

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

January 23, 2020

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

Members present: Regents Anguiano, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Lansing, Leib, Makarechian, Napolitano, Park, Pérez, Reilly, Sherman, Simmons, Um, Weddle, and Zettel

In attendance: Regents-designate Mart, Muwwakkil, and Stegura, Faculty Representatives Bhavnani and Gauvain, Secretary and Chief of Staff Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Bustamante, Provost Brown, Executive Vice President Byington, Executive Vice President and Chief Operating Officer Nava, Interim Executive Vice President and Chief Financial Officer Jenny, Senior Vice President Holmes, Vice Presidents Brown, Humiston, and Leasure, Acting Vice President Lloyd, Chancellors Block, Christ, Gillman, Hawgood, Khosla, Larive, May, Wilcox, Yang, Interim Chancellor Brostrom, and Recording Secretary Li

The meeting convened at 8:35 a.m. with Chair Pérez presiding.

1. PUBLIC COMMENT

Chair Pérez 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. Anastasia Glikshtern, San Francisco resident, called on the University to stop using herbicides that are not designated “minimum risk.” She noted herbicides’ toxicity for people and wildlife. She called for organic alternatives.
- B. Max Ventura, representative from East Bay Pesticide Alert, spoke in opposition to pesticide use at UC. East Bay Pesticide Alert has appealed to UC about pesticides for 15 years. Glyphosate was one of a list of many other pesticides used by UC.
- C. Paul Prosseda, representative from the Committee to Save People’s Park, called on the University to maintain the bathrooms at People’s Park. As manager of the Peet’s Coffee nearby, he stated that the establishment has supplemented the public bathrooms at People’s Park, which have not been maintained. Community members have maintained People’s Park bathrooms themselves.
- D. Lanakila Mangauil, protector of Mauna Kea, spoke in opposition to the Thirty Meter Telescope (TMT) project, which he regarded as a desecration to the sacred summit. Tens of thousands have risen up and blocked construction at the site. He held the Regents accountable for arrests of elders who were protesting. Mauna Kea

was conservation land that should be set aside and protected. While the State of Hawaii welcomed the TMT, the Hawaiian people did not. He called on UC to divest from this project, redirect the money to UC students instead, and to stop being a party to desecration. Protesters had submitted to the Regents a letter from the United Nations stating that this project violated the rights of indigenous people. He thanked the University for galvanizing the Hawaiian people, adding that TMT's partner in India has suggested moving the TMT project from Mauna Kea.

- E. Kelly Ryerson, California resident, called on the University to stop using pesticides and to do more to protect itself from industry influence. She was heartened by UC's progress but expressed concern about potential industry influence in smaller working groups. She warned that UC Davis was notoriously influenced by industry. She hoped that UC could institute organic landscaping systemwide.
- F. Ivar Diehl, Berkeley resident and UC Berkeley alumnus, spoke in opposition to the proposed changes to People's Park. The site was crucial to the history of the City of Berkeley and UC Berkeley, and erasing this reminder of the Reagan era would be a tragedy. People's Park was a cultural treasure worth studying and has been a homeless resource center for decades. UC should clean the bathrooms there.
- G. Aidan Hill, UCB student, spoke in opposition to the proposed changes to People's Park. Mr. Hill was a Berkeley Homeless Commissioner. He stated that People's Park was an emergency gathering site and that the loss of open areas would make disaster situations more dangerous. The trees at People's Park prevented flooding, and the site was a venue that could hold up to 300 people. Free food services were also provided there. People's Park contributed to the safety of students and alumni.
- H. Robert Byrd, student and community organizer, requested that UC have safeguards in place when engaging in fetal tissue research. DV Biologics and DaVinci Biosciences allegedly profited from selling fetal remains to laboratories. UCSF and other institutions were receiving an ongoing supply of organ tissues from healthy fetuses. There were no laws in California protecting fetuses or the survivors of abortion.
- I. Mackenzie Feldman, founder of Herbicide Free Campus, thanked the Regents for their herbicide recommendations and called for all-organic landscaping by 2025. There was a concern that banned chemicals would be replaced with even more harmful chemicals. There should be student representation on all integrated pest management committees, as well as public health specialists and doctors. UC groundskeepers should be trained by those who know how to landscape organically.
- J. Kamala O Ka 'Aina Niheu, founder of the Mauna Medic Healers Hui, spoke in opposition to the TMT project. She was a physician who cared for the Hawaiian elders who were protesting. Her family members have demonstrated, and her uncle was struck by police at a demonstration. She asked UC to use its skills and divert its resources to address the climate crisis instead. She and her family would

continue to send aloha, prayers, and love to the University even if State-sanctioned violence was perpetrated against her family. She invited UC to join the Hawaiian people in their fight for the climate and earth.

- K. Aimee Ziegler, UCB student, spoke in opposition to the proposed changes to People's Park. She stated that she was homeless and staying in People's Park after being evicted. She has set up a tent, and others have joined her in doing so. The narrative that UC is trying to help homeless people was false. The UC Police Department's raids on tents has made people sleep outside without shelter.
- L. Samir Al-Alami, UCR student, spoke in opposition to the proposed tuition increase. He thanked the Regents for modifying the vote to a discussion. The tuition increase would be a dangerous break from precedent; while he has enjoyed flat tuition, future students would be subject to higher tuition. Governor Newsom and Assemblymember Jose Medina were opposed to tuition increases. UC should work with the Legislature for more funding. Public institutions should stand for all people.

Chair Pérez stated that he has asked that the TMT discussion be brought to the full Board. Issues needed to be addressed, and a full discussion would be scheduled.

The Board recessed at 9:00 a.m.

.....
The Board reconvened at 12:00 p.m. with Chair Pérez presiding.

Members present: Regents Anguiano, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel

In attendance: Regents-designate Mart, Muwwakkil, and Stegura, Faculty Representatives Bhavnani and Gauvain, Secretary and Chief of Staff Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Bustamante, Provost Brown, Executive Vice President Byington, Executive Vice President and Chief Operating Officer Nava, Interim Executive Vice President and Chief Financial Officer Jenny, Senior Vice President Holmes, Vice Presidents Brown, Humiston, and Leasure, Acting Vice President Lloyd, Chancellors Block, Christ, Gillman, Hawgood, Khosla, Larive, May, Wilcox, Yang, Interim Chancellor Brostrom, and Recording Secretary Li

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

Upon motion duly made and seconded, the minutes of the meetings of November 14, 2019 were approved.

3. **AUTHORIZATION TO ADOPT RESOLUTION OF NECESSITY FOR PROCEEDING IN EMINENT DOMAIN ACTION, HILLCREST MEDICAL CENTER, SAN DIEGO CAMPUS**

Contingent upon approval by the Finance and Capital Strategies Committee, the President of the University recommended that the Board of Regents:

A. Adopt a Resolution of Necessity (Attachment 1) authorizing the University to file an eminent domain action to acquire the real property consisting of vacant land described on Attachment 1 (Subject Property) in order to implement the phased redevelopment of the Hillcrest Campus(Project) based on the following findings:

- (1) The public interest and necessity require the Project, which is the 2019 Long Range Development Plan, Hillcrest Campus Project;
- (2) The Project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury;
- (3) The property sought to be acquired is necessary for the Project; and
- (4) The offers to purchase the property required by Section 7267.2 of the Government Code of the State of California have been made to the owner of the real property.

B. Authorize the General Counsel or his duly authorized designee to:

- (1) Institute and conduct an action in eminent domain to acquire the Subject Property described in Attachment 2 and take such actions as he deems advisable or necessary in connection therewith; and
- (2) Obtain an order for prejudgment possession in said action and issue a warrant to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Chair Pérez briefly explained the eminent domain hearing on which the Regents were asked to vote. He asked General Counsel Robinson to explain the nature and scope of the hearing.

Mr. Robinson invited speakers to introduce themselves, including Richard Brooks, owner of the property. Mr. Robinson stated that the authority of the University to acquire property by eminent domain was found in Article IX, Section 9(f) of the California Constitution, as well as provisions in the California Code of Civil Procedure and California Education

Code. The procedure for doing so is set forth in the California Code of Civil Procedure Section 1245.235. Per the code section, the Board of Regents must issue a Resolution of Necessity following a public hearing. The Regents were to consider the following elements when making their decision: that the public interest and necessity require the proposed project; the proposed project is planned or located in a manner most compatible with the greatest public good and least private injury; the real property is necessary for the proposed project; and an offer to purchase the property for just compensation has been made. The Regents were tasked with determining whether the requirements of each of these four elements has been met. The amount of compensation for the property was not to be decided that day. An affirmative decision would authorize the General Counsel to commence court action to acquire the property by eminent domain as well as other actions specified in the item.

Mr. Robinson explained that campus representatives would make their case, and the property owner would be able to make a presentation as well. The Regents would have an opportunity to ask the campus or the property owner questions in open session, followed by time to deliberate and render a decision also in open session. The resolution must be approved by 18 Regents, two-thirds of the Regents currently in office.

Regent Um asked whether Mr. Brooks was unrepresented by choice. Mr. Brooks responded in the affirmative.

Secretary and Chief of Staff Shaw clarified that notice of the hearing was sent to the record owners of the property; there was confirmation that notice was received on December 30, 2019. The Regents received one request to be heard that was sent by Mr. Brooks.

Chair Pérez invited campus representatives to make their presentation. Jeff Graham, Executive Director of Real Estate at UC San Diego, stated that the existing UCSD Hillcrest Hospital would become noncompliant with State seismic requirements by 2030. The medical center served patients throughout the state and provided accessible, high-quality care to patients living in areas where healthcare was more limited. A new facility was considered in the Hillcrest Long Range Development Plan (LRDP) adopted by the Board in November 2019 so that the San Diego community would continue to benefit from UC research and life-saving healthcare. In preparing the Hillcrest LRDP, UCSD spent months determining ways to minimize impact to the surrounding community while providing maximum public benefit, performing extensive public engagement. The northeastern portion of the Hillcrest campus was the only area that could accommodate both existing operations and the new expansion. Construction of Phase 1 was scheduled for August 2020 in order to meet the 2030 deadline. The subject property lies where First Avenue could be widened to accommodate emergency vehicles. The campus has tried to acquire the subject property for four years. After multiple offers exceeding the appraised market value were submitted, a pre-condemnation appraisal was prepared in October 2019. Unlike a market value appraisal, which takes the most likely sales price in a range, a pre-condemnation appraisal takes the upper end price in a range. The subject property was valued at \$1.22 million. An offer was submitted to the property owner in November 2019, but the University received no response from the property owner.

Mr. Brooks confirmed that he did receive numerous offers from UC and stated that he had no objection to the project. He had a relatively good relationship with the University. He noted that other properties in the area had been sold for more than what he had been offered, which was the only reason he was contesting the eminent domain action. Mr. Brooks did not think he had been offered a fair price. The subject property was a critical part of the structure. In the last month, core samples had been taken inches away from the property, which he believed was an indication that construction was being prepared.

In response to a question from Chair Pérez, Mr. Robinson confirmed that the Regents were to make their decision based on the four elements mentioned and not the financial offer. Chair Pérez asked whether Mr. Brooks found a deficiency in any of those four elements or that the University had failed to meet the four elements that the Board was considering. The value of the offer was not an issue before the Regents. Mr. Brooks replied that comparable properties in the neighborhood have been sold for considerably more money.

Regent Sures asked when the Regents would learn more about the price of the property. Chair Pérez asked when the Regents would consider the price of the property. Mr. Robinson replied that the Regents may comment on whether they believe a bona fide offer has been made. Actual dollar amounts would be determined through further negotiation, which was possible and likely to occur, or through the court process. Chair Pérez asked whether the determination of whether the offer was bona fide is subject to California Government Code Section 7267.2. Jim Gilpin, special counsel retained by UC San Diego, replied that the question was whether a Government Code-compliant offer was made. According to the statute, the University must appraise the property, determine its fair market value, and offer that value to the owner. That has been done in this case.

Regent Estolano noted that a report submitted to the Regents indicated that an offer was made and how much more than the appraised value the offer was. In her estimation, this was a bona fide offer. MDS Realty Advisors was the outside consultant who conducted the appraisal, and the Finance and Capital Strategies Committee considered the offer carefully. She encouraged Mr. Brooks to speak with UC staff to arrive at a conclusion. She believed that it could be an amicable discussion. The Regents were trying to decide whether the University needed to acquire this property. The acquisition would be for a good public purpose; UC must provide a healthcare facility, and its existing facility would be out of seismic compliance. The location was determined after careful analysis. The question about the value of the subject property could be resolved in negotiations or by a judge. Regent Estolano believed that the University has been more than fair in its assessment and noted that Mr. Brooks did not object to the University's need to acquire the property.

Regent Zettel thanked Mr. Brooks for appearing before the Regents and for his desire that the University should have the property. She stated that, having read the appraisal and knowing the property values in the area, she found the amount to be fair. Other properties appraised at a higher value had greater square footage.

Regent Butler asked whether notice was given by regular mail to Mr. Brooks on November 7, 2019. Ms. Shaw replied that notice was given by regular mail, certified mail,

and personal service. Mr. Robinson stated that UC provided whatever notice was required by statute and were directed to do so by special counsel. Regent Butler was concerned about the time it would take to consider such an offer.

Chair Pérez reminded the Board that this was a very specific type of proceeding. The Regents must consider whether notice was given in accordance with the law, and the Secretary and Chief of Staff to the Regents had asserted compliance. The Board had reviewed the four elements being considered. Mr. Robinson stated that Mr. Brooks wished to make some comments.

Mr. Brooks stated that he had no objection to the University acquiring the property and believed that it was a necessity. He only had a problem with the price. Other properties nearby have sold for double the amount he was offered. He was retired but used to work in the construction industry. UC purchased another property at a higher price, and it would be converted into a parking lot. His property would be the location of a building. The two properties were very close to each other. He did not believe this was fair.

Chair Pérez asked whether the parties could still negotiate the offer price after the Regents adopt the Resolution of Necessity. Mr. Robinson responded in the affirmative.

Regent Leib stated that, upon review, he was satisfied with the answers to the four questions being asked.

Chair Pérez thanked Mr. Brooks for his ongoing partnership with the University. The Regents hoped that this was not the end of the conversation.

Upon motion duly made and seconded, the Board adopted the Resolution of Necessity, with Regents Anguiano, Cohen, Elliott, Estolano, Guber, Kieffer, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel voting “aye” and Regent Butler abstaining.

The Board recessed at 12:20 p.m.

.....
The Board reconvened at 1:05 p.m. with Chair Pérez presiding.

Members present: Regents Anguiano, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel

In attendance: Regents-designate Mart, Muwakkil, and Stegura, Faculty Representatives Bhavnani and Gauvain, Secretary and Chief of Staff Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Bustamante, Provost Brown, Executive Vice President Byington, Executive Vice President and Chief Operating Officer Nava, Interim Executive Vice President and Chief Financial Officer Jenny, Senior Vice President Holmes, Vice Presidents Brown, Humiston, and Leasure, Acting Vice President Lloyd, Chancellors

Block, Christ, Gillman, Hawgood, Khosla, Larive, May, Wilcox, Yang,
Interim Chancellor Brostrom, and Recording Secretary Li

4. **STATE OF TITLE IX**

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Systemwide Title IX Director Suzanne Taylor stated that most UC employees are drawn to the University because of its mission and core values. Sexual harassment interferes with UC's mission and values. In addition to Campus Advocacy, Resources, and Education (CARE), Title IX officers have partnered with many other campus offices, which are also critical to UC's overall efforts to prevent, detect, and respond to sexual harassment.

Systemwide Title IX Deputy Director Kendra Fox-Davis stated that Title IX, part of the Education Amendments of 1972, prohibits discrimination on the basis of sex in any federally funded education program or activity. UC must comply with Title IX and other relevant State and federal laws prohibiting sex and gender discrimination and harassment. UC has worked to strengthen its prevention and response for the past six years. In 2014, President Napolitano established the President's Task Force on Preventing and Responding to Sexual Violence and Sexual Assault, with representation from Regents, students, faculty, campus Title IX officers, and others. All ten campuses already had sexual violence and sexual harassment (SVSH) policies in place at the time. The task force was meant to review and improve efforts, as well as ensure that UC employed an innovative, evidence-based, and consistent practice systemwide. The task force issued eight recommendations in 2015, including mandatory, comprehensive SVSH training; CARE offices with advocates on every campus; and a respondent services coordinator on every campus. Every campus has adopted a two-team response model. In this model, partners convened regularly to coordinate responses to individual SVSH cases, and a coordinated community review team convened regularly to focus on community relations and policy initiatives. Both teams' work was trauma-informed and provided standardized information, resources, and support to students, faculty, and staff. A systemwide website was created for access to campus-level information and provided a model for campuses to customize. In 2016, UC issued a systemwide SVSH policy with consistent definitions of prohibited behavior, set obligations, and delineated the authority of Title IX coordinators. New systemwide procedures were established for investigating and deciding cases with student respondents and later for faculty and staff. In 2017, the systemwide Title IX office was established to improve the implementation of SVSH policy and support Title IX offices on all campuses, the Lawrence Berkeley National Laboratory, Agriculture and Natural Resources, and the Office of the President (UCOP). The systemwide office provides education and training, as well as federal and State advocacy. In 2017, a systemwide peer review committee was established to review sanctions related to SVSH cases involving senior UC leaders. Similar committees at the campus level advised chancellors on SVSH complaints involving faculty. In 2018, a student advisory board was established in partnership with UCOP Student Affairs. It served as a liaison between the student community and the systemwide Title IX office. The office was very excited about the expertise, experience, and perspective

brought by students.

Ms. Taylor shared the systemwide Title IX office's recent highest-priority work. The office began revising the systemwide SVSH policy in spring 2018 and issued the revised policy in July 2019. The revised policy included changes required by the U.S. Department of Education's Office for Civil Rights and provisions recommended by the State Auditor. It also reflected input gathered from stakeholders. The State Auditor issued a June 2018 report with 32 recommendations, which resulted in changes to the SVSH policy; development of a strategic plan for the systemwide Title IX office; changes to the framework for resolving complaints against faculty and staff; and the creation of detailed guidelines. The State Auditor noted that student complaints have increased significantly since the SVSH policy was put in place in 2016, a demonstration of better training, student outreach, and improved reporting. These were both campus and systemwide efforts. In January 2019, a California appellate court held that colleges and universities must hold live hearings for certain sexual misconduct allegations against students. UC was using an investigative model rather than a hearing model at the time. The student framework had to be revised to comply with the ruling, and a new policy was issued in July 2019. In November 2018, the U.S. Department of Education (DOE) proposed new Title IX regulations. UC was concerned about the proposed rules and has responded strongly. Ms. Taylor has met with representatives from the DOE in 2018 and was scheduled to meet with them again. UC submitted a detailed comment letter signed by President Napolitano and Ms. Taylor. President Napolitano has written an opinion piece on the topic that was published in the *Washington Post*. Students were concerned about how the proposed federal regulations would affect UC policy, and the systemwide Title IX office made efforts to clarify the situation. Ms. Taylor anticipated finalized regulations at any moment. In response to SVSH allegations in the clinical context, President Napolitano has formed a working group and was developing a Presidential Policy. Interim guidelines were issued by UCOP last month. Local Title IX offices and their partners must be adequately resourced in order for these changes and efforts to take place.

UC Santa Cruz Title IX Officer Isabel Dees stated that there was increased attention and scrutiny on SVSH work, as well as an increase in the number and complexity of incidents reported. Campus offices were challenged to be compliant with law and policy while being consistent with community values and UC's educational mission. Complainants and respondents often remain in or return to the community. Respondents who are excluded from the academic community return to the community at large. Campus Title IX offices strived to do least harm and hold all community members in the highest regard to ensure fairness and commitment to due process. These offices had dedicated professionals who were subject matter experts, but the work was a shared community responsibility. Ms. Dees acknowledged the leadership of Chancellor Larive and Interim Executive Vice Chancellor Lori Kletzer. Strategic investment helped UCSC comply with policy requirements. Community members have been invited as partners and experts. Ms. Dees hoped to see President Napolitano's commitment in the next UC President as well. She underscored the importance of robust campus partnerships with CARE, the UC Police Department (UCPD), and others, and noted the campus initiative Beyond Compliance. These partnerships have ensured that SVSH work is done in and by the community and have helped the campus

Title IX office maintain neutrality. She was grateful for the courage of those who reported their experiences and those who participated in the adjudication process.

UC Riverside CARE Director and Advocate Karla Aguilar noted that CARE offices were providing services before the President's task force was established. CARE advocates have committed to their life's work and research to SVSH prevention and supporting survivors. CARE advocates have worked to support UC's mission and create an environment where staff, students, and faculty can thrive. CARE offices were confidential and independent, and they provided comprehensive and systemic support. They partnered with academic departments, student affairs, compliance offices, human resources, UCPD, nonprofit organizations, and local government agencies. CARE offices developed trauma-informed policies and systems that support survivors. Advocates were available 24 hours per day and seven days per week. The number of people seeking support from CARE offices have grown as a result of the national "Me Too" movement and following the establishment of President Napolitano's task force. CARE offices have tried to mitigate the impact of high caseloads on staff retention and hoped to continue to serve campuses with investment and support from campus and UC leadership. CARE collaborated with subject matter experts, leadership, and student groups to develop ongoing education, interdisciplinary projects, prevention strategies, and toolkits. Primary prevention efforts have led to real institutional change at UC Riverside. CARE offices varied by campus based on need and culture. With increased student enrollment, change in the SVSH landscape, and an increased for services, campuses must continue to invest in primary prevention efforts.

Ms. Taylor stated that SVSH work required expertise, resources, and compassion. UC was fortunate to have dedicated advocates and partners. Ms. Taylor thanked them and the Board for their shared commitment.

Regent Weddle noted that President Napolitano has asked for an assessment of CARE resources and commented that UC must act quickly once gaps in resources are identified. She asked how Title IX offices ensured that non-Title IX staff who are part of the adjudication process are trained properly. Ms. Taylor replied that the systemwide training has reached many people involved in SVSH work. Ms. Dees added that UCSC has annual and quarterly training, as well as "just in time" training in anticipation of an upcoming matter. Ms. Aguilar stated that training was important not just for those involved in the adjudication process, because research has changed not only how SVSH is understood but also how relationship violence and stalking are understood.

Regent Weddle asked how UC could improve consistency and transparency in its SVSH data collection. Ms. Taylor replied that that systemwide Title IX office has adopted internal protocols on data use, refined data metrics, and issued guidelines to campus Title IX offices on data collection and use. The systemwide office has also hired a data analyst and was implementing a case management system for use at all the campus offices.

Regent-designate Muwwakkil asked how the increase in SVSH reports might be interpreted. Ms. Taylor stated that education efforts have encouraged more people to come forward. Better reporting obligations has provided Title IX offices more notice of possible

SVSH allegations and better opportunities to reach out to students who might have been harmed. Ms. Aguilar added that there were survivors who did not want to report to a Title IX office or the police but still sought services and support in order to succeed on campus.

Regent-designate Stegura asked about ongoing services for survivors when trauma does not always appear right away and mental health services are already burdened. Ms. Aguilar replied that CARE Advocates provided those ongoing services. People were more likely to succeed if they have someone they can visit continuously. Advocates have provided survivors with support years after the initial incident and have coordinated with other service providers in order to be the single point of contact.

Regent Simmons asked how the systemwide Title IX office was working with campuses to normalize the culture of reporting, what research was needed, and what was being done to making reporting a more organic experience. Ms. Dees stated that there was a national cultural moment acknowledging the impact SVSH had on communities and economies. Title IX represented an equity and educational entitlement. Regarding SVSH work as ensuring full access and preventing disparate impact connects it to UC's educational mission. Title IX offices are more likely to be consulted if they are viewed as a part of the community. Being responsive to the community required community involvement. Ms. Aguilar stated that the University had public health and social work expertise in its faculty. A campus culture task force at UCR was addressing these issues.

Faculty Representative Bhavnani asked how Title IX offices dealt with the moral panic surrounding SVSH and how it address racial dynamics. Ms. Taylor replied that respondents were not guilty because they were not subject to a criminal inquiry. The Title IX process allowed for a neutral, impartial investigation followed by a determination and consequences. Balancing the rights of the respondent and complainant was prioritized. With regard to race, Title IX offices did not wish to replicate what was happening in the criminal justice system and gather information about race to inform their process, such as who sought services and who was found responsible.

Chair Pérez thanked the speakers and asked them to share any additional thoughts with the Board. He invited them to return to make another presentation in the future.

5. FACULTY RECRUITMENT, RETENTION, AND DIVERSITY

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

This item was not discussed.

6. COMMITTEE REPORTS INCLUDING APPROVAL OF RECOMMENDATIONS FROM COMMITTEES

Chair Pérez stated that Chairs of Committees that met the prior day and off-cycle would deliver reports on recommended actions and items discussed, providing an opportunity for

Regents who did not attend a particular meeting to ask questions.

Report of the Academic and Student Affairs Committee

The Committee presented the following from its meeting of January 22, 2020. The Committee considered one action item and two discussion items:

A. *Exploring the Freshman Pipeline to the University of California*

This item was not summarized.

B. *Graduate Education and the California Economy*

This item was not summarized.

C. *Approval of Revised Professional Degree Supplemental Tuition Schedules for Six Graduate Professional Degree Programs and Professional Degree Supplemental Tuition for Four Graduate Professional Degree Programs*

The Committee recommended the approval of the revised Professional Degree Supplemental Tuition (PDST) fee schedules for the six business and law programs as shown in Display 1A, and the multi-year plans for charging PDST for four graduate professional degree programs as shown in Display 1B.

DISPLAY 1A: Revised Professional Degree Supplemental Tuition Levels¹ for Two Business and Four Law Programs

	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>
Business				
UC Irvine				
Resident PDST Level	\$28,929 ²	\$29,508	\$30,099	\$30,702
Nonresident PDST Level	\$25,629	\$27,219	\$28,908	\$30,702
UC San Diego				
Resident PDST Level	\$34,965 ²	\$34,965	\$34,965	\$34,965
Nonresident PDST Level	\$27,324	\$29,511	\$31,872	\$34,965
Law				
UC Berkeley				
Resident PDST Level	\$40,636 ²	\$42,668	\$44,800	\$47,040
Nonresident PDST Level	\$31,050 ²	\$35,708	\$41,064	\$47,222
UC Davis				
Resident PDST Level	\$36,966 ²	\$38,072	\$39,214	\$40,390
Nonresident PDST Level	\$34,700	\$36,770	\$38,970	\$40,390
UC Irvine				
Resident PDST Level	\$36,696 ²	\$39,448	\$42,406	\$45,586
Nonresident PDST Level	\$30,050 ²	\$34,530	\$39,678	\$45,586
UCLA³				
Resident PDST Level	\$36,696 ²	\$38,532		
Nonresident PDST Level	\$30,050 ²	\$34,558		

¹ The amounts reflect the maximum PDST levels to be assessed, effective as of the academic year (AY) indicated. Assessing PDST levels less than the level indicated requires approval by the President with the concurrence of the Chancellor. PDST levels may be assessed beyond the period covering the program's approved multi-year plan but not in excess of the maximum levels specified in the final year.

² This is an approved PDST level. PDST levels were approved at the March 2019 meeting when the Regents approved the

multi-year plan and the maximum PDST levels of the first two years of this program's plan, AY 2019-20 and 2020-21. This approval was contingent upon the program returning with revised PDST levels that address the gap in PDST levels between resident and nonresident students. Programs may begin to address the gap as soon as AY 2020-21, year two of their multi-year plan.

³ The UCLA Law program submitted a three-year plan for approval at the March 2019 meeting. The program begins to close the gap between resident and nonresident PDST levels in the third year of its plan, AY 2021-22, and intends to close the gap completely by AY 2023-24 as a part of its next PDST multi-year plan submission.

DISPLAY 1B: Proposed Professional Degree Supplemental Tuition Levels¹ for Four Programs

	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>
Environmental Data Science, UC Santa Barbara					
Resident PDST Level	\$19,998	\$19,998	\$20,598	\$21,216	\$21,855
Nonresident PDST Level	\$19,998	\$19,998	\$20,598	\$21,216	\$21,855
Environmental Science and Management, UC Santa Barbara					
Resident PDST Level	\$9,999	\$10,299	\$10,608	\$10,926	\$11,256
Nonresident PDST Level	\$9,999	\$10,299	\$10,608	\$10,926	\$11,256
Genetic Counseling, UCLA					
Resident PDST Level	\$18,000	\$18,900	\$19,845	\$20,838	\$21,879
Nonresident PDST Level	\$18,000	\$18,900	\$19,845	\$20,838	\$21,879
Human-Computer Interaction, UC Santa Cruz					
Resident PDST Level	\$20,886	\$21,984	\$23,139	\$24,294	\$25,509
Nonresident PDST Level	\$20,886	\$21,984	\$23,139	\$24,294	\$25,509

¹ The amounts reflect the maximum PDST levels to be assessed, effective as of the academic year indicated. Assessing PDST levels less than the level indicated requires approval by the President with the concurrence of the Chancellor. PDST levels may be assessed beyond the period covering the program's approved multi-year plan but not in excess of the maximum levels specified in the final year.

Upon motion of Regent Anguiano duly seconded, the recommendation of the Academic and Student Affairs Committee was approved.

Report of the Compliance and Audit Committee

The Committee presented the following from its meeting of January 23, 2020. The Committee considered two discussion items:

A. ***University of California Herbicide Task Force Report and Recommendations***

This item was not summarized.

B. ***Report on Independent Assessment of Audit Implementation Status***

This item was not summarized.

Report of the Finance and Capital Strategies Committee

The Committee presented the following from its meeting of January 22, 2020. The Committee considered two action items, four discussion items, and three information items:

A. ***Consent Agenda:***

(1) ***Approval of Preliminary Plans Funding, College of Chemistry Expansion Building, Berkeley Campus***

The Committee recommended that the 2019–20 Budget for Capital Improvements and the Capital Improvement Program be amended to include the following project:

Berkeley: College of Chemistry Expansion Building – preliminary plans – \$3,199,000 to be funded with campus funds.

(2) ***Approval of Preliminary Plans Funding, School of Medicine Education Building II, Riverside Campus***

The Committee recommended that:

- a. The 2019–20 Budget for Capital Improvements and the Capital Improvement Program be amended to include the following project:

Riverside: School of Medicine Education Building II – preliminary plans – \$6.4 million to be funded from external financing supported by State General Funds.

- b. The President shall be authorized to obtain external financing not to exceed \$6.4 million, plus additional related financing costs. The President shall require that:

(i) The primary source of repayment shall be from State General Fund appropriations, pursuant to the Education Code Section 92493 et seq. Should State General Fund appropriation funds not be available, the President shall have the authority to use any legally available funds to make debt service payments.

(ii) The general credit of the Regents shall not be pledged.

(3) ***Conforming Amendments to the 2019–20 and 2020–21 Budgets for State Capital Improvements***

The Committee recommended that:

- a. The amended 2019–20 Budget for State Capital Improvements be approved as shown below:

		State General Funds Financed (\$000s)		
		Approved Budget Nov 2018	Proposed Change	Proposed Budget Jan 2020
Berkeley	University Hall Seismic Safety Improvements	\$6,050		\$6,050
Irvine	Student Wellness & Success Center	\$13,000		\$13,000
Riverside	Pierce Hall Interiors	\$13,000		\$13,000
Riverside	School of Medicine Education Building II		\$6,400	\$6,400
Santa Barbara	Classroom Building	\$79,787		\$79,787
Santa Cruz	Kresge College Academic	\$47,200		\$47,200
Division of Agriculture and Natural Resources	Facilities Renewal and Improvements	\$19,237		\$19,237
Capital Projects Total		\$178,274	\$6,400	\$184,674
2019-20 Systemwide State Deferred Maintenance Program		\$35,000		\$35,000
TOTAL STATE FUNDS FINANCED		\$213,274	\$6,400	\$219,674

- b. The amended 2020–21 Budget for State Capital Improvements be approved as shown below:

		State General Funds Financed (\$000s)		
		Approved Budget Sept 2019	Proposed Change	Proposed Budget Jan 2020
Los Angeles	Public Affairs Building Seismic Improvements	\$25,000		\$25,000
Riverside	School of Medicine Education Building II	\$100,000	(\$6,400)	\$93,600
Systemwide	UC Center in Sacramento	\$11,400		\$11,400
Systemwide	2020-21 UC Seismic Program Supported by State Resources	\$300,000		\$300,000
Systemwide	2020-21 Planning for Future State Capital Outlay	\$80,000		\$80,000
Capital Projects Total		\$516,400	(\$6,400)	\$510,000
2020-21 Systemwide State Deferred Maintenance Program		\$35,000		\$35,000
TOTAL STATE FUNDS FINANCED		\$551,400	(\$6,400)	\$545,000

- (4) ***Approval of Design Following Action Pursuant to the California Environmental Quality Act, Biological and Environmental Program Integration Center Project, Lawrence Berkeley National Laboratory***

Following review and consideration of the environmental consequences of the Biological and Environmental Program Integration Center, as required by the California Environmental Quality Act (CEQA), including any

written information addressing this item received by the Office of the Secretary and Chief of Staff to the Regents no less than 24 hours in advance of the beginning of this Regents meeting, testimony or written materials presented to the Regents during the scheduled public comment period, and the item presentation, the Committee recommended that the Regents:

- a. Following review and consideration of the previously certified Lawrence Berkeley National Laboratory (LBNL) 2006 Long Range Development Plan (LRDP) Environmental Impact Report (EIR), as supplemented, of which the Biological and Environmental Program Integration Center is a part, determine that no further environmental analysis pursuant to CEQA is required and adopt CEQA Findings for the Biological and Environmental Program Integration Center.
- b. Make a condition of approval the implementation of applicable mitigation measures within the responsibility and jurisdiction of LBNL, as identified in the Mitigation Monitoring and Reporting Program adopted in connection with the 2006 LRDP EIR.
- c. Approve the design of the Biological and Environmental Program Integration Center, Lawrence Berkeley National Laboratory.

B. *Authorization to Adopt Resolution of Necessity for Proceedings in Eminent Domain Action Hillcrest Medical Center, San Diego Campus*

The Committee recommended that the Regents:

- (1) Adopt a Resolution of Necessity authorizing the University to file an eminent domain action to acquire approximately 5,432 square feet of vacant land located at the terminus of First Avenue in the City of San Diego, County of San Diego, California (Assessor's Parcel No. 444-302-19) (Subject Property) in order to implement the phased redevelopment of the Hillcrest Campus (Project) based on the following findings:
 - a. The public interest and necessity require the Project, which is the 2019 Long Range Development Plan, Hillcrest Campus Project;
 - b. The Project is planned and located in a manner which will be most compatible with the greatest public good and the least private injury;
 - c. The property sought to be acquired is necessary for the Project; and
 - d. The offers to purchase the property required by Section 7267.2 of the Government Code of the State of California have been made to the owner of the real property.

- (2) Authorize the General Counsel or his duly authorized designee to:
- a. Institute and conduct an action in eminent domain to acquire the Subject Property and take such actions as he deems advisable or necessary in connection therewith; and
 - b. Obtain an order for prejudgment possession in said action and issue a warrant to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.

C. ***Update on the University's Seismic Safety Program***

This item was not summarized.

D. ***Integrated Capital Asset Management Program***

This item was not summarized.

E. ***Irvine Campus Medical Complex and Amendment of Scope and Budget, Center for Child Health/Medical Office Building, Irvine Campus***

This item was not summarized.

F. ***People's Park Housing, Berkeley Campus***

This item was not summarized.

G. ***Gateway Student Housing Project, Berkeley Campus***

This item was not summarized.

H. ***Mission Bay East Campus Phase 2 (Block 34) Clinical Building and Parking Garage, San Francisco Campus***

This item was not summarized.

I. ***Overview of UCPath Benefits***

This item was not summarized.

Upon motion of Regent Makarechian duly seconded, the recommendations of the Finance and Capital Strategies Committee were approved.

Governance Committee

The Committee presented the following from its meeting of January 23, 2020. The Committee considered four action items:

A. ***Approval of Market-Based Salary Adjustment for Catherine Koshland as Vice Chancellor – Undergraduate Education, Berkeley Campus, as Discussed in Closed Session***

The Committee recommended the approval of the following items in connection with the market-based salary adjustment for Catherine Koshland as Vice Chancellor – Undergraduate Education, Berkeley campus:

- (1) Per policy, a market-based salary adjustment of 11.7 percent, increasing Catherine Koshland's annual base salary from \$295,368 to \$330,000, as Vice Chancellor – Undergraduate Education, Berkeley campus, at 100 percent time.
- (2) Continuation of standard pension and health and welfare benefits and standard senior management benefits, including continuation of eligibility for senior management life insurance and executive salary continuation for disability (eligible and vested as a result of five or more consecutive years of Senior Management Group service).
- (3) Continued eligibility to participate in the UC Employee Housing Assistance Program, subject to all applicable program requirements.
- (4) Continued eligibility to accrue sabbatical credits as a member of the tenured faculty, consistent with academic personnel policy.
- (5) Ms. Koshland will continue to comply with the applicable Outside Professional Activities (OPA) policy and reporting requirements.
- (6) This action will be effective January 1, 2020.

B. ***Market-Based Salary Adjustment for Virginia Steel as University Librarian, Los Angeles Campus***

The Committee recommended the approval of the following items in connection with the market-based salary adjustment for Virginia Steel, University Librarian, Los Angeles campus:

- (1) Per policy, a market-based salary adjustment of six percent, increasing Virginia Steel's base salary from \$292,065 to \$309,589, as University Librarian, Los Angeles campus, at 100 percent time. This will be funded partially or fully by State funds.

- (2) Per policy, continuation of standard pension and health and welfare benefits and standard senior management benefits, including continuation of eligibility for senior management life insurance and executive salary continuation for disability (eligible and vested as a result of five or more consecutive years of Senior Management Group service).
- (3) Per policy, continuation of a monthly contribution to the Senior Management Supplemental Benefit Program.
- (4) Per policy, continued eligibility to participate in the UC Employee Housing Assistance Program, subject to all program requirements.
- (5) Ms. Steel will continue to comply with the applicable Outside Professional Activities (OPA) policy and reporting requirements.
- (6) This action will be effective January 1, 2020.

C. ***Retroactive Approval of Payment of Temporary Housing for Drew Calandrella, Interim Vice Chancellor – Student Affairs, San Diego Campus***

The Committee recommended retroactive approval for the payment of temporary housing costs of \$17,414.53 for Drew Calandrella, former Interim Vice Chancellor – Student Affairs, San Diego campus, as an exception to policy.

D. ***Consent Agenda:***

Correction to Approval of Incentive Compensation Using Non-State Funds for Fiscal Year 2018–19 for Jagdeep Singh Bachher as Chief Investment Officer and Vice President – Investments, Office of the President

The Committee recommended approval of a correction of an administrative error in the Recommendation Section of the approved September 2019 action, *Incentive Compensation Using Non-State Funds for Fiscal Year 2018–19 for Jagdeep Singh Bachher as Chief Investment Officer and Vice President – Investments, Office of the President*, as follows:

Additions shown by underscoring; deletions shown by strikethrough

Recommended Compensation

Effective Date: upon Regents' approval

Base Salary at the end of the 2018–19 Plan Year: \$672,036

AIP Award: \$1,037,933 (154.446 percent of base salary at the end of the 2018-19 Plan Year)

Base Salary at the end of the 2018–19 Plan Year Plus Recommended AIP Award: ~~\$672,036~~ \$1,709,969

Funding: non-State-funded

Prior Year Data (2017-18 Plan Year)**Effective Date:** upon Regents' approval (January 17, 2019)**Base Salary at the end of the 2017–18 Plan Year:** \$652,454**AIP Award:** \$480,985 (75.252 percent of base salary at the end of the 2017-18 Plan Year)**Base Salary at the end of the 2017–18 Plan Year Plus Recommended AIP Award:** \$1,143,439**Funding:** non-State-funded

The incentive compensation described above shall constitute the University's total commitment regarding incentive compensation until modified by the Regents or the President, as applicable under Regents policy, and shall supersede all previous oral and written commitments. Compensation recommendations and final actions will be released to the public as required in accordance with the standard procedures of the Board of Regents.

Upon motion of Chair Pérez duly seconded, the recommendations of the Governance Committee were approved.

Report of the Health Services Committee

The Committee presented the following from its meeting of December 10, 2019. The Committee considered three action items and five discussion items:

A. ***Introductory Comments of the Executive Vice President – UC Health: Background, Perspectives, and Next Steps***

This item was not summarized.

B. ***Extension of Appointment of and Compensation for Bradley Simmons as Interim Chief Executive Officer, UC Davis Medical Center, Davis Campus, in Addition to his Existing Appointment as Chief Operating Officer, UC Davis Medical Center, Davis Campus***

This item was not summarized.

C. ***Proposed Request for the New Hospital at UCSF Helen Diller Medical Center at Parnassus Heights Program, San Francisco Campus***

This item was not summarized.

D. ***Proposed Request for the UCSF Mission Bay Block 34 Clinical Building, San Francisco Campus***

This item was not summarized.

E. ***Update on the UC Health Working Group on Clinical Quality, Population***

Health, and Risk Management and Brief Remarks Regarding Reductions in Unplanned Admissions at UC Medical Centers

This item was not summarized.

- F. ***Speaker Series – How UC San Diego Saved a Faculty Member and Launched the First Dedicated Phage Therapy Center in North America***

This item was not summarized.

- G. ***Collaborating with California Counties to Enhance Student and Community Mental Health***

This item was not summarized.

- H. ***Behavioral Health Collaboration, San Diego Campus***

This item was not summarized.

Report of the Investments Committee

The Committee presented the following from its meeting of January 21, 2020. The Committee considered one discussion item:

Update on Asset Classes and Investment Products

This item was not summarized.

Report of the National Laboratories Committee

The Committee presented the following from its meeting of January 22, 2020. The Committee considered one action item and two discussion items:

- A. ***Annual Report on Fiscal Year 2019 National Laboratory Performance Ratings***

This item was not summarized.

- B. ***Update on Accelerating Therapeutics for Opportunities in Medicine***

This item was not summarized.

- C. ***Approval of Use of Capital and Campus Opportunity Fund Monies for Southern California Hub Pilot Program***

The Committee recommended that the President of the University or her delegate be authorized to expend up to \$500,000 of Capital and Campus Opportunity Fund funds to support the Southern California Hub pilot program.

Upon motion of Regent Zettel duly seconded, the recommendation of the National Laboratories Committee was approved.

Report of the Public Engagement and Development Committee

The Committee presented the following from its meeting of January 23, 2020. The Committee considered two discussion items:

A. ***Annual Report on Sustainable Practices***

This item was not summarized.

B. ***Discussion of Fundraising Strategies***

This item was not summarized.

Report of the Special Committee on Basic Needs

The Special Committee presented the following from its meeting of January 21, 2020. The Committee considered three discussion items:

A. ***Approaches to Supporting the Basic Needs of Parenting Students***

This item was not summarized.

B. ***Pre-College Basic Needs Outreach and Preparation***

This item was not summarized.

C. ***Update on Exploring Housing Insecurity Among University of California Students***

This item was not summarized.

Report of the Special Committee to Consider the Selection of a President

The Special Committee met on October 31, November 6, and December 13, 2019, as well as January 14 and January 16, 2020. Several of these meetings included town halls on various campuses. The Committee received feedback from advisory groups and members of the public.

7. REPORT OF INTERIM, CONCURRENCE AND COMMITTEE ACTIONS

Secretary and Chief of Staff Shaw reported that, in accordance with authority previously delegated by the Regents, action was taken on routine or emergency matters as follows:

Approvals under Health Services Committee Authority

A. At its December 10, 2019 meeting, the Health Services Committee approved the following:

- (1) ***Extension of Appointment of and Compensation for Bradley Simmons as Interim Chief Executive Officer, UC Davis Medical Center in Addition to his Existing Appointment as Chief Operating Officer, UC Davis Medical Center, Davis Campus***

The following items in connection with the extension of the appointment of and compensation for Bradley Simmons as Interim Chief Executive Officer, UC Davis Medical Center, Davis campus, in addition to his existing appointment as Chief Operating Officer, UC Davis Medical Center, Davis campus:

- a. As an exception to policy, extension of the appointment of Bradley Simmons as Interim Chief Executive Officer, UC Davis Medical Center, Davis campus, effective retroactively from October 1, 2019 through June 30, 2020 or until the appointment of a new Chief Executive Officer, UC Davis Medical Center, Davis campus, whichever occurs first.
- b. Per policy, continued appointment of Bradley Simmons as Chief Operating Officer, UC Davis Medical Center, Davis campus.
- c. Per policy, an annual base salary of \$753,984 during the extended appointment as Interim Chief Executive Officer, UC Davis Medical Center, Davis campus. At the conclusion of the extended interim appointment, Mr. Simmons's annual base salary will revert to his base salary in effect as of September 30, 2018 (\$592,250) plus any adjustments made under the UC Davis salary program during the initial and extended interim appointment periods.
- d. Per policy, continued eligibility to participate in the Short Term Incentive (STI) component of the Clinical Enterprise Management Recognition Plan (CEMRP), at the Chief Operating Officer position level with a target award of 15 percent of base salary (\$113,097) during the extended interim appointment and a maximum potential award of 25 percent of base salary (\$188,496) during the extended interim appointment, subject to all applicable plan requirements and

Administrative Oversight Committee approval. Mr. Simmons will not be eligible to participate in the Long Term Incentive (LTI) component of CEMRP. Actual STI award will be determined based on performance against pre-established objectives.

- e. Per policy, continuation of standard pension and health and welfare benefits and standard senior management benefits (including senior management life insurance and executive salary continuation for disability after five consecutive years of Senior Management Group service).
- f. Per policy, continued eligibility to participate in the UC Employee Housing Assistance Program, subject to all applicable program requirements.
- g. Per policy, continuation of monthly contribution to the Senior Management Supplemental Benefit Program, based on Mr. Simmons's Chief Operating Officer position.
- h. Mr. Simmons will continue to comply with the Senior Management Group Outside Professional Activities (OPA) policy and reporting requirements.

(2) ***Proposed Request for the New Hospital at UCSF Helen Diller Medical Center at Parnassus Heights Program, San Francisco Campus***

Authorize the San Francisco campus to request approval from the Finance and Capital Strategies Committee at a future date for (1) preliminary plans funding, budget, external financing, and design pursuant to the California Environmental Quality Act (CEQA) for the New Hospital at UCSF Helen Diller Medical Center at Parnassus Heights Program and (2) any amendment or modification to the foregoing.

No irrevocable commitment is being made through this authorization.

(3) ***Proposed Request for the UCSF Mission Bay Block 34 Clinical Building, San Francisco Campus***

Authorize the San Francisco campus to request approval from the Finance and Capital Strategies Committee at a future date for (1) preliminary plans funding, budget, external financing, and design pursuant to the California Environmental Quality Act (CEQA) for the UCSF Mission Bay Block 34 Clinical Building project and (2) any amendment or modification to the foregoing.

No irrevocable commitment is being made through this authorization.

8. REPORT OF MATERIALS MAILED BETWEEN MEETINGS

Secretary and Chief of Staff Shaw reported that, on the dates indicated, the following were sent to the Regents or to Committees:

To the Regents of the University of California:

- A. From the Vice President, Agriculture and Natural Resources, *Connected* Newsletter, October 2019, Volume 3, Number 10. November 4, 2019.
- B. From the President of the University, an email announcing that the University and the United Auto Workers reached a tentative agreement on a new three-year contract covering employees in the new Academic Researcher Unit. November 4, 2019.
- C. From the President of the University, an email regarding efforts with UC Health to clarify Health Services Agreements with non-UC medical facilities, including faith-based healthcare facilities. November 15, 2019.
- D. From the Chancellor, UC Davis, a letter regarding the campus' Equitable Access (Flat Book Rate) program, a program focused on reducing inequity among students by eliminating course material access issues. November 20, 2019.
- E. From the President of the University, an email regarding ongoing press coverage of UC Health contracts with Catholic and Catholic-affiliation hospitals, noting a statement by the California Medical Association regarding the ACLU's demand that the University terminate all such agreements. November 20, 2019.
- F. From the Secretary and Chief of Staff, the Summary of Communications Received for October, 2019. November 26, 2019.
- G. From the President of the University, the *Significant Information Technology Projects Report for the period May 1, 2019, through August 31, 2019*. November 26, 2019.
- H. From the Vice President, Agriculture and Natural Resources, *Connected* Newsletter, November 2019, Volume 3, Number 11. December 2, 2019.
- I. From the President of the University, a letter regarding the UCPATH deployment at UC Irvine and UC Santa Cruz. December 5, 2019.
- J. From the Secretary and Chief of Staff, the Summary of Communications Received for November, 2019. December 6, 2019.
- K. From the Chair of the Board, a letter announcing formation of the Working Group on Innovation Transfer and Entrepreneurialism. December 19, 2019.

- L. From the Vice President, Agriculture and Natural Resources, *Connected* Newsletter, December 2019, Volume 3, Number 12. December 23, 2019.
- M. From the Secretary and Chief of Staff, the Summary of Communications Received for December, 2019. January 8, 2020.

To the members of the Investments Committee:

- N. From the President of the University, the *Office of the Chief Investment Officer Diversity Report*. December 18, 2019.

To the members of the Health Services Committee:

- O. From the President of the University, the *Annual Report on Health Sciences Compensation Plan Participants' Total Compensation that Exceeds the Reporting Threshold for Calendar Year 2018*. December 6, 2019.
- P. From the President of the University, the *University of California Medical Centers Report for the Three Months Ended September 30, 2019*. December 10, 2019.

To the members of the Public Engagement and Development Committee:

- Q. From the Federal Government Relations Office, the *Federal Update, 2019, Issue 9*. November 5, 2019.
- R. From Associate Vice President Harrington, the *Federal Update, 2019, Issue 10*. November 26, 2019.

The meeting adjourned at 1:55 p.m.

Attest:

Secretary and Chief of Staff

RESOLUTION OF NECESSITY

**A RESOLUTION OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
DECLARING THAT THE ACQUISITION OF CERTAIN REAL PROPERTY IS
NECESSARY FOR AND AUTHORIZING INITIATION OF EMINENT DOMAIN
PROCEEDINGS TO ACQUIRE SUCH PROPERTY, SAN DIEGO HILLCREST CAMPUS**

WHEREAS, it is desirable and necessary for The Regents of the University of California (“Regents”) to acquire approximately 5,432 square feet of vacant land located at the terminus of First Avenue in the City of San Diego, County of San Diego, California (Assessor’s Parcel No. 444-302-19) and more particularly described in Exhibit “A” attached hereto and made a part hereof by reference (“Subject Property”), for the phased redevelopment of the existing Hillcrest Medical Center campus (Hillcrest Campus) as part of the 2019 Hillcrest Long Range Development Plan to meet the requirements of Senate Bill 1953 (“Project”);

WHEREAS, the Subject Property is owned by the Chlora M. Brooks, Trustee of the Chlora M. Brooks 1989 Trust (“Record Owner”);

WHEREAS, the Regents is vested with the power of eminent domain to acquire real property by virtue of Article IX, Section 9(f), of the Constitution of the State of California, and Sections 1235.190, 1235.200, 1240.110, 1240.120, 1240.160, 1240.240, 1240.510, 1240.610, 1240.640, and 1240.650 of the Code of Civil Procedure of the State of California, and Section 92040 of the California Education Code; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, a public hearing was scheduled for January 23, 2020, at 9:00 a.m. at the University of California San Francisco - Mission Bay Conference Center, located at 1675 Owens Street, San Francisco, CA 94158, and notice was duly given to all persons whose property interests are to be acquired by eminent domain and whose names and addresses appear on the last County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before The Regents of the University of California on the following matters:

- (1) Whether the public interest and necessity require the Project;
- (2) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (3) Whether the Subject Property sought to be acquired is necessary for the Project;

and

- (4) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

WHEREAS, a hearing has been held by the Regents, and each affected property owner was afforded an opportunity to be heard on said matters; and

WHEREAS, a Final EIR was completed and all appropriate environmental findings were presented to the Regents at the November 2019 meeting, when the Final EIR was certified in compliance with CEQA. The Notice of Determination for the Final EIR was filed with the Office of Planning and Research on November 15, 2019. None of the conditions requiring the preparation of additional CEQA review are present.

WHEREAS, the Regents may now adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by a vote of two-thirds or more of all of the members of the Regents of the University of California as follows:

Section 1. Compliance with California Code of Civil Procedure. There has been compliance with the requirements of section 1245.235 of the California Code of Civil Procedure regarding notice and hearing.

Section 2. Public Use. The public use for the acquisition in fee of the Subject Property is for the phased redevelopment of the existing Hillcrest Medical Center campus (Hillcrest Campus) in connection with the 2019 Hillcrest Long Range Development Plan. This use is a public use for which the Regents may acquire real or personal property by eminent domain.

Section 3. Description of Property. Attached and incorporated herein as Exhibit “A” is the legal description of the real property to be acquired by the Regents, describing the general location of the Subject Property to be acquired with sufficient detail for reasonable identification. Attached and incorporated herein as Exhibit “B” is a map depicting the Subject Property to be acquired by the Regents.

Section 4. Findings. Based upon the evidence presented at the hearing and pursuant to Code of Civil Procedure section 1245.230(c), the Regents hereby finds and determines that:

- a. The public interest and necessity require the proposed Project;

- b. The proposed Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
- c. The Subject Property described herein is necessary for the proposed Project; and
- d. The offer required by section 7267.2 of the California Government Code was made.

Section 5. Prejudgment Possession. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.

Section 6. Further Activities. The General Counsel of the Regents of the University of California or his duly authorized designee is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as he may deem advisable or necessary in connection therewith. The General Counsel of the Regents of the University of California or his duly authorized designee is further authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court, to permit The Regents of the University of California to take possession of and use said real property at the earliest possible time. The General Counsel of the Regents of the University of California or his duly authorized designee is further authorized to correct any errors or to make or agree to non-material changes in the legal description of the real property that are deemed necessary for the conduct of the condemnation action, or other proceedings or transactions required to acquire the subject real property. The General Counsel of the Regents of the University of California or his duly authorized designee is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the Project for which the real property is being acquired.

Section 7. Effective Date. This Resolution shall take effect upon adoption.

PASSED, APPROVED AND ADOPTED at the meeting of the Regents of the University of California held on the 23rd day of January, 2020.

The Regents of the University of California

ATTACHMENT 2

DESCRIPTION OF PROPERTY NECESSARY FOR IMPLEMENTATION OF HILLCREST CAMPUS 2019 LRDP

The vacant property necessary for implementation of the 2019 Hillcrest LRDP is owned by Chlora M. Brooks, Trustee of the Chlora M. Brooks 1989 Trust and consists of approximately 5,432 square feet of vacant land located at the terminus of First Avenue (Subject Property). The Subject Property is shown as “C” on Attachment 2. Once the Subject Property is acquired, it will be absorbed into the construction area for the Outpatient Pavilion and parking structure proposed in Phase 1A of the 2019 Hillcrest LRDP. A photo of the Subject Property is shown below:



The legal description of the Subject Property is as follows:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED SAN DIEGO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOTS 3 AND 4 IN BLOCK 2 OF FIRST STREET ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO [MAP THEREOF NO. 896](#), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON MAY 14, 1903.

APN: 444-302-19-00