

January 20, 2020

To: WASC Senior College and University Commission (WSCUC)  
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From: Velma Montoya, Ph.D.  
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Re: Third-Party Comment to WSCUC re Reaccreditation Review of UCLA  
reconstructed from actual submission made by UC Regent Emerita Montoya

The following is the core of my WASC complaint/comment regarding re-accreditation of UCLA.

What is the basis of your comment?

First, I support the comments of noted California columnist Dan Walters (<https://calmatters.org/commentary/uc-imposes-political-litmus-test/>) and UCLA Professor Emeritus Jim Enstrom that the new UCLA Diversity, Equity, and Inclusion (DEI) Requirements likely violate the California Constitution, Article IX, Section 9, that prohibits all political influence at UC, and Article 1, Section 31 (Proposition 209) that prohibits discrimination and preferential treatment in hiring. In addition, UC Regents Order 101.1(d) states “No political test shall ever be considered in the appointment and promotion of any faculty member or employee.” Specific details are presented in the November 9, 2018 Statement by the Foundation for Individual Rights in Education.

Second, I share the January 16, 2020 concerns of Morton Klein and Susan Tuchman and their support of the StandWithUs complaint currently being investigated by the U.S. Department of Education’s Office of Civil Rights. The visiting lecturer in the UCLA anthropology class was quoted by witnesses as saying that supporters of Israel are white supremacists. The student complainant in that case asserts she endured harassment and intimidation creating a hostile anti-Semitic campus environment. It is deplorable that UCLA did not respond to Klein and Tuchman’s letter raising issues in this case.

Third, I am concerned with an issue raised by the Editorial Board of the UCLA *Daily Bruin* that UCLA’S current prosecution of student code violations can be arbitrary: “the vice chancellor makes the final decision, with no hope for appeal beyond that point.” And “Student code cases can result in probation, suspension or even dismissal from the university if the vice chancellor deems it appropriate.” See <https://dailybruin.com/2019/09/02/editorial-uclas-prosecution-of-conduct-code-violations-can-be-arbitrary-without-oversight/>. “

In the mid-1990's as a University of California Regent, I intervened to secure a hearing for a UCLA student accused of a student code violation. Recently, I was shocked to learn UCLA procedures have not been modified to guarantee a student accused of a student code violation a hearing that includes due process. A version of my letter supporting the UCLA *Daily Bruin* Editorial Board was published in the 9/21/2019 *Daily Bruin*. My letter follows:

To *Daily Bruin* Editorial Board:

Responding to "Trial by jury, but not for UCLA students," 9/3/2019:

Based in Washington, DC in the mid-1990s and a newly minted UC Regent, I would take UC student interns there to lunch. One day a UCLA student was crying: the Vice-Chancellor for Student Affairs had accused her of plagiarism and was about to dismiss her from the University.

I asked the UC Administration that the student be allowed a hearing. Then-UCLA Chancellor Charles Young let my Regental colleagues know that this Regent was overstepping her bounds. But I persisted.

The student hired a lawyer, the hearing exonerated her, and the student went on to graduate UCLA with straight A's. Further, despite my advice that a law career treats women badly, the student graduated from a prominent, local law school, and is currently a successful Los Angeles lawyer.

I am disappointed to learn that UC procedures have not changed regarding alleged student code violations. It should not take a Regent's intervention to provide a hearing for an accused student.

Monetary costs of student conduct procedural mistakes are huge: tuition for UCLA in-State students could soon approach \$13,000 per year, and for our-of-State students, \$31,000. And aggrieved students have been known to turn a routine student conduct issue or a straightforward academic freedom issue into a *cause célèbre* by claiming they "feel threatened." The human costs of unfounded allegations are huge.

A recent law article by Samantha Harris and KC Johnson (<file:///C:/Users/velma%20thompson.DESKTOP-7F2EOAF/AppData/Local/Temp/Harris-Johnson-Campus-Courts-in-Court-22-nyujlpp-49.pdf>) reports that federal courts have increasingly intervened in cases that concern procedural rights of college and university students accused in student conduct cases. They conclude: "The path forward seems clearest on due process matters, where the most common demand – the need for cross-examination – is both clear-cut and rooted in relevant precedent."

WSCUC should push UCLA in that direction.

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UC Regent Emerita