the most talented individuals possible.

Sincerely,

Gyongy Laky, Professor in Design, UCD  
and

Nancy Adler, UCSF

Marta E. Altisent, UCD

Bettina Aptheker, UCSC

Tanya Atwater, UCSB

Linda Bauer, UCI

Nancy Beckage, UCR

Michael A. Bernstein, UCSD

Alison M. Berry, UCD

Yolanda Broyles-Gonzalez,UCSB

Julie Carlson, UCSB

Dorothy M. Chun, UCSB

Galen Cranz, UCB

Elizabeth Deakin, UCB

Jane Sherron De Hart, UCSSB

Kathryn G. Dewey, UCD

Andrew Dickson, UCSD

Carol Dixon, UCSB

Marta Elvira, UCI

Susan Ervin-Tripp, UCB

Carroll Estes, UCSF

Sharon Farmer, UCSB

Linda Georgianna, UCI

Barbara Gerbert, UCSF

Susan Greenhalgh, UCI

Dolores M. Hsu, UCSB

Caren Kaplan, UCB

Joyce Keyak, UCI

Catherine Koshland, UCB

Susan Koshy, UCSB

Anna Kuhn, UCD

Sydney Kustu, UCB

Carol Lansing, UCSB

Karen Leonard, UCI

Cecelia Lynch UCI

Christine A. Littleton, UCLA

Susanne Lohmann UCLA

Susan Mann, UCD

Martha Mecartney, UCI

Patricia L Mokhtarian, UCD

Deb Niemeier, UCD

Jane O. Newman, UCI  
Naomi Oreskes, UCSD

Janice Plastino UCI

Michele Praeger, UCD

Kathryn Radke, UCD

Lynn Robertson, UCB

Pamela Roby, UCSC

Christine Rosen, UCB

Judy B. Rosener, UCI

Judith M. Siegel, UCLA

Carol A. Smith, UCD

Etel Solingen, UCI/UCLA

Ellen G. Sutter, UCD

Eleanor Swift, UCB

Andrea J. Tenner, UCI

Judith Treas, UCI

Sophie Volpp, UCD

Marguerite Waller, UCR

Martha West, UCD

Diane L. Wolf, UCD

Pauline Yahr, UCI

Attachment: Congressional letter to President Atkinson

House of Representatives July 2002 - text of letter:

Dear President Atkinson:

We are writing to inquire about the current plan for hiring faculty for the University of California (UC) at a time of greatly increased hiring activity.

The University of California is the largest and most prestigious of public universities in the world, and we are very proud of that fact. It is also an important flagship for global leadership and excellence. It has possibly the most diverse student body of any university system in history.

We are concerned that at a time when the UC system is hiring thousands of new faculty, the data suggest UC is hiring fewer women as ladder rank, tenure track, and professors today than it did a decade ago. We noted with appreciation that by 1993-94 the percentage of women hired into the permanent ranks of UC ladder faculty was 37%. We now note that the percentage of women joining the faculty fell sharply at the end of the 1990's to a disappointing low of 25% and that today the percentage is not much higher.

Women have been attending institutions of higher education and earning Ph. Ds in record numbers over the past decade -- national statistics indicate that 49% of all Ph. Ds granted to US citizens were earned by women last year -- we hope that UC's hiring rates would parallel this progress. In addition, 45% of all Ph. Ds were awarded to female students at UC across all fields last year.

We are aware that UC is experiencing record numbers of replacements due to faculty retirements. This unprecedented level of hiring activity gives the University an opportunity to ensure a diverse and eminent faculty to continue its leadership role in the 21st Century. Thank you for your attention to this very important issue.

Sincerely,

Sam Farr, Loretta Sanchez, Diane Watson, Anna Eshoo, Bob Filner, Maxine Waters, Susan Davis, Lois Capps, Adam Schiff, Barbara Lee, Mike Honda, George Miller, Hilda Solis, Juanita Millender-McDonald

## Appendix #6

### Short Biographies of the Authors

**Martha S. West** has taught employment law at UC Davis since 1982. She received her BA from Brandeis University and her JD from Indiana University–Bloomington. She clerked on a federal district court after law school and practiced law in Indiana for seven years. After receiving tenure at UC Davis, she served as Associate Dean of the Law School from 1988-1992, and received the Law School's Distinguished Teaching Award in 1997. She is co-author of the law school textbook, *Sex-Based Discrimination* (5<sup>th</sup> ed.), with Professor Herma Hill Kay of UC Berkeley. Her research has focused on labor law, gender discrimination in employment, and sexual harassment in education. She has held elected office in the UC Davis Academic Senate, and currently serves as a faculty privilege advisor. She has also served on the American Association of University Professors' national committees on the status of women, and on academic freedom and tenure. She is currently completing her eighth year as a member of the public school board in Davis.

**Gyöngy Laky**, San Francisco sculptor, completed her undergraduate and graduate studies at UC Berkeley. Postgraduate work followed in India. She then founded the internationally known Fiberworks, Center for the Textile Arts, Berkeley (with accredited undergraduate and graduate programs). A recipient of a National Endowment for the Arts Fellowship, she was also one of the first textile artists to be commissioned by the Federal Art-in-Architecture Program. Her work is in museum collections and exhibited nationally and internationally. She is one of a team of three who created an Arts Master Plan for the new Federal Food and Drug Administration campus in Maryland. In 2003, Portfolio Series: Gyöngy Laky, was published by Telos Arts Publishing (England) and the Bancroft Library at UC, Berkeley, completed her oral history. The Smithsonian Institution is assembling a collection of her personal papers for the Archives of American Art, including a special section on gender equity and hiring at UC.

**Kari Lokke**'s fields of specialization are British and European Romantics, aesthetics, philosophy of history, and women writers of the Romantic era. She has studied at the Université de Strasbourg and Universität Konstanz and received her BA from Indiana University and her PhD from Washington University in St. Louis. She directed the UC Davis Comparative Literature Program from 1996-1999 and the Consortium for Women and Research from 2000-2004. She is the author of *Gérard de Nerval: The Poet as Social Visionary* and *Tracing Women's Romanticism: Gender, History, and Transcendence* and co-editor of *Rebellious Hearts: British Women Writers and the French Revolution*.

**Kyaw Tha Paw U** has been a professor in the Atmospheric Science Program at the University of California, Davis since 1984. His research focuses on numerically modeling and experimentally describing turbulent processes controlling vegetation-atmosphere exchange. He has taught courses in turbulence, boundary layer meteorology, biometeorology, meteorological instrumentation, and severe and unusual weather. He

received his BS from the Massachusetts Institute of Technology and his PhD from Yale University. He served as a visiting scientist in France, at the Station de Bioclimatologie in Thiverval-Grignon in 1990-1991 and at the Unite de Bioclimatologie in Villenave-d'Ornon (Bordeaux) in 1998. He was Vice-Chair for Atmospheric Science, in the Department of Land, Air and Water Resources from 2001-2004. He is the Editor-In-Chief of the international journal, Agricultural and Forest Meteorology.