

**BOARD OF REGENTS**

July 23, 2021

**1. APPOINTMENT OF 2022–23 STUDENT REGENT**

The Special Committee recommends that Marlenee Blas Pedral, a law student at the University of California, Berkeley, be appointed a Regent of the University of California to serve for the period July 1, 2022 through June 30, 2023, and that she serve as Regent-designate, effective immediately, until the appointment becomes effective.

Board vote: Regents Butler, Cohen, Drake, Elliott, Estolano, Guber, Lansing, Leib, Lott, Makarechian, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Torres, and Zaragoza voting “aye.”

**2. MULTI-YEAR TUITION AND FINANCIAL AID PLAN**

The President of the University recommends that the Regents approve the following actions:

- A. Approve adjustments to student charges and general provisions as described in Attachment 1, *Proposed Adjustments to Student Charges*, subject to review and reauthorization by the Regents after five years.
- B. Authorize the President to assess charges below the amounts approved in Paragraph A for any year when the State provides an increase of more than five percent to the University’s permanent base budget to buy out some or all of the proposed student tuition and fee adjustments.

Board vote: Regents Anguiano, Cohen, Drake, Elliott, Estolano, Guber, Lansing, Leib, Lott, Makarechian, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Sures, and Torres voting “aye” and Regents Butler, Kounalakis, Rendon, Thurmond, and Zaragoza voting “no.”

**3. APPROVAL OF CONFORMING LANGUAGE FOR REGENTS POLICY ON AFFILIATIONS WITH HEALTHCARE ORGANIZATIONS THAT HAVE ADOPTED POLICY-BASED RESTRICTIONS ON CARE**

The President of the University recommends that the Regents approve amendments to the Regents Policy on Affiliations with Healthcare Organizations that have Adopted Policy-Based Restrictions on Care, consistent with the amendments presented and approved in concept at the June 23, 2021 Regents meeting, as shown in Attachment 2.

Board vote: Regents Cohen, Drake, Elliott, Estolano, Guber, Lansing, Leib, Lott, Makarechian, Ortiz Oakley, Park, Reilly, Sherman, Torres, and Zaragoza voting “aye” and Regent Butler abstaining.

4. **AMENDMENT OF BYLAW 23.5: AUTHORITY AND DUTIES OF PRINCIPAL OFFICERS**

At the May 2021 meeting of the Board of Regents, notice was served that at the next regular meeting of the Regents, Bylaw 23.5(d) – Authority and Duties of Principal Officers, Chief Investment Officer, be amended as shown below.

**\*Addition shown by underscoring\***

**23.5 Authority and Duties of Principal Officers.**

(d) Chief Investment Officer

The Chief Investment Officer serves as the chief University official having charge of all investment matters pertaining to the Corporation and University. The Chief Investment Officer provides advice and counsel to the Regents, to Board leadership and to University leadership regarding investment policy and performance and has direct access to the Board. The Chief Investment Officer oversees the acquisition, management and disposition of all assets held for investment purposes, as directed by Regents Policy, the Board and/or the President of the University, and acts as the custodian of all investment assets belonging to University; however, the Chief Investment Officer and the President will each have authority over the acquisition, management and disposition of all equity received by University campuses pursuant to licensing, incubator/accelerator activities and other commercial arrangements. Subject to the administrative oversight of the President of the University, the Chief Investment Officer provides investment services to the University and oversees all investment managers retained by the University to deliver such services. The Chief Investment Officer reports to the Board and to the President of the University. The Chief Investment Officer is expected to report to the Board any significant concerns regarding the Office of the President that could result in substantial financial, reputational or other harm to the University. With regard to audits and investigations of the Office of the President, the Chief Investment Officer reports solely and exclusively to the Board.

Board vote: Regents Butler, Cohen, Drake, Elliott, Estolano, Guber, Lansing, Leib, Lott, Makarechian, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Torres, and Zaragoza voting “aye.”

**\*Additions shown by underscoring; deletions shown by strikethrough\***

## **Attachment 1 Proposed Adjustments to Student Charges**

### **Undergraduate Students**

- For undergraduates in State-supported programs, the applicable levels of Tuition, the Student Services Fee, and Nonresident Supplemental Tuition will be determined according to the following schedule:

Year Student First Enrolls at UC (Entering Cohort)	Increase Over Amount Charged to Students Who Entered in Prior Year
2021–22 or earlier	No increase
2022–23	Inflation + 2.0%
2023–24	Inflation + 1.5%
2024–25	Inflation + 1.0%
2025–26	Inflation + 0.5%
2026–27 and later	Inflation

- The applicable charge for an undergraduate student in an entering cohort shown above will remain in effect for six years from the time the student first enrolls. For students who first enrolled before 2021–22, the charge will remain in effect for six years from 2021–22 (i.e., through 2026–27).
- The President is authorized to develop appropriate policies and guidelines for implementing this schedule of charges, including but not limited to (a) policies and processes for determining a student’s cohort; (b) circumstances in which a student may be permitted to remain enrolled beyond six years with no change in charges; and (c) the applicable level of charges for students in special programs or having special circumstances—e.g., students enrolled in off-campus programs (such as the Education Abroad Program) or Summer Session, visiting students, and students who remain enrolled beyond six years who do not qualify for an extension of their cohort rate as described in (b)—provided that the amounts charged do not exceed the amounts charged to the then-current entering cohort of students.

### **Graduate Students**

- For graduate students in State-supported programs, adjustments to Tuition and the Student Services Fee will be pegged to the rate of inflation beginning with the 2022–23 academic year.

### **General Provisions**

- The applicable rate of inflation for calculating adjustments to student charges will be based upon the average annual change in the California Consumer Price Index (CPI-U) over a rolling three-year period using upon the latest available forecast published by the California Department of Finance as of July 1 prior to the year indicated (e.g., July 1, 2021 for 2022–23) and adjusted to reflect any differences between actual and forecasted levels in the prior year.
- For any year in which the increase to a student charge would exceed ~~six~~ five percent, the increase will be capped at ~~six~~ five percent unless the Regents take action to approve a different amount.
- An amount equivalent to ~~40~~ 45 percent of the undergraduate Tuition and Student Services Fee increase, 20 percent of the undergraduate Nonresident Supplemental Tuition increase, 50 percent of the Tuition and Student Services Fee increase for graduate academic students, and 44 percent of the Tuition and Student Services Fee increase for graduate professional students will be set aside for financial aid.
- The policy described herein is subject to review and reauthorization by the Regents after five years.

**\*Additions shown by underscoring; deletions shown by strikethrough\***

- Notwithstanding the levels of student charges described above, the Regents retain the ability to modify all student charges for any reason and in its sole discretion. The policy described herein does not create any legal right or cause of action.

**Regents Policy on Affiliations with Healthcare Organizations that Have Adopted Policy-Based Restrictions on Care****POLICY TEXT**

1. Advancing the University's Public Mission. Prior to approving or executing any new or renewed affiliation with a health organization that has adopted policy-based restrictions on care (a "covered organization"), the sponsoring location must: (i) document the rationale for the affiliation, including any anticipated benefits or risks to the University's education, research, and service missions and to the broader patient community; and (ii) verify that access to policy-restricted services such as abortion, contraception, assisted reproductive technologies, gender-affirming care, and end of life care will be maintained or improved as a result of the affiliation. Under no circumstances may such an organization be granted responsibility or authority to operate or manage any University facility or program on behalf of the University.
2. Documenting Adherence to University Policies and Standards in all Affiliation Agreements. Agreements with covered health organizations must recite the University's role as a public entity and commitment to non-discrimination and evidence-based care; and must require all parties to comply with all federal and state anti-discrimination laws, including Cal. Civ. Code § 51 (prohibiting discrimination on the basis of sex [including pregnancy and childbirth as well as gender, gender identity, and gender expression], race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status), and to offer any procedure or service they choose to provide at their respective facilities or through their respective employees on a non-discriminatory basis. The University may not enter agreements with provisions that purport to require the University or its personnel or trainees to enforce or abide by policy-based restrictions on care including, but not limited to, religious directives, or that include any "gag clauses" interfering with their ability to counsel all patients on their treatment options. The University must retain the option to terminate such agreements if the University determines in its sole discretion that continued performance would be incompatible with its policies or values or that the affiliate has breached its promises to not restrict University providers' freedom to advise, refer, prescribe, or provide emergency items and services without restriction, including any necessary items and services to any patient for whom referral or transfer to another facility would risk material deterioration to the patient's condition.
3. Strengthening Patient and Provider Protections. Each University location contracting with healthcare organizations that have adopted policy-based restrictions on care must develop and implement a process to inform UC patients, faculty, staff, and trainees: (i) about such restrictions at sites to which they may be referred or assigned; (ii) that such referrals or assignments are voluntary; and (iii) and that information about alternative sites for care, practice, and training will be provided upon request. Each location must also develop a process to transfer patients who need restricted services to a UC or other location where the services can be provided. Processes for receiving, evaluating, and resolving complaints or grievances must also be developed and implemented.
4. Ensuring Reporting and Transparency. Each University location (including the Office of the President with respect to systemwide or multi-campus agreements) must provide an annual report to the Regents Health Services Committee: (i) listing all new or renewed

arrangements with covered organizations; (ii) summarizing complaints or grievances received from patients, students, faculty, and staff, as well as their resolution; (iii) providing quality monitoring data consistent with systemwide quality guidelines; and (iv) reporting on any identified noncompliance with the above standards. The first report, due in June 2022, must list all current arrangements with such institutions.

5. Implementation and Accountability. The President shall issue a systemwide policy to implement these requirements after consultation with the chancellors and representatives of the Academic Senate and UC Health. One year after implementation of that policy, the Office of Ethics, Compliance, and Audit Services shall conduct an audit of an appropriate sample of then-current contracts with covered affiliates to ensure their compliance with such policy. Thereafter, the frequency and scope of audits shall be determined by ECAS in consultation with the chairs of the Audit & Compliance Committee and the Health Services Committee. The University shall not enter into any new affiliation that fails to meet these requirements after July 1, 2021; any existing affiliation that does not meet these requirements must be amended to comply with this policy or phased out no later than December 31, 2023.

#### **NO RIGHT OF ACTION**

This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the University of California or its Board of Regents, individual Regents, officers, employees, or agents.

#### **PROCEDURES AND RELATED DOCUMENTS**