

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

March 19, 2014

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

Members present: Regents De La Peña, Feingold, Flores, Gould, Island, Kieffer, Lansing, Makarechian, Napolitano, Reiss, Ruiz, Schultz, Sherman, Varner, and Zettel

In attendance: Regents-designate Engelhorn, Leong Clancy, and Saifuddin, Faculty Representatives Gilly and Jacob, Secretary and Chief of Staff Kelman, Associate Secretary Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Vacca, Provost Dorr, Executive Vice President Brostrom, Chief Financial Officer Taylor, Senior Vice Presidents Dooley and Stobo, Vice Presidents Andriola, Beckwith, Brown, Duckett, Lenz, Mara, and Sakaki, Chancellors Block, Blumenthal, Desmond-Hellmann, Drake, Katehi, Khosla, Leland, Wilcox, and Yang, and Recording Secretary McCarthy

The meeting convened at 8:35 a.m. with Chairman Varner presiding.

**1. PUBLIC COMMENT**

Chairman Varner 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.

- A. Mr. David Douglass, UC Berkeley student and Defend Affirmative Action Party candidate for president of the Associated Students of the University of California, demanded the immediate removal of Janet Napolitano as President of the University. He spoke in favor of affirmative action to increase the numbers of black, Latino, and Native American students at UC Berkeley and UCLA. He expressed solidarity with UC's graduate students and American Federation of State, County and Municipal Employees (AFSCME) Local 3299.
- B. Mr. Justin Cheong, national organizer for the Coalition to Defend Affirmative Action, Integration, and Immigrant Rights and Fight for Equality by Any Means Necessary (BAMN), expressed solidarity with UC workers and opposition to the appointment of Janet Napolitano as President of the University because of her role in deporting undocumented immigrants. He advocated increasing the number of UC students from underrepresented minority groups.
- C. Mr. Ophir Bruck, member of Fossil Free UC, advocated UC's divesting from fossil fuel companies. He stated that, following the January Regents meeting,

Fossil Free UC representatives met with Regents Reiss, Pattiz, Ruiz, and Wachter, with assistance from Regent Flores. He would give these Regents Fossil Free UC's proposal for a task force on socially responsible investing.

- D. Mr. A.J. Valenzuela, third-year UCSB student, expressed support for UC graduate students' collective bargaining around teaching assistant-student ratios and the 18-quarter limit on teaching assignments. He also urged finding new sources of funding for public higher education, either through reform of the Proposition 13 commercial property tax or an oil severance tax.
- E. Ms. Alison McDonald, second-year UC Berkeley student, expressed opposition to the appointment of Janet Napolitano as President of UC because of the deportation of undocumented immigrants while she was Secretary of Homeland Security. Families were separated by deportations.
- F. Ms. Anna Avila, a former student at Oakland High School and BAMN organizer, spoke against the appointment of Janet Napolitano as President of UC because of the deportation of undocumented immigrants.
- G. Mr. Zelvin Hill, member of BAMN, expressed opposition to the appointment of Janet Napolitano as President of UC because of her deportation of undocumented immigrants and her lack of experience in education.
- H. Ms. Kathryn Lybarger, president of AFSCME Local 3299 representing 22,000 service and technical workers at UC, spoke about the reasons 13,000 UC patient care and technical workers intended to strike the following week. The University had been hostile to the collective bargaining process, while UC workers have engaged in good faith bargaining for the past 22 months. The union had repeatedly raised concerns about safe staffing levels and patient safety and had offered to compromise, including on the University's top priority of pension reform. She alleged that the University acted illegally by attempting to intimidate workers, implementing contract terms and cuts in employee benefits, and demanding new layoff powers. She asked why employee pay and benefits were being reduced at a time when pay for top executives was increasing greatly.
- I. Ms. Judy McKeever, UCSF respiratory therapist, AFSCME member, and member of the Respiratory Care Board of California, commented on the crucial roles that respiratory therapists play in many areas of the hospital. She expressed opposition to layoffs of respiratory therapists because of the threat to patient safety. If patient care workers could be laid off for a day or week with very little notice, they would be unable to rely on a stable income. Ms. McKeever questioned the high salaries paid to hospital executives.
- J. Ms. Monica DeLeon, unit secretary in labor and delivery at UC Irvine Medical Center and a member of AFSCME Local 3299, said that the labor and delivery unit must be fully staffed 24 hours a day. She expressed disappointment that

emergency layoffs were being discussed, since patient care workers rely on a regular schedule to support their families. Ms. DeLeon commented that patient flow in the labor and delivery unit is unpredictable and can change quickly during a day.

- K. Mr. Kevin Wuthrich, a worker in the trauma center at the UC Davis Medical Center and member of the AFSCME bargaining team, stated that the University had not been bargaining in good faith and had added demands regarding emergency layoff provisions 18 months into negotiations. He noted that the patient level in the trauma center can change very quickly and urged the University to bargain in good faith so workers can focus on taking care of patients.
- L. Ms. Teri Traylor, a nursing aide at UC San Diego Medical Center and member of AFSCME Local 3299, said she planned to strike the following week because of her opposition to proposed emergency layoffs, which would be dangerous and would affect workers' ability to rely on a regular income. The number of certified nursing assistants had been reduced six percent since 2009. The prior year, use of video monitors rather than nursing aides to watch patients resulted in a patient's walking out of the hospital and dying in a canyon.
- M. Ms. Caitlin Carnes, fourth-year UC Berkeley student, expressed her support for AFSCME Local 3299 and the patient care workers who planned to strike the following week. She said the University had not bargained in good faith over the past 22 months, jeopardizing patient and worker safety. Profits should not be put above patient care. Students were in solidarity with patient care workers.
- N. Mr. Quinten Avalos, Oakland High School Latino sophomore, said he deserved the right to go to UC Berkeley and that he would be the first of his family to attend UC. He demanded admission of more students from underrepresented minorities and removal of President Napolitano.
- O. Ms. Kayla Benjamin, Oakland High School sophomore and BAMN organizer, said that President Napolitano should be removed because she does not represent UC students. She said Latino and Latina students would be afraid to go to UC while Janet Napolitano is President.
- P. Ms. Rebecca Pierce, UC Santa Cruz graduate and member of the Jewish students panel for the prior Campus Climate Study, expressed her view that the conclusions of that Study were political. The Study omitted Jewish students who were critical of Israel and demonized Palestinian students. Many UC students who are members of minority communities feel left out at UC. Students involved in organizing to support Palestinians currently feel targeted and monitored, and are held to different standards for their speech. She asked the UC Santa Cruz campus and the University to take action in response to recent revelations that the

AMCHA Initiative had exposed UC students to danger by spying on the Olive Tree Initiative, a celebrated UC dialogue program.

- Q. Mr. Yaman Salahi, UC Berkeley alumnus and attorney with the Asian Americans Advancing Justice – Asian Law Caucus, expressed hope that the Campus Climate Study would not repeat the problems of the UC Office of the President’s 2012 study. In the post-September 11 environment, some Arab, Middle Eastern, Muslim, and South Asian students sometimes faced false smears of being disloyal or terrorists, resulting in increased administrative scrutiny and possibility of adverse action when these students engage in political expression on campus. Mr. Salahi expressed his view that the 2012 study made the campus climate worse by equating engaging in political speech about a government’s policies with harassing students who may identify with that government. Mr. Salahi urged that respect for First Amendment rights be a high priority of the new Campus Climate Study.

## 2. **REMARKS OF THE CHAIRMAN OF THE BOARD**

Chairman Varner stated that the Board would discuss the Campus Climate Study initiated more than a year prior to gauge the personal experiences of members of the UC community with regard to issues of diversity, tolerance, and inclusiveness. He thanked the more than 104,000 people who responded to the survey and UC President Emeritus Mark Yudof for initiating the Study and for addressing these issues through the President’s Advisory Council on Campus Climate, Culture, and Inclusion. Following his leadership, the UC chancellors each formed similar councils on their campuses and in 2010 then-Chairman Gould announced the formation of an Ad Hoc Committee on Campus Climate. Chairman Varner expressed the appreciation of the UC community to all who serve on these councils and who have worked on this important Study. The results would give the University a baseline of information to understand how members of the University community relate to one another. The Board is committed to providing a safe, inclusive, and welcoming environment in every quarter of the University.

The Board would also consider UC’s participation in the international Thirty-Meter Telescope project and would hear a report on UC Health’s cost efficiency measures. Both of these measures would enhance UC’s teaching and research opportunities.

Chairman Varner stated that this would be the last Board meeting for two valued colleagues. Chancellor Desmond-Hellmann would step down at the end of the month to become the Chief Executive Officer of the Bill and Melinda Gates Foundation. Under Chancellor Desmond-Hellmann’s tenure, UCSF soared to ever higher achievements in health research, clinical practice, and health sciences education; her commitment to public service is an inspiration for all. He thanked Chancellor Desmond-Hellmann, expressed the Board’s congratulations on her important new position, and its hope that her relationship with the University would continue.

Chairman Varner added that this would also be the last meeting for Secretary and Chief of Staff Kelman, a valued colleague, trusted counselor, and skilled administrator. She served the University with the highest standards of professionalism and dedication, and after a lifetime of service in public higher education, Ms. Kelman would retire. Chairman Varner congratulated Ms. Kelman, personally thanked her for her assistance with his transition to the chairmanship, and expressed the Board's wishes for her future happiness. The Board would miss her patience, friendship, and sense of humor.

Chairman Varner acknowledged the passing of California State University Trustee William Hauck. Regent Gould noted Mr. Hauck's many contributions to California, particularly his championing of higher education. Mr. Hauck began his career as Chief of Staff for Speakers Bob Moretti and Willie Brown, before becoming Deputy Chief of Staff to Governor Pete Wilson. Through his entire tenure of service to both political parties, Mr. Hauck's highest priority was to improve access, quality, and opportunity of higher education in California. He served 20 years on the Board of California State University, including terms as Chairman and as Chair of its Committee on Finance, and chaired the Campaign for College Opportunity. The one thing for which Mr. Hauck wanted to be remembered was his passion and dedication to California students, their access to higher education, and its meaning for the future of California.

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

President Napolitano commented that by the end of March she would have served six months as President of UC. Much had been accomplished and important groundwork had been laid for long-term initiatives that would guide work over the upcoming years. She updated the Board on progress since its last meeting.

In February, the President completed the last of her campus visits; the following week she would visit Lawrence Livermore National Laboratory (LLNL). The search for a new Director of LLNL was virtually complete and the new Director would be announced shortly. The search for a new UCSF Chancellor was on schedule and the UC Irvine Chancellor search advisory committee would meet at that campus on April 11.

Shortly after the last Board meeting, UC and Mexico announced a joint undertaking, the UC-Mexico Initiative, to create a sustained strategic partnership between UC and higher education institutions in Mexico. Good progress had been made on this initiative already, with Provost Dorr and Chancellor Wilcox having recently returned from Mexico City where they travelled in support of the initiative. President Napolitano reported hearing promising developments related to the initiative's goals while at UC San Diego recently.

The prior week, President Napolitano joined UC Berkeley Professor and Nobel Laureate Randy Schekman and some of UC's most promising graduate students at Graduate Research Advocacy Day in Sacramento. They met with Governor Brown's Chief of Staff and many key legislators. The fascinating research and great passion of its graduate students offer great hope for the future of UC and the nation.

While she has spent much of her initial time visiting the University community, business at the UC Office of the President (UCOP) was a high priority. The Working Smarter initiative and the UCOP efficiency review were making new strides. The efficiency review working group initiated new standards for online performance appraisals, for reducing paper usage, and for direct ordering of office supplies.

The prior month, President Napolitano announced a UC-Oakland partnership, with the purpose of having UC staff support and celebrate UC's relationship with Oakland, be a better neighbor by playing a role in civic events that enhance the Oakland community, and engage directly with Oakland schools and businesses. The capstone of this initiative would be a UC-Oakland scholarship fund for graduating seniors from Oakland high schools who have committed to attend a UC campus and who have demonstrated a commitment to community service or civic engagement in Oakland. The scholarship funds would be raised at UCOP through staff fundraisers, with the goal of awarding two or three scholarships each year.

President Napolitano reported good news about UC's labor relations. Since the last Board meeting, agreement had been reached with American Federation of State, County and Municipal Employees service workers, marking the eighth contract closed since President Napolitano's tenure began. The University was actively working to close the three remaining open contracts, and the President expressed confidence, provided that both sides bargain in good faith.

The prior week, President Napolitano had announced that the Division of Agriculture and Natural Resources (ANR) would report directly to her, a return to past practice, making clear the significance of ANR to UC and to California. UC is a land-grant university; ANR's work of exporting the fruits of UC's research to every corner of the state is integral to the University's character and identity.

President Napolitano recalled that in January she and the chancellors brainstormed some major proposals about food security and sustainability on UC campuses, across the state, and the world. Work was continuing on this initiative and a major announcement would be forthcoming shortly.

Given the importance of UC's establishing links with the private sector, President Napolitano announced the formation of the President's Business Executive Council that would consist of about 20 of the most visionary business leaders and thinkers in California. The Council would meet semiannually and provide the President with important feedback and expertise as the University determines how best to prepare its graduates for the challenges and opportunities of the 21st century.

President Napolitano commented on items that would be discussed at the current meeting, several of which involved initiatives begun prior to her term, but which her office has strived to complete. The Board would hear a presentation on the just-released preliminary results of the Campus Climate Study. Action would be taken on the recommendations of the joint Academic Senate-Administration working group regarding

the Moreno Report. The finalized Robinson-Edley Report was a strong, comprehensive document with recommendations that were being implemented on appropriate planning for and responses to protest activity. The prior week, President Napolitano issued a new presidential policy on sexual harassment and sexual violence, complying with the new requirements of the federal Violence Against Women Reauthorization Act and providing support and training for UC's faculty, staff, and students. She anticipated that there would be some additions to and clarifications of the policy based on comments received. These initiatives all serve the University's important objective of seeking to create and nurture an ethos of respect for others and inclusion for all. Free speech would not be limited by these initiatives; in fact, robust, constructive dialogue was critical to achieving this objective. Respect and inclusion are the foundation upon which great universities like UC stand. All members of the University community bear responsibility for ensuring that an ethos of respect, inclusion, and civility exists.

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

Faculty Representative Jacob noted that the Campus Climate Study (Study) data would be released on this day and the Academic Senate anticipated lively discussion followed by action. On each campus, Academic Senate leaders and the campus committee on diversity would examine the Study's details for their own campus to identify opportunities for improvement.

Mr. Jacob cited faculty concerns about the University's research environment. Faculty are expected to bring insights from the forefront of scholarship and innovation to their educational work, while managing the financial aspects of sustaining their research in a competitive environment. Such demands require public and campus support, both logistical and financial.

Mr. Jacob discussed two areas of public engagement to create broader support of UC's research mission. For decades, the University has delivered consistent, high-quality messages to the public about UC's research in varied fields. Polling studies have demonstrated that these messages have had some effect. Mr. Jacob thanked President Napolitano, the chancellors, and their staff for their ongoing support of this messaging. A systemwide approach to creating more publicity demonstrating that research is the University's driver and touches areas of immediate concern to Californians would be beneficial. The Academic Senate was pleased to be part of projects like advancing food science and President Napolitano's carbon-neutrality goal, emphasizing the interplay of research in humanities, social sciences, basic science, and engineering to help Californians with changes necessary to survive and thrive in a changing environment. This approach could also leverage philanthropic support that plays an increasing role in research. The Academic Senate was ready to contribute expertise and leadership in an effort to communicate a global vision of UC research that would improve the University's messaging.

Mr. Jacob pointed out that frequently heard calls for improved efficiency and restructuring in higher education fail to acknowledge UC's research mission. The

Legislature required UC to submit performance outcome measures including only undergraduate enrollment numbers, course credit completion, and graduation rates disaggregated in a variety of ways, as part of the current year's budget. UC Office of the President (UCOP) prepared an excellent report, outlining the University's accomplishments in these areas. However, the California Master Plan for Higher Education also tasked UC with graduate education and its research mission; the people of California invested in UC to further these goals as well. The prior year, UC faculty had brought in more than \$5 billion in research funds, nearly double the State's appropriation for instruction. By supporting UC's research enterprise, these funds provide support for graduate students and an environment where undergraduates are constantly exposed to new knowledge and opportunities to participate directly in research. Mr. Jacob emphasized the necessity of defending research and scholarship as crucial to the University's mission and worthy of State support. The Academic Senate looks forward to engaging with campus and UCOP leadership, the Governor, and the Legislature to ensure that the full story of the University's research mission is told.

Regent Kieffer thanked Mr. Jacob for his report, noting the importance of the three aspects of UC's mission: creation of knowledge, the transmission of knowledge, and the University's public service mission. UC performed extraordinarily well in the recent London *Times Higher Education* world university rankings. Regent Kieffer added that the role of UC research in bringing funds into the state is woefully misunderstood. He expressed the Board's pride in the work of UC's research faculty in the creation of knowledge and jobs for Californians.

The meeting adjourned at 9:30 a.m.

Attest:

Secretary and Chief of Staff