

# THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

March 16, 2022

The Regents of the University of California met on the above date at UCSF-Mission Bay Conference Center, 1675 Owens Street, San Francisco and by teleconference meeting conducted in accordance with California Government Code §§ 11133.

Members present: Regents Anguiano, Cohen, Drake, Hernandez, Kounalakis, Leib, Lott, Makarechian, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Torres, and Zaragoza

In attendance: Regents-designate Blas Pedral, Pouchot, and Timmons, Faculty Representatives Horwitz and Cochran, Secretary and Chief of Staff Shaw, General Counsel Robinson, Provost Brown, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President Byington, Executive Vice President and Chief Operating Officer Nava, Senior Vice President Colburn, Chancellors Christ, Gillman, Hawgood, Khosla, Larive, May, Muñoz, Wilcox, and Yang, and Recording Secretary Li

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

## 1. PUBLIC COMMENT

Vice Chair Leib 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. Gabriela Tsudik, UC Davis student and member of the Associated Students of UC Davis, stated that UC Irvine's Syllabus Browser program should be available on every UC campus. Attempts at UC Davis to obtain a similar program have been unsuccessful for the last two years. With Syllabus Browser, students would be able to access a syllabus before registering for a course, make better, informed decisions, and know whether a course is offered online, in-person, or in a hybrid modality.
- B. James Weichert, UC Berkeley student and member of the UC Student Association (UCSA), stated that he looked forward to the discussion of item A3, *Innovations in Assessment and Grading at the University of California*, during the Academic and Student Affairs Committee meeting. As UC emerges from the COVID-19 pandemic, it had an opportunity to reshape grading and other academic policies in order to address equity gaps, which could not be addressed solely through resource centers. UC must address why students were being "weeded out" of courses. He urged Regents to continue discussing this with students and faculty.
- C. Sophia Sumaray, UC San Diego student and Director at the Student Promoted Access Center for Education and Service (SPACES), called for investment in and protection of Student-Initiated Programs (SIP). She stated that SIP funding was

being taken away by campus administrations. Ms. Sumaray demanded that Regents Policy 3301: Policy on Associated Students be updated to include Student Academic Preparation and Education Partnerships (SAPEP) to protect its funding, and that UC establish relationships with SIP-designated centers and programs.

- D. Jason Rabinowitz, Secretary-Treasurer of Teamsters Local 2010, called for essential pay for essential work. He thanked UC in light of the tentative agreement reached at UC Irvine and UC Santa Barbara for skilled trades members of the union. He added that, with an improved budget, increased reserves, and government stimulus, UC could afford to pay workers fairly. Mr. Rabinowitz expressed hope that negotiations would be productive for the remaining labor contracts.
- E. Catherine Cobb, President of Teamsters Local 2010, emphasized the need to protect against outsourcing as campuses have continued to engage in it. The Teamsters Clerical and Allied Services (CX) bargaining unit passed a proposal to adopt reasonable restrictions on unfair contracting out that would mirror what UC has agreed to with comparable statewide bargaining units. Ms. Cobb asked the University to accept this proposal, and she asked the Regents to ensure that limits to contracting out be applied to all UC workers.
- F. Paulette Carney, UC Santa Cruz Early Education Services staff member, thanked the Regents for listening to staff regarding the outsourcing of childcare. After Regent Leib's meeting with staff, UCSC announced that childcare services would remain in house. She stated that UC has refused to share State Assembly Bill 131 stipends, meant to address COVID-19-related cost increases at childcare development programs, with childcare providers in the form of bonuses and incentive pay. Ms. Carney asked UC to pay workers for their contributions.
- G. Jeff Sharp, UCLA staff member and representative of Teamsters Local 2010, stated that the union was negotiating wage increases to address rising gas prices and low pay compared with prevailing wages. UC staff were leaving UC to work elsewhere. Teamsters Local 2010 sought competitive wages so that UC could hire and retain talent, and focus on proactive and preventive maintenance. He stated that UC was acquiring buildings but not adding staff, creating unsafe conditions.
- H. Janet Fane, UC Irvine nurse, stated that UCI nurses, the California Nurses Association (CNA), and National Nurses United were strongly opposed to UCI Health's plans to implement an at-home health program that would send patients home and outsource care to the home setting. She regarded this form of cost-cutting as problematic and unsafe, adding that shifting the burden of care to less experienced staff in the home setting was not the answer.
- I. Neil Rudis, UCLA nurse and CNA representative, addressed short-staffing and resultant overflow issues. The director of one unit at UCLA Health has been floating career nurses to different units and facilities, as well as hiring nurses to work at multiple units, in violation of floating provisions of their labor contract. He

questioned the safety of this practice, as nurses might not have the competency to work in another unit. Nurses have expressed their opposition through petitions, wearing buttons, and grievances.

- J. Erin Lehane, representative of the State Building and Construction Trades Council of California, spoke in support of the California Hospital Tower Project at UC Davis and asked that the University support the Council's apprentices. She stated that, like medical students training at UC facilities, young, blue collar Californians who were seeking a profession in skilled trades were training at construction sites.
- K. Melissa Camacho, UC Davis nurse and CNA representative, stated that UCD Health management dismissed nurses' feedback and insight during the COVID-19 pandemic. Nurses were being mandated to be present on site for a technology upgrade on their days off and with no parking available, and they received a response via email when they requested a meeting to discuss this. Ms. Camacho hoped that management would listen to nurses and give them a fair contract.
- L. Adam Gottstein, grandson of muralist Bernard Zakheim (1898-1985), stated that he has requested but received no information regarding the success of the removal of the Zakheim murals from Toland Hall at UCSF; if damage was sustained during removal, transportation, or storage; and how often the murals were being monitored while in storage. He asked that the report of the UCSF task force for the murals and future plans for the murals be made public. He noted that UCSF was the steward of these murals, which were funded through the Works Progress Administration Federal Art Project in the late 1930s.
- M. Cecilia Castro, Deputy Director of the Dolores Huerta Foundation, urged the Regents to support the Cal Grant Equity Framework in their legislative and budget advocacy priorities. Many Central Valley students were first-generation college students, for whom the financial aid process could be intimidating. With limited access to their high school counselors and little support, students might decide not to attend university because they do not know how to navigate the financial aid process or are unsure how much aid they would receive.
- N. Sasha Perez, Public Affairs Director of the Campaign for College Opportunity, urged the Regents to support the Cal Grant Equity Framework in their legislative and budget advocacy priorities. She stated that far too many talented students were unable to access and finance a university education due to an overly complex Cal Grant process. Through the Framework, aid would be equitably distributed to the state's most vulnerable students, and Cal Grant eligibility requirements would align with those of the Pell Grant, which would enable earlier communications about aid with students and their families and address rising tuition costs.
- O. Chloe Levian, UCLA student, expressed concern about the proposed A-G requirements for ethnic studies being considered by the Academic Council. She stated that ethnic studies had the potential to promote inclusivity, help students

understand the diverse communities around them, and combat racism, but it could also fuel more misunderstanding, division, and hatred. The proposal cited research from Thomas Dee, which showed that ethnic studies could improve academic outcomes for high school students, but this success depends on teachers' training.

- P. Kristin Turner, Executive Director of Pro-Life San Francisco, called on UCSF to implement ethical research practices. She stated that UCSF was disarticulating fetuses of six months for publicly funded research despite the existence of more ethical alternatives. She noted that fetuses at this stage could feel pain, and that digoxin was not used so that stem cells are usable for research. Ms. Turner shared that she was recently handcuffed and removed from a UCSF facility by the police.
- Q. Samantha Kamman, representative of Pro-Life San Francisco, called for the investigation of UCSF abortion facilities and the implementation of transparency measures. She stated that fetal experimentation practices should be subject to scrutiny, and that relying on a monthly supply of late-term fetuses from elective abortions meant that there was an interest in the continuation of abortion. She added that UCSF conducted late-term abortions through live dismemberment or labor induction. Up to 50 percent of labor-induced abortions without digoxin could result in born-alive fetuses, and she added that digoxin was sometimes not used at UCSF.
- R. Andrew Parlier, Scripps Institution of Oceanography student, stated that UC's carbon neutrality goals fell short and that UC must divest from companies enabling fossil fuel abuse, retire campus natural gas cogeneration plants, and exchange carbon-neutral goals for carbon-zero ones. He stated that the University must be transparent about emissions, as reporting them after accounting for offsets obfuscated the fact that UC emissions have stayed the same over the past decade. UC must also create both yearly and decade-long goals that are not empty promises.
- S. Marissa Johnston, UCSD Health staff member and member of Teamsters Local 2010, asked for additional pay for essential work. She shared that UCSD Burn Center patients who did not speak English were waiting up to 60 minutes for an interpreter so that they could be assisted. Ms. Johnston, the only administrative staff member at the facility, became a certified interpreter to fill the need.
- T. Deborah Reed, Lawrence Berkeley National Laboratory staff member and member of Teamsters Local 2010, stated that UC should negotiate telecommuting for those able to work remotely. During the COVID-19 pandemic, workers were able to telecommute and keep flexible work schedules, and they still performed their job duties. Telecommuting enabled Ms. Reed to save money and time.
- U. Dianna Sahhar, UC Irvine staff member and member of Teamsters Local 2010, called on the University to provide essential pay for essential work. Ms. Sahhar shared that she could not afford to buy a house in the area where she worked, and that library staff who worked night and weekend shifts earned an additional 72 cents

per hour in shift differential pay. She asked that library salaries and shift differentials be on par with those of other staff who work night and weekend shifts.

- V. Victoria Schneider, pediatrician, called for an end to practices of the UCSF Women's Options Center, including late-term abortions. She recalled her training in the 1980s at UCSF under the supervision of Chancellor Hawgood, and contrasted his care of patients at the time with these practices.
- W. Anne Hawthorne, representative of the Los Angeles United Methodist Urban Foundation, urged support for the Cal Grant Equity Framework. The Foundation supported first-generation students, who faced financial and institutional obstacles. The Framework would make the State's financial aid system easier to navigate and target aid to those most likely to encounter financial obstacles.
- X. Kristin Liljestrom, UCSD staff member, contrasted the University's three percent cost of living increase with the seven percent inflation rate. She stated that cost of living adjustments should align with true inflation and be given to all employees, and that Staff Appreciation and Recognition (STAR) awards should be given to high-performing employees. In her view, retention efforts have been waning, and the lack of security and stability has contributed to mass resignations.
- Y. Wenyuan Wu, Executive Director of Californians for Equal Rights, urged the Regents to reject the Academic Senate's proposal to add ethnic studies to A–G requirements. She stated that UC must observe current State law and guardrails against “liberated ethnic studies.” According to the proposal, ethnic studies courses must center anti-racism, anti-racist solidarity, and the examination of racialization as a historical and ongoing structural process. She stated that criticized notions and ideological conjecture were being listed as academic standards.
- Z. Joe Nalven, instructor, spoke in opposition to the proposal to add ethnic studies to the A–G requirements. Despite the value of ethnic studies, he did not believe that creating a category within the A–G requirements was necessary. He stated that the distinction came from the viewpoint of critical consciousness, or the pedagogy of the oppressed. He regarded the framework as artificial and one that distorts the process of critical thinking, which requires competing viewpoints. He stated that this was not apparent in the proposal.
- AA. Robert Byrd, representative of Pro-Life San Francisco, spoke in opposition to UCSF research practices. He stated that UCSF provided abortion consent forms stating that the person undergoing the abortion was benefitting society. He claimed that children were being targeted for their organs, and that tissue collectors were waiting outside operating rooms. Mr. Byrd called for a change to UCSF Medical Center policies to stop these practices and prevent the potential for criminal activity.

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

Vice Chair Leib began his remarks by explaining that, as the Regental term of the former Chair Estolano has ended, he would assume the duties of Chair until a new one is elected. He expressed horror at the conflict in Ukraine, adding that students, faculty, and staff were responding with outrage and support for victims. Vice Chair Leib thanked Secretary and Chief of Staff Shaw and her team for their efforts as the Regents resumed meeting in person. He acknowledged the passing of Regent Blum, praising his dedication to serving as Regent and his personal generosity to the University, having established Blum Centers and donating to various campuses. Per Jewish tradition, Vice Chair Leib stated that Regent Blum's memory would be a blessing. Regent Reilly would present a resolution commemorating him later in the meeting. Vice Chair Leib thanked former Chair Estolano for her service to the state. The Regents would continue to pursue her priorities of growing capacity, and expanding diversity, and promoting UC research on climate change.

This week, the Legislature unanimously passed and the Governor signed legislation that allowed UC Berkeley to admit its previously planned incoming class and ensured that student enrollment would not be considered a project under the California Environmental Quality Act. Vice Chair Leib thanked Governor Newsom and the State Legislature, particularly Regent Rendon, Senator Toni Atkins, Senator Nancy Skinner, and Assemblymember Phil Ting, for their unwavering support of UC. He also thanked President Drake and Chancellor Christ for working with the State, as well as Regent Pérez for assisting in this and many other legislative issues affecting UC.

Vice Chair Leib stated that he would continue serving in his existing roles on the Board, and he expressed pride in UC's work as the "great equalizer." First-generation college students made up 41 percent of the UC student population, interacting with faculty and staff who had also been first-generation students, and Pell Grant recipients made up 35 percent of UC undergraduate students, more than at any other U.S. research university. The Regents, chancellors, and the Office of the President have worked hard to ensure that the University continues to be an engine of social mobility. Regental leadership also included ensuring that UC has great leadership, and Vice Chair Leib lauded President Drake's experience and qualifications. Vice Chair Leib thanked fellow Regents for their support and collegiality.

**3. REMARKS OF THE PRESIDENT OF THE UNIVERSITY**

President Drake began his remarks by noting that former Regent Estolano's term concluded at the end of February. He thanked her for her dedicated service to the University, especially with regard to climate action and student access and success, and he thanked Vice Chair Leib for assuming the duties of Chair during the transition. This week, Governor Newsom signed two bills, introduced by Senator Nancy Skinner and Assemblymember Phil Ting, that lifted limitations on UC Berkeley's fall 2022 admissions and addressed potential impacts on systemwide admissions and enrollment. The bills respected the State's environmental protection laws and supported students. President

Drake thanked the Governor, legislators, Regent Pérez and the Board, and Chancellor Christ and the UC Berkeley community.

President Drake marked two years of the COVID-19 pandemic. He was pleased to see that campuses were slowly and carefully increasing in-person operations, which was made possible by those following UC health and safety measures. Faculty completely reimagined teaching and research; students exhibited flexibility, patience, and resilience; and staff kept working tirelessly. President Drake thanked the University community for coming together and making sacrifices, and expressed appreciation that UC would continue to exemplify best practices and exercise common sense and compassion.

Later in the meeting, the Board would hear an update on creating a debt-free pathway for undergraduate students. While Governor Newsom wished to see UC achieve this by 2030, President Drake believed that UC, in partnership with State leaders, could do so sooner. He expressed gratitude to State and federal leaders for working to increase the Pell Grant, Cal Grant, and to reform the Middle Class Scholarship. The Board would also hear an update on the University's longstanding commitment to small and diverse businesses, including new initiatives that the Procurement and Design and Construction teams launched to help UC achieve its goal of 25 percent small and diverse business utilization. President Drake reviewed the four principles guiding UC's plans to improve and reform campus safety and policing: community and service-driven safety; holistic, inclusive, and tiered response models for safety; transparency and continuous improvement through the use of data; and accountability and independent oversight. In February, the first campus safety biannual reports were posted online, and campus representatives have convened monthly to discuss best practices and ensure accountability. A nationwide search for a Systemwide Director of Community Safety was under way.

President Drake concluded with a few remarks about the late Regent Blum. Regent and former Chair Blum, an alumnus and staunch supporter of the University, served nearly two decades as Regent and established Blum Centers on nearly all the campuses. President Drake was touched when Regent Blum attended the January meeting, his last, to join the tribute to then Regent Lansing when she retired from the Board. Regent Blum's memorial service was a testament to his close friendships and the impact he had on so many.

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

Faculty Representative Horwitz shared the exhaustion of the University community as a result of two years of the COVID-19 pandemic, the climate crisis, domestic political issues, and a military invasion in Eastern Europe. He saluted the efforts that led to the Legislature resolving the challenge to UC Berkeley's enrollment growth under the California Environmental Quality Act (CEQA) and remarked that CEQA underscored many things that threatened to unravel the social contract at UC.

Last month, UCLA disabled students occupied the chancellor's complex for more than two weeks, calling for mandatory course recording and instruction in remote and in-person modalities. This was beyond the requirements of the Americans with Disabilities Act,

which provided for accommodations based on individual need, not preference. Mr. Horwitz stated that the mandatory recording of courses raises privacy issues for both students and faculty. Bad actors could use the recordings to launch attacks on social media, which could put students and their families from authoritarian countries in danger. Students and faculty could self-censor and withdraw from classroom participation, undermining the educational process. Mandatory recording intrudes on faculty judgment regarding pedagogy. Demands for mandatory dual-modality instruction has spread to other campuses, and Academic Senate leaders were open to dialogue with students and campus administrators.

Faculty were committed to student success, but they were also at a breaking point after shouldering the burdens of teaching during a pandemic. According to faculty, more than double the work was needed for dual-modality teaching. Mr. Horwitz contrasted the staff and equipment needed to conduct this Regents meeting with the lack of extra equipment and staff available to faculty. According to faculty and recent data, remote or online instruction was not an effective modality, with many reporting in last year's faculty survey that learning outcomes were much worse with remote instruction, which could partly be attributed to the pandemic. Current discourse around instruction regards students as consumers and disregards faculty as experts in pedagogy. However, faculty know that instruction is a matter of interaction and participation, and that the value of a UC degree is derived from the experience on a UC campus. If campus administrations want faculty to teach in dual modality, they must provide the resources for it. Double the faculty would be needed; otherwise, faculty would be diverting time from research and public service to engage in a time-consuming instruction effort. Not only was there less time to engage in research, but financial accounting systems were also very difficult to navigate on some campuses, and there were not enough students and staff on campus and available for consultation. Fund managers often worked out of state and in different time zones. Younger faculty felt unsupported and were looking for other jobs.

Mr. Horwitz stated that the social contract that was foundational to UC's success has made the University the envy of the world, but many were proposing individualized solutions that threatened to undermine UC's integrity. UC needed to establish mutual obligations and commitments, and to recognize that no one part at UC was responsible for meeting the individualized desires of other parts. All deserved to have their welfare fully considered.

The meeting adjourned at 9:50 a.m.

Attest:

The Secretary and Chief of Staff