

## THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

March 15, 2017

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

Members present: Regents Brody, Elliott, Kieffer, Lansing, Lozano, Makarechian, Napolitano, Newsom, Ortiz Oakley, Pattiz, Pérez, Ramirez, Schroeder, Sherman, and Zettel

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

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

### 1. APPROVAL OF MINUTES OF PREVIOUS MEETING

Upon motion duly made and seconded, the minutes of the meeting of January 25, 2017 were approved.

### 2. PUBLIC COMMENT

Chair Lozano 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. Mr. Parshan Khosravi, legislative director of the UCLA Graduate Student Association, urged the Regents to send the UCLA housing initiative back to the campus for further consideration. Graduate students had not been consulted in its development and their concerns had not been taken into account.
- B. Mr. Anthony Carrasco, UC Berkeley student, stated that students would like to have the Regents policy regarding chancellor searches amended to include the student Regent as one of the five Regents on the search committee. The voice of students would be increased, while the number of Regents on the search committee would be maintained.
- C. Ms. Lina Layiktez, UC Davis employee and chair-elect of the Council of University of California Staff Assemblies (CUCSA), commented that UC staff

work at UC because they enjoy the varied and challenging work, appreciate the competitive employee benefits, and believe in the power of the University to transform lives.

- D. Ms. Rejeana Mathis, UCLA employee and chair of CUCSA, encouraged the Regents to recognize and acknowledge the critical role dedicated, productive staff play in the life of the University. Engaged employees identify opportunities to increase efficiency and are part of solutions to challenges.
- E. Ms. Aneri Suthar, UCLA student, expressed concern about UC affordability for its middle-class students. She expressed support for the expansion of the Middle Class Scholarship program.
- F. Mr. Matthew Lewis, UC Berkeley student and UC Student Association (UCSA) basic needs security officer, said the University needs more than its current goal of 14,000 new beds systemwide. UC Berkeley faces a housing emergency. The prior year UC Berkeley undergraduate and graduate students passed a measure calling for 6,000 new beds for students, which would bring the campus only to the UC average. Mr. Lewis said the site at University Avenue and Oxford Street, proposed for development of a hotel by UC Berkeley, would be better used for student housing and was preferable to some other more controversial sites.
- G. Mr. Rigel Robinson, UC Berkeley student and ASUC senator, said the Climate Reality Project founded by former Vice President Al Gore encourages cities and universities to adopt the goal of using 100 percent renewable energy by 2030. Mr. Robinson urged UC to commit to this goal, which would further promote President Napolitano's Carbon Neutrality Initiative and would set a meaningful precedent for other universities.
- H. Ms. Varsha Sarveshwar, UC Berkeley student, said she works with the Climate Reality Project. She expressed pride in UC's leadership in combating climate change. She said purchasing carbon offsets was a short-term solution and encouraged UC to adopt the goals of using 100 percent renewable electricity by 2030 and 100 percent renewable energy by 2050.
- I. Ms. Grace Swan-Streep, UC Davis student, said she worked with California Student Public Interest Research Group, Inc. students to urge incorporation of the goal of UC Davis' using 100 percent renewable energy into UC's Carbon Neutrality Initiative. UC students value sustainability. She submitted petitions from 5,705 individual students in support of the 100 percent renewable energy goal, and urged UC campuses and the Regents to join this national movement.
- J. Ms. Catherine Cobb, president of Teamsters Local 2010, urged the Regents to settle fair contracts with the Teamsters' three negotiating teams. She said some Teamster members had gone nearly five years with no wage increase.

- K. Ms. Bambi Rhoden, UC Davis employee and Teamsters Local 2010 member, expressed gratitude for her job. However, she said she must work two jobs to provide for her family's basic needs. Her net pay from UC was \$2,300 per month, while the lowest rent in the area is \$1,500. She knew many other UC employees who struggle to provide basic necessities to their children. She valued her work at UC and urged the University to value its employees.
- L. Mr. Jason Rabinowitz, secretary-treasurer of Teamsters Local 2010, stated that UC Teamster employees' real wages had declined 24 percent over the past two decades. He urged the University to negotiate in good faith and to pay UC workers enough to live.
- M. Ms. Jillian Free, UC Berkeley student and member of the Student Advocate's Office, stated that UC students and staff must be given an adequate opportunity to review and comment on the faculty adjudication model in the proposed Amendment of Regents Policy 7401 and Academic Personnel Manual Sections 015 and 016 – The Faculty Code of Conduct and University Policy on Faculty Conduct and the Administration of Discipline. Procedures in the faculty adjudication model are not so clear, deep, or expansive as those in the student adjudication model, especially regarding sexual violence and sexual assault.
- N. Ms. Natalie Bayer, UC Berkeley student and member of the Student Advocate's Office, said that the proposed changes to Regents Policy 7401 and Academic Personnel Manual Sections 015 and 016 failed to include the complainant adequately throughout the entire process, and gave no indication that the complainant would be included in discussions of sanctions or notified of any action at any point during the investigation. The proposed code included information about respondents' rights, but not about complainants' rights. In Academic Personnel Manual Section 015, Part III, Subsection A3, language should be added to require that investigations be initiated as soon as the Chancellor is deemed to know about an incident or as soon as reasonably possible, and that the complainant must be notified regularly throughout the investigation. Subsection A4 states that the Chancellor and the respondent could settle the case without going to hearing. In cases in which a complainant is involved, the complainant's desired outcome and preference for an early resolution or formal hearing should be taken into account before any early resolution or formal hearings were agreed upon.
- O. Ms. Sophie Bandarkar, UC Berkeley student and member of the Student Advocate's Office, noted that in the proposed amendment to Academic Personnel Manual Section 015, Part III, Subsection B4 the availability of an option for an informal resolution is positive, but there is no language ensuring that the complainant must agree or be willing to participate in an informal resolution option, even if the complainant would not be present. Explicit language should be added that a complainant should not be forced or pressured into mediation. In Academic Personnel Manual Section 016, Section 2, Part 6 regarding the

grievance procedure, if a grievance proceeding is conducted at the request of the faculty involved to contest the decision of the Chancellor to place the faculty member on involuntary leave, the complainant should be notified and the complainant's desire should be considered in the outcome of the grievance meeting. This would parallel the procedure at the student level. Explicit language should also be added to ensure that the complainant is notified of any interim measures taken.

- P. Ms. Olivia Flechsig, UC Berkeley student and member of the Student Advocate's Office, stated that academic protections for students who have been sexually harassed or sexually assaulted by a faculty member should be codified in the proposed amendment of Regents Policy 7401 and Academic Personnel Manual Sections 015 and 016. The relationship between faculty and students is inherently unequal as students depend on faculty as teachers, mentors, and evaluators, who are extremely powerful in determining students' future access to academic opportunities and jobs. The lack of such accommodation has derailed entire careers for undergraduate and graduate students. No one should be punished for being sexually harassed or for subsequently reporting it. The amendment should explicitly guarantee that the University will make accommodations available when a student's access to University resources has been impeded by faculty sexual misconduct.
- Q. Mr. Joshua Arnold, UC Berkeley Ph.D. student and U.S. Army veteran, asked the Regents to reject any future UC Berkeley housing plans on the Oxford Tract research facility, a critical research site close to campus. The Oxford Tract also provides all the fresh produce for the UC Berkeley food pantry for students in need. He stated that many other sites for housing were available.

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

Chair Lozano drew attention to three important topics to be discussed at the current meetings. Every UC campus pursues a mission of teaching, research, and public service. The Public Engagement and Development Committee would hear how UC San Diego serves community needs through activities in San Diego County and the broader San Diego region.

The Board would discuss a proposal to cap nonresident undergraduate enrollment systemwide and on each campus. The proposal is consistent with the University's historic commitment to put Californians first in admission and enrollment. The proposal would cap most campuses at 20 percent nonresident enrollment, the UC system at 20 percent, and UC Berkeley, UCLA, and UC San Diego at their current levels. The proposed policy would benefit California in multiple ways. The extra tuition paid by nonresident students helps campuses hire faculty, expand course sections, and provide student services, and provides financial aid funds available to California residents. The policy makes clear that UC's primary commitment is to California undergraduates, to admit every qualified

California applicant, and to enroll at least as many California undergraduates as are provided enrollment funding by the State.

Chair Lozano added that the Board would also discuss UC's operating model, a purposeful alignment of functions and expertise in an institution of the size and complexity of UC, with the benefits of both autonomy and federation.

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

President Napolitano commented that an institution as large and complex as UC needs effective management with a balance between autonomy and federation. Centralizing certain functions allows the sum to be greater than its parts, increasing the power of UC's ten campuses. It is at UC's ten campuses, five medical centers, three National Laboratories, and agricultural field stations where faculty, staff, and students were working to fulfil the mission of creating and sharing knowledge in service to the public good, with 99 percent of UC employees working at UC campuses, medical centers, laboratories, and other UC locations.

Regarding UC chancellors, President Napolitano stated that Gary May would begin his service as UC Davis chancellor this summer, his appointment having been approved by the Regents three weeks prior. As Dean of the Georgia Institute of Technology's College of Engineering, Mr. May created opportunities and built communities, measuring his own success by how well he helped others to succeed. He is an accomplished engineer who advanced the nation's largest and most diverse engineering school's academic and research achievements, transforming the school through the same goals embraced at UC: excellence and equal access to educational opportunity. Mr. May is a UC alumnus, having earned his master's and Ph.D. degrees in electrical engineering and computer science from UC Berkeley. In 2010, he was named Outstanding Electrical Engineering Alumnus of UC Berkeley. President Napolitano recognized the leadership of UC Davis Interim Chancellor Hexter, who led the campus for nearly 11 months, with integrity, transparency, and excellent judgment. She expressed the University's gratitude to Interim Chancellor Hexter for accepting the helm of the campus during a time of uncertainty. The University was fortunate that he would return to his previous role and continue to serve UC Davis as provost.

President Napolitano noted that the Regents would vote the following day on her selection of Carol Christ as the 11th chancellor of UC Berkeley. Ms. Christ is an outstanding scholar and a proven leader, having served as President of Smith College and Executive Vice Chancellor and Provost of UC Berkeley. At this pivotal time in the storied history of what is widely acknowledged as the best public university in the world, Ms. Christ has all the necessary qualities to lead the campus to even greater heights. In addition to her exceptional leadership and strategic planning skills, her academic experience, and her long experience with the community life of UC Berkeley, Ms. Christ is deeply committed to the University's core values. President Napolitano expressed gratitude to Chancellor Dirks for his service since June 2013, and for his gracious

agreement to stay on as chancellor until a replacement was found after his decision to return to teaching.

President Napolitano reported that the Global Food Initiative's (GFI) 150 student fellows had engaged in projects including community gardens, food pantries, food waste reduction and recovery, and the intersection of food issues with diseases. These students were funded through the GFI Student Fellowship program and represent all ten UC campuses, the Division of Agriculture and Natural Resources, and the Lawrence Berkeley National Laboratory. The systemwide Healthy Campus Network project would be launched the following week, with \$1.9 million in seed funding from the Office of the President provided to all ten UC campuses, aiming to make UC the healthiest place to work, learn, and live for students, faculty, and staff. The program is the latest example of the University's balance between autonomy and federation.

## 5. **REMARKS OF THE CHAIR OF THE ACADEMIC SENATE**

Faculty Representative Chalfant expressed support for the proposed Regents Policy on Professional Degree Supplemental Tuition (PSDT) that would require programs wanting to charge PDST to state how the funds would be used, and to document required faculty and student consultation. The Regents would still be able to compare UC's professional degree programs' tuition with that of their public and private comparators.

Mr. Chalfant also expressed support for the proposed amendment of the Faculty Code of Conduct, which received unanimous support of both the Academic Council and the Academic Assembly. He affirmed that sexual violence, sexual assault, or sexual harassment were unambiguous, unacceptable violations of the Faculty Code of Conduct. Each UC campus has a faculty discipline process and the Academic Senate expects the administration to be willing to use that process. When an early resolution of a situation seems more appropriate, it would be imperative that the new peer review committees help ensure that the measures taken are the right ones. The Academic Senate shared President Napolitano's goal that UC be the national leader in prevention and response to sexual violence and sexual harassment, and applauded the creation of the position of systemwide Title IX coordinator.

Mr. Chalfant stated that the Academic Senate did not support the proposed Policy on Nonresident Enrollment that would be discussed by the Regents. The Academic Senate disagreed with the various caps and implicit tiering of UC campuses by funding and quality, never before done by the Regents. The differential treatment of some UC campuses suggested a permanence to existing funding differences, which would undermine the principle that UC treats all students equally, and would harm faculty and staff morale. The Academic Senate recognized that a policy was needed, but the proposed caps would harm every campus. Much-emphasized projections showing that UC would not reach 20 percent nonresident undergraduates for several years missed the point. Nonresident applicants turned away from campuses that were capped would not be providing return to aid that benefits students on all campuses, nor would they provide campuses with much-needed additional revenues significantly above the educational

costs of these nonresident students. UC could use those funds on the campuses that could generate them to upgrade teaching laboratories, offer fellowships, or on campuses with critical unmet needs but few nonresident students. Mr. Chalfant stated that, under any policy modeled on the current proposal, UC would instead send these funds to universities in other states. He stated that every member of the Academic Council preferred a policy that would allow an expansion of nonresident enrollment, as long as resident students can be shown to benefit, providing a different type of accountability than an arbitrary cap. The Academic Senate would like to see the University work with the State to develop a better plan that would not contain punitive cuts and would address the State's concerns.

Mr. Chalfant stated that the assumption of some who favored the proposed policy that capping the number of nonresident students would create spaces for California students was not correct. Campuses did not determine their total enrollment, enroll nonresident students, and then admit Californians to fill the leftover seats. The recommendation of the Academic Senate followed UC's actual enrollment policy: the University enrolled every eligible California resident undergraduate for whom it received enrollment funding from the State. Nonresidents were a much-needed add-on. The State had not come close to restoring the cuts UC experienced during the Great Recession, nor earlier cuts. The Academic Senate had proposed an alternative plan and would welcome the opportunity to further develop it in partnership with the UC administration, the Regents, and the State. Mr. Chalfant acknowledged those at UC who had listened to the Academic Senate's criticisms of the proposed nonresident enrollment policy and worked to make the current proposal less harmful than it could have been. He also expressed appreciation to the Regents for their attention to his repeated remarks on this topic, reflecting the faculty's deep concerns about the proposed policy.

## 6. **NOTABLE HONORS AND ACHIEVEMENTS**

President Napolitano said she was pleased to report on several recent honors and achievements demonstrating UC's excellence. The prior month, 22 early career scientists and scholars from eight UC campuses won Sloan Research Fellowships supporting scholars who show promise as emerging leaders in their fields of research. Eleven UC researchers, representing three UC campuses and all three UC-affiliated National Laboratories, were elected to the National Academy of Engineering, among the highest honors in the profession.

*U.S. News and World Report* released its rankings of U.S. graduate schools the prior week. Once again, UC graduate schools were named among the best in the nation. UCSF School of Medicine ranked third in primary care and fourth in research, the only school in the nation to rank in the top five in both categories. All of UC's business, education, engineering, and law schools were ranked. UC had an impressive number of the top-rated graduate programs in the nation, including programs in chemistry, clinical psychology, computer science, economics, and English.

UC alumni once again showed their commitment to public service through their high rate of participation in the Peace Corps. Three UC campuses, UCLA, UC Santa Barbara, and UC Davis, were among the 20 colleges and universities in the nation with the most volunteers. UC Berkeley remained the all-time leader in number of Peace Corps volunteers. More than 11,000 UC alumni have served in the Peace Corps since it was founded in 1961.

President Napolitano remembered Professor Emeritus Arthur Rosenfeld, distinguished physicist at UC Berkeley and Lawrence Berkeley National Laboratory, widely considered to be the father of energy efficiency, who died in January at the age of 90 after a long and remarkable career. Thanks to advanced appliance and building energy standards, spurred in part by Professor Rosenfeld's work, California's per capita energy use had remained steady since the mid-1970s, while the rate in the rest of the nation has risen. This clear example of California's leadership in energy efficiency is known as the Rosenfeld Effect.

The meeting adjourned at 9:50 a.m.

Attest:

Secretary and Chief of Staff