

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

May 15, 1998

The Regents of the University of California met on the above date at Covell Commons, Los Angeles campus.

Present: Regents Atkinson, Chandler, Clark, Davies, Hotchkis, Johnson, Khachigian, Lee, Levin, McClymond, Montoya, Nakashima, Ochoa, Parsky, Sayles, Soderquist, and Villaraigosa (17)

In attendance: Regents-designate Espinoza, Miura, and Willmon, Faculty Representatives Dorr and Weiss, Secretary Trivette, General Counsel Holst, Treasurer Small, Provost King, Senior Vice President Kennedy, Vice Presidents Darling, Gomes, and Hopper, Chancellors Berdahl, Carnesale, Dynes, Greenwood, Orbach, Vanderhoef, Wilkening, and Yang, Vice Chancellor Bainton representing Chancellor Debas, and Recording Secretary Bryan

The meeting convened in Closed Session at 9:15 a.m. with Chairman Khachigian presiding.

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The Board went into Open Session at 9:20 a.m..

1. APPROVAL OF MINUTES OF PREVIOUS MEETING

Upon motion of Regent Montoya, duly seconded, the minutes of March 20, 1998 were approved.

2. REPORT OF THE PRESIDENT

President Atkinson presented his report concerning University activities and individuals.

Regent-designate Willmon noted that, in addition to UCLA physicist Jared Diamond, Riverside alumnus Stephen Breen, a political cartoonist, was a 1998 Pulitzer Prize recipient. At Mr. Willmon's suggestion, the President amended his report to include Mr. Breen's accomplishment.

Then, upon motion of Regent Clark, duly seconded, the President's report was accepted, and it was directed that notes of thanks be sent to the donors of the gifts mentioned in the report, that congratulations be extended to those faculty and staff members who have been awarded honors, and that notes of sympathy and regret be sent to the families of those whose deaths were reported.

Faculty Representative Weiss reported that the Academic Assembly intends to examine the President's proposed academic eligibility plan with a view toward informing the discussions of the Academic Council in June that will result in a recommendation concerning the proposal. She noted that Mr. Lawrence Coleman, a professor of physics at the Davis campus, was recently elected vice chair of the Academic Council and as such would become a new Faculty Representative.

[The report was mailed to all Regents in advance of the meeting, and a copy is on file in the Office of the Secretary.]

3. **REPORT OF THE COMMITTEE ON FINANCE**

A. *Amendment of the Budget for Capital Improvements and the Capital Improvement Program*

The Committee reported its concurrence with the recommendation of the Committee on Grounds and Buildings that the 1997-98 Budget for Capital Improvements and the 1997-2000 Capital Improvement Program be amended to include the following projects: Davis: C. UC Davis Center for the Arts: Performance Hall and D. South Campus Development: Parking and Roadway Improvements.

B. *Establishment of Undergraduate Athletics Fee, Riverside Campus*

The Committee recommended that, effective one year before the Riverside campus begins competition at the Division I level in the National Collegiate Athletic Association but no earlier than fall quarter 1999, an Undergraduate Athletics Fee of \$35 per undergraduate student per quarter be established.

Upon motion of Regent Johnson, duly seconded, the report and recommendation of the Committee on Finance were approved.

4. **REPORT OF THE COMMITTEE ON GROUNDS AND BUILDINGS**

A. *Amendment of the Budget for Capital Improvements and the Capital Improvement Program*

The Committee recommended that, subject to the concurrence of the Committee on Finance, the 1997-98 Budget for Capital Improvements and the 1997-2000 Capital Improvement Program be amended to include the following projects:

Davis: C. UC Davis Center for the Arts: Performance Hall -- preliminary plans -- \$2,305,000 to be funded from funds available to the campus.

D. South Campus Development: Parking and Roadway Improvements -- preliminary plans -- \$736,000 to be funded from parking reserves (\$577,000) and funds available to the campus (\$159,000).

B. *Approval of Tiered Initial Study and Design, Tower II South Addition, Medical Center, Davis Campus*

Upon review and consideration of the environmental consequences of the proposed project as evaluated in the Tiered Initial Study, the Committee reported the following:

- (1) Approval of the Tiered Initial Study.
- (2) Adoption of the Findings.
- (3) Approval of the design of the Tower II South Addition, Medical Center, Davis campus.

[The Tiered Initial Study and Findings were mailed to all Regents in advance of the meeting, and copies are on file in the Office of the Secretary.]

C. *Certification of Environmental Impact Report and Approval of Design, Bay Tree Bookstore and Graduate Commons, Santa Cruz Campus*

Upon review and consideration of the environmental consequences of the proposed project as evaluated in the Environmental Impact Report, the Committee reported the following:

- (1) Certification of the Environmental Impact Report.
- (2) Adoption of the Findings and Mitigation Monitoring Program.
- (3) Approval of the design of the Bay Tree Bookstore and Graduate Commons, Santa Cruz campus.

[The Environmental Impact Report, Findings, and Mitigation Monitoring Program were mailed to all Regents in advance of the meeting.]

Upon motion of Regent Nakashima, duly seconded, the reports and recommendation of the Committee on Grounds and Buildings were approved.

5. **REPORT OF THE COMMITTEE ON HEALTH SERVICES**A. *Amendment of UCSF-Stanford Health Care Articles of Incorporation Concerning the Name, and Amendment of the Bylaws Concerning Organized Medical Staff*

The Committee recommended that The Regents approve the following changes to the articles of incorporation and bylaws of UCSF-Stanford Health Care, to be effective April 10, 1998:

deletions shown by strikeout, additions by shading

ARTICLES OF INCORPORATION
OF
~~UCSF-STANFORD~~ **UCSF STANFORD** HEALTH CARE

ARTICLE ONE:

The name of the corporation is ~~UCSF-Stanford Health Care~~ **UCSF Stanford Health Care**.

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BYLAWS
OF
~~UCSF-STANFORD~~ **UCSF STANFORD** HEALTH CARE

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ARTICLE X
MEDICAL STAFF

Section 1. Organization.

The Board of Directors shall organize the physicians and other persons granted clinical privileges at each facility (the "Facility") licensed to this corporation into one or more medical staffs ("the Medical Staff"), under medical staff bylaws approved by the Board of Directors. The medical staffs shall be responsible to the Board of Directors for the adequacy and quality of medical care rendered to patients at the Facility. Membership on the Medical Staff and the clinical privileges of each member shall be granted by the Board of Directors in accordance with the Bylaws of UCSF Stanford Health Care and the Bylaws, Rules and Regulations, and Policies (herein collectively called "Medical Staff Bylaws") of the Medical Staff.

Section 2. Medical Board.

(a) The Medical Board or Executive Medical Board of the Facility, as applicable (the "Medical Board"), shall serve as the executive committee of the Medical Staff. The Chief of Staff shall serve as Chair of the Medical Board. The other members shall be selected as provided in the Medical Staff Bylaws.

(b) The Medical Board shall make recommendations directly to the Board of Directors on all matters affecting the Medical Staff, including but not limited to the following:

- (i) the structure of the Medical Staff;
- (ii) the mechanism used to review credentials and delineate individual clinical privileges;
- (iii) individual Medical Staff membership;
- (iv) specific clinical privileges for each eligible individual;
- (v) the organization of the quality assurance/performance improvement activities of the Medical Staff as well as the mechanism used to conduct, evaluate and revise such activities;
- (vi) the mechanism by which membership on the Medical Staff may be terminated; and
- (vii) the mechanisms for fair hearing procedures.

Section 3. Medical Staff Bylaws.

(a) The Medical Staff shall be responsible, under the direction of the Chief of Staff, for the development, adoption and periodic review of the Medical Staff Bylaws.

(b) The Medical Staff Bylaws and amendments thereto shall not be effective until adopted by the Medical Staff and approved by the Board of Directors.

(c) The Medical Staff Bylaws shall include, but not be limited to, provisions for the following:

- (i) appointment and reappointment of members of the Medical Staff;
- (ii) appointment and reappointment of one or more dentists, podiatrists and/or clinical psychologists to the Medical Staff, respectively, when dental, podiatric and/or clinical psychology services are provided;
- (iii) formal organization of the Medical Staff with appropriate officers and bylaws;
- (iv) a requirement that membership on the Medical Staff shall be restricted to physicians, dentists, podiatrists and clinical psychologists, competent in their respective fields, worthy in character and in professional ethics;
- (v) self-government by the Medical Staff with respect to the professional work performed at the Facility and periodic meetings of the

Medical Staff to review and analyze at regular meetings their clinical experience;

(vi) preparation and maintenance of a complete and accurate medical record for each patient;

(vii) that the Medical Board is responsible for making recommendations to the Board of Directors for its approval;

(viii) that only a member of the Medical Staff with admitting privileges may admit a patient to the Facility, and that each patient's general medical condition is the responsibility of a qualified physician member of the Medical Staff;

(ix) a process or processes designed to assure that any individual who provides patient care services but who is not subject to the medical staff privilege delineation process is competent to provide such services and is reviewed as part of the quality assurance/performance improvement program set forth in the Medical Staff Bylaws;

(x) a process or processes designed to assure that all individuals responsible for the assessment, treatment or care of patients are competent in their ability to obtain information and interpret information in terms of the patient's needs, in their knowledge or growth and development, and in an understanding of the range of treatment needed by such patients;

(xi) mechanisms to assure the provision of one level of patient care at the Facility;

(xii) controls that are designed to ensure the achievement and maintenance of high standards of professional, ethical practices, including provision that all members of the Medical Staff be required to demonstrate their ability to perform surgical and/or other procedures competently and to the satisfaction of an appropriate committee or committees of the staff, at the time of original application for appointment to the staff and at least every two years thereafter; and

(xiii) a requirement that the Medical Staff and the staffs of the services shall implement the activities and mechanisms established in the Medical Staff Bylaws for monitoring and evaluating the quality of patient care, for identifying and resolving problems, and for identifying opportunities to improve patient care, and for reporting to the Board of Directors on such matters through the Chief of Staff.

Section 4. Medical Care.

The Medical Staff, under the direction of the Chief of Staff, shall be responsible for:

(i) the quality of all medical care provided at the Facility;

(ii) all quality assurance/performance improvement programs;

(iii) credentials review and privilege delineation; and

(iv) reporting through the Chief of Staff, from time to time on all such matters to the Board of Directors.

ARTICLE ~~XI~~
DISSOLUTION

The corporation may be dissolved consistent with the provisions of the Articles of Incorporation and pursuant to Section 6510 of the Nonprofit Public Benefit Corporation Law of California as amended from time to time.

ARTICLE ~~XII~~
AMENDMENTS

These Bylaws may be altered, amended or repealed at any annual or special meeting of the Members, notice of which shall specify the subject matter of the proposed alteration, amendment or repeal or the sections to be affected thereby, by vote of the Members.

B. *Creation of a Limited Liability Corporation to Merge Bone Marrow Transplantation Activities at UCSD and Sharp Healthcare, Medical Center, San Diego*

The Committee recommended that the President, in consultation with the General Counsel and the Vice President for Clinical Services Development, be authorized to:

- (1) Authorize establishment of a limited liability company, the members of which will be the University of California and Sharp HealthCare, a California not-for-profit corporation, for the purpose of jointly operating a Bone Marrow Transplantation Program.
- (2) Execute documents necessary to establish the limited liability company and such additional documents as shall be necessary or appropriate in connection with its operation and University participation therein.

Upon motion of Regent Davies, duly seconded, the recommendations of the Committee on Health Services were approved.

6. **REPORT OF THE COMMITTEE ON OVERSIGHT OF THE DEPARTMENT OF ENERGY LABORATORIES**

Authorization to Approve and Execute Modifications to the Department of Energy Contracts for Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory to Amend Clauses and Add a New Clause Concerning Performance Assessment and Classification

The Committee recommended that the President be authorized to approve and the Secretary of The Regents be authorized to execute a modification to the provisions of contracts W-7405-ENG-36, DE-ACO3-76SF00098, and W-7405-ENG-48 in order to incorporate revisions to the following clauses:

- Clauses 1.1, 3.13, 5.2, 8.5, 8.20, 9.13, and 13.2 - LANL, LBNL and LLNL
- Clause 5.14 Special Assessments - LANL only
- Clause 10.2 Unclassified Sensitive and Proprietary Information - LANL and LLNL only
- Clause 10.4 Classification - LANL and LLNL only
- new Clause 10.6 Counterintelligence - LANL and LLNL only

As a result of these changes, the contracts' table of contents will be revised accordingly.

Upon motion of Regent Soderquist, duly seconded, the recommendation of the Committee on Oversight of the Department of Energy Laboratories was approved.

7. **REPORT OF INTERIM ACTIONS**

Secretary Trivette reported that, in accordance with authority previously delegated by The Regents, interim action was taken on routine or emergency matters as follows:

The Chairman of the Board and the President of the University approved the following recommendation:

Waiver of Subrogation Rights, NASA Contract for Support of the High Energy Solar Spectroscopic Imager (HESSI), Berkeley Campus

That the Chairman authorize the President to execute a National Aeronautic and Space Administration (NASA) contract entitled the High Energy Solar Spectroscopic Imager (HESSI), Berkeley campus, which requires assumption by the University of third-party liability, action which is restricted to The Regents under Standing Order 100.4(dd)(9).

8. REPORT OF PERSONNEL ACTIONS

In accordance with Bylaw 14.7(b), Secretary Trivette reported that the following personnel actions were taken at the March and April 1998 meetings. There was no roll call vote on Item A. There was a roll call vote taken at the April 16, 1998 meeting on Item B. (A roll call vote is required by State law on all actions taken in meetings held by teleconference.)

- A. Appointment of M. Frederick Hawthorne as University Professor, Department of Chemistry and Biochemistry, Los Angeles campus, effective July 1, 1998.
- B. Appointment of Ralph J. Cicerone as Chancellor of the Irvine campus, 100 percent, effective July 1, 1998. The roll call vote was as follows: Regents Atkinson, Chandler, Connerly, Clark, Davies, Hotchkis, Lee, Levin, McClymond, Montoya, Nakashima, Preuss, Sayles, and Soderquist voting "aye"(14).

9. REPORT OF COMMUNICATIONS

Secretary Trivette presented summaries of communications received subsequent to the March meeting. The communications were referred to the President and the General Counsel for review and response as appropriate.

[A copy of the Report of Communications Received is on file in the Office of the Secretary.]

10. REPORT OF THE PRESIDENT

The President reported that on the dates indicated the following informational reports were mailed to The Regents or to Committees:

To Members of the Committee on Educational Policy

- A. Report on Matters Relating to the California Postsecondary Education Commission. March 25, 1998.
- B. Report on the results of eligibility simulations. March 25, 1998.
- C. Statistical Summary of Students and Staff for Fall 1997. March 31, 1998.

To Members of the Committee on Finance

- D. 1997-98 Annual Report on Administrative Salaries for the University. April 20, 1998.

To Members of the Committee on Health Services

- E. The Activity and Financial Status Report on Hospitals and Clinics as of February 28, 1998. March 26, 1998.
- F. The Quarterly Report on Hospitals and Clinics as of March 31, 1998, including UCSF-Stanford Health Care patient and financial information for the first quarter. May 5, 1998.

To Members of the Committee on Oversight of the Department of Energy Laboratories

- G. Report on the management of the DOE Laboratories' Joint Genome Institute. March 18, 1998.

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- H. Draft statement by the President in conjunction with the release of Fall 1998 freshman admissions data. March 13, 1998.
- I. *Questions and Answers About Berkeley's New Selection Process and 1998 Admissions*, a special insert from *The Berkeleyan*. March 13, 1998.
- J. Materials released to the media by the Berkeley and UCLA campuses regarding fall 1998 freshman admissions data. March 31, 1998.
- K. Report of the Administrative Task Force to Review University of California Policies Concerning Outside Activities, Conflict of Commitment, and Related Issues. April 16, 1998.
- L. Recent data on final fall 1998 freshman admissions and copies of remarks made by Provost King and professor Widaman (BOARS chairman) made at the May 5, 1998 joint hearing of the California State Senate Select Committee on Higher Education and the Senate Select Committee on Higher Education Admissions and Outreach. May 5, 1998.

9. REMARKS OF REGENT VILLARAIGOSA

Mr. Antonio Villaraigosa, Speaker of the Assembly, noted that he is the first graduate of the Los Angeles campus to serve in that position. He stated that he is a firm supporter of public education and that he will attend Regents' meetings often. He pledged his continuing support to the University, noting that this year's budget surplus may provide additional funds for higher education.

BOARD OF REGENTS

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The meeting adjourned at 9:50 a.m.

Attest:

Secretary