

## THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

May 23, 2018

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

Members present: Regents Elliott, Guber, Kieffer, Lansing, Lemus, Makarechian, Mancina, Monge, Napolitano, Newsom, Ortiz Oakley, Park, Sherman, Tauscher, and Zettel

In attendance: Regents-designate Anderson, Graves, and Morimoto, Faculty Representatives May and White, Secretary and Chief of Staff Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Bustamante, Chief Investment Officer Bachher, Provost Brown, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President and Chief Operating Officer Nava, Executive Vice President Stobo, Vice Presidents Brown, Budil, Duckett, and Holmes-Sullivan, Chancellors Blumenthal, Christ, Gillman, Hawgood, Khosla, Leland, May, Wilcox, and Yang, and Recording Secretary McCarthy

The meeting convened at 8:40 a.m. with Chair Kieffer presiding.

### 1. PUBLIC COMMENT

Chair Kieffer 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. Susan Willats, UC Santa Cruz alumna and 32-year employee, said there was a staffing crisis at UC Santa Cruz. Over the past ten years, its students had increased 15 percent, its faculty and lecturers had increased ten percent, while its staff had decreased by 15 percent. Many staff must do the work of multiple positions, leading to missed deadlines and project delays. Staff were leaving UCSC, with a large exodus of those near retirement age. New staff struggling with high housing costs and the relentless workload were unlikely to stay for long. According to the 2017 UC Staff Workforce Profile, the average separation rate at UC systemwide was nine percent, but 14 percent at UCSC, the highest of any location. She urged the Regents to take these actions: adjust UCSC enrollment expectations so students could have adequate staff support; and adjust UCSC salary bands, currently lowest in the UC system while Santa Cruz is the third most expensive housing market in the nation relative to its cost of living. With deep sadness, Ms. Willats would leave her alma mater UCSC after 32 years to find less stressful work.
- B. Ms. Ximena Valdarrago, UC Berkeley student, spoke on behalf of the Undocumented Students Coalition, which endorsed the American Federation of State, County and Municipal Employees (AFSCME) strike. She urged the Regents

to continue to protect undocumented workers, who are a vital part of the UC community and deserve to earn living wages.

- C. Ms. Lisa Albertson, UC Berkeley transfer student and founder of the Berkeley Disabled Students group, asked the Regents to address the need for an accessible cultural community space for disabled students and require all faculty and staff to be trained in Americans with Disabilities Act accommodations.
- D. Ms. Sarah Abdeshahian, UC Berkeley student, urged the University to meet AFSCME's demands. She said that women and people of color were being paid less than their white and male co-workers for the same work. She also expressed opposition to widening pay gaps between UC executives and lower paid UC workers. She noted the value to the University of AFSCME members' work.
- E. Mr. Rigel Robinson, recent UC Berkeley graduate and UC Student Association (UCSA) university affairs chair, expressed support for AFSCME workers. He noted a recent AFSCME report's findings on UC's racial wage gap and urged the Regents to issue a formal response and a plan to address this gap.
- F. Ms. Rebecca Ora, UC Santa Cruz Ph.D. student and external vice president of the UCSC Graduate Student Association, said issues of mental health and staff attrition were prominent at UC Santa Cruz, where some undergraduates signed a statement that they did not want increases in enrollment because of overcrowding. She urged the Regents to visit the campus.
- G. Ms. Sophie Haddad, UC San Diego student and statewide board chair of the California Student Public Interest Research Group, Inc. (CALPIRG), said CALPIRG had advocated recently for protection of Pell Grant funding. CALPIRG's new voters project, the largest nonpartisan youth voter project in the nation, partners with student governments to register students to vote.
- H. Ms. Carla Arbagey, president of the Librarians Association of the University of California (LAUC), stated that at its annual assembly LAUC passed a resolution in commemoration of the 150th anniversary of the UC charter. The resolution noted that the UC Charter charged the Secretary of the Board of Regents with authority over the library of the University and the obligation to obtain contributions for its collections. The resolution presented Secretary and Chief of Staff Anne Shaw with a statement of honor and recognition of the office as founder of the UC libraries and de facto first librarian of the University of California.
- I. Ms. Eva Hagberg Fisher, UC Berkeley Ph.D. student, said she had filed a sexual harassment complaint against her graduate school advisor in March 2016. The five-month Title IX investigation concluded in November 2016 upheld almost all of her allegations. However, the professor is still employed and paid \$210,000 in salary. Ms. Hagberg Fisher participated in a Privilege and Tenure hearing during which she was asked inappropriately personal questions. When she asked for updates

about her case, she was told to stop. She hoped that no other student would have to endure her experience.

- J. Ms. Arielle Mokhtarzadeh, UCLA graduating fourth-year student and outgoing undergraduate student body president, said she had seen a great deal of anti-Semitism at UCLA and a lack of civility among many students. She thanked the Regents for their 2017 Statement of Principles Against Intolerance.
- K. Ms. Naomi Kisel, UCLA student, said she was a Christian Ukrainian-American and commented on the divisiveness of the Boycott, Divestment, and Sanctions (BDS) movement on UC campuses. The prior week she attended an informational event designed to shed light on Israeli indigenous communities, but said that event was disrupted by BDS protestors who effectively silenced panelists. She stated that BDS should not be allowed on campus as it does not allow dialogue.
- L. Ms. Brooke Kopel, incoming president of Associated Students University of California, Santa Barbara, said she had traveled to Israel and Palestine with Santa Barbara Hillel the prior summer and learned about the complexity of the Israeli-Palestinian conflict. She expressed her view that BDS perpetuates extreme polarization, making Jewish students feel unwelcome at UC. She urged the Regents to address campus climate issues.
- M. Mr. Michael Gofman, president of Associated Students of UC Davis, stated that BDS caused Jewish students to feel silenced, harassed, and threatened on campus. He expressed his view that this should not be the reality of life on campus for UC's Jewish students. He urged the Regents to oppose the BDS movement.
- N. Ms. Erin Brightwell, UC Berkeley graduate, UC speech and language pathologist, and member of the University Professional and Technical Employees Communications Workers of America, said that the University had not made an acceptable offer despite months of negotiations. She advocated for fair wage increases, and health and retirement benefits.
- O. Ms. Meghan Gebauer, UCSF registered nurse and chair of the California Nurses Association (CNA) Professional Practice Committee at UCSF, commented on the value of services provided by UC's lowest paid workers. CNA recently engaged in a sympathy strike to support their AFSCME co-workers who provide excellent care to patients, visitors, and UC students. UC demanded 60 takeaways from the CNA contract, none more offensive than the proposed new pension tier that would make significant cuts to nurses' retirement security. To settle their contract in 2013, nurses agreed to pay an additional one percent into the pension to protect and preserve it for future UC nurses. UC's proposed 401(k) opt-out and 2016 pension tier would have a negative effect on most UC nurses.
- P. Ms. Elizabeth Milos, member of the BDS movement, commented that BDS was not anti-Semitic. She said the Jewish Voice for Peace, many young Jewish students,

and major human rights organizations support BDS as a peaceful means to address the situation in Palestine. She said Judaism was not the same as Zionism.

- Q. Ms. Kathryn Lybarger, president of AFSCME Local 3299, expressed AFSCME's solidarity with UC's undocumented and disabled students. She noted that UC service workers went on strike earlier this month, supported by thousands of nurses, technicians, patients, students, alumni, and elected leaders. While the work stoppage was disruptive and inconvenient for all parties, UC's frontline workers had been left no choice. For more than a year, concerns of UC workers had fallen on deaf ears. She noted a recent study revealing gender and racial wage gaps at UC. Contracted workers receive a fraction of the pay and no benefits compared with UC workers doing the same jobs. Jobs that were once career ladders to the middle class for women and people of color were vanishing. UC had subverted the collective bargaining process by imposing contract terms on its lowest-wage workers.
- R. Mr. Michael Avant, UC San Diego employee and executive vice president of AFSCME Local 3299, commented on high executive salaries at UC and \$171 million in UC Office of the President funds that he stated had been hidden from public view. UC should live up to its ideals by insourcing jobs, having equal pay for equal work, and providing more employee training.
- S. Ms. Monica De Leon, UC Irvine Medical Center employee and vice president of AFSCME Local 3299 Patient Care Unit, said she went on strike because of increasing labor inequality and insecurity, and outsourcing of nursing jobs. She urged the University to negotiate a fair contract.
- T. Ms. Carmen Lee, UCSF shuttle driver and member of AFSCME Local 3299, commented on the high cost of living in San Francisco. She urged the University to stop outsourcing jobs and risking the safety of patients.
- U. Ms. Agnes Suarez, UCSF employee and member of AFSCME, said she went on strike to stop UC's outsourcing of jobs and to negotiate a contract that would offer a better future for UC's frontline workers.
- V. Ms. Samia Ingram, UCSF employee, said she went on strike so that she could earn enough to support her family and a good retirement package. She urged the University to return to the negotiating table with a fair contract offer.
- W. Ms. Agnes Castro, UCSF employee, said she went on strike because of short-staffing, lack of job security, wage inequality, and to gain a fair contract. She emphasized the value of UCSF's custodians' work.
- X. Mr. Edgar Perez, UCSF employee, said he had been on strike three times during his 20-year career at UCSF, and he and his co-workers would strike again if necessary.

- Y. Ms. Beezer de Martelly, member of UAW Local 2865, said that UC schools were not safe because the safety of perpetrators was prioritized over that of survivors. Students and workers have experienced cuts in vital campus resources, while tuition and housing costs increase.
- Z. Mr. David Nguyen, UCSF physician, expressed support for UC workers and AFSCME. Residents had formed their own union at UCSF, with the goal of addressing pressing needs such as the increased cost of living in San Francisco, need for improved resident well-being, and access to basic family needs like child care and paid parental leave. He expressed hope for reaching a speedy consensus.
- AA. Ms. Deborah Wood, UC Berkeley Ph.D. student and UAW member, said she was one of several women graduate students in her department who filed sexual harassment or assault complaints against the same graduate student colleague. Her case was tied up in assessment for four months, a stage which she said had no time limit. The Title IX process fails to comprehend the impact of a toxic individual on a workplace. She asked the Regents to accept the UC student workers' demands about sexual harassment and violence.
- BB. Ms. Margaret Downey, UC Berkeley graduate student, UAW unit chair and bargaining team member, urged the University to meet the UAW's bargaining demands and other unions' contract demands.
- CC. Mr. Max Lubin, UC Berkeley student and founder of Rising Immigrant Scholars through Education (RISE) California, said students had advocated with legislators for increased UC funding. He urged Regent Newsom to fund UC adequately and permanently, should he become Governor.
- DD. A student UAW member said students do not feel safe.
- EE. Ms. Victoria Solkovits, second year Jewish UCLA student, said she experienced acts such as anti-Semitic chants that made her feel unwelcome on campus. She expressed gratitude for the Regents' Principles Against Intolerance, however she noted that incidents of intolerance had continued.

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

Upon motion duly made and seconded, the minutes of the meeting of March 14, 2018 were approved.

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

Chair Kieffer congratulated Regents Anguiano, Guber, Park, and Tauscher on their State Senate confirmation. He thanked Regents Monge, Lemus, and Mancina, who were attending their last meeting as Regents, and would be formally recognized the following day.

Chair Kieffer noted the passing of former Regent and Governor George Deukmejian. In the 16 years prior to his administration, UC had lost about 33 percent of its State-funded operating budget and faculty salaries had dropped 19 percent against UC's national competition. In his first budget, Governor Deukmejian reversed that loss, the largest single-year funding increase in the University's history. Because of his support, UC was able to maintain its status as the world's preeminent public university.

Chair Kieffer expressed the Regents' sorrow in the passing of a fellow Board member and one of the University's most passionate advocates, Bonnie Reiss. The Regents would adopt a formal resolution in her honor the following day.

Chair Kieffer noted that he and Secretary Shaw were following up on items from the Regents' April retreat. Regent Anguiano would head a working group on the orientation of new and continuing Regents; that working group would include Regent Sherman, Faculty Representative May, Regent-designate Graves, Chancellor Block, Regent Emerita Joanne Kozberg, and Executive Vice President and Chief Operating Officer Nava.

At their meeting the following day, the Regents would be asked to approve the 2018-19 budget of the UC Office of the President (UCOP), which incorporated recommendations of the State Auditor. Approval of that budget was the last contingency for release of the \$50 million withheld from the State's current UC appropriation.

Regarding ongoing State budget deliberations, Chair Kieffer expressed hope that the Assembly Committee on Budget would take action this day that would parallel action by the State Senate Standing Committee on Budget and Fiscal Review. Chair Kieffer thanked UCOP State Government Relations staff and acknowledged the tremendous support of UC students in advocating for UC funding. He also thanked UC chancellors and faculty for their efforts.

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

President Napolitano also congratulated Regents Anguiano, Guber, Park, and Tauscher on their Senate confirmations, adding that they had already made significant contributions as Regents. She looked forward to working with them. She expressed sorrow for the loss of Regent Reiss, a tireless, passionate, and caring advocate for the University.

President Napolitano remarked that advocacy continued as the University built partnerships with State legislators committed to strengthening UC and expanding opportunity for Californians. Over the past few months State legislators were contacted more than 5,600 times by more than 2,500 UC advocates. She expressed special appreciation for UC students' sustained and enthusiastic advocacy and the letter sent by the Academic Senate and the UC Alumni Associations. The Council of UC Staff Assemblies had also been effective in promoting UC's advocacy campaign. In his May budget revision, Governor Brown maintained the three percent increase in UC funding he had proposed in January, but included \$100 million in one-time funding for deferred maintenance and one-time funding for some identified research projects, for which UC was

grateful. UC needed \$105 million more in permanent funding to keep resident tuition and fees flat in the next academic year and to support enrollment growth of 1,500 undergraduate and 500 graduate students, while maintaining instructional and student services. The University would continue to advocate with UC stakeholders. A number of legislators have expressed support for UC requests. UC currently educates 90,000 more students than it did in 2000 with the same level of State funding.

The number of students transferring to UC from California Community Colleges (CCCs) was steadily increasing. Collaboration with CCC faculty and administration had shown results; there were 6,000 more transfer students at UC campuses in the current year than in the fall of 2013. Transfer pathways, 21 sets of courses CCC students can complete to be competitive for admission to the most popular UC undergraduate majors, serve as a key building block. President Napolitano and CCC Chancellor and Regent Ortiz Oakley had signed a memorandum of understanding containing a framework of goals aimed at further increasing the number of CCC students transferring to UC and earning a UC degree.

President Napolitano reported that UCOP staff continued to implement recommendations of the State Auditor. She expressed her belief that UCOP had met the standards for the first-year milestone of April 2018. The independent firm Sjoberg Evashenk Consulting, which the Regents contracted, concluded that UCOP had completed all ten recommendations for year one and was complimentary of UCOP's efforts. However, the State Auditor marked only six of the recommendations as fully implemented, two as partially implemented, one as pending, and one having no action taken. UCOP was working to resolve discrepancies between the two assessments. A more detailed discussion of the differences would be held in committee later this day. The following day, the 2018-19 UCOP budget would be presented to the full Board. The budget was aligned with both best practices and the State Auditor's recommendations for its presentation. Approval of the budget was the final condition for release of the \$50 million of UC's 2017-18 appropriation that was sequestered.

President Napolitano expressed hope that UC's collective bargaining would soon be back at the table to resolve remaining issues. She expressed her belief that UC had put forward productive proposals for consideration by its union colleagues and that those proposals would lead to an agreement.

President Napolitano reported that, in oral arguments the prior week before the U.S. Court of Appeals for the Ninth Circuit, attorneys representing UC defended its lawsuit against the Trump administration for illegally ending the Deferred Action for Childhood Arrivals (DACA) program. UC was standing up for its student and staff DACA recipients and believed the Court of Appeals would uphold the well-reasoned injunction against the Trump administration's rescission of the program. By virtue of that injunction DACA renewals were being accepted currently and all eligible individuals could and should apply. As UC continued to litigate these issues, it called on Congress and the administration to work together to give DACA recipients the permanent legal status they deserve.

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

Faculty Representative White commented on faculty diversity and recounted steps taken over the years by the Academic Senate to support increasing UC's faculty diversity. He cited the benefits of a diverse faculty to UC's retention of its leadership. He cited statistics showing that progress had been made in increasing faculty diversity, but not yet enough. While UC compares well to other institutions, setting too low a bar could lead to complacency.

Faculty Representative White expressed his view that leadership at all levels should be held accountable for diversity efforts; that the effective President's Postdoctoral Fellowship Program be expanded well beyond its current 24 slots, for which there were 854 qualified applicants the prior year; and that resources be prioritized for these efforts. These efforts would depend on steady, predictable State funding.

The meeting adjourned at 10:00 a.m.

Attest:

Secretary and Chief of Staff