

# **THE REGENTS OF THE UNIVERSITY OF CALIFORNIA**

January 16, 2019

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

Members present: Regents Anderson, Anguiano, Butler, Cohen, Elliott, Estolano, Graves, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Morimoto, Napolitano, Ortiz Oakley, Park, Pérez, Sherman, Sures, Tauscher, Thurmond, and Zettel

In attendance: Regents-designate Um and Weddle, Faculty Representatives Bhavnani and May, Secretary and Chief of Staff Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Bustamante, Provost Brown, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President and Chief Operating Officer Nava, Executive Vice President Stobo, Senior Vice President Holmes, Vice Presidents Andriola, Brown, and Duckett, Chancellors Block, Blumenthal, Christ, Gillman, Hawgood, Khosla, Leland, May, Wilcox, and Yang, Interim Vice President Gullatt, and Recording Secretary Li

The meeting convened at 8:35 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. Gary Novack, Regent Emeritus and UC Professor, recommended that the Regents defer action on the UC Santa Cruz Student Housing West project (Student Housing West) because it was an inefficient use of area.
- B. Frank Zwart, UCSC Campus Architect Emeritus, called on the Regents to ask proponents of Student Housing West about the relationship between the project and the UCSC Physical Design Framework.
- C. Claudia Webster, UC Santa Barbara trustee and Santa Cruz resident, voiced support for the “necklace” model described in the 2017 Child Care Work Group report over the model proposed in Student Housing West, which did not meet current needs.
- D. Alec Webster, Chair of the UCSC Foundation, urged UCSC administrators to include Student Housing West in UCSC’s 2020 Long Range Development Plan (LRDP). The 2020 LRDP committee was currently prohibited from discussing it.

- E. Matthew Waxman, UCSC graduate and UCSC Alumni Council member, was concerned that Student Housing West did not take into account the design characteristics that harmonize the colleges with their natural environment. The short-term cost of known, viable alternatives was outweighed by the long-term cost of Student Housing West to the campus.
- F. Gail Hershatter, UCSC professor since 1991, voiced opposition to Student Housing West. She had encountered many students who were homeless or had inadequate housing and understood the rapidly growing need for housing. Student Housing West would be built on a valuable piece of land that was prone to sinkholes, and drainage would be an issue for natural habitats and nearby neighborhoods. She urged the Regents to direct UCSC back to the alternatives it had proposed in the past.
- G. Jim Clifford, retired UCSC professor and author of a book about the UCSC campus, cautioned that Student Housing West would be a reversal of over 50 years of brilliant campus design. He called on the Regents to redirect UCSC so that it considered alternatives to the East Meadow portion of the project.
- H. Catherine Cooper, UCSC professor of psychology and early childhood education expert, voiced support for the new childcare facility at Student Housing West. Childcare was crucial in retaining staff and faculty, and children at the new facility would be close to children living in staff housing and children of Westlake Elementary School.
- I. Jamie Kennerk, External Vice President of the UCLA Undergraduate Student Association Council and Vice Chair of University Affairs for University of California Student Association (UCSA), recalled that she had spoken about UCPath at the November 2018 Regents meeting. She suggested three ways that UCPath could stay student-centered: 1) the Office of the President (UCOP) should work with all students regardless of whether they were represented by a union; 2) town hall meetings and other communications should be available when students can attend; and 3) something like the Central Resource Unit at UCLA should be available at all campuses.
- J. Davon Thomas, UCSC Student Union Assembly External Vice President and UCSA Board Chair, supported making the SAT and ACT examinations optional for UC admissions, because tests were indicative of wealth, not success. He recommended using a portfolio of a student's best work instead.
- K. Ximena Valdarrago, UC Berkeley student and member of the UC Undocumented Students Coalition, encouraged Governor Newsom to increase his proposed \$1.3 million for UC undocumented students to \$2.3 million, the amount required to fully fund legal services for these students.

- L. Jackie Barshak, representative of Code Pink San Francisco, urged the Regents to divest UC investments from companies such as BlackRock that profited from war, weapons, and child detention.
- M. James Willhite, UCSC student and California Public Interest Research Group (CALPIRG) member, provided an update on CALPIRG's fall 2018 activities, which included a co-release of 100 percent clean energy commitment by all UC campuses, registering over 600 students to vote, making 500,000 "get out the vote" contacts, and signing up 12,000 new dues-paying members for a bee conservation campaign.
- N. Nicole Haynes, UC Berkeley student and CALPIRG member, stated that CALPIRG was working to pass clean transportation legislation, because transportation was California's largest contributor to greenhouse gas emissions.
- O. Natalie Wight, UC Berkeley student and CALPIRG member, stated that CALPIRG's New Voters Project registered over 2,000 new voters at UC Berkeley and provided information and guidance on voting in the 2018 midterm election. CALPIRG was working with UC administrators on automatic voter registration of eligible students and on adding more conditional voter registration sites.
- P. Ryan Olds, labor representative from the California Nurses Association, called on the University to settle labor contracts with American Federation of State, County and Municipal Employees (AFSCME) and University Professional and Technical Employees (UPTe).
- Q. Mo Kashmiri, California Nurses Association member, spoke against the inpatient rehabilitation hospital that would be a joint venture between UC Davis and Kindred Healthcare. He read a statement from a nurse working at the rehabilitation unit at UC Davis Medical Center.
- R. Sang Hea Kil, associate professor at San Jose State University and member of the executive committee of California Scholars for Academic Freedom, urged the Regents to publicly distance themselves from Canary Mission and the Diller Foundation. The California Scholars for Academic Freedom wrote to President Napolitano in October 2018 about these concerns.
- S. Zach Klieman, UCSC student and CALPIRG member, urged the University to apply for more federal funds from the Open Textbooks Pilot Program to improve access to textbooks. Mr. Klieman also expressed his solidarity with UC labor unions.
- T. Arturo Diaz, member of United Student Labor Action Coalition (USLAC), read a list of the Coalition's demands: provide livable wages and benefits to all UC workers, end racist and sexist pay inequities, stop outsourcing UC jobs and hire more full-time career workers, sever ties with federal immigration agencies, and

divest from companies complicit in the violation of Palestinian human rights. Mr. Diaz added his support for AFSCME.

- U. Viviana Santillan, member of USLAC, read further Coalition demands: stop deploying police against workers and students engaged in collective labor action, guarantee academic freedom to librarians, and satisfy the bargaining demands of all UC labor unions.
- V. Martin Giron, UC Davis student, expressed his solidarity with AFSCME and his disappointment with UC outsourcing practices. He predicted that the UC Davis Aggie Square development would lead to further outsourcing, which affected low-income communities and the families of low-income students.
- W. Rebecca Ora, External Vice President of the Graduate Student Association at UCSC, requested that the Regents consider the investigation of sexual assault complaints against UCSC professor Gopal Balakrishnan. She stated that the results of the last State audit did not adequately address sexual assault.
- X. Raquel Navarro, UC Davis student, read a list of student organizations putting forth demands for students and UC workers, including the Associated Students of the University of California (ASUC) Office of the President, ASUC Office of External Affairs Vice President, Bears for Palestine, Black Student Union, CalSERVE, and Rising Immigrant Scholars Through Education at UC Berkeley, as well as other organizations.
- Y. Kathryn Lybarger, president of AFSCME Local 3299, expressed concern about the outsourcing of UC jobs and called on the University to provide economic relief to California families.
- Z. Jasmine Tobin, certified occupational therapy assistant UC Davis Medical Center, spoke in opposition to the joint venture between UC Davis and Kindred Healthcare. She stated that at least 25 therapists, 30 nurses, and other skilled clinicians would risk losing their jobs due the joint venture. As a mother of two who has relied on UC for employment, Ms. Tobin was hoping to retire at UC. She appealed to new Regents to stop the joint venture.
- AA. Dante Gonzales, UCB student and student worker at Cal Dining at UC Berkeley, stated that many Cal Dining colleagues had lost their jobs due to outsourcing, and many workers have long commutes. He called on UC to satisfy labor union contract demands.
- BB. Teddy Lake, UC Berkeley student and ASUC Senator, stated that the University should lead by not only having a fair labor contract, but the best labor contract. Ms. Lake urged new Regents to listen to these demands and support UC workers.

- CC. Dexter Hampton, UC Davis student, claimed that most of the Regents never attended public school. He stated that Regental power had come from students and workers and called on the Regents to listen to their demands.
- DD. Citlalli Aparicio, UCSC student, expressed her solidarity with AFSCME Local 3299 and all other labor unions. Ms. Aparicio cited a list of seven demands created by UC students to meet the basic needs of students from historically marginalized communities. She called on the Regents to satisfy labor union demands.
- EE. Aidan Arasasingham, UCLA student, expressed his solidarity with AFSCME Local 3299. He invited and urged Regents to meet with students to see broken desks, dwindling food closets, poor housing conditions, the resilience of the student body, and the innovation of student leaders.
- FF. Paul Schoellhamer, UCSC alumnus, stated that opposition to the East Meadow portion of Student Housing West imperiled 3,000 beds originally set for the west side of campus. Mr. Schoellhamer called on the Regents to consider alternatives that did not build in the East Meadow.
- GG. Pedro Hernandez, UCSC student and CALPIRG member, spoke about his work as the campaign coordinator of CALPIRG's campaign to save bees, which had been dying because of pesticides and habitat loss. He and his team had promoted bee populations and pollinator curriculum to educate students, and he had also worked with UCSC to eliminate use of these pesticides. CALPIRG looked forward to making all UC campuses bee-friendly.
- HH. Serena Solorzano, UC Berkeley Student and CALPIRG communications director, spoke about CALPIRG's efforts in fighting hunger and homelessness, as well as a new campaign addressing student food insecurity. Forty-three percent of recently surveyed students reported some degree of food insecurity. CALPIRG was excited to work with administrators to achieve zero hunger for all UC students.
- II. Evan Siroky, member of Santa Cruz Yes in My Backyard (YIMBY), stated that YIMBY supported Student Housing West as it was proposed and urged expedient approval and timely construction of the project. Any delay would exacerbate the housing shortage in Santa Cruz.
- JJ. Mark J. Green, UC Berkeley student, expressed solidarity with AFSCME Local 3299 and UC workers. He highlighted the importance of UC workers to the survival of UC and asked the Regents to adopt worker demands as policy.
- KK. Eric Peterson, graduate student and instructor at UC Berkeley, stated that at least 400 workers at campuses using UCPath experienced issues with their paychecks. Student workers, who do over 50 percent of the teaching systemwide, asked the Regents to prioritize making sure that all workers are paid on time and accurately, as well as resolving any late fees incurred on tuition as a result of UCPath issues.

LL. Aidan Hill, UC Berkeley transfer student and former candidate of Berkeley City Council, voiced his opposition to building student housing at People's Park. He explained that Clark Kerr campus was originally the California Schools for the Deaf and Blind and was later converted to housing. He compared this to converting People's Park to student housing and stated that People's Park was taken from poor people of color through eminent domain.

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

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

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

Chair Kieffer wished everyone a happy new year and noted new constitutional officers, new legislators, a new budget, and a renewed sense of optimism. He welcomed newly appointed Regent Sures and stated that the Board of Regents was now at full capacity following this appointment. Chair Kieffer also welcomed Regents Kounalakis and Thurmond, and he congratulated both on their elections. He invited Regents Kounalakis and Thurmond to make remarks.

Regent Kounalakis recalled that, while meeting with Californians during her election campaign, people would frequently ask what the Lieutenant Governor actually did, and she would respond that her work would mainly be in higher education as a member of the California State University Board of Trustees and University of California Board of Regents. Regent Kounalakis shared her priorities. First, she stated that she was against tuition increases for personal and professional reasons. Regent Kounalakis' father was a refugee who worked as a farmworker before attending Sacramento State University. He paid \$62 per semester and worked as a waiter, even working on the catering staff in the Governor's Mansion. He did not graduate, but Regent Kounalakis went on to graduate from four-year college and earned her Master of Business Administration at UC Berkeley, where she paid \$2,000 per year. She noted that the same program now cost \$62,000. Regent Kounalakis' second priority was capacity. With an increasing number of college-ready high school students and President Napolitano's pathway programs from community colleges into UC campuses, there was a higher demand from students for placements at UC and a higher demand in the workforce for more educated students. UC could look into ways to increase capacity. The University of California was one of three pieces of public higher education in CA—a crown jewel of the State and a pathway to the "American Dream" and "California Dream" for millions of Californians.

Regent Thurmond recalled his election journey, career journey, and the journey of his ancestors. Public education changed Regent Thurmond's life, and he wanted to provide those same opportunities to others. As a child who subsisted on public programs and was raised by two university employees, Regent Thurmond set foot on his own university campus for the first time during a labor strike, so he understood the challenges of laborers

and students with food insecurity or who were homeless. He was deeply committed to working through those challenges because of his own experiences. It was Regent Thurmond's goal to prepare the 6 million students in California for higher education, address inequity and barriers to students, and support all systems of higher education—UC, California State University (CSU), and the community colleges. He viewed the education system as a continuum, from early education through to higher education. As a former legislator, he believed that the State of California had to make its greatest investment in UC, CSU, and the community colleges, and he intended to use his role to support higher education.

Chair Kieffer reviewed the progress of task forces and working groups. The working group reviewing the Sjoberg Evashenk ten-campus report had met and had prepared a report. An advisory group on the multi-year budget framework, comprised of Chair Kieffer and Regents Pérez, Anguiano, and Tauscher, had been meeting with President Napolitano. Regent Tauscher had chaired a working group, comprised of Regents Elliott, Graves, Makarechian, Pérez, and Sherman, on Office of the President (UCOP) salaries. There were two working groups in response to the Huron consulting report—the UC Health Advisory Committee with Regent Sherman and the UC Agricultural and Natural Resources Advisory Committee with Regent Anguiano—and both groups had completed their work and made recommendations. Chair Kieffer thanked UCOP staff for their work in these groups for the past 18 months, and he also thanked all UC faculty, staff, and workers, as well as the National Laboratories for the betterment of California. He thanked Regent Graves for recommending the establishment of the Special Committee on Basic Needs and commended the Committee's first meeting on the previous day. Regent Kieffer also previewed upcoming items: the multi-year framework and the Governor's proposed budget for 2019–20.

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

President Napolitano wished students and staff a happy, healthy, and productive 2019, welcomed new Regents, and thanked Regent Rendon for his advocacy on behalf of the University. She noted that Governor Newsom's proposed budget for 2019–20 included an increase of \$240 million of ongoing funds and an increase of \$153 million of one-time funding. The Governor also proposed ongoing funding for gun violence research, legal services for undocumented students, and more Cal Grants for students who were parents. President Napolitano voiced her appreciation for Governor Newsom's commitment to the UC system and looked forward to a continued partnership with the Governor and Legislature to increase degrees awarded and to maintain world-class academic and research quality.

President Napolitano stated that work had continued on the multi-year framework and that the Board would hear an update on the effort of produce 200,000 more degrees, shrink graduation gaps, and improve the overall graduation rate to 90 percent. The Governance and Compensation Committee would receive an update on the Sjoberg Evashenk ten-campus report. The Public Engagement and Development Committee would receive an update on the Annual Report on Sustainable Practices and the Annual Report on Private

Support. President Napolitano noted excellent progress in both efforts and emphasized the University's leadership in climate action, including achieving operational carbon neutrality by 2025. The Environmental Protection Agency named UC among national leaders in the use of clean, renewable energy for the second year. The University has more than 300 LEED-certified buildings and saved \$255 million in utility costs since 2004.

This was a record-breaking year in fundraising for UC—more than 300,000 donors gave \$2.7 billion, an increase of \$600 million from the previous year. President Napolitano noted that nearly all gifts were restricted by donors for specific purposes and did not go into UC's core operational funding. Only one percent of donor funds were unrestricted. Private philanthropy had become increasingly important to help expand UC programs.

President Napolitano also reported on the work of the Special Committee on Basic Needs. This effort was a testament to UC's commitment to affordability and accessibility.

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

Faculty Representative May began his remarks by speaking about the academic freedom to transmit information to students and the public. He noted that, within academic freedom, were the freedom of inquiry and research and the freedom of expression and publication. It was the duty of the Academic Senate to uphold these freedoms as agents of the University as specified by the Bylaws.

Mr. May addressed two issues of concern to the Academic Senate that received media coverage. In 2013, the Academic Senate adopted a policy of open access to scholarship and research, which meant the no-cost, public availability of these materials. This commitment was inherent in UC as a public institution. A Presidential Policy of open access was adopted in 2015, and UC became a leader in a global movement to change how academic work was disseminated. Open access policies had been at the core of UC negotiations with Elsevier Publishing, which had published 18 percent of academic articles by UC faculty. Large portions of library budgets had been devoted to paying site licenses at rates set by publishers. Mr. May stated that this was not an effective transmission of knowledge to the public and that open access represented the principle that knowledge should be accessible regardless of ability to pay. In open access models, payment would be made for the publication and not for reading. Though current negotiations with Elsevier would not produce this result, embedding open access principles in future contacts with publishers would ease the strain on UC libraries. The University's contract with Elsevier would expire at the end of January, and UC risked losing access to site licenses to Elsevier publications. UC librarians were working diligently to establish and publicize contingency plans if access was lost. The Academic Senate was deeply appreciative of these efforts and remained committed to open access policies.

In the world of biomedical research, faculty at UC's general and health campuses had led the world in breakthroughs on therapies for cancer, HIV, the Zika virus, and other deadly diseases. Fetal tissue had been crucial to this research, and UC faculty had continued to access fetal tissue despite increasing limits and regulation. Recently, ongoing National



Institutes of Health funding for HIV research using humanized mice was threatened, and UCSF researchers faced the possibility of having to abandon their research. These threats had violated the principles of academic freedom. Mr. May quoted President Napolitano's call to support UCSF researchers because their use of fetal tissue had been in full compliance with federal and State law, as well as with ethical standards.

Mr. May stated that the Academic Council of the Academic Senate convened a task force on standardized testing per President Napolitano's request to review the role of the SAT and ACT examinations in UC undergraduate admissions. Mr. May asked members to focus on how well current standardized testing predicted student success, evaluated fairness, and determined whether students were best served by these testing practices. Mr. May looked forward to a thoughtful and impactful report from the task force.

The meeting adjourned at 10:25 a.m.

Attest:

Secretary and Chief of Staff