

**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
MEETING AS A COMMITTEE OF THE WHOLE**

November 17, 2004

The Regents of the University of California met on the above date at Covell Commons, Los Angeles campus.

Present: Regents Anderson, Connerly, Dynes, Johnson, Lansing, Lee, Lozano, Marcus, Montoya, Novack, Núñez, O'Connell, Ornellas, Parsky, Pattiz, Preuss, Ruiz, Sayles, and Wachter

In attendance: Regents-designate Juline, Rominger, and Rosenthal, Faculty Representatives Blumenthal and Brunk, Secretary Trivette, General Counsel Holst, Treasurer Russ, Provost Greenwood, Senior Vice Presidents Darling and Mullinix, Vice Presidents Broome, Foley, and Hershman, Chancellors Bishop, Carnesale, Cicerone, Córdova, Fox, Tomlinson-Keasey, Vanderhoef, and Yang, Acting Chancellor Chemers, Executive Vice Chancellor Gray representing Chancellor Birgeneau, University Auditor Reed, and Recording Secretary Nietfeld

The meeting convened at 12:05 p.m. with Chairman Parsky presiding.

1. **PUBLIC COMMENT**

Chairman Parsky explained that the Board had been convened as a Committee of the Whole in order to permit members of the public an opportunity to address University-related matters. The following persons addressed the Board concerning the items noted.

Committee on Audit, Item 903: Approval of the University of California Financial Report, 2004

A. Ms. Jen Smith, the vice president of the Coalition of University Employees (CUE) at the Los Angeles campus, believed that the University failed to pay its clerical employees a living wage while the financial report indicates that the University is solvent. She stated the union's opposition to the student fee increase.

Committee on Oversight of the Department of Energy Laboratories, Item 202: Status of Competition and Other Matters at the Department of Energy Laboratories

B. Mr. Daniel Pelayo, a student at the Santa Barbara campus, expressed concern about the University's role in managing the Los Alamos and Lawrence Livermore National Laboratories because he did not believe there was a need for continued involvement in the development of nuclear weapons.

***Committee on Educational Policy, Item RE-51: Policy Affirming Engagement in the
Preschool through Postsecondary Education System, as Fundamental to the University
of California Mission as a Land Grant Institution***

- C. Mr. Jullien Gordon, the director of a student-initiated outreach program at the Los Angeles campus and speaking also on behalf of Ms. Lana Shamma and Mr. Diem Tran, suggested that a university should be judged by the accomplishments of its alumni, and he referred to the buildings at UCLA that are named for African American alumni. He believed that outreach would be essential until there is equity in the public education system. Mr. Gordon noted that outreach enhances the undergraduate experience for those students who participate.
- D. Ms. Yolanda Leon, a student at the Los Angeles campus and speaking also on behalf of Ms. Kristy Jolstead and Mr. Jason Dorado, spoke in favor of making student-initiated outreach a priority at the University of California. She noted that these outreach efforts are aimed at high school students with substantial life challenges who do not receive parental encouragement to continue their education.
- E. Ms. Lucero Chavez, a student at the Los Angeles campus and speaking also on behalf of Ms. Diana Aldapa and Ms. Vanessa Portillo, spoke as the product of a student-initiated outreach project who had been greatly assisted in applying to college while her family was disrupted by her parents' divorce. She urged The Regents to support the program.
- F. Ms. Patty Lopez, the director of a student-initiated outreach program at UCLA and speaking also on behalf of Ms. Jenny Lam and Ms. Arifa Raza, spoke of the support received in the Legislature and from the Chancellor for continued funding for student-initiated outreach. She asked that The Regents provide funds for these programs, which provide mentors to students in underrepresented communities and assist their parents by translating material into Spanish.
- G. Ms. Zara Bukirin, a student at the Los Angeles campus and speaking also on behalf of Ms. Razi Zarchy and Ms. Diana Nguyen, emphasized that UC students are committed to improving access and diversity in the student body. A stable funding source is needed for college students to maximize University resources. Statewide student-initiated outreach receives less than \$1 million in funding.
- H. Ms. Ashley Barton, a student at the Los Angeles campus and speaking also on behalf of Ms. Sumaira Arastu and Ms. Wendy Garcia, spoke of the importance of undergraduate students participating in student-initiated outreach programs in their communities, as she believed that the University was not performing this service.
- I. Ms. Catherine Avendano, a director of student-initiated outreach projects at UCLA and speaking also on behalf of Mr. Ricardo Villegas and Mr. Trinh Le, discussed

how the students reached through the programs are encouraged to consider attending college. She urged The Regents to support these programs financially.

- J. Ms. Maribel Santiago, a graduate student at the Los Angeles campus and speaking also on behalf of Mr. Emmanuel Martinez and Ms. Satomi Ziegler, spoke as someone who had benefitted by working for student-initiated outreach programs and urged that outreach be seen as a core mission of the University. She discussed how reduced funding had resulted in more hours of work and a decrease in pay for students.
- K. Ms. Ariana Casanova, a student at the Berkeley campus, urged that resources be provided for student-initiated outreach programs.

Committee on Educational Policy, Item RE-52: “Multiracial” Designation on the Undergraduate Admissions Application

- L. Ms. Emily Leach, a student at the San Diego campus and speaking as a multiracial individual, expressed her opposition to the proposal for a “multiracial” designation on the admissions application.
- M. Ms. Josie Hyman, a member of Affirmative Action by Any Means Necessary (BAMN) on the Berkeley campus and speaking also on behalf of Ms. Maravedi Solono, Ms. Yeni Aguilar, and Mr. Antonio Weary, reported that her group had been accompanied by students from the Oakland public schools. She spoke in opposition to RE-52, which she believed would obscure students’ racial data.
- N. Ms. Tania Kappner, a member of BAMN, spoke to the fact that only 194 Black students had been admitted to the Berkeley campus for fall 2004.
- O. Ms. Yvette Felarca, a member of BAMN, urged the Regents not to support RE-52.
- P. Ms. Jasmine Bradford, a junior in the Oakland public schools and speaking also for Ms. Jameisha Harris and Mr. Thomas Mapp, believed that she should not be denied a college education based on the shortcomings of her school district. She spoke of her political aspirations as a person of color.
- Q. Mr. Hoku Jeffrey, the southern California coordinator for BAMN and speaking also for Mr. Jartu Senwan, Mr. Norrell Casey, and Mr. Chariffe Lam, discussed the west coast conference of the new civil rights movement to be held in Los Angeles. He believed that it was unacceptable that many schools in the Los Angeles Unified School District sent very few students on to higher education. The conference will address the issue of equal access to education in the state.

- R. Mr. Victor Saenz, a Ph.D. student at the Los Angeles campus who does research on issues of race and diversity, urged the Regents not to support RE-52.
- S. Ms. Drunisha Jackson, a member of BAMN and a high school student in Oakland, believed that African-American students deserve access to higher education.
- T. Ms. Barbara Welch, a junior at Oakland Technical High School, stated her intention of reaching her goal of higher education.
- U. Ms. Jungmiwha Bullock, Ms. Janeva Cifuentes-Hiss, and Mr. Anthony Yuen spoke jointly in opposition to the adoption of RE-52. They advocated that a “check all that apply” racial option continue to be offered to applicants. A multiracial category would eliminate critical information about students’ race and ethnicity.
- V. Ms. Lesley Heard, a senior at Oakland Technical High School, urged the Regents to participate in student life at her school in order to understand the conditions that students there face.
- W. Mr. Orlando Amádio, a multiracial individual and a senior at Oakland Technical High School, was opposed to RE-52.

Committee on Finance, Item 511: Authorization to Join the Conaway Ranch Joint Powers Authority for the Planning, Use, and Control of the Conaway Ranch, Yolo County, Davis Campus

- X. Mr. Marko Mikotin, representing the taxpayers’ group People’s Advocate, spoke in opposition to item 511 because he believed that the Yolo County Board of Supervisors and The Regents could accomplish the stated goals of the joint powers authority without expense to the taxpayers.

Committee on Finance, Item 515: Approval of University of California Budgets for Current Operations and for Capital Improvements and Approval of Proposed Increases for Student Fees for 2005-06

- Y. Ms. Lara Bauman, a graduate student at the Los Angeles campus, expressed concern that fees were rising at the same time that funding sources for graduate students are drying up. She expressed pride in her department and the prestige of the faculty but was also worried that decreased funding for graduate education would erode the University’s reputation in the future.
- Z. Mr. Arman Rezaee, a student at the Berkeley campus speaking on behalf of the University of California Students Association and the Associated Students of the University of California at Berkeley, delivered letters from students at UC Berkeley

expressing their opposition to the fee increases and the proposed reduction in financial aid. He also reported the ASUCB's opposition to RE-52.

University-Related Matters

- AA. Dr. Murray Morgan asked that he be permitted to present his case regarding his research to The Regents.
- BB. Mr. Peter Ryan, a student at the Los Angeles campus and speaking also on behalf of Ms. Lisa Montague and Mr. Oussama Sekkat, spoke against the use of vivisection on animals in medical research, which he believed was cruel and socially irresponsible. He spoke of the intellectuals over the centuries who had been opposed to cruelty to animals and called upon the Regents to do so as well.
- CC. Mr. Maurice Bell, a UC student speaking also on behalf of Mr. Wassim Shoucair and Ms. Bernadette Roca, encouraged the Regents to pay attention to the statements being made by the students and also requested that more seating be provided for the public at the meeting.

2. REMARKS OF THE PRESIDENT

Before recognizing President Dynes for his overview remarks, Chairman Parsky recognized Regent O'Connell for his statement in support of RE-51, Policy Affirming Engagement in Preschool through Postsecondary Education System, as Fundamental to the University of California Mission as a Land Grant Institution. The Superintendent noted that the proposed policy would reaffirm engagement in pre-K-12 education as a core part of the University's mission, thereby providing students with a smooth transition from high school to the University. Attention must be paid to closing the achievement gap among different groups. The No Child Left Behind legislation and the State's academic performance index assist in identifying students with unique needs and challenges. He recognized President Dynes for identifying people in the Office of the President who could provide assistance with career and technical education, noting that the number of career and technical classes offered in high school that qualify as (a)-(g) courses had doubled.

President Dynes welcomed the Honorable Bill Richardson, the Governor of New Mexico and former Secretary of the Department of Energy. He observed that Governor Richardson brought a deep and nuanced understanding of the national laboratories, the University's management of them, and the role of the Los Alamos laboratory in the State of New Mexico.

The President highlighted a few recent events that had occurred since the Board's last meeting. First, three University of California researchers have been awarded the Nobel Prize: Professor David Gross of UC Santa Barbara, in physics; Professor Irwin Rose of UC Irvine, in chemistry; and Professor Finn Kydland of UC Santa Barbara, in economics. These

awards highlight the excellence of the UC faculty on an international basis and the major contributions that they are making to the advancement of knowledge.

Second, President Dynes noted that the *London Times Higher Education Supplement* had recently published rankings of the top two hundred universities worldwide, based on interviews with 1,300 academics in 88 countries and a number of other measures, including research citations and student-to-faculty ratios. Four UC campuses were among the top 26, with Berkeley rated number two behind Harvard.

Third, the President commented on his travels to Redding and the northern portion of the state and to the Napa and Sonoma region. He found that the University has a tremendous reach across California in areas such as K-12 programs, agriculture, viticulture, and the telemedicine programs that bring the expertise of the UC Davis Medical Center to patients in the far north of the state. The people who came before, including Regents, presidents, chancellors, faculty, staff, students, alumni, and friends, laid an impressive foundation; it is up to those currently serving in these roles to sustain and enhance what the University has accomplished for the future of California.

President Dynes reported further that the systemwide advocacy campaign had begun building a motivated, informed corps of UC supporters across the state. The University has made a good start with the long-range planning process that has been undertaken, including The Regents retreat that occurred in October. The President looked forward to working with the Board to plot the future course for the University.

3. **COMMENTS FROM THE HONORABLE BILL RICHARDSON, GOVERNOR OF NEW MEXICO, REGARDING THE UNIVERSITY'S CONTINUED MANAGEMENT OF THE LOS ALAMOS NATIONAL LABORATORY**

Chairman Parsky explained that Governor Richardson had requested an opportunity to speak to The Regents regarding the contract competition for the management of the Los Alamos National Laboratory, noting that Mr. Richardson, who had been both a good friend and a strong critic of the University of California, brings a unique perspective to the University's potential continued involvement with the laboratory.

Governor Richardson observed that the Los Alamos National Laboratory and its renowned researchers and scientific staff are extremely important to the nation and to the State of New Mexico. He noted that his association with the laboratory had extended over more than twenty years, beginning with his election to Congress in 1982. Governor Richardson stated that his purpose in addressing the Board was to urge the University to continue its long history of public service to the country by competing for the continued management of the Los Alamos National Laboratory. He expressed his personal, full support for doing so as well as that of the State of New Mexico. He believed that there was no institution of higher scientific and technological quality than the University of California, as witnessed by the recent awarding of three Nobel Prizes to UC scientists. As the largest public research

institution in the world, the University of California offers the Department of Energy the unique ability to create a scientific environment that allows Los Alamos to recruit and retain high-quality staff.

Governor Richardson recommended that The Regents consider joining with an industrial partner in order to enhance those areas of management where the University is not strong. Doing so, however, should not compromise the academic integrity of the laboratory. He believed that, with a strong proposal, the University could win the management contract. The laboratory has an ongoing commitment to scientific rigor which has contributed to the national security and the reliability of the nuclear weapons stockpile without testing. The laboratory helped to create the human genome project, initiated the HIV database, and developed airborne, laser-based sensor technology that can map hazardous and toxic chemical plumes. The laboratory also pioneered research in computer modeling, simulation, and visualization. In addition, Los Alamos is at the forefront of creating new technologies for defending America's homeland security. The laboratory and the University have grown to be major economic forces in northern New Mexico. They have also become community leaders through programs such as the Math and Science Academy, which is active in ten middle schools in northern New Mexico, and the machinists apprenticeship program.

The Governor recalled that throughout his career he has made clear the need for the laboratory to be managed by a strong academic institution such as the University of California. He acknowledged that problems had been experienced during the University's sixty-year relationship with Los Alamos. When, as Secretary of Energy, he extended the management contract, he insisted that the University implement a system of clear management oversight. This has allowed for decisive action to be taken to resolve the problems that arose in the recent past.

Governor Richardson noted that, in his role as Secretary of the Department of Energy, he had been opposed to the establishment by Congress of the National Nuclear Security Administration (NNSA). The creation of this semi-autonomous agency, which was purportedly designed to provide the laboratories with more scientific creativity and flexibility, added a further bureaucratic layer to the DOE. He urged the University to pursue strong and effective management of the Los Alamos National Laboratory while continuing to address the problems that have led some decision-makers in Washington to conclude that there is a need for a change in management.

Governor Richardson offered some points to consider with respect to competing for the contract. He noted that the high quality of the scientific staff contributes to the laboratory's greatness. The nation should not make it impossible to recruit the talent that Los Alamos needs to continue its work. The Department of Energy has the responsibility to ensure the safety, security, and reliability of the country's nuclear deterrent. It is important that the situation that was created at the laboratory by seeming indifference to these issues be addressed immediately. The laboratory needs policies and procedures that are adhered to by all employees in order to carry out its important missions. The Governor believed that

the inclusion of an industrial partner would lead to a stronger proposal for continued management, as well as better operations at the laboratory. He emphasized that this should not be done to the detriment of the scientific and technical work performed at the laboratory. The addition of such a partner would enhance areas where the University has traditionally not excelled, including the handling of hazardous materials.

Governor Richardson acknowledged the new cooperation between the Los Alamos National Laboratory and other institutions of higher education, such as the agreement with the University of New Mexico regarding research and education. He mentioned the potential partnership between the laboratory and the University of New Mexico Medical School with respect to the development of isotopes that would be applied to research at the medical school. He encouraged the University to identify ways in which to assist small businesses to thrive throughout the state.

Regent Preuss observed that there is a tendency on the part of Regents to believe that the University of California has an obligation to serve the country through its management of the national laboratories and asked for Governor Richardson's comments on that belief. Mr. Richardson agreed that the University had a long tradition of service with respect to academic research and the national defense. Issues which have proven controversial relate to matters of safety and security. He noted that there had been a recent survey at Los Alamos which found that 97.8 percent of all equipment was accounted for, which is superior to the private sector. He, too, believed that the University has a responsibility to serve the national interest.

Regent Pattiz commented on California's fiscal crisis and the effect that it has had on the University. He believed that there was a real possibility that the University would need to fund the proposal to continue its management of Los Alamos. He asked whether the support of the Governor and the State of New Mexico would give the University any leverage over its competitors and also how to frame a competitive proposal. Governor Richardson confirmed that the State's leadership, including the Congressional delegation, strongly supports continued management by the University. He believed that, once the Department of Energy has issued its Request for Proposals, there would be a number of bids. He reiterated his view that the University's bid would be enhanced by the addition of an industrial partner.

Regent Lansing was concerned about how an industrial partner would relate to the scientific research being performed at the laboratory. She also asked whether political considerations would make it difficult for the University to compete on a level playing field. Governor Richardson recalled that when he served as the Secretary of the Department of Energy, an attempt was made to separate procurement from politics. He believed that the decisions made by the procurement department within the DOE were based upon technical issues and that politics were not a factor. The Governor discussed some of the negative situations which had arisen during the year when he made the determination to renew the University's contract to manage Los Alamos in order to ensure continuity. He added that there was no

contact from the White House on this matter. With respect to Regent Lansing's question regarding the role of an industrial partner, the Governor stressed that the primacy of the management contract should be science, under the direction of the University, while the partner would report to the University and would have the responsibility for matters such as safety and security.

In response to a question from Regent Ornellas regarding the impetus from Congress to bid the contract, Governor Richardson acknowledged the work performed on the University's behalf by Federal Governmental Relations, but he also agreed that the University has enemies on Capitol Hill who will continue to oppose the University's management of the national laboratories. The University should seek support among the members of Congress even though the decision will ultimately be made by the Department of Energy. Scientists within the DOE recognize the quality of the science performed by UC as well as its excellent record managing the Lawrence Berkeley National Laboratory.

Regent Marcus expressed concern about damage to the University's reputation that had resulted from bad publicity about its management of Los Alamos. Governor Richardson observed that, while there was no question that there had been negative reports in the press, it was more difficult to measure the positive contributions that are made to the country by the laboratory. The greatest service that the University performs is guarding the security of the nuclear stockpile. He believed that the University had taken the steps necessary to address the problems that had existed at the laboratory, adding that many of the allegations that had been made had been proven to be false. Procedures for handling classified materials have been improved, as has the procurement process. Management structures that provide accountability will lead to improved oversight.

Regent Lozano asked whether the University had done enough to restore confidence in its ability to manage the laboratories. Governor Richardson emphasized his belief that an industrial partner would greatly enhance the University's competitiveness. While the stand down at the laboratory has ended and normal work has resumed, morale among the laboratory's employees remains a problem. He urged the University to acknowledge their contributions.

Chairman Parsky commented that improvements that were made at the Los Alamos National Laboratory had required the concurrence of the Department of Energy with respect to whether or not appropriate procedures were in place, which could provide an opportunity for the University to demonstrate its competence in managing the laboratory. He recalled that when he and President Dynes visited Los Alamos, they had attempted to communicate to the employees the importance of their role in the ability of the University to secure a new management contract.

COMMITTEE OF THE WHOLE

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November 17, 2004

The meeting adjourned at 2:00 p.m.

Attest:

Secretary