May 2022 marks one year since we released our inaugural issue of the DEI Newsletter. In six intervening issues we’ve continued to refine our tone and sought to provide a platform that can recognize accomplishments in the Department of Integrative Biology and champion on-going efforts, all without losing sight of the work that remains to improve access, acceptance and opportunity in academia for students, staff, faculty and the public. The ongoing evolution of this newsletter—to bring you stories that voice the fullest breadth of experiences and perspectives in higher learning—parallel the same continued struggles of our institution to create truly inclusive, equitable space for all. In the spirit and humility of this challenge, we wanted to affirm the mission of this newsletter.

institutional memory—The newsletter will exist foremost as a digestible way for community members in a high turnover environment to be introduced to the conversations, struggles, institutional framework and politics associated with diversity, equity and inclusion at UC Berkeley and in the Department of Integrative Biology. Many of us do not have the time or opportunity to read through old meeting minutes, newspaper articles and white papers. Newsletter articles synthesize and
chronicle these sources while offering disparate perspectives that may not be accounted for in the standard narrative. We see this knowledge as essential to the empowerment of the Berkeley community, and the advancement of effective solutions on our campus.

**accountability**—The newsletter strives to promote awareness of the objectives, goals and project time-lines of the DEI committee, Department and University of California, by cataloging a record of our progress. This means celebrating our successes, and calling attention to our shortfalls.

**visibility**—Articles champion the services, goals and communities that foster DEI at Berkeley and how you can support that work. The newsletter aims to bring attention to issues overlooked or under-represented.

**conversation and education**—Newsletter articles are designed to invite conversation and serve as a touchstone for labs and community members to discuss and participate in DEI. The newsletter aims to facilitate not only discussion, but action, in the form of cross pollination and skill sharing within the department. The newsletter seeks to connect readers with an incredible array of expertise and services found on campus that can enrich our interactions and community.

**outreach**—The newsletter seeks to bring into the fold community members who may be new to these conversations, and assumes an open-minded readership. Archived and available not only to the department but to prospective undergraduates and graduate students as well, presenting IB through honest and diverse perspectives is essential to the integrity of the newsletter. The people and issues shared in these newsletters are the ambassadors for the type of space we want to cultivate, and illuminates the work we still need to do.

This newsletter has been made possible only with the generous, volunteered time and labor of staff, students and faculty who have contributed articles, interviews and creativity. If there are stories you want to share or see in your newsletter, or if you are interested in joining our staff, email us as deinewsletter@gmail.com.

*Editorial Board:*
Gregory Arena · Emily Bögner
Jennifer Hoeflich · Maya Samuels-Fair

---

*photo credit: Noah Berger*
Since 2017 all students and employees of the University of California have been required to complete mandatory online or in-person trainings for harassment and discrimination in the workplaces. Yet while the message of these training sessions is intuitive, the specific process for reporting these types of conduct violations can feel abstract, especially if you are unfamiliar with the campus services, protocols and state and federal statutes surrounding restitution and rehabilitation for harassment, discrimination or assault. Awareness of procedures associated with the complaint process, adjudication, and complementary resources and services is vital to equipping members of the campus community with information on how to seek the most favorable outcomes in circumstances of conduct violations or criminal acts. And, a knowledge of some of the shortcomings of these processes and services is foundational for demanding continued reform in how the UC upholds an equitable learning and work environment for our community. A note: The following article discusses topics surrounding sexual assault and harassment cases at UC Berkeley. Reader discretion is advised.

Passed into law during the later years of the Nixon administration, Title IX of the Education Amendments of 1972 was championed by the The National Collegiate Athletic Association (NCAA) as a means to correct the inequities that exist in infrastructure and financial aid made available to female athletes. But the breadth of the language, which states that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance,” has allowed for the application of Title IX to apply to all forms of gender and sex based discrimination and mis justices in federally subsidized academia. Coupled with the historic legislation of Title VI of the Civil Rights Act of 1964 which “prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance,” these two laws form the backbone of anti-discrimination and harassment policy in American universities and public schools.

Adopting the ethos of this progressive legislation, in it’s guiding documents, the University
of California has expressed “a commitment to providing a workplace free of discrimination and harassment. The University prohibits discrimination against any person employed; seeking employment; or applying for or engaged in a paid or unpaid internship or training program leading to employment with the University of California. In addition, the University prohibits harassment of an employee, applicant, paid or unpaid intern, volunteer, person participating in a program leading to employment, or person providing services pursuant to a contract. The University undertakes affirmative action, consistent with its obligations as a federal contractor.” How the University seeks to create this desired workplace environment is largely the purview of the Office for the Prevention of Harassment and Discrimination, OPHD, formerly the Title IX and Title VI Compliance Offices. Today, OPHD is responsible for policy implementation and campus oversight through the processing and investigation of complaints. In this regard OPHD functions as a mediator between the victim of harassment, discrimination or assault, and administrative bodies responsible for dispensing restitution to that victim.

**The Reporting Process**

Reporting an incident begins with the submission of an anonymous form known as a UC Incident Reporting Form for Harassment and Discrimination, which can be found on the OPHD mainpage. Incident reports may be submitted either by an individual who has experienced harassment, discrimination or assault first-hand—also known as the complainant—or by a responsible employee. A responsible employee is termed as any employee who is a non-confidential source. As a responsible employee, if you witness a conduct violation or someone has reported to you an incident that rise to the level of harassment, assault or discriminatory behavior, you are obliged to relay this information to OPHD. An overview of what constitutes these types of infractions can be found on the OPHD website. The submission of the UC Incident Reporting Form requires inclusion of details surrounding the alleged conduct violation as well as the names and contact information (if possible) of the complainant (alleged victim), the respondent (the accused) in addition to the person submitting the incident report. To maintain confidentiality, personal information is withheld from UC staff and limited to the relevant OPHD case worker processing the complaint. However, total anonymity is not guaranteed. Narrative details may reveal the identity of the complainant or responsible employee, and identities of the complainant and/or respondent may also be revealed as a natural course of the resolution, as in the case of a no-contact directive, dismissal or restorative counseling.

While responsible employees may instead submit their complaint through the Whistleblower hotline—so as to ensure total confidentiality—the UC adheres to strict policies to prevent retaliation against someone engaged in what are considered to be protected activities. Protected activities include reporting a misconduct or illegal activity, bystander intervention in a perceived conduct
violation, the pursuit of family or medical related leave FMLA, request of a disability or religious accommodation or exemption, or the refusal to follow the directives of a superior if that directive requires engaging in some illegal activity or results in an endangerment to life. OPHD recognizes that retaliation comes not only in the form of unfair treatment, defamation or harassment as the possible outcome of reporting but also as threats, intimidation and coercion that may discourage reporting of misconduct in the first place. OPHD takes retaliation by the respondent very seriously. If retaliation is suspected, OPHD determines whether retaliation has occurred by investigating the alleged retaliatory act or conduct. Included in that investigation is whether the person who engaged in the retaliation knew that a report of harassment or discrimination had been made to OPHD or that the person was involved in an OPHD process at the time the retaliatory conduct was alleged to have occurred. Outcome of an investigation into retaliation is provided to the relevant administrative body or department to determine if punitive response is appropriate.

Once a complaint has been submitted and reviewed by OPHD, relevant parties identified in the complaint will be individually contacted via email, notifying them of the case and next steps. If OPHD determines that a complaint rises to the level of requiring investigation, one-on-one interviews will be arranged by a trained OPHD case worker to meet separately with the complainant, respondent, relevant witnesses and/or the reporting responsible employees. When an investigation is not requested by the complainant an investigation may still proceed, if OPHD determines that further steps are required to mitigate an ongoing risk. Interviews culminate in a report authored by OPHD. This report is then reviewed one-on-one by the OPHD case worker with each of the participating parties prior to report finalization. In this finalized report, OPHD will assigns a determination of the likelihood that a policy was violated. According to OPHD “The standard of evidence for a finding of policy violation is ‘preponderance of the evidence,’ or ‘more likely than not’.” Based on OPHD’s report, the appropriate administrative body will determine sanctioning.

ongoing reforms and expansion of services

Though pivotal to ensuring Title IX and VI are upheld on campus, OPHD is not without limitations in the services it provides. The preponderance of evidence required to initiate the investigation of a harassment allegation must point to conduct that is “sufficiently severe, persistent or pervasive that it unreasonably denies, adversely limits, or interferes with a person’s participation in or benefit from the education, employment or other programs or activities of the University.”

Whether a given complaint meets this criteria is difficult to define given the non-specific language, but meeting this criteria has important bearing on the outcome of a case. When an allegation is not deemed by OPHD to necessitate an investigation, closure comes in the form of what OPHD describes as informal or alternative resolutions, or the dismissal of a complaint. How OPHD comes to these determinations has not always been clear. In some cases, resolution in the form of counseling, rehabilitated training or mediation, as through restorative justice is the most appropriate path to closure. However, in a 2018 report, The US Department of Education Office for Civil Rights, OCR, identified the opacity in the investigation process, deliberation, and adjudication as key areas for reform in how UC Berkeley handles sexual harassment and assault cases. This uncertainty, in procedure and case outcome, has been cited by OCR as a discouragement to reporting of harassment and discrimination at UC Berkeley. Following the recommendations from this report and the enactment of California SB 493, the University of California was mandated to revise how it handles harassment and assault with the goal of facilitating more transparent and expeditious investigations by year end 2021.

In response, OPHD has added more comprehensive definitions and examples of harassment and discriminatory practices to their website as well as detailed procedural frameworks for adjudication. But since OPHD is not tasked with arbitration, once a report has been finalized a case’s fate is placed unreservedly in the hands of the supposed appropriate office or department for adjudication. This means that the outcome of a case is ultimately contingent on whatever body has administrative authority over the parties involved. The potential for discrepancies in how disciplinary actions are applied to student, staff and faculty respondents and across UC Berkeley’s many departments and offices was identified in 2017 by a report authored by the Chancellor’s Senate/Administrative Committee on Sexual Violence and Sexual Harassment. In its report, the Committee recognized that UC’s minimum sanctioning guidelines “may be discouraging reporting and creating a lack of horizontal equity.” A three-year review of these minimum sanctioning practices presented in the 2020 SVSH annual report found that “it can be challenging to achieve consistency, given the independence of the various adjudication systems for students, staff, faculty and senior leaders, for whom there are different disciplinary codes, options, and terms of employment.”

“median duration of OPHD student related investigations from 2019 to 2020 was 171 days, often making them a semester-long process”

—the Daily Californian

Taken together, the inequities in employment status and type can result in inequities in case outcomes at an administrative level. As such, in instances of sexual violence or other criminal infractions, the complainant has the option to report to UCPD or other relevant municipal law enforcement, a process that can be facilitated by OPHD. While OPHD is only empowered to investigate with the objectives of reaching some administrative resolution, campus or local law enforcement can pursue legal resolution.

While case length is prone to vary, UC Policy has set a goal to complete every investigation within 90 business days. However, the Daily Californian found that when it comes to sexual violence and sexual harassment “median duration of OPHD student-related investigations from 2019 to 2020 was 171 days, often making them a semester-long process.” Historically, the length of these OPHD...
investigations, coupled with a sense of administrative purgatory associated with the process may have discouraged reporting to OPHD, according to OCR. The protracted nature of OPHD investigation in addition to the already discussed propensity for mediation rather than well defined disciplinary outcomes were at the heart of the OCR’s 2018 Report, which investigated a “number of students with similar allegations that the University’s policies and practices did not comply with Title IX and its implementing regulation...regarding the University’s failure to respond promptly and equitably to their individual complaints of sexual harassment and/or sexual violence.” Though an arguably insubstantial consolation, in addition to University policies that safeguard those engaging in protected acts, at the outset of an investigation, OPHD can authorize—per the request of the complainant—a mutual no contact directive between the complainant and respondent. Ideally these practices will provide the complainant some level of protection for the duration the complainant’s case is open. Additionally, in response to OCR directives, the campus has also expanded campus services available to survivors as well as grown the number of OPHD caseworkers, now eleven in total, with the goal of increasing the rate at which cases can be processed and meaningful resolution attained.

Ultimately, OPHD’s focus is most expressly directed toward compliance investigation and with that the necessary burdens of due process. The sobering reality however, is that in this fastidious pursuit of hard evidence many reported incidents lack the closure complainants look for when filing an incident report. Before the pandemic, in 2018-2019 OPHD received 200 reported cases of sexual harassment, 127 reports of sexual assault, 38 cases of dating and domestic related violence and 44 cases of stalking. In that same year, in only 25 of these cases was a respondent held culpable and disciplined. Beyond the implicit limitation of an impacted system, and federal laws that place burden of proof on the victim, it is imperative that complainants have other resources available to find some sense for emotional refuge when just resolution feels so absent. Two such resources are the UC Berkeley Center for Support and Intervention, CSI, and UC Paths to Care. Center for Support and Intervention “assesses and provides direct support to students experiencing or causing distress with the potential for harm or violence (either directed towards self or others).” CSI is not designed for emergency response but can provide training and real-time individual support to staff, faculty and GSI’s looking for guidance in how to identify or respond to students in need of help.
CSI functions to connect students with qualified case managers who can help students navigate resources and counseling. While not a confidential resource, CSI works to maintain discretion in the cases it processes. Unlike CSI, UC Paths to Care is a confidential campus service that can provide counseling, support and resource for victims of sexual violence or harassment both on campus or in domestic spaces. The Paths to Care program offers 24/7 response through their highly trained case workers. In addition to these services offered by Center for Support and Intervention, and Paths to Care, both programs also offer preventative training courses such as bystander intervention and first-responder workshops. And, as students return to campus, 90 minute online training on harassment and assault for undergraduates will be replaced by mandatory in-person workshops.

Though finding the adequate response and resolution to harassment, assault and discrimination continue to be an unconscionable challenge for the UC, programs like Paths to Care and the Center for Support and Intervention are taking a preventative approach to these issues and work to provide emotional case and health services to complainants. Time will show whether the recommendation of the OCR and Chancellors Office will reform these processes, as intended.

Further readings links:
1. UC Berkeley, Nondiscriminatory Policy Statement
2. UC Berkeley Relationation Policy
3. UC, Interim PACAOS-Appendix F: Sexual Violence and Sexual Harassment Student Investigation and Adjudication Frame work for DOE-Covered Conduct, 2021
4. UC, Sexual Violence and Sexual Harassment Policy 2019
5. UC Berkeley, OPHD, Complaint Resolution Process, 2020

reflection questions:

1. Are you a responsible employee and what does that mandate mean to you?

2. Do you feel that you know what resources to turn to if someone came to you with a grievance? What steps can you take to make these resources more available to your colleagues or students?

3. OCR and the Chancellor’s Senate/Administrative Committee on Sexual Violence and Sexual Harassment both found that a primary obstacle to the reporting of policy infractions to OPHD was a perception that respondents were not adequately held responsible for their actions. How do you think we should balance the needs of victims with the rights of the accused under due process?
With over 48,000 members and counting, a coalition of three unions function to improve the rights and standards for employees both in the classroom as well as in research settings across the University of California system. Comprised of UAW 2856, representing graduate and undergraduate student instructors, readers and tutors, UAW 5810 representing postdocs and academic researchers, and as of 2022 Student Researcher United which now provides representation to student researchers, these unions offer important avenues for leveraging the collective powers of UC employees and students and giving voice to some of the most vulnerable in our academic community. Three IB Union Stewards, Tanner Frank, Isaac Krone and Maya Samuels-Fair are tasked with educating and mobilizing union response and membership in IB. DEI Newsletter spoke with IB’s Union Stewards to get their perspective on union initiatives and campaigns for 2022.

What is the difference between UAW 2865, SRU, and UAW 5810?

We (Maya, Tanner, and Isaac) are your department union stewards for UAW 2865 (Academic Teaching Workers) and Student Researchers United (Academic Research Workers). IB has no current UAW 5810 postdoc steward, but if you are a postdoc who wants to organize, you can contact the Life Sciences representative Hannah Zucherman. We are also including postdocs in our emails and events until UAW 5810 gets a steward. We are all bargaining at the same time and have many of the same demands.

What are some of the ongoing union initiatives for 2022?

Contract bargaining began in July 2021 for UAW 5810, began March 2nd, 2022 for UAW 2865, and will begin April 5th, 2022 for the Student Researchers Union. Totaling 48,000 workers, all three units’ demands are centered around the issues outlined in this fair workplace letter. Specific for UAW 2865, the bargaining team is negotiating compensation, equity, job security, and union rights. Among others, we are demanding higher pay, rent burden relief, the end of non-resident state tuition, a better childcare stipend, longer paid leave, and repercussions for all kinds of workplace bullying. You can attend bargaining sessions to see the exact proposed contract language and voice your opinions in our team caucus.
Berkeley Graduate Division’s 2020-2021 Graduate profile offers a demographic breakdown of the graduate student population. Only 15% of students are considered to be part of an underrepresented minority. What role can unions play in creating a campus that is more welcoming and inclusive of peoples who have been historically disenfranchised from academia?

The union contract can address many ways the university is unwelcoming to marginalized students, in ways both overt and implicit.

Starting with the overt—already in our existing contract, you have discrimination and harassment protections that we can enforce through the union grievance process rather than through the department, Title IX, or another campus institution. Students should be free to respond to discrimination however they feel most comfortable, but if you choose the union grievance process, a team of your student peers will represent you to campus labor relations, which some find more comfortable than going through the faculty or staff. Then there are the many university policies that create barriers for marginalized students. For example, the bargaining team is trying to get rid of non-resident state tuition and change language proficiency requirements to relieve the burden on international students. Pay and childcare are also DEI issues. Even if we make the same stipend, we don’t all enter graduate school with the same generational wealth. When it comes to having transportation, getting a credit score or co-signers good enough to rent housing, paying off student debt, and supporting relatives, our low pay exacerbates existing class barriers to academia. The union builds community and solidarity amongst marginalized students, shrinking the power gap between them and the ivory tower.

Housing availability and steep rent prices have been a major impediment to quality of life for union members and others at UC Berkeley. Presently, there is a union campaign to relieve rent burden. Among a suite of demands, the unions propose construction of new UC housing and rent control for UC owned facilities. The UC is the largest landholder and landlord in Berkeley. If adopted, what collateral effects do you anticipate these strategies will have on housing and community spaces for residents of the city of Berkeley and surrounding areas?

The university’s unchecked growth is driven by profits rather than the needs of students or the community. Certainly, what happens with our contract will impact the housing market. If our pay increases, our ability to afford higher rents could continue to drive up rates in the community. If the university instead opens more affordable graduate student housing, market rates may fall,
but that still decreases the land available to the rest of the community. As pointed out in this New York Times review of the undergraduate enrollment debate, there is also a concern that an enrollment cap would disproportionately affect marginalized admits. Plus, the contract applies to all UC campuses, so the rent burden solution has to work in every city from Davis to San Diego. The bargaining team is fighting for any and all solutions that can alleviate student rent burden, but this contract will not fix the outsized influence the university has on the housing market in cities across the state.

Most graduate students are happy to simply fill out a union card and attend a few rallies. What inspired you to become a union steward and what does this role entail?

Tanner and Maya are the two newest IB union stewards, just finishing their first year. Finding himself a GSR without rights, Tanner helped organize IB to form the Student Researchers Union in 2019 and naturally stepped into a union steward role as the SRU succeeded. Maya came into IB in 2020 from a university where she had watched the graduate students struggle to unionize, so she arrived appreciating how tough it is to win a union and how important it is to keep them aloft.

In a normal year, the union stewards just give new students their union orientation and file grievances (late pay, harassment, etc.) for department workers. Since 2020, we have had the fight to get SRU recognized and now a contract bargaining year. To win strong contracts, we attend campus-wide and state-wide organizing meetings, report back at department meetings, pass out surveys and petitions, hold town halls, organize rally turnout, and prepare to be strike captains. As bargaining drags on, we could use more participation now than ever—join our bi-weekly meetings to learn more. You can also choose to get involved with union policy-making at the campus and statewide level, which can have an impact tens of thousands of workers.

How can union members best support these and other union initiatives? How can faculty and other individuals who are not eligible for membership to UAW 2865, UAW 5810 or Student Researchers United offer allyship?

Students: If you haven’t already, join 90% of IB student workers and sign a UAW 2865, SRU, or UAW 5810 card. Then, sign a fair workplace letter to endorse our shared bargaining demands. Attend our next rally on April 26th. Start making a strike plan with your labmates, co-GSIs, and faculty research or teaching supervisors. Join our biweekly meetings to learn more.

continued on next page >>
Faculty: Understand that a future strike would not be aimed at the department. Striking is the best way we can pressure the university to increase our pay, relieving burden on you to top-up our stipends. Last December, the threat of a strike was enough to get the university to recognize the Student Researchers Union. Let your students know it’s okay to vote yes to authorize a strike and make plans to pause lab work. Join us on the picket line or complain to the administrators causing us to strike.

1. UC Berkeley Graduate Profile 2020-2021

reflection questions:

1. In what ways does unionized labor at UC Berkeley affect you personally?

2. In this months issue we discuss the grievance process for title ix and title iv infractions provide by the UC. Do you think there is any value in being able to file these grievances with a union as opposed to your employer?

3. Frank, Krone and Samuel-Fair, identify ways in which you can support union activities. What are some way you support labor rights at UC?

in history: Dr. Chien-Shiung Wu

by Emily Bögner
FAVE Lab

“Just put your head down and keep walking forward”, or in other words, ‘ignore the obstacles’. These are the words that were echoed to Chien-Shiung Wu by her parents and elders throughout her childhood.

Born in Taicang, Jiangsu, China, Wu’s parents valued education, believing boys and girls should have access to education. They fostered her interest in science by surrounding her with books so that by the time she was 10 and applying for high school, she ranked 9 out of over 10,000 applicants; eventually graduating at the top of her class. When it came time to attend graduate school, Wu was accepted to the University of Michigan, but upon arrival was unimpressed with the sexism in America, recalling how women were not allowed to enter in the front of the building and had their own corridor in the back. She decided not to continue her education at Michigan and in 1936 transferred to the more liberal University of California, Berkeley in the midst of her first semester. At Berkeley, Wu studied under Nobel Prize recipient Ernest Lawrence who would later describe her as “the most talented female experimental physicist”. Upon graduation, Wu found it difficult to find a job when most people described her physical features in their reports of her, rather than her research capabilities. With the help of Lawrence, Wu would become an associate professor at Princeton where she was the first female faculty member in the physics department. Shortly after this achievement she joined the Manhattan Project and spent her time between the two institutions.

When the Manhattan Project’s reactor encountered technical difficulties, Wu gracefully exercised her knowledge of Beta decay from her PhD and implemented a solution to fix the reactors.
Through her work, Wu established Fermi’s Theory showing how Beta decay functioned in creating electrons, neutrinos, and positrons. These results prompted the American Association of University Women to call her work the “solution to the biggest riddle in science” and allowed future researchers to distinguish between matter and antimatter and explain the existence of the universe as one that is filled with matter. In 1957, her colleagues were awarded the Nobel Prize in Physics for the discovery, but Wu’s contribution was omitted by the Nobel committee. Her peers tried to nominate her for a future seven years before the Nobel committee announced they would conceal their list of nominees to avoid further public controversy. Wu’s role in the discovery would not be publicly honored for over a decade until she won the first ever Wolf Prize in Physics (the criteria of which “those who were thought to win a Nobel Prize without receiving one”).

Her research was not restricted to physics with her contributions crossing over into biology and medicine, where her contributions became extremely influential to certain studies on the molecular changes in red blood cells that caused sickle-cell disease or anemia. She would later be considered the top experimental physicist in the world with her colleagues saying she “made greater contributions to science than Marie Curie” and many continued to ask for her guidance after her retirement saying “if the experiment was done by Wu, it must be correct.”. In addition to research, Wu was also an active activist for women’s rights and the civil rights of those in Taiwan. And like her parents did with her, Wu taught STEM to all, regardless of any discriminating cause.

Named in accordance with the Chinese phrase “heroes and outstanding figures”, Wu’s name fits her well. Throughout her career she kept walking forward no matter the obstacles, but she did so with her head held high.

upcoming events + campus resources

- 9 May—**Concert of Compassion**, San Francisco Symphony, Benefit for Ukraine, $40.

Have a story or event you would like to see featured in upcoming newsletters? Email us at DeiNewsletters@gmail.com

Supervisors—please circulate this newsletter to lab members and staff who may not be on our listserv.