

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

November 16, 2016

The Regents of the University of California met on the above date at UCSF–Mission Bay Conference Center, San Francisco.

Members present: Regents Brody, De La Peña, Elliott, Gould, Island, Lansing, Makarechian, Napolitano, Ortiz Oakley, Pattiz, Pérez, Ramirez, Reiss, Schroeder, Sherman, Torlakson, and Zettel

In attendance: Regents-designate Lemus, Mancia, and Monge, Faculty Representatives Chalfant and White, Secretary and Chief of Staff Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Vacca, Provost Dorr, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President and Chief Operating Officer Nava, Senior Vice Presidents Henderson and Peacock, Vice Presidents Brown and Duckett, Chancellors Blumenthal, Dirks, Gillman, Hawgood, Khosla, Wilcox, and Yang, Interim Chancellor Hexter, and Recording Secretary McCarthy

The meeting convened at 9:05 a.m. with Vice Chair Reiss presiding.

1. PUBLIC COMMENT

Vice Chair Reiss explained that the public comment period permitted members of the public an opportunity to address University-related matters. The following persons addressed the Board concerning the items noted.

- A. Ms. Rejeana Mathis, UCLA employee and chair of Council of University of California Staff Assemblies (CUCSA), urged the Regents to view UC staff as more than expenses and liabilities when searching for efficiencies. UC accomplishments are made through the commitment of UC staff's energy and expertise.
- B. Ms. Julia Schemmer, second-year UC Riverside student, commented on allegations of a UC Regent's repeated acts of sexual harassment of employees of his private company. UC should not tolerate such conduct, given its stature as a national leader in the prevention of sexual harassment. She urged the resignation of Regent Pattiz.
- C. Mr. Lawrence Le Blanc, UC San Diego graduate student, addressed the threat of cyber attacks. He asked the Regents to consider engaging cyber bounty hunters to proactively address such threats.
- D. Ms. Bailey Rechler, first-year UCLA student and member of the UCLA Undergraduate Students Association Office of the External Vice President, said that office advocates reform of Proposition 13 as a means to decrease tuition.

Reform plans such as California State Senate Constitutional Amendment Five would not affect homeowners, residential renters, or small businesses, but would generate substantial funds, some of which would go to UC. She urged support of Proposition 13 reform.

- E. Ms. Jasmine Marshall Armstrong, UC Merced doctoral student, commented on concerns expressed by some UC Merced students, including lesbian, gay, bisexual, and transgender (LGBT) students, undocumented students, and students of color, about the results of the recent U.S. presidential election. She noted the need for funding for student mental health services and diversity programming for both undergraduate and graduate students.
- F. Ms. Ifechukwu Okeke, UC Berkeley transfer student, said that she had been classified as a nonresident student despite moving to California four years ago as an immigrant with no family accompanying her. She stated that her residency classification was based on her not having parents who were California residents, because there is no UC provision for independent students under 24 who are in the country on their own. She asked the Regents to address this policy with the residency analysts in the UC Office of the President Office of the General Counsel.
- G. Mr. Rigel Robinson, UC Berkeley student and Associated Students of UC (ASUC) senator, urged the Regents to divest from the fossil fuel industry, particularly in the wake of the recent U.S. presidential election, which heightened the stakes in the climate crisis. He delivered 100 student signatures on a petition promising direct action unless UC took real steps toward full fossil fuel divestment. He also submitted an open letter signed by more than 700 UC faculty, supporting the moral and economic grounds of the fossil fuel divestment campaign.
- H. Mr. Martin Genova, UC Santa Cruz student and member of Fossil Free UC, voiced his view that UC's investment in the fossil fuel industry threatened future generations.
- I. Mr. Samuel Weinstein, UC Santa Cruz student and member of Fossil Free UC, urged the Regents to divest from the fossil fuel industry to ensure a just and stable future.
- J. Mr. Sean O'Neil, UC Berkeley student, urged divestment from the fossil fuel industry. He expressed his view that, particularly in light of the recent U.S. presidential election, UC should demonstrate leadership in climate justice.
- K. Mr. Liam Ruff, UC Santa Cruz student, noted that students from Fossil Free UC had recently sat in at the UC Office of the Chief Investment Officer to encourage divestment from the unsustainable fossil fuel industry. He commented that Fossil Free UC was continuing to grow.

- L. Mr. Alexander Floren, UC Santa Cruz student, said that the greatest crisis of this time was the swift environmental destruction facing millions around the globe. As a progressive institution, UC should show leadership in addressing climate change.
- M. Ms. Lauren Arnest, UC Santa Cruz student, said she spoke for those directly affected by climate change. She urged the Regents to divest from the fossil fuel industry.
- N. Ms. Monica De Leon, UC Irvine Medical Center employee and vice president of the patient care technical unit of American Federation of State, County and Municipal Employees (AFCSME) Local 3299, observed that, despite increasing concerns about understaffing, UC Irvine Medical Center laid off nearly 200 employees, mostly frontline caregivers. She said that high medical center executive salaries and UCI's hiring expensive efficiency consultants damaged staff morale.
- O. Ms. Vanessa Garcia, former UC Irvine Medical Center employee, stated that she had been laid off the prior month after three and one-half years at UCI. Her mother, who worked at UC Irvine Medical Center for 24 years, had been forced to accept a reduction in work hours as part of UCI's cost-cutting. Ms. Garcia cited the necessary services that she provided patients and their families. She urged the Regents to stop the layoffs and reinstate former employees, since UCI was seeing more patients, was profitable, and was already understaffed.
- P. Ms. Mary Higgins, UCSF employee for 43 years and vice president-elect for Teamsters Local 2010, said Teamsters want fair wages and a defined benefit retirement plan rather than a defined contribution plan. A survey revealed that 70 percent of members of the Teamsters clerical bargaining unit were food insecure according to the U.S. Department of Agriculture's definition.
- Q. Ms. Marcia Thompson, UCSF employee and trustee for Teamsters Local 2010, expressed dismay that 70 percent of Teamster workers were food insecure, according to a hunger survey. She reported some UC workers' comments to the survey, that they must use food banks and food pantries, skip meals daily to save money, and have difficulty explaining lack of food to their children. She urged the Regents to pay UC workers enough to live.
- R. Mr. Joseph Meyer, UC Berkeley employee and member of Teamsters Local 2010, stated that the Teamsters' demands for wages were reasonable, since they had not had a raise in years. UC's suppression of wages had real results. He stated that UC workers should be paid enough to eat.
- S. Ms. Rocio Richards, UC Davis Medical Center employee and member of Teamsters Local 2010, noted progress in contract negotiations, but noted remaining disagreement about the retirement plan. The Teamsters want a defined

benefit plan, not a defined contribution plan. She expressed Teamsters' solidarity with other UC unions on this issue.

- T. Mr. William Morrow, UC Berkeley student, ASUC president, and the undergraduate student representative on the President's Advisory Committee on the UC Berkeley Chancellor search, commended the Office of the President for making the search process more transparent, for attending listening sessions with students, staff, and faculty, for publishing recruitment data and statistics, and for offering implicit bias training for all search committee members. However, Mr. Morrow expressed his view that a fair search process would also require that student Regent-designate Monge be allowed in search committee discussions in an informal capacity.
- U. Mr. Shafi Karim, UC Riverside student and president of the Associated Students of UC Riverside, expressed opposition to a tuition increase. Since Proposition 55 extending a tax increase on high-income Californians was approved, UC should request increased funding from the State rather than from students.
- V. Mr. J. R. Eppler, president of Potrero Boosters Neighborhood Association, stated that the lease of city-owned property for development of the Research Building at the Priscilla Chan and Mark Zuckerberg San Francisco General Hospital and Trauma Center (SFGH) would require up-zoning. Loss of open space for the Research Building would require mitigation or cushioning. This could be accomplished through a significant payment to a nearby open space. In addition, the building should be designed within that area's general zoning requirements.
- W. Mr. Erick Arguello, president of Calle 24 Latino Cultural District, expressed his view that the Environmental Impact Report (EIR) for the UCSF project at SFGH was inadequate because it did not account for neighborhood parking impacts, which would be the project's biggest effect on the neighborhood. He noted accompanying noise and air quality effects. He stated that the EIR's sections on air quality were inconsistent with the city's sustainability plan, the SFGH plan, and the transportation aspects of AB 32, the California Global Warming Solutions Act of 2006.
- X. Ms. Ellen Moore, 30-year resident of Potrero Hill and neighbor of SFGH, voiced her view that the EIR for the Research Building was faulty in that it requires the city to deal with the parking issues with no funding or timeline identified. In addition the EIR studied traffic only between four and six o'clock p.m., rather than between three and four o'clock when congestion is caused by most hospital workers leaving the garage and dismissal from a nearby elementary school. The EIR also did not address other sources of increased traffic in the neighborhood. She said the EIR should not be approved at this meeting.
- Y. Ms. Alaa Aissi, UC Berkeley student, ASUC senator, and a Muslim, expressed concern that the recent U.S. presidential election could spark an increase in hate

crimes against Muslim, LGBT, undocumented students, or students advocating for reproductive health. She noted an increase in public attacks against Muslim students on various campuses. She supported increased mobilization, understanding, and funding for offices of equity and inclusion on campus to ensure the well-being and physical safety of UC students.

- Z. Ms. Greer Hopkins, representing neighbors of SFGH, urged the Regents to work with her group on traffic issues at SFGH before the EIR for the UCSF project is approved. The EIR did not provide concrete terms, funding, or a timetable for implementation of transportation demand management. The EIR should require adherence to the City's required approvals and use permits.
- AA. Ms. Elizabeth Milos, UCSF employee, expressed support for those at Standing Rock, North Dakota protesting development of the Dakota Access Pipeline. She urged the Regents to divest from holdings in Citigroup and Energy Transfer Partners.

2. **APPROVAL OF MINUTES OF PREVIOUS MEETING**

Upon motion duly made and seconded, the minutes of the meeting of September 14, 2016 were approved.

3. **REMARKS OF THE VICE CHAIR OF THE BOARD**

Vice Chair Reiss expressed pride in the University, its leadership, faculty, and students, 42 percent of whom are first-generation college students. She noted the University's leadership in climate initiatives, the public service of its medical centers, its work to create a culture of prevention of sexual harassment and sexual violence. She affirmed the University's commitment to the safety of its community and campus cultures that support all members. She expressed UC's support for its undocumented students.

4. **REMARKS OF THE PRESIDENT OF THE UNIVERSITY**

President Napolitano commended UC Regents and chancellors for their efforts to communicate UC's accessibility and affordability. UC reached out to thousands of students and their families at hundreds of high schools and community gatherings to expand the numbers and diversity of Californians enrolled at UC. UC increased its outreach the prior year when it agreed to enroll 5,000 additional California students in the fall of 2016. UC had exceeded that goal and would add another 2,500 in each of the following years, for a total of more than 10,000 additional California undergraduates in just three years. The current year's entering class was the most diverse ever and one of the strongest academically. Half of California resident undergraduates receive financial aid that fully covers their tuition, and 75 percent pay less than full tuition. More than half of UC's undergraduates complete their degrees with no student debt. Enrolling these additional California undergraduates presented challenges such as providing sufficient

housing, classrooms, and laboratories. The University is striving to meet these challenges while maintaining its excellence.

President Napolitano addressed the results of the recent U.S. presidential election. To address understandable uncertainty and consternation among members of the UC community, President Napolitano and the chancellors had issued a public statement reaffirming their commitment to supporting all members of the UC community and adhering to UC's Principles Against Intolerance. As those Principles make clear, the University strives to foster an environment in which all are included and given an equal opportunity to learn and explore.

President Napolitano commented that undocumented students could be at risk if President-elect Donald Trump should erase President Obama's executive policies on immigration, including Deferred Action for Childhood Arrivals (DACA), a directive issued by President Napolitano when she was Secretary of Homeland Security. A working group has been formed to address DACA and other immigration issues as they affect UC students and campuses. She affirmed that it would be more important than ever for the University to preserve its core values, expand opportunity, and create and share knowledge in the public interest.

President Napolitano underscored UC's role in changing lives and society, enrolling extraordinary numbers of Californians from low-income families, with 40 percent of its undergraduates being Pell Grant eligible and 42 percent being the first in their families to attend college. A UC education is accessible to anyone in California who meets its requirements. Nearly 30 percent of UC students transfer from CCCs and UC is redoubling its effort to increase the proportion of freshman to transfer students to two-to-one. UC had extended the deadline for transfer applications from the end of November to January 3 and continued to improve support for transfer pathways for CCC students interested in transferring to UC.

As a public university, UC has the obligation to create and share knowledge that benefits the larger society. Innovations including medical breakthroughs and technological inventions emerge from UC research, as does knowledge that informs understanding of the civic environment and the humanities. One of the most important outcomes of the teaching and learning at UC is the cultivation of the leaders and public servants of the future. That leadership would be in great demand as the nation negotiates political divisions that are the most challenging faced in modern times. In the past year, President Napolitano's office funded 425 summer and 60 post-graduate UC law school fellowships, designed to foster the movement of law school students into public interest legal careers. The University sees each UC student, each research discovery, innovation, and knowledge created by its faculty and students as an instance of public service. The University would continue to work hard to fulfill its vision.

5. REMARKS OF THE CHAIR OF THE ACADEMIC SENATE

Faculty Representative Chalfant observed that, for many members of the UC community, the world had become much more unsettling since the U.S. presidential election. He reiterated the Academic Senate's past statements and faculty support for all UC policies that define its commitment to access, inclusion, nondiscrimination, for UC campuses' various principles of community, and to the Regents Policy: Principles Against Intolerance. He also affirmed the University's commitment to academic freedom, which cannot exist in an environment of fear. UC faculty hold the core value that the University is a safe place for ideas and for scholars. Mr. Chalfant expressed the faculty's strong support for the values expressed in President Napolitano and the UC chancellors' letter affirming support for all members of the UC community and adherence to the Principles Against Intolerance.

Mr. Chalfant addressed the Academic Senate's ongoing efforts concerning sexual assault and sexual harassment, and the faculty disciplinary process. He affirmed that any form of sexual harassment or sexual assault, including a faculty member seeking a romantic relationship with a student he or she supervises or may supervise, is a violation of the Faculty Code of Conduct. The Academic Senate does not seek to protect faculty who violate the Code of Conduct. In the past year, many faculty worked to re-examine the already robust disciplinary processes that follow from Title IX and other complaints. Former Academic Senate Chair Daniel Hare and Chief Compliance and Audit Officer Vacca co-chaired a joint committee to examine every aspect of the investigations and disciplinary proceedings involving complaints made against faculty for sexual harassment, sexual assault, or sexual violence.

The Academic Senate was currently reviewing proposed changes to the Faculty Code of Conduct and to Academic Senate Bylaws that resulted from the committee's recommendations. This effort involved ongoing, close, and effective collaboration with the Office of the President. Each campus has a process to deal with violations of the Faculty Code of Conduct; those processes are effective and the faculty want the administration to use them. Mr. Chalfant anticipated significant interest in coordinating the campus peer review efforts across the campuses. The revisions to the Faculty Code of Conduct and the Senate Bylaws would emphasize that there is not and never had been a statute of limitations that protects bad behavior. He reported the faculty's fundamental belief that every student needs to feel safe and supported. Since 2005, UC faculty take training in prevention of sexual harassment and sexual violence. Mr. Chalfant expressed his view that faculty would support requiring the same training for Regents.

6. NOTABLE HONORS AND ACHIEVEMENTS

President Napolitano reported that two of the five Moore Inventor Fellows, a unique new fellowship awarded by the Gordon and Betty Moore Foundation selecting promising early-career researchers and inventors, were UC faculty members: UCLA Associate Professor of Electrical Engineering Mona Jarrahi and UC Irvine Assistant Professor of Chemistry Shane Ardo. One-third of the 2016 Packard Fellowships in Science and

Engineering, another prestigious award for early-career scholars, were awarded to UC faculty, including at UC Berkeley, UC Davis, UC San Diego, UCSF, UC Santa Barbara, and UC Santa Cruz. Ten UC faculty members from six campuses were elected to the National Academy of Medicine, among the highest honors in health and medicine. Since 1970, this Academy had elected more than 200 members affiliated with UC.

UC campuses continued to be named among the world's most outstanding institutions of higher education. In *U. S. News and World Report's* 2017 Best Global University rankings, UC Berkeley and UCLA were the only two public universities in the top ten, five UC campuses were in the top 25, and all ten UC campuses were recognized, marking UC Merced's debut in the global rankings.

The Association of Public and Land Grant Universities selected UC Riverside for its 2016 Project Degree Completion Award, recognizing UCR's graduation rate task force and its progress on degree completion rates. Since its 2013 inception, the task force had implemented a host of initiatives to help students succeed, boosting the campus' four-year graduation rate by seven percent and its five-year rate by 11 percent.

The White House recognized Regent Ortiz Oakley as a Champion of Change for College Opportunity for his tireless efforts to improve college access for California students.

President Napolitano announced four awards for Outstanding Advocacy. As one of the founding co-chairs of the UC Legislative Roundtable, State Senator Lois Wolk brought together legislators with a common interest in UC and played a leadership role in working with these legislators to address important higher education issues. Senator Wolk has also been an ardent supporter of UC Davis and authored important legislation for UC in contracting and firearms research. During his six years as State Assembly Member, Das Williams consistently prioritized access, affordability, and quality of public higher education. His passionate commitment to the future of public higher education helped ensure that UC remained a world-class institution for the people of California. Howard Welinsky, currently retiring from Warner Brothers, had been one of UC and UCLA's most outstanding advocates and steadfast supporters. President Napolitano thanked State Senator Carol Liu for her support of UC during her tenure. She helped impart meaningful change to higher education policy as chair of the Assembly Higher Education Committee and subsequently as chair of the Senate Higher Education Committee.

The meeting adjourned at 10:30 a.m.

Attest:

Secretary and Chief of Staff