

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

November 15, 2006

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

Present: Regents Blum, De La Peña, Dynes, Gould, Island, Johnson, Kozberg, Ledesma, Lozano, Marcus, O'Connell, Parsky, Pattiz, Ruiz, Schilling, Schreiner, and Wachter

In attendance: Regents-designate Allen, Brewer, and Bugay, Faculty Representatives Brown and Oakley, Acting Secretary Shaw, Acting General Counsel Blair, Chief Investment Officer Berggren, Provost Hume, Executive Vice President Darling, Vice Presidents Broome, Foley, Gurtner, and Hershman, Associate Vice President Standiford representing Vice President Gomes, Chancellors Birgeneau, Bishop, Córdova, Drake, Fox, and Vanderhoef, Acting Chancellors Abrams, Blumenthal, and Park, University Auditor Reed, and Recording Secretary Nietfeld

The meeting convened at 8:40 a.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.

Diversity at the University of California

- A. The following representatives of The Alliance for Equal Opportunity in Education, a Los Angeles community-based organization seeking to increase the presence of African American students in the UC system, addressed the Committee: Mr. Mandla Kayise, Ms. Charisse Bremond, Mr. Daniel Johnson, Rev. Brenda Lamothe, Akili, and Mr. Blair Taylor. The speakers recalled that at the Board's September meeting the Alliance had addressed the fundamental contradiction that exists between UC's admissions policies and the stated mission of ensuring diversity at each campus. The Alliance rejects the notion that Proposition 209 necessitates an over-reliance on grades and test scores. The Alliance proposes that The Regents ensure that each campus is in compliance with federal law, develop a more holistic, systemwide admissions methodology, and adopt hiring guidelines for admissions personnel with a track record of recruiting and retaining African American and other underrepresented students. The systemwide nature of the problem is illustrated by the fact that the Riverside campus enrolls one half of all African American students at UC. The University's failure to seek full funding for academic preparation

programs sends the message to underrepresented students that their presence at UC is not valued. The University needs to develop partnerships with the African American community at all UC campuses.

- B. Mr. Patrick Mitchell, an employee of the UCLA Medical Center and an AFSCME executive board member, reported that the coalition of UC unions had endorsed a resolution in support of student diversity. He suggested that UCLA had abandoned its role in the Los Angeles community.
- C. The following representatives of the Admissions Coalition at UCLA addressed the Committee: Ms. Tina Park, Ms. Cindy Mosqueda, Mr. Matt Bukirin, Ms. Cinthia Flores, Mr. Nashaun Neal, Ms. Claudia Urbina, Ms. Virginia Myers, Mr. Shawn Do, Mr. Edgar Campos, Ms. Sara An, Ms. Norah Shuler, Mr. Jeremiah Garcia, and Ms. Candice San. The group recalled that the Board had stated its commitment to adequate funding for academic preparation programs; the diversity crisis has heightened the need for these programs. They asked The Regents to include funding of \$33 million for outreach in the 2007-08 budget. Speakers underscored the importance of student-provided academic outreach to the goal of improving racial balance at UC campuses. They urged the Board to support the repeal of Proposition 209 and to reinstate affirmative action in admissions. When appointing new chancellors, emphasis should be placed on their commitment to diversity.
- D. Mr. Mohammed Tajsar, a Los Angeles resident, believed that the quality of education had decreased significantly since the passage of Proposition 209 because it lacks the quality and depth of a culturally rich environment. Students are taught to excel on standardized tests rather than how to think.
- E. Mr. Mike Stevens observed that a campaign to eliminate affirmative action in Michigan had been successful. He referred to the statement made by Professor Cornell West in 1992 when he predicted that, without affirmative action, racial and sexual discrimination would return with a vengeance.

Item 304: Establishment of a School of Law at the Irvine Campus

- F. Dr. Murray Morgan believed there should be more morality at the University of California, not more law schools producing more lawyers.

Reinstatement of Contributions to the University of California Retirement Plan

- G. Mr. Mike Fehr, a representative of the Union of Professional and Technical Employees and a member of a coalition of the unions that are bargaining pension issues, explained that one of the coalition's concerns is that while employees have been on a 16-year vacation from contributions to the UCRP, the University has continued to deduct two percent from employees' paychecks for the Defined

Contribution Plan. The University has had the real holiday and should be required to invest the money it has saved before resuming contributions from employees.

- H. Mr. Richard Jensen, Chair of the Council of UC Retiree Associations, affirmed support for resumption of employee and University contributions to the UCRP beginning in 2007. UC's excellent defined benefit plan is the envy of other institutions and significantly aids in the recruitment and retention of faculty and staff. The Council commends the recommendations of the UCRP Advisory Council, the Academic Senate, and the President to maintain full funding of UCRP's actuarial liabilities, thereby assuring the financial health of the pension fund and future payments to annuitants and to those who have yet to retire.
- I. Ms. Lakeisha Harrison, President, AFSCME Local 3299, reported that the coalition of unions believes that it would be a mistake to bargain on contributions to the pension plan because contracts will not expire until next year. The unions charge that the University has failed to prove why contributions must begin prior to the 2007-08 bargaining cycle. The unions cancelled bargaining scheduled for November 9 because they believe there was inadequate disclosure to the public.
- J. Ms. Kiani Mitchell, a student at the Los Angeles campus, reiterated the charge that the University had failed to give adequate notice of bargaining over the resumption of contributions to the UCRP. As a result, the coalition of unions has filed an unfair labor practice charge against the University.

University-related Issues

- K. Mr. Carl Olsen, Chairman, State Department Watch, believed that all employers, including government bodies, need to verify the eligibility of their employees to work in this country. He saw a threat from the millions of illegal aliens who could be hired with the use of fraudulent documents. He gave some examples of companies that had been unaware of illegal aliens on their payrolls, noting that employers are eligible to use the federal "Basic Pilot Program" to verify the eligibility of persons to work.

2. REMARKS OF THE PRESIDENT

President Dynes offered some thoughts about the 2007-08 budget proposal, which reflects the University's priorities for State funding. These priorities include salary increases for faculty and staff, support for graduate education, and support for the science and mathematics teachers' initiative. There is greater support for research initiatives, in particular the California Institutes for Science and Innovation. The University's ability to fund infrastructure and health care improvements was enhanced by the passage of Proposition 1D.

The President commented that in a series of talks he has outlined his vision for moving the University forward, based on the planks of fueling innovation through research, development, and delivery; forging strategic international alliances; and enhancing the quality of California's future workforce by improving K-12 science and mathematics education. He reported that Regents Ruiz and Wachter had joined him and the Governor on a trade mission to Mexico. There is great potential for forming research, development, and delivery alliances with peer institutions in other countries in areas such as public health, air quality, energy, and transportation.

With respect to the issue of diversity, President Dynes reported that on October 22 he had two opportunities to reiterate his commitment to diversity and expanding educational opportunity to underrepresented students. He spoke to the California NAACP's conference about the need to increase the yield of UC-eligible African American students. At the conference, NAACP President Alice Hoffman stated that the University of California cannot fix the problem of decreasing African American enrollment without the assistance of the African American community. UC competes for these students with private universities that offer race-based scholarships and with historically Black colleges. Also on October 22, he attended a Boalt Hall discussion with Chancellors Birgeneau, Córdova, and Drake and with Faculty Representative Oakley on the impact of Proposition 209. The Study Group on University Diversity will present its findings to the Board later in the academic year.

In conclusion, the President reported that a program in ethics training had been instituted for all employees. The Regents are being asked to participate in this online briefing.

President Dynes then introduced Professor Terence Tao, the first UCLA mathematician to win the 2006 Fields Medal, considered to be the Nobel Prize in mathematics. Professor Tao was recognized for his contributions to partial differential equations, harmonic analysis, combinatorics, and additive number theory. More recently, he was named a MacArthur fellow for "...bringing technical brilliance and profound insight to a host of seemingly intractable problems." Professor Tao expressed his appreciation to the Los Angeles campus for the many opportunities that it provides to researchers such as himself.

3. **UPDATE ON LONG RANGE PLANNING**

Provost Hume recalled that 18 months ago then-Provost Greenwood and Senior Vice President Darling were charged by President Dynes with leading the Long Range Guidance Team, the purpose of which was to advise him on what the University would need to do to ensure its continuing excellence through 2025. The group has finished its process of consultation and deliberation and has been refining its message and its advice. A summary of the report will be presented at the appropriate time.

Provost Hume explained that, at the request of Chairman Parsky, today he would present a summary of academic planning activities under way across the system. Each of the campuses, under the leadership of the chancellor and with the participation of the Academic

Senate, is conducting academic planning. The process should allow for systemwide discussion of each campus-based academic plan, something which has not been done previously. The Provost reported that he is in the process of meeting on the campuses with provosts and others; to date, he has visited six of the ten campuses. When that process is completed, there will be further discussions among the provosts, the campus divisions of the Academic Senate, and the chancellors. This systemwide planning is consistent with the recommendation of the Long Range Guidance Team that the University would be more effective and valuable if planning were taken within the context of a system, rather than by ten separate campuses. The academic individuality of the campuses and the unique combinations of academic strengths are essential. Mr. Hume explained that he and President Dynes believe that the University can add to these strengths by developing common elements of support for the academic enterprise where that is appropriate.

With the advice and guidance of the Academic Planning Council, a joint administrative-Senate committee, several other systemwide planning activities are taking place. The first is a continuation of the health workforce needs analysis involved with planning for enrollment growth in the health sciences. Second, in response to concerns expressed about the threat to UC's quality posed by the decline in the proportion of research doctoral students, then-Provost Greenwood initiated a process of planning for doctoral and professional education. The planning group visited all of the campuses to gather information and confirmed the broadly perceived need to increase research doctoral enrollment. The group discovered broad interest in new mechanisms to support cross-disciplinary work among graduate programs and faculty. It called for and received proposals for new professional programs, one of which is the proposal for a new law school at Irvine. A new joint administrative-academic planning process has been initiated on systemwide information technology support. There is much to be gained by planning together for IT support to academic and administrative systems. There will be a focused and systemwide examination of undergraduate education, looking at issues such as best practices at UC and nationally, the goals of undergraduate education in an evolving world, and the relationship between undergraduate learning and the digital environment.

In response to a question from Regent-designate Brewer, Chairman Parsky recalled that he had urged Provost Hume to focus in particular on how the University as a whole could meet the challenges relating to funding its programs, particularly those of the highest priorities. He was somewhat concerned that not enough work had been done on the link between the funding that may be available and what the University would look like in 2025.

Regent Marcus observed that at present there is no standing committee with a commitment to the overall planning process for the University. The situation will be remedied if The Regents approves the establishment of a Committee on Long Range Planning.

Regent Gould recalled that at the September meeting Regent Moores had raised three issues with respect to funding: what can the University expect in terms of resources from the State; what are the needs of the University of California; and how can the case be built for additional resources from the State or other ways in which to remedy the funding gap. He

looked forward to working with Regent Moores on the Task Force to Evaluate University Funding Options.

Faculty Representative Oakley expressed the opinion that, based upon his experiences with long-range planning, the first step is to define what the preferred future is. Once that decision has been made, various strategies must be considered, including funding sources. He encouraged the administration to share the findings of the Long Range Guidance Team with shareholders sooner rather than later in order to determine whether or not a shared vision for the future exists. Faculty Representative Brown concurred, noting that vision in an academic context cannot be generated by an isolated group. Stakeholders must take part in the development of that vision.

President Dynes believed that it was time to build consensus on the topic of long range planning. It was his intention to spend time on each of the campuses describing the vision of a single university with ten campuses. There may be ways to generate revenue through the elimination of duplication. The task force chaired by Regent Moores will examine this process in a quantitative way.

Chairman Parsky commented that the Long Range Guidance Team had intended to share its observations with a number of constituencies before presenting any recommendations to the Regents.

Regent Blum pointed out that, in addition to discussions with constituencies, there need to be discussions with the State with respect to what it expects from the University. For example, within five years there will be a shortage of 17,000 doctors and 49,000 nurses. Forty percent of the physicians that practice in the state were trained at a UC campus. He underscored the need to understand the University's sources of funding.

4. **ESTABLISHMENT OF A SCHOOL OF LAW AT THE IRVINE CAMPUS**

The Committee on Educational Policy forwarded to the Committee of the Whole for discussion the recommendation that effective immediately, Section 14 (a) of The Regents' provisions as covered under the Standing Order 110.1 - Academic Units and Functions, Affiliated Institutions, and Related Activities of the University, be amended as follows:

Additions shown by underscoring

14. Professional Schools

- (a) There are established the following schools, with curricula based on two or more years of undergraduate work:

School of Law, at Irvine, with curricula leading to the degrees of Juris Doctor (J.D.), Master of Laws (LL.M.), and Doctor of the Science of Law (J.S.D.).

Provost Hume noted that the recommendation represents a continuation of the discussion that took place at the September meeting. The proposal has been strongly endorsed by the Academic Senate and by a special ad hoc committee established as part of overall planning related to doctoral and professional education. The proposal is under review by the California Postsecondary Education Commission (CPEC).

Chancellor Drake recalled that, as outlined at the September meeting, the goals of the proposed School of Law are the following:

- Establish one of California's most attractive law schools by becoming a leader in inter-professional education and clinical programs
- Support the campus' academic mission by providing a setting for outstanding legal scholarship
- Provide the region with a talented and uniquely trained work force
- Provide legal services to vulnerable segments of society

The areas of special focus include a JD/MBA program and JD/MA or MS programs in areas such as engineering, computer sciences, or public health. The school would focus on administrative law, family and immigration law, patent and intellectual property law, environmental law, and international law.

One of the missing pieces in the academic plan for the Irvine campus is a school of law. There are at present professional schools in medicine, engineering, and business, as well as 1,000 students who are majoring in Criminology, Law, and Society. The new school will drive business growth, support vulnerable segments of society, and increase access to quality legal education.

Chancellor Drake briefly described the work of the special ad hoc committee which was chaired by Christopher Edley, Dean of Boalt Hall, and Pamela Jester, Director of Continuing Education of the Bar. Once a series of criteria was established to evaluate the proposal, the

ad hoc committee conducted program review and a site visit. The group "...enthusiastically recommend[s] that the President, the Provost, and the Regents approve the proposal for creating a law school at UC Irvine."

Chancellor Drake provided an update on the review by CPEC. The campus submitted the proposal through the Office of the Provost in June 2006; a preliminary review indicated that there were significant unanswered questions. In September 2006 CPEC issued a draft report to be discussed at a future meeting. There has been active consultation between the campus and CPEC in the meantime to address the issues raised in the draft report. The campus has provided a detailed response to the questions raised by CPEC on October 1. In a follow-up letter dated October 30, CPEC stated the following: While it believes that the information provided by the campus has adequately addressed a number of important issues, four substantial issues remain. The Commission staff is committed to working with UCI to assist in the remedy of these remaining issues. CPEC staff will not have time prior to its December meeting to complete the review of the information recently submitted by the campus. This review will commence after the December meeting.

The following are the four issues identified by CPEC as outstanding:

- CPEC recommends that an analysis of UC law applicant data be undertaken by UCI and Commission staff.
- There was a tuition and fee data discrepancy resulting from whether or not the cost of mandatory, privately purchased health insurance was considered "tuition."
- CPEC wishes to meet with the author of the RAND projections for the need for attorneys in California to clarify his methodology. There is no dispute as to the outcome.
- CPEC strongly recommended that UCI initiate discussions with private law schools. There have been preliminary conversations, pending Regental approval.

Chancellor Drake outlined the funding model for the proposed law school. He stressed that no additional operations funding from the State is requested. Funding will come from projected enrollment growth, professional fees and related revenues, and private support. He displayed an operational budget summary through the year 2018-19 which demonstrated that after red ink in years two, three, and four, revenues exceed program costs. By 2016-17, revenues will total approximately \$25.5 million, and expenses will total \$23.8 million. The Chancellor displayed a list of community supporters that included law firms, elected officials, businesses, and not-for-profit organizations.

When the School of Law opens in 2009, it will be the first public law school in southern California in sixty years, since UCLA opened its law school doors in 1949. The campus believes this to be the right project in the right place and at the right time.

Chairman Parsky asked President Dynes to comment on how the establishment of the law school would fit into his thinking about the University of California in the year 2025. The President noted that the law school would fit well into the jigsaw puzzle of ten campuses, one university.

Chairman Parsky commented on the need for additional time to absorb all of the questions that were raised by CPEC. Chancellor Drake urged the Regents to vote to approve the project, with the understanding that these issues will be resolved. The campus could be directed to continue to work with CPEC, through the Office of the President, to address these issues and report back to the Chair of the Committee on Educational Policy by the May meeting. Chairman Parsky felt that the Regents would need to state their support for the law school irrespective of the findings of CPEC. Regent Kozberg pointed out that CPEC is understaffed and may need some resources from the University.

Regent Pattiz felt that the University had a major role to play in addressing important issues such as global warming, terrorism, nuclear proliferation, alternative energy, K-12 education, and the like. He observed that much of the community support for the new law school came from lawyers. Regent Pattiz believed that the proposal should be seen in the context of the University's overall role and how that role might be affected. Chancellor Drake stressed that the data demonstrate how well the law school will fit with other campus programs, including environmental law and regulatory policy.

Regent Johnson pointed out that the law school at Irvine will offer another opportunity for California's students to attend a public law school. Commenting on the prior meeting of CPEC, it was her understanding that the Irvine campus would be able to work through the outstanding issues. She stated her intention to follow through on the process with CPEC.

In response to a question from Regent Johnson regarding financial support for students who are interested in public interest law, Chancellor Drake stressed that one of the founding principles of the school is to facilitate public interest and public service law to vulnerable segments of society. The campus will provide \$4.5 million annually in financial support to law students. It will also hire faculty with research interests in these areas. Many local businesses will be able to offer high-paying summer jobs to help mitigate the cost of attending law school.

Responding to the comments by Regent Pattiz, Faculty Representative Oakley observed that global warming is a prime topic of international environmental law, while alternative energy sources is a prime topic of current domestic tax law. International terrorism reaches into constitutional law. Regent Pattiz' concerns should be met, given the special emphasis on interdisciplinary studies. With respect to the support from law firms, Professor Oakley noted that part of UC's mission is to provide social mobility to its students.

Regent Island observed that law schools do more than train lawyers. He recalled that law schools provide legal scholarship, and in particular he was reminded of the role played by

law schools in *Brown vs. Board of Education*. Scholars within a law school focus on vitally important issues, including immigration and family law. He urged the campus to move forward with the project. Regent Island reiterated the view put forward by Chairman Parsky that this decision ultimately rests with the Regents.

Chairman Parsky recalled that, with one exception, the University has always tried to take into account CPEC's views with respect to new programs.

There was consensus that Committee on Educational Policy Chair Marcus would present at Thursday's meeting of The Regents an amended recommendation which would take into account the remaining issues with CPEC.

Chancellor Drake stressed that the campus had developed a good working relationship with CPEC and would continue to work with the Commission as colleagues to resolve the remaining issues. A report will be presented to the Regents at the May meeting.

The meeting adjourned at 10:35 a.m.

Attest:

Acting Secretary