

**Findings and Recommendations on Yale University's Institutional Responses and  
Resources on Racial Discrimination and Harassment**

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to

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## **Findings and Recommendations on Yale University's Institutional Responses and Resources on Racial Discrimination and Harassment**

### Summary of Findings and Recommendations

I reviewed the infrastructure supporting Yale's institutional responses to reports of discrimination and harassment, including the university's Office for Equal Opportunity Programs. During two visits to campus in late 2018, I met with university leaders, administrators, faculty and staff members, and students. I also spoke by phone with trustees and other key stakeholders, and reviewed relevant documents and websites.

I found that Yale has taken steps in recent years to create a more inclusive campus. The efforts reflect a commitment to creating a sense of belonging, galvanized by recommendations from many stakeholders including students, alumni, faculty, and staff. Events nationally and locally since late 2015 have highlighted the need to better coordinate resources and communications on race-related discrimination and harassment, both to address specific incidents, and also to improve the overall campus climate.

Given those observations, I recommend the university consider steps in seven areas.

1. Office for Equal Opportunity Programs: Reorganize, strengthen, expand, and rename the office so it can better respond to discrimination and harassment complaints and inquiries, and better support schools, departments, and other units as they respond to reports of discrimination. The office should be staffed to enhance its ability to conduct investigations, and it should adopt a system to track inquiries and complaints effectively. Investigations and findings should be completed in a timely manner, so the university can take appropriate action. For Deans' Designees and other staff and administrators, proactive, evidence-based education and training on race and identity issues should be offered.

Yale's approach appropriately emphasizes local responses to concerns and incidents, grounded in the context of each school or department. In such a decentralized system, a new office dedicated specifically to Title VI of the Civil Rights Act of 1964 would be less useful than it might be in a highly centralized structure, and I do not recommend it. Rather, the existing Office for Equal Opportunity Programs should be strengthened in its capacity and effectiveness to be seen and to act as the core office to handle discrimination complaints related to race, color, or national origin, as well as to reports of discrimination based on religion, sex, disability, age, or status as a veteran. Complaints of sexual harassment and other sexual misconduct should continue to be addressed by the Title IX office and the University-Wide Committee on Sexual Misconduct.

2. Leadership: Clarify and communicate the leadership structure for university-wide *Belonging at Yale* initiatives. Either designate an existing senior officer to take on this role, divide responsibilities between two senior executives who coordinate closely, or create a new senior position. The officer(s) should report to the President, consult closely with the

President's Committee on Diversity and Inclusion (or similar steering committee providing broad university-wide oversight), and work with Deans as they carry out responsibilities related to diversity, equity, and inclusion.

3. Response and Advice During or After Incidents: A standing group should advise senior leaders when sensitive incidents regarding race or belonging occur. The group could obtain additional input and advice as needed, tapping into campus expertise depending on the nature and significance of the incident. Members of the advisory group must have a broad range of perspectives and knowledge of historical and contemporary issues of race and diversity.

4. Diversity and Inclusion Working Group: Announce to the university community the group's membership and mandate to provide advice on *Belonging at Yale*, share information on initiatives across campus, and possibly take on additional responsibilities.

5. Defining *Belonging* for the University Community: The university should continue to formulate a definition of "belonging" and seek and develop approaches to increasing a sense of belonging. The Working Group could be tasked with advising on this work, with input from representatives from campus constituencies.

6. Deans' Designees: Delineate the common skills Deans' Designees need, including – among others – knowledge of basic counseling and active listening skills, relevant legal protections, university protocols and policies, and scholarly research. Assess gaps and ensure that training occurs. Criteria for selecting Designees should be reviewed, and an appointing Dean and the Secretary and Vice President for Student Life should consult with one another when vacancies occur.

7. Staff and Administrator Titles: Review the titles of positions related to diversity, equity, and inclusion to ensure relevance to the position and placement in the university structure. This will help community members better understand which individuals and offices are charged with responding to their concerns.

## **Findings and Recommendations on Yale University's Institutional Responses and Resources on Racial Discrimination and Harassment**

### I. Background

#### A. National and Campus Context

Many in academia look to the protests at the University of Missouri, which began in 2015, as a turning point for the climate on many campuses. Subsequently, many colleges and universities began to experience a new phase of student activism, which often included protests of racial incidents, and lists of recommendations, petitions, or demands. These events were catalysts that led to further recognition of the varied experiences that students bring to the campus environment. The focus, and in some cases the demands, cast a spotlight on the responses of university leadership, galvanizing many institutions to re-examine their policies and procedures for handling racial incidents.

Most institutions recognized that these incidents did not occur in a vacuum, but rather reflected a broader national and campus climate. With painful frequency, news reports from across the nation described interactions between African-Americans and police that raised questions of bias and excessive force. In incident after incident, Black men and women were accosted, and viewed as dangerous or involved in criminal activities.

Against this backdrop, Yale also experienced a two-and-a-half-year period of tensions, advocacy, and protests (involving more than 1000 participants, in one case). In late 2015 a controversy arose over a message to students regarding Halloween costumes, and a reported racist incident at a fraternity party. Many students objected to the initial decision, in April 2016, not to change the name of Calhoun College, so named after the former U.S. Vice President and slavery advocate. After a Calhoun College staff member broke a window in June 2016 that depicted enslaved people, many in the Yale and New Haven communities – particularly staff members – expressed support for him.

#### B. Events of 2018

A key marker in this timeline is the May 8, 2018, incident in Yale's Hall of Graduate Studies, in which a White student called the Yale Police on a Black student who was napping in a common room in a residential area of the building. Coming amid a national pattern of instances in which police were called on people of color engaged in normal, legitimate activities, the event created concern and anger. In the immediate aftermath, Yale President Peter Salovey and other university leaders, including Yale's chief of police, issued at least six statements on the inappropriateness of the call to the police, and underscored their vision and expectations around belonging at Yale.

In May 2018 and during the summer, university leaders engaged with students, faculty, staff, and alumni who shared their concerns about the campus climate. Petitions and open letters

prepared by various groups on and off campus included recommended actions, particularly regarding race-based discrimination and harassment (D&H). Some recommended an office to receive, investigate, and respond to complaints of racial incidents. The establishment of a “Title VI office” was, for example, the first recommendation in *An Open Letter with an Addendum from Black Graduate and Professional Students and Our Allies to Our University Administrators with Recommendations for Dismantling Racism at Yale*. (Race-based D&H falls under Title VI of the Civil Rights Act of 1964, the federal law that prohibits discrimination based on race, ethnicity, color and national origin in any program or activity that receives federal funds. Thus, universities receiving federal funds cannot discriminate against individuals on the basis of race, color or national origin, either directly or indirectly.)

### C. Recent Actions

Yale has taken steps over the previous three years to create a more inclusive and diverse campus, galvanized by student recommendations as well as its own self-examination. The administration devoted funds to develop a more diverse and excellent faculty; created an academic center to study race and related topics; and established task forces and committees on diversity and inclusion, art in public spaces, and principles for renaming buildings. In the communications realm, Yale created new websites, enhanced existing sites, and used additional communications channels to explain options for reporting claims of racial insensitivity or other concerns. In the summer of 2018, Secretary Goff-Crews convened a Diversity and Inclusion Working Group, which worked efficiently to create a “Diversity, Equity, and Inclusion Framework” for efforts over the rest of the summer and the 2018-2019 academic year.

In spite of these efforts, the events over the period since late 2015, and reactions to them, have highlighted the need to better coordinate the current locations and processes for reporting racial discrimination claims. Claims of racial insensitivity or violations of policy or law by students, staff, or faculty form part of the broader campus climate – and suggest an opportunity to enhance aspects of the overall culture. Thus, the specific question of an office dedicated to addressing race-based D&H, which is discussed more below, should be considered in the context of broader efforts.

## II. Scope of Review

### A. Background

On August 1, 2018, Yale President Peter Salovey wrote to the campus community to reaffirm the university's long-standing commitment to a diverse, inclusive campus. President Salovey wrote that

Yale's mission to educate aspiring leaders who serve and contribute to all sectors of society depends upon a community of faculty, staff, students and alumni drawn from all backgrounds and walks of life. We are unwavering in our commitment to foster a community in which all individuals can encounter every possible point of view and can achieve their highest potential.<sup>1</sup>

He went on to say that Yale was

reviewing policies, procedures, and institutional structures, including the Office for Equal Opportunity Programs, to enhance our ability to support students and employees and respond to concerns about discrimination or harassment. This fall we will ask a group of external experts to assist us in furthering this review so that we can strategize and implement a plan.

### B. Details of the Review

Secretary and Vice President for Student Life Kimberly Goff-Crews announced more details of the review on October 15.<sup>2</sup> She stated that its goal was "to examine the infrastructure that supports institutional responses to discrimination and harassment, including the Office for Equal Opportunity Programs, so that the University can make any needed adjustments to enhance its ability to support all members of our community." Secretary Goff-Crews announced that I would lead the review of the resources that support students,<sup>3</sup> and that I would work in close partnership with Donna Cable, Associate Vice President for Human Resources, who would focus on how the resources support staff members. Ms. Cable contributed to these recommendations and was a valued partner with essential institutional expertise.

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<sup>1</sup> "Strengthening Yale's community of learning," campus-wide email message from President Peter Salovey, August 1, 2018.

<sup>2</sup> "Review of Discrimination and Harassment Response Infrastructure," announcement from Secretary and Vice President for Student Life Kimberly Goff-Crews, October 15, 2018.

<sup>3</sup> I serve as Vice President for the Office for Institutional Equity at Duke University and Health System, and served as an external consultant on this project in my personal capacity.

I was charged with undertaking a review that included the following elements:

- A review of the operations of the Office for Equal Opportunity Programs, including its structure and procedures; staffing and resources; name, recognition, and relevance, and relationships with other entities on campus.
- Meetings with a range of stakeholders on campus, including the President and senior leaders; officers, committees, and individuals dealing with D&H issues; students, including members of official advisory bodies and unofficial groups; and deans and faculty members. I also spoke with members of the Yale Corporation, which is the institution's board of trustees.
- A study of current D&H policies and procedures for student complaints, including organization and workflow of relevant offices, committees, and structures.
- An analysis with recommendations for proposed improvements to the D&H infrastructure.

To prepare for the review, I held phone conversations with Secretary Goff-Crews, Vice President Lindner, Associate Vice President Cable, and colleagues, and reviewed materials they sent in advance (Appendix A). I visited campus for full days of meetings on October 30 and then again on November 5, 2018. I held approximately five hours of phone calls with those I could not meet in person, including trustees, faculty members, and administrators (Appendix B).



### III. Analysis of Existing Infrastructure

#### A. Introduction

Virtually every institution of higher education is devoting some amount of strategic energy and resources to questions of diversity, equity, and inclusion (DEI) on campus. The meaning of those terms varies from institution to institution. Because of the specific context, this review focuses on race-related diversity, equity, and inclusion. When looking beyond institutional websites and statements of commitment to examine the scope of programming and the actual impact, even greater variability is evident. In a national environment of stark political divisions and increasing student activism, schools must pay constant attention to internal structures, listen to student voices, ensure options are clear for those who wish to communicate concerns about D&H, develop adequate response mechanisms for complaints, and take action to continuously enhance the campus climate.

My general assessment, as demonstrated by a review of relevant documents and in interviews, is that Yale has focused considerable resources and strategic attention to DEI matters.<sup>4</sup> These efforts have addressed the needs of a wide range of communities and groups, including legally protected classes (under Title VI, for example) and those covered by state law and/or university policy (such as transgender individuals), but also those often not emphasized in DEI efforts (such as students in the Reserve Officer Training Corps). The efforts are intended to address the needs of specific groups, create a welcoming climate, and strengthen the institution.

In the last decade, Yale designated multiple individuals and groups to address specific DEI issues, including the Yale College Intercultural Affairs Council (2008), Deputy Provost for Faculty Diversity and Development (2014), Deans' Designees (2017), and the President's Committee on Diversity and Inclusion (2018). The university announced a five-year, \$50 million commitment to the Faculty Excellence and Diversity Initiative in 2015. Most recently, in fall 2018 Yale announced *Belonging at Yale*, an umbrella for campus-wide initiatives on DEI and campus climate based on ongoing commitments.

My review has also revealed some specific opportunities to enhance campus life. Of course, as with any complex system, these areas of opportunity overlap, and are not mutually exclusive. And while my in-person contact with students, faculty, and staff was limited by the duration of the assessment, my assumption is that the individuals and groups I interviewed represent the broader view of the campus climate and associated services.

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<sup>4</sup> Appendix C shows key developments from the last fifty years.

## B. Approaches on Discrimination and Harassment

### *Current Structure and Resources: Office for Equal Opportunity Programs*

The OEOP was created in 1980 and handles compliance with Title VI and other discrimination laws (including Title VII, Section 504, and the Americans With Disabilities Act). OEOP currently has three full-time positions: a director, an Equal Opportunity program representative, and a support specialist (who assists with disability accommodations requests). The director and program representative share the office responsibilities related to D&H, with the latter focused on investigations.

Broadly, OEOP performs the following functions:

- Conducts intake, provides information on options, and investigates complaints related to D&H for all members of the Yale community.
- Certifies Affirmative Action compliance of faculty and staff hires.
- Facilitates accommodations for faculty and staff with disabilities.
- Monitors compliance with policies and laws ensuring equal opportunity for students, employees, and applicants for employment or admission.
- Conducts Title IX investigations for faculty and staff.
- Trains Deans' Designees and others, working with the Office of General Counsel.

### *Race-related Issues*

Three interrelated issues surfaced in my conversations. First, it was unclear to many students where they should go to register concerns or complaints related to race, including race-based D&H. Second is the question of how information about racial incidents, and responses to them, are communicated internally and externally – a factor in clarifying the resources available. The third issue is what forms of proactive education might be useful for students, staff, and faculty.

OEOP's website says "Any student ... concerned about affirmative action, equal opportunity, sexual harassment, racial harassment, or fairness in admissions or employment at Yale, either in a general sense or with respect to his or her own situation, is encouraged to contact" OEOP. In practice, however, most students are not aware of the office, and few contact it.

The issues above were raised by several individuals, though the clearest recommendation came from the students who had written an Open Letter to the administration, recommending "a Racial Discrimination and Harassment Office (Title VI) with a zero-tolerance policy for racial policing." A number of students interviewed expressed frustration in their attempts to get faculty and administrators to understand and appreciate their "marginalized status" on campus – whether based on race or other identity category or categories.

I also heard frustration from some members of the Student Advisory Group on Diversity, Equity, and Inclusion, who perceived the group was not being taken seriously. The Student Advisory Group is made up of undergraduate, graduate, and professional students who provide feedback to the Secretary and Vice President for Student Life and other leaders on student concerns, and advice on initiatives to create a more inclusive campus. Some members also expressed a lack of certainty about the group's mission and how long it might exist.<sup>5</sup> I took this to mean the Student Advisory Group members wanted to be even more involved in its work.

### *Intersectionality*

Student Advisory Group members also noted they had raised the need for greater attention to issues of religious diversity and class and socio-economic status, as part of a more comprehensive focus on belonging. In my meetings with students, no one specifically labelled their comments about religion and class as reflecting "intersectionality," though that term could appropriately characterize them.

Kimberlé Crenshaw, a leading critical race theorist, is widely credited with developing the term *intersectionality*. Crenshaw highlighted the notion that a focus on "women" typically equates to a focus on *White* women, thus neglecting the experiences of Black women. In the academy, this growing focus on intersectionality has contributed to a type of micro-analysis of identity issues. Faculty and administrators, often prompted by students, will point out that the life experiences of cis-gender, wealthy White students typically differ from the experiences of (for example) gay male students from a lower socio-economic class. The differences are often starker when you compare the White male students to Black or Latino peers. The multiple combinations and permutations of identity characteristics are important in analyzing and understanding individual differences.

However, sensitivity to multiple and often shifting identity combinations – while critical to understanding *individual* students, should not obscure the necessity to respond to the needs of various groups *as a group*. The systemic, explicit, and implicit biases and challenges faced by each of these groups require group responses; by asking, for example, how we can support Latinx students by making them feel more welcome at the university. This is not the only approach, and we might be moving, as an academy and in the broader society, to a future that analyzes and responds to unique individual characteristics, instead of group responses. I believe, however, that attention to both intersectionality and the recognition of separate group needs is appropriate for the foreseeable future. Whichever approach is preferred more broadly, Deans' Designees are well placed to take an intersectional approach because they usually work with individual students.

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<sup>5</sup> It should be noted that the group was announced by President Salovey on August 1. After an open application process, the initial meetings were held in mid-October and late November, with more planned for the spring term.

### C. Communications in a Decentralized Context

In his August 1, 2018, message, President Salovey wrote: “Many students have expressed concern that the systems and resources for resolving incidents of discrimination and harassment are opaque. We appreciate these concerns and are working to bring greater transparency to these resources.” Concerns about communications – among faculty and staff working on DEI issues, and from them to the broader university community – and concerns about the operations of support systems are interrelated. Any improvement to one should be considered in light of the other.

Yale has historically been decentralized and, like many other large institutions, has a number of individuals, departments, schools, and programs holding some degree of authority over key aspects of campus life. A clear benefit of this decentralization is the development of local strategies and approaches that align with particular micro-cultures at Yale. On the other hand, in a university where “one size does not fit all,” an obvious challenge is the development of systems to align and communicate the overarching university mission, philosophy, and standards and expectations.

#### *Communications on Discrimination and Harassment Issues and Resources*

Title IX and sexual misconduct issues are not the primary focus of this review. I include a brief discussion here because of the comparison of policies, procedures, and resources related to discrimination based on race (Title VI) to those related to sex discrimination (Title IX). Second, rising awareness of intersectionality requires attention to resources addressing discrimination and harassment that may not appear, on the surface, to have a racial component.

In my discussions at Yale, it was reported that in past years Title IX information, and the responsibility for responding to complaints, had been inconsistently communicated across the campus micro-cultures. There had been confusion about where to report a concern or incident, and what to expect as an outcome.

This has changed significantly. In the last seven years, the university has strengthened Title IX resources to make them more centralized and visible. Improvements include the creation of the University-Wide Committee, which is available to all students, faculty, and staff; and oversight by the President and Provost on Title IX matters. The new structure aligns the resources of the Title IX Coordinators, the Sexual Harassment and Assault Response & Education (SHARE) Center, and the Yale Police Department.

This transformation of Title IX functions was broadly reported as outstanding, and a model of how institutional commitment to Yale’s values of inclusion and non-discrimination, and focused and collaborative effort, can lead to consensus on reforms. Today, communication of complaint options has been streamlined, and the Title IX website is comprehensive. Any confusion about the dual role of some Deans’ Designees as Title IX Coordinators seems minor.

There was less clarity about concerns that have a racial component: how to define them, where to take them for advice or recourse, the procedures in place to investigate and address them, and how they can be reflected in potential changes in campus culture. A number of individuals, offices, and systems play a role in handling race-related concerns, but no *single* place is seen as the “central location.” Moreover, there is a lack of communication, and alignment of responsibilities, among the Office for Equal Opportunity Programs, the Deans’ Designees, the Diversity and Inclusion Working Group, the President’s Committee on Racial and Ethnic Harassment,<sup>6</sup> and the President’s Committee on Diversity and Inclusion.

Interlocutors from each stakeholder group I met raised this concern. Although the constituencies (i.e., students, faculty and staff) are often well served by the various committees and structures – and it is often useful to create multiple points of access for concerns of racial or ethnic insensitivity, bias, or discrimination – the structure risks inadequate communication among its parts. Although there are *individuals* who have a clear sense of the work of the various groups, there does not seem to be a structured mechanism for coordinating and clearly communicating the activities of each of the groups to the community at large.

Finally, the titles of some positions do not relate as clearly as they could to the functions performed, and can be misleading. This misalignment or vagueness was mentioned specifically in regard to two titles. First, “Dean’s Designee” does not include a reference to DEI, belonging, or related topics, and therefore does not make clear to students and others how the people serving in those roles can be a resource. The second title mentioned is “Chief Diversity Officer” within Human Resources and Administration (HR&A). In a university setting, a chief diversity officer normally has university-wide responsibilities, including for faculty and students. However, HR&A’s chief diversity officer has responsibilities almost entirely related to staff, overseeing the Office of Diversity & Inclusion, the Office for Equal Opportunity Programs, WorkLife and Childcare Programs, and employee affinity groups.

### *Communications by Leadership*

The issue of communication surfaced in most of the group meetings and individual conversations I held. In my experience, this dynamic is present at virtually every college or university. In communicating after high-profile events, any institution’s leadership faces the twin perils of appearing too “reactive” – driven by the news or crisis of the week – or too remote and unfeeling.

That said, three specific themes emerged at Yale. First, the administration has no standing group of individuals who are regularly brought together to advise on communication strategy specifically on race-related incidents, and the concern was expressed that the core decision-

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<sup>6</sup> This committee oversees the President’s Procedure for Addressing Students’ Complaints of Racial or Ethnic Harassment, which is “available to any student who believes that any other member of the Yale community has harassed him or her because of race or ethnic origin.”

makers do not represent a wide enough range of perspectives and understanding of historical and contemporary race issues. When an incident occurs on campus, a response informed by this narrow range of perspectives can exacerbate the problem.

Second, some individuals felt that the content of responses often seems defensive, and does not clearly communicate what Yale stands “for” and “against.”<sup>7</sup> Third, while some spoke about the need consistently to respond quickly when these sensitive incidents occur, an equal number of people felt this was an area that has shown significant recent improvement.

#### D. Education and Training

##### *“Belonging”*

There is growing research to suggest that generic “diversity training” is of little long-term utility. However, my assessment is that at Yale there are opportunities for *focused* education and skills enhancement in two areas. The first relates to the term *belonging*.<sup>8</sup> The university has adopted *Belonging at Yale* as an umbrella for all its DEI efforts, which fall into six areas: D&H responses (including this review), communications, police, programming, supporting school- and unit-based training, and viewpoint diversity.

Yale also uses *belonging* to refer to something less tangible: community culture and climate – the sense of the campus as “a place where each person feels welcome as an integral member of the Yale community,” in President Salovey’s words. The President emphasized this theme repeatedly in 2018, including in his Baccalaureate Address, Opening Assembly Address for first-year students, two all-campus messages, and short videos posted online. I heard numerous comments about the importance of inculcating this deep sense of belonging; it was seen not only as important for the student body, but also an important element of staff and faculty retention. There did not seem, however, to be a clear sense of what is meant by that term in the Yale context, and/or how to deepen that experience or feeling among the students, faculty, and staff.

##### *Deans’ Designees*

The second opportunity relates to the Deans’ Designees. In each school, they have “the responsibility to receive student concerns and offer advice and guidance in relation to equal opportunity, diversity and inclusion, and discrimination and harassment.” They can assist with informal resolution of complaints and conflict, and represent a valuable asset in providing “local” expertise and guidance about DEI and D&H issues in their specific academic community.

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<sup>7</sup> Yale has a 56-word mission statement and has posted a slightly longer “framing” statement entitled “We Are Yale” on the *Belonging at Yale* website. Beyond that, statements of values are made at the school level or on an *ad hoc* basis in response to incidents on campus.

<sup>8</sup> Beckie Supiano, “How Colleges Can Cultivate Students’ Sense of Belonging,” *Chronicle of Higher Education*, April 14, 2018.

The Deans' Designees understand the importance of their role, and seem engaged and committed to the work. They vary widely, however, in the positions they hold in their respective schools, and therefore in preparation and training. The Designees, and faculty and staff who work with them, agree that gaps exist in their capacity. Their front-line position assisting students requires specific relevant skills, knowledge, and training.

#### E. Title VI Office

Appropriately engaging "issues of race" in responses to individual incidents and, more significantly, as systemic and structural components of the culture is, in my assessment, one of Yale's highest priorities. Rather than the responsibility of a separate "Title VI Office," I think these issues should be viewed as an *important component* of the broader campus culture and sense of belonging. Using a definition that emphasizes an environment of acceptance, deep connection, validation, and mutual respect, belonging can be seen as including the legally guaranteed protections of Title VI, as well as a focus on differences in socio-economic class, culture, religion, and other aspects of identity.

Yale's approach, which is indicated by the role of Deans' Designees but which predates them, is a decentralized system of response and resources. This does not mean schools decide how much emphasis to place on preventing and addressing D&H. Rather, localized responses are seen as more effective because they are grounded in the culture and context of the school. Many concerns are resolved through dialogue and education, or by intervention of the Dean's Designee or another faculty or staff member.

In this type of system, the creation of a new office dedicated specifically to Title VI is less useful, and I do not recommend it. Strengthening the capacity and effectiveness of the Office for Equal Opportunity programs to be seen and to act as the core office to handle discrimination complaints, combined with further training for Deans' Designees and others who already work with students, will be more effective. It should be noted that Title VI compliance is among OEOP's responsibilities, along with other legal protections. In addition to OEOP, formal complaint procedures are also available to students with Title VI concerns (their application varies depending on the parties involved).

## IV. Recommendations

### 1. Office for Equal Opportunity Programs

Yale should consider restructuring the current Office for Equal Opportunity Programs. The office has a strong track record of monitoring compliance with equal opportunity policies and practices, and currently is a resource for faculty and employee concerns and grievances. Building on that history, it could be reorganized and expanded. A strengthened OEOP will be better equipped to support the decentralized approach, such as Deans' Designees; to provide more focused attention to race-related D&H concerns; to handle complaints and inquiries; and to engage racial issues as part of a broader focus on campus climate and the sense of belonging.

The expanded office could have a name such as the *Office of Diversity, Equity & Belonging*. The responsibilities of the current OEOP office, including receiving and processing concerns and complaints from students and employees related to Title VI and other protections, could be subsumed within this larger office. Alternatively, the OEOP office could keep its current roles, with strengthened capacity as described below, and work as an integral part of the university-wide *Belonging at Yale* initiative. Regardless of organizational structure, the most important change is to ensure that staff, faculty, and students all have confidential, clear pathways to make a complaint of racial discrimination or harassment. Complaints of sexual harassment and other sexual misconduct should continue to be addressed by the Title IX office and the University-Wide Committee on Sexual Misconduct.

#### *Complaints and Investigations*

Although the current number of student complaints received by OEOP is low, the number is expected to grow as more community members become aware of its function. The office should designate one staff member to handle student concerns. This person should have specific skills and experience in working with students, including an understanding of historic and contemporary issues of race. The staff member conducting an investigation should not be the same person who is conducting intake and evaluation for that case. This separation will ensure the integrity of investigations, and ease concerns about openly sharing information with a staff member who is advising on available options, but might later conduct an investigation related to the person who has come forward. Anecdotal evidence indicates that investigations take longer than is preferred by those bringing complaints – and OEOP staff themselves. Thus, additional staff resources should be dedicated to investigations.

Currently OEOP is able only to track intake of inquiries and complaints, but not important data such as the status of investigations, the length of time required to resolve a case, and how complaints are resolved. The office should implement a tracking system to monitor effectively the status of inquiries and complaints, and – in compliance with confidentiality protections – provide basic data to leaders on workload and case processing and advise senior leadership on any problematic patterns they see emerging. Deans' Designees should



also provide basic information on the number of inquiries they receive, and the percentage of their time devoted to this role.

### *Training and Education*

The OEOP, and/or another properly equipped unit of the university, would carry out proactive, evidence-based education and training related to race and other aspects of identity and difference. The training would enhance the capacity of Deans' Designees and others, particularly staff and administrators who work often with students, to integrate DEI theory and principles of belonging more effectively into their work. Training should be conducted by an expert in education and training, who would develop and implement strategies and programming to foster a deeper sense of belonging.

Managers and others should be trained and coached so they are well equipped to respond to DEI and other concerns, and more effectively design and implement DEI strategies for their particular areas of responsibility. Training for faculty members would support them in ensuring an inclusive classroom environment. Frequent communication with university leadership would contribute to alignment of education, training, and proactive efforts to enhance the campus culture. One or more of the current student and employee groups could meet periodically to provide feedback.

## 2. Leadership

Yale should consider either creating a senior-level position to lead these functions, designating an existing senior officer to do so, or dividing responsibilities between two senior executives who coordinate closely. In either case, the President's Committee on Diversity and Inclusion, or a similar steering committee, could provide broad oversight on university-wide DEI matters.

In addition to concerns and complaints related to incidents of race discrimination and other protections, the leader(s) would provide guidance on internal communication on such incidents, and coordinate university-wide approaches to enhancing a deeper sense of belonging. This arrangement would centralize and coordinate discussions, planning, and proactive approaches to climate issues related to race and other identities. Communication to the Yale community would describe this person or pair as the central location for Yale-wide coordination for race-based D&H and other protections.

### *Option: One Senior Leader*

Given the centrality of DEI for the university, and to ensure momentum and effective implementation, I recommend one person be designated to lead *Belonging at Yale* initiatives, including race-related D&H response. If a new position is not created, DEI responsibilities should be added to the portfolio of a current senior officer who reports directly to the President. Being part of the University Cabinet (made up of the vice presidents and deans)

will ensure DEI issues are part of university deliberations. The leadership arrangement would not relieve other administrators of responsibility to consider DEI in their areas, but it would add insights and ensure continued focus on the issues at the highest levels of decision-making.

*Option: Shared/Coordinated Leadership*

As noted above, I recommend designating a single senior position to oversee this area. However, an alternative approach would distribute responsibility for DEI and belonging among two senior executives, who would be publicly identified and would meet regularly. Recently, three administrators were asked to provide coordinated leadership: the Secretary/Vice President for Student Life; the Chief Diversity Officer/Senior Director for Diversity and Inclusion in HR&A; and the Deputy Provost for Faculty Development and Diversity. However, dividing responsibility among three people this way might, unintentionally, dilute the responsibility.

### 3. Response and Advice During or After Incidents

As I mentioned previously, communications in any university context can always improve, especially those addressing complex and moving targets. When a high-profile race-related incident occurs, members of the campus community understandably seek information about it, and many will call for a public condemnation by senior leaders. Leadership is also understandably reluctant to jump to conclusions before details are clear, or to violate students' rights, free speech, or confidentiality protections.

This review is not a substitute for a more formal examination by a communication expert,<sup>9</sup> but I would make two recommendations. First, I recommend that a standing group be tasked with directly advising the Secretary and Vice President for Student Life and other leaders when these sensitive incidents occur. A small, representative "core" group could obtain additional input and advice as needed *ad hoc*, tapping into campus expertise depending on the significance and severity of the incident and whether it involved race, gender, religion, and so forth.

It is critical that any groups advising the leadership be representative of a broad range of perspectives, and knowledgeable about historical and contemporary issues of race and diversity.

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<sup>9</sup> I understand Yale is advised on communications by experts in both the Office of Public Affairs and Communications and an outside consulting firm. In addition, a new Vice President for Communications was announced in January 2019, and will join Yale on March 1.

#### 4. Diversity and Inclusion Working Group

The Diversity and Inclusion Working Group seems to provide a useful function. It has developed the DEI Framework, provided feedback on potential *Belonging at Yale* initiatives and programming, and reported activities in various parts of the university. The group was intended to serve a short-term function over summer 2018. Given its cohesiveness and sense of progress, at Secretary Goff-Crews' request the Working Group members agreed to continue to meet during the 2018-2019 academic year.

The group's existence has been referred to in one presidential message,<sup>10</sup> but no website or other public documentation exists to provide any details about it. If the Working Group is to continue to perform its current roles, and possibly take on additional responsibilities, its mandate and membership should be announced to the university community. This group could serve as the advisory group described in Recommendation 3 above.

#### 5. Defining *Belonging* for the University Community

I recommend that the university continue to formulate a definition of *belonging* and seek and develop approaches to increasing a sense of belonging, with input and collaboration from campus constituencies. This approach was successful at Duke University, where a committee developed a formal definition of diversity and inclusion, which ultimately was approved by a vote of the trustees.<sup>11</sup> The Working Group could be tasked with advising on this work, with input from representatives from a cross-section of constituencies.

#### 6. Deans' Designees

This is an important program for the university. The Deans' Designees provide additional access points for communicating concerns and seeking advice, and benefit from their understanding of the specific context of the school community. The fact that there is some variability in their exact functions is to be expected, given the wide range of schools in which they serve.

In the coming months it would be useful to more specifically delineate the common skills necessary for their role, assess gaps in those skills, and offer opportunities for training in

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<sup>10</sup> From President Salovey's August 1 message: "A working group of faculty and staff convened by Secretary and Vice President for Student Life Kimberly Goff-Crews has met bi-weekly throughout the summer and will continue to meet to evaluate short- and long-term actions."

<sup>11</sup> Duke University Institutional Statement of Commitment to Diversity and Inclusion: "Duke aspires to create a community built on collaboration, innovation, creativity, and belonging. Our collective success depends on the robust exchange of ideas – an exchange that is best when the rich diversity of our perspectives, backgrounds, and experiences flourishes. To achieve this exchange, it is essential that all members of the community feel secure and welcome, that the contributions of all individuals are respected, and that all voices are heard. All members of our community have a responsibility to uphold these values."

addition to that offered in their regular meetings. All Deans' Designees should be equipped with certain skills, including basic counseling and active listening modules, and knowledge of relevant legal protections, specific university protocols and policies, and scholarly research on DEI issues. Periodic brief online training can deepen a variety of relevant skills.

The criteria for selecting Deans' Designees should be reviewed in the next year, anticipating the eventual need to fill vacancies. When a new Dean's Designee needs to be named, a consultation between the appointing Dean and the Secretary and Vice President for Student Life will help ensure the most appropriate staff member or administrator is selected.

## 7. Staff and Administrator Titles

I recommend a review of the titles of positions related to DEI and D&H. The review should be conducted either by an external consultant or by senior university officers (for example, at the vice-president level). Reviewing and adjusting these titles would make them more appropriate to the job functions and placement in the university structure.

Perhaps most important, members of the university community would understand more clearly the individuals and structures charged with helping them in case of a need or concern. Those conducting the review should think carefully about the terms *diversity, equity, inclusion, belonging, equal opportunity*, and others, and what those terms mean to different constituencies within the community.

The following alternatives for "Dean's Designee" could be considered.

- \_\_\_\_\_ Coordinator (as with Title IX)
- \_\_\_\_\_ Resource
- DEI Point Person/Specialist
- Discrimination & Harassment Point Person
- DEI Specialist
- Discrimination & Harassment Advisors

The following alternatives for "Chief Diversity Officer" in HR&A could be considered.

- Senior Officer for DEI Staff Culture
- Senior Staff Culture Officer
- Chief Staff Culture Officer
- Senior Staff Diversity & Inclusion Officer
- Chief D&I Staff Strategist
- Senior Staff Inclusion & Equity Officer

## V. Appendices

### A. Materials reviewed

- Campus-wide messages from President Salovey and Secretary Goff-Crews
- Strengthening Yale’s community of learning, August 1, 2018
- Update on strengthening Yale’s community of learning, October 9, 2018
- Yale statements on May 8 incident in Hall of Graduate Studies
- Announcement of review
- “An Open Letter with an Addendum from Black Graduate and Professional Students and Our Allies to Our University Administrators with Recommendations for Dismantling Racism at Yale”
- “Leadership in the Face of Change: A Report from the Yale Alumni Task Force on Diversity, Equity, and Inclusion,” November 2017
- DEI/D&H-related sites
  - Belonging at Yale
  - Presidential Committees
  - Deans’ Designees
  - Resources for Students to Address Discrimination and Harassment Concerns
- Presidential speeches
  - “Our Yale Citizenship”: Yale College Opening Assembly Address, August 25, 2018
  - “Drawing a Larger Circle”: Baccalaureate Address, May 20, 2018
- “Safety Orientation” and “Discrimination and Harassment” videos
- Framework for Next Steps in Diversity, Equity, and Inclusion, summer 2018
- Organizational charts for Human Resources & Administration, HR&A Diversity and Worklife, OEOP, Yale College Student Engagement/Cultural Centers
- OEOP funding levels and intake data

### B. Meetings and phone calls

Peter Salovey, President of the University

Members of the Board of Trustees

*Members of the University Cabinet*

James Bundy, Dean of the School of Drama

Marvin Chun, Dean of Yale College

Lynn Cooley, Dean of the Graduate School of Arts and Sciences

Alexander Dreier, Senior Vice President and General Counsel

Kimberly Goff-Crews, Secretary and Vice President for Student Life

Ann Kurth, Dean of the School of Nursing

Marta Kuzma, Dean of the School of Art

Janet Lindner, Vice President for Human Resources and Administration

Ben Polak, Provost and William C. Brainard Professor of Economics  
Sten Vermund, Dean of the School of Public Health

*Other Individuals*

Muneer Ahmad, chair, President's Committee on Racial and Ethnic Harassment  
Claire Bower, chair, Women Faculty Forum  
Donna Cable, Associate Vice President for Human Resources  
Jason Killheffer, Senior Deputy Title IX Coordinator; Assistant Provost for Academic Integrity  
Sharon Kugler, University Chaplain  
Rise Nelson, Assistant Dean of Yale College; Director, Afro-American Cultural Center  
Susan Sawyer, Senior Associate General Counsel  
Stephanie Spangler, University Title IX Coordinator; Deputy Provost for Health Affairs & Academic Integrity  
Valarie Stanley, Director, Office for Equal Opportunity Programs  
Deborah Stanley-McAulay, Chief Diversity Officer; Senior Director, Diversity & Inclusion, HR&A  
Jamaal Thomas, Equal Opportunity Program Representative, OEOP

*Committees and groups*

Deans' Designees  
Diversity and Inclusion Working Group  
Human Resources and Administration senior staff  
Intercultural Affairs Council, Yale College  
President's Committee on Diversity and Inclusion  
Staff Affinity Groups

*Students*

Student Advisory Group on Diversity, Equity, and Inclusion  
Organizers of the graduate/professional student "Open Letter"

C. Diversity milestones [source: Office of the Secretary and Vice President for Student Life]

1969–2018: Fifty Years of Increasing Diversity, and Supporting Inclusion and Belonging (selected milestones)

