

The Regents of the University of California

COMMITTEE ON EDUCATIONAL POLICY

September 17, 2015

The Committee on Educational Policy met on the above date at the Student Center, Irvine Campus.

Members present: Regents Gorman, Gould, Island, Kieffer, Ortiz Oakley, Oved, and Reiss; Ex officio members Lozano, Napolitano, and Varner; Advisory members Chalfant and Schroeder; Staff Advisors Acker and Richmond

In attendance: Regents Atkins, Blum, Davis, De La Peña, Makarechian, Pattiz, Pérez, Ruiz, Sherman, and Zettel, Regent-designate Ramirez, Faculty Representative Hare, Secretary and Chief of Staff Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Vacca, Chief Investment Officer Bachher, Provost Dorr, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President and Chief Operating Officer Nava, Senior Vice Presidents Henderson and Peacock, Vice Presidents Budil, Duckett, Humiston, and Sakaki, Chancellors Block, Blumenthal, Gillman, Wilcox, and Yang, and Recording Secretary McCarthy

The meeting convened at 9:15 a.m. with Committee Chair Island presiding.

1. APPROVAL OF MINUTES OF PREVIOUS MEETING

Upon motion duly made and seconded, the minutes of the meeting of July 23, 2015 were approved.

2. APPOINTMENT OF NORMAN ABRAMS AND EDWARD A. LANDRY AS MEMBERS, BOARD OF TRUSTEES, JULES STEIN EYE INSTITUTE, LOS ANGELES CAMPUS

The President of the University recommended that the appointments of Norman Abrams and Edward A. Landry to the Board of Trustees of the Jules Stein Eye Institute, Los Angeles campus, be approved.

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Provost Dorr introduced Chancellor Block, who explained that the Jules Stein Eye Institute (Institute) is an organized research unit at UCLA founded in 1961 with gifts from Dr. Jules Stein. The 1977 agreement between Jules Stein and The Regents provides for a board of trustees to oversee management of the Institute's research programs. The board of trustees can fill board vacancies subject to the approval of the Regents. Two

vacancies were filled in May 2015 with the appointments of Norman Abrams and Edward Landry. The Regents were being asked to approve these two outstanding additions to the Institute's board of trustees.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

3. **ENDORSEMENT OF CENTENNIAL CAMPAIGN, LOS ANGELES CAMPUS**

The President of the University recommended the endorsement of the public phase of the Los Angeles campus fundraising campaign, *The Centennial Campaign for UCLA*, with a goal of \$4.2 billion.

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Senior Vice President Henderson recalled that UCLA's Centennial Campaign had been launched in 2014 and noted that all UC campuses were engaged in ongoing philanthropic efforts. Regents policy requires that the Regents endorse all public fundraising campaigns of \$250 million or more. Campuses can publicly announce their campaigns at campus events and seek endorsement by the Regents at a later date. The President of the University approves the silent phase of all fundraising campaigns. An endorsement would reflect the Regents' support for fundraising efforts and the important role of volunteer trustees of UC campus foundations, and increase public awareness of UC fundraising campaigns.

Chancellor Block explained that UCLA operates with a diverse set of revenue sources, including State and federal support, tuition, and philanthropy. In recent years, philanthropy had become an important factor in a university's ability to attract the best faculty and students. UCLA had seen an increase in philanthropy over the past 20 years, since its first public campaign was launched in 1982. Its second, very successful campaign launched in 1995 raised just over \$3 billion. Chancellor Block emphasized that at the end of each campaign, the campus enjoyed an increase in its baseline level of giving, which reached \$300 million at the end of the last campaign in 2005, putting UCLA near the top of all public universities at that time. In 2007, the campus worked to increase yearly giving to approximately \$400 million in preparation for its Centennial Campaign, the silent phase of which was launched in 2012.

The Centennial Campaign has three pillars. The first pillar is to transform the educational experience, including new educational platforms, global reach for UCLA degree and certificate programs, new teaching facilities, and enhanced student and faculty support. In this area, the Campaign already had some notable accomplishments: the Evelyn and Mo Ostin Music Center, the \$60 million Marion Anderson Educational Endowment, the David Geffen Medical Scholarships, providing free medical school tuition and support for a group of outstanding scholars, the Dr. William M.W. Mong Memorial Learning Center in engineering, and the Big Bang Theory Scholarship Endowment, providing

financial aid to undergraduates pursuing degrees in science, technology, engineering, and mathematics.

The Campaign's second pillar is to empower new discoveries and creativity, through faculty and student recruitment and support, new research facilities, and improvements in translations of discoveries. Notable accomplishments in this area include the B. John Garrick Institute for the Risk Sciences, the Alan D. Leve Center for Jewish Studies, the Pritzker gift for the Institute of the Environment and Sustainability, and the Morrison Family Center for Marketing Studies and Data Analytics.

The third pillar is to advance human welfare and serve the public good, including research programs dealing with health disparities, environmental issues, and educational inequalities. Notable accomplishment of the Campaign in this area to date include the Ronald A. Katz Center for Collaborative Military Medicine, the Connie Frank Kidney Transplant Center, the Steve Tisch BrainSPORT Program, the Skoll Center for Social Impact Entertainment, and the Agi Hirshberg Center for Pancreatic Diseases.

The Campaign would conclude in 2019 on UCLA's 100th birthday and has an overall goal of \$4.2 billion, the largest campaign ever undertaken by a public university. Chancellor Block expressed hope that the campus would emerge from the Campaign with a new baseline level of annual giving around \$600 million and would increase its campus foundation to about \$5 billion.

Vice Chancellor Rhea Turteltaub provided additional details about the Centennial Campaign. She recounted the history of the Campaign, which aims to raise \$500 million each for undergraduate students, graduate students, and faculty, in the form of scholarships, fellowships, and endowed chairs, benefiting from President Napolitano's Presidential Match for Endowed Chairs. The Campaign also intends to fund a series of capital projects, institutes, laboratories, and programs. To date, the UCLA Centennial Campaign had raised over \$2 billion, almost halfway to its goal.

Regent Ortiz Oakley encouraged UCLA to use fundraising proceeds to increase the diversity of its students and faculty.

Chairman Lozano congratulated the campus on the Campaign's success to date. She asked how UC's level of alumni giving compared with other universities and what was being done to increase alumni participation. Chancellor Block commented that UC alumni giving was relatively low, a problem common to all public universities. UCLA changed its procedures so that every alumnus automatically becomes a member of its alumni association. The campus provides alumni with ongoing educational and networking opportunities to build a stronger ongoing connection. Ms. Turteltaub added that UCLA had enjoyed greater State support for much of its existence and had concentrated on fundraising for only the past 30 years.

Regent Gorman commented that UCLA was working to develop a deeper connection between alumni and campus development. She acknowledged the outstanding work of Ms. Turteltaub. UCLA alumni were helping as Campaign volunteers.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

4. **UPDATE ON TASK FORCE ON SEXUAL VIOLENCE AND SEXUAL ASSAULT**

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Chief Compliance and Audit Officer Vacca introduced the discussion of the educational program resulting from the efforts of the Task Force on Sexual Violence and Sexual Assault (Task Force). The Task Force was charged with developing a comprehensive training and education plan for UC students, faculty, and staff. This discussion would focus on student education; the faculty and staff education plan was being developed and would be implemented by January 2016. Core content would be common for all incoming UC students, a required training program that students would receive in three phases by the end of their sixth week when they first come to UC. The method of delivery would be determined by each campus. Incoming students would receive in-person training in the core concepts. A three-tiered approach would include training for incoming students, ongoing training for those who have already had the initial training, and tailored training for specific population groups. Task Force workgroups included students, staff, faculty, advocates, Title IX officers, and representatives of all elements of the University that would be involved in these efforts. Ms. Vacca expressed her opinion that UC had developed a best practice education model that had received many external accolades for its content and method of delivery. Students were very active in assisting in this effort and strongly supported in-person training. President Napolitano had made online training modules available to all UC campuses, but they would not be used for the first-tier training, but rather to augment in-person education.

UCLA Vice Chancellor for Student Affairs Janina Montero provided background and more specifics about training programs for new UC students. The development of this program offered an opportunity for culture change both at UC and at other institutions across the nation. President Obama, the federal government, the State Legislature, the public, UC leadership, and most importantly students had been part of this national discussion. The educational programs were ambitious and demanding, providing a high bar of consistency and accountability across UC campuses, while allowing appropriate tailoring by campuses according to local resources and opportunities, cultures, constraints, effective existing programs, and community relationships. For example, UCLA has an excellent relationship with the Santa Monica – UCLA Medical Center Rape Treatment Center. The education program would provide clarity, with a common vocabulary, range of services, and standards.

Ms. Montero discussed implementation of the educational program at UCLA. The Task Force established the requirement that there be at least three substantive points of education within the first six weeks of the fall quarter, generally presenting the same information multiple times. New UCLA freshmen, transfer, graduate, and professional students are required to complete an online module “Think About It” between August 1 and October 31. Completion is monitored and a hold put on records of freshmen and transfer students who do not complete the module, meaning that they could not register for winter classes. Students could have the hold lifted by completing an approved educational program. Summer freshman orientation includes a 90-minute interactive program called “Socially Speaking” providing information, and using vignettes and role-playing focusing on consent, bystander intervention, confidential resources, and how to report instances of sexual assault. Counselors and rape treatment center counselors are available for students at the training sessions. Within the first six weeks of the quarter, all students would receive a letter from the chancellor or vice chancellor referring them to websites, resources, and reporting options. Resident advisors share information about issues of consent and retrain students regarding bystander intervention. Presentations had been prepared for graduate students and had been scheduled for many UCLA professional schools. Teaching assistants would receive in-person training during October. Ms. Montero noted the impressive leadership and sustained involvement of UCLA students.

Sarah Meredith, Director of the Center for Advocacy Resources and Education at UC Davis and a California certified rape crisis advocate, serves as both a victim advocate and educator. She discussed the third tier of the education program that focuses on programs for specific populations. Learner characteristics must be considered at every level of training, for instance by appropriately tailoring programs for incoming foreign or graduate students. Throughout the process of determining its recommendation for training content, the Task Force identified several groups that might benefit from tailored education. Fraternities and sororities, sports clubs, athletes, the lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA) community, international students, and other student organizations would receive regular education focused on their needs, above and beyond the regular training. Ms. Meredith cited examples of tailored education at UC Davis, including a four-unit Greeks Against Sexual Assault course, Men’s March Against Sexual Assault, Dating in the USA for international students, and others. A variety of campus organizations were currently developing a peer education program for UC Davis students affiliated with fraternities and sororities.

UC Irvine Associate Chancellor for Equity, Diversity, and Inclusion Kirsten Quanbeck, UCI’s Title IX officer, discussed educational efforts relating to UC faculty and staff. Online programs, instructor-led workshops, and an Emmy Award-winning theater presentation are embedded in all sexual harassment prevention training. Ms. Quanbeck was working with administrators and faculty at UC Irvine to tailor the two-hour staff and supervisory faculty online training provided by the Office of the President to the UC community.

Ms. Quanbeck advised that education efforts included ongoing training of UC professionals who receive and respond to reports of sexual violence, including investigators, student conduct officers, Title IX officers, social workers, advocates, and legal counsel. These UC professionals have received training in topics including trauma-informed investigations, domestic violence crisis counseling, report writing, and bystander intervention.

Ms. Vacca commented that UC campuses can take different approaches to delivery of the core content. The educational component would continue to be improved based on feedback and metrics that would be established to measure programs' effectiveness in changing behavior. More people were already accessing resources that have been made available through these efforts. She emphasized the importance of establishing delivery methods and resources that are sustainable and transparent to students, staff, and faculty. Ms. Vacca thanked campus administrators and staff for their expertise and support.

Student Observer Elijah Pipersburg, UC Davis student, commented that sexual assault cases had previously been mishandled and commended efforts of the Task Force. He advocated requiring in-person training for graduate students, faculty, and staff, including consent and bystander intervention training. Intolerance was a problem for many groups of students on UC campuses and the lack of diversity among UC faculty and the Regents limits resources available to students. Issues of intolerance affect student mental health.

Regent Makarechian asked if students could be required to take a credit-bearing course on sexual violence and assault. He also asked about interaction with law enforcement in investigation and reporting of incidents where it was determined that a law had been broken. Ms. Vacca commented that the University's internal processes were administrative, based on the preponderance of evidence, and different from those of a court of law. When a student comes to the campus victim advocate, the student can decide whether to make a report to law enforcement or not. Students expressed the need for a confidential, privileged individual at every campus whom they could consult without having the obligation to make a report, to discuss what had occurred and learn about available options. Ms. Meredith added that campus advocates are knowledgeable about both administrative and criminal justice processes. If the alleged perpetrator is a UC student, the victim would be advised about administrative process options as well as the option to report to law enforcement and initiate the criminal justice process. Students can choose one or both options, but it is important for students to understand the difference between the processes and their different possible outcomes. Choosing one process did not limit the victim's right to pursue the other process at a later time.

Ms. Quanbeck described the administrative investigative process conducted through each campus' Title IX office, employing investigators trained in trauma-informed investigations to talk with the complainant, respondent, witnesses, and review evidence to make both a factual determination using a preponderance of evidence standard and to determine whether the conduct violated UC policy. An investigative report is sent to the appropriate decision-maker, in the case of students to the student conduct office, for sanctioning.

Regent Makarechian asked if the University was reviewing its procedures as a result of the recent UC San Diego case in which a student who had been suspended because of sexual misconduct won a lawsuit and had his suspension overturned. Ms. Vacca responded that under the President's direction, the Task Force identified what it could learn from the UC San Diego case and areas where procedures of investigation, adjudication, and sanctioning should be modified. President Napolitano added that the Task Force was working on the areas of adjudication, sanctions, and due process rights of both the victim and respondent. The University has appealed the UC San Diego case believing that the court had confused the standards applicable to a student disciplinary case with those applicable to a criminal case.

Ms. Vacca added that offering students course credit for classes in prevention of sexual assault and sexual violence could be considered once the Task Force had implemented its original eight recommendations. Course credit was currently provided at UC Berkeley for peer educators. Regent Makarechian suggested requiring students to take such a course. Ms. Quanbeck noted that State-mandated AB 1825 two-hour sexual harassment prevention training that all faculty and staff supervisors must take every two years would include this content.

Regent Reiss expressed appreciation for the work of the Task Force, of which she was a member.

Regent Oved, a member of the Task Force, expressed appreciation for Ms. Vacca's leadership.

Regent Davis commented that some graduate students live at remote research sites where they could be victimized. He urged the Task Force move on to implementations that would protect the graduate student population. Ms. Montero responded that the Task Force's mandate included all UC students, not only undergraduates. Attention was being paid to concerns of graduate students and to tailor the education to their needs. Graduate deans were fully supportive and an online module had been developed for graduate and professional students. In-person education for graduate students was being developed. Graduate students could encounter unique power dynamics and it would be important to include departments, deans, and faculty.

Regent-designate Ramirez asked if a timeline had been established for measuring the effects of the training programs. She advocated raising community awareness about ways the LGBTQIA community is affected by sexual violence. Ms. Meredith commented that the Task Force was including these considerations. Ms. Vacca added that the Task Force was in the process of using researchers and other experts in measuring behavioral outcomes to develop metrics to measure outcomes. She anticipated that six months following the implementation of the educational program, its effects would begin to be able to be measured.

Staff Advisor Acker, a member of the Task Force, expressed appreciation that national attention had been focused on this subject, for which many had worked for decades. Staff

have an important role in this work, often on the front lines dealing with students' concerns.

Ms. Vacca concluded by introducing the recently hired Systemwide Director of Violence Against Women Act/Clery Act/Title IX/Sexual Violence and Sexual Assault Compliance Jody Shipper, former Title IX officer at the University of Southern California. Having Ms. Shipper in her position would sustain the work of the Task Force.

5. **REGENTS OF THE UNIVERSITY OF CALIFORNIA'S STATEMENT OF PRINCIPLES AGAINST INTOLERANCE**

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Committee Chair Island said this discussion of the issue of intolerance would be the beginning of a meaningful dialogue.

Provost Dorr introduced for discussion a draft Statement of Principles Against Intolerance (Statement). In light of several serious incidents of anti-Semitism, racism, and other acts of intolerance on UC campuses, there had been interest from many quarters, both internal and external to the University, in having in place a University statement of principles reflecting condemnation of acts of intolerance. Such a statement would allow the University's values to be stated at a high level, and would serve as a framework for examining acts of intolerance and for making decisions about what would be done. Drafting the statement required navigating between polarities of constitutionally protected speech and the values of academic freedom and, on the other hand, the importance of condemning acts of hatred or bigotry, all to be considered in the context of the University as a public institution of higher education. The draft Statement did not identify specific groups that have experienced intolerant behavior, because it would be impossible to be fully inclusive, but rather represented overarching principles.

Vice Provost Yvette Gullatt outlined the draft Statement's components, anchored in the University's values of respect, inclusion, and academic freedom. It could support the principles of community that every UC location had adopted, providing a common framing of those principles of inclusion and tolerance. It defined intolerance as unwelcomed conduct motivated by discrimination against or hatred toward other individuals or groups. The Statement acknowledged the root causes of many acts of intolerance: hate, prejudice, discrimination, and ignorance, recognizing that forms of intolerance change over time. Anchoring the Statement in root causes would help avoid its obsolescence. It was also important to acknowledge ways in which intolerance manifests itself in the current environment. The Addendum to the Statement provided a nonexhaustive list of examples of intolerance on UC campuses. The Statement also explicitly charges University leaders with taking all appropriate steps to implement the principles. Ms. Gullatt acknowledged that the Statement would not satisfy everyone and welcomed this discussion of the work in progress.

Regent Pattiz expressed his view that the proposed Statement was so vague that it did a disservice to those who raised the issue because a particular problem of anti-Semitism exists along with other types of intolerance. Each community appropriately raises concerns specific to that community, and the Jewish community had raised concerns about incidents of anti-Semitism that should be addressed. There are lessons to be learned from all areas of intolerance that exist on UC campuses.

Regent Varner agreed that the proposed Statement was too broad and did not address specific issues that had arisen.

Regent Blum expressed support for the remarks of Regent Pattiz.

Regent Reiss commented that the Statement dealt with two critically important values, First Amendment freedom of speech rights and protecting UC students against hate and intimidation. She expressed her view that the draft Statement was too general.

Regent Oved stated that he had viewed the development of the Statement as an opportunity to address incessant incidents of hatred and bigotry on UC campuses that he said had worsened in the past year. He expressed his view that the process of developing the draft Statement had been flawed and that it did not do justice to those who had been victimized on UC campuses. Regent Oved stated that all groups must be protected and said there were discrepancies in administrative response time and level of response to incidents of intolerance. A consistent approach that could be applied equally to all student communities must be established. Regent Oved expressed his view that a more inclusive process would lead to a good result.

Regent Atkins commented as Speaker of the Assembly that both the Assembly and the Senate passed resolutions urging the University do more to confront anti-Semitism. While acknowledging the importance of academic freedom and free speech, Regent Atkins expressed her view that the proposed Statement was inadequate. She added that, while the State Department definition of anti-Semitism may not be appropriate for the University, a more appropriate statement could be developed.

Regent Pérez expressed his view that the proposed Statement was problematic because it was too general. He recalled that the State Assembly had spoken out against incidents of anti-Semitism that had occurred on the UC San Diego campus. The underlying offensive activity should be specifically addressed. He agreed with Regent Atkins that the State Department definition would not be appropriate for an academic setting because it would limit academic discourse by conflating criticism of Israel with unacceptable activity. A statement could be constructed that would protect academic freedom and free speech, while responding to and condemning unacceptable activity and protecting students' Fourteenth Amendment rights. He recalled that, among all the many student groups he had met with on UC campuses, he had been told, only when he requested to meet with a group of Jewish students, that he would have to balance that meeting with another meeting. While he did not object to meeting with another group, this was the only time he had been required to do so.

Regent-designate Ramirez expressed support for the comments of Regent Oved. She expressed her view that discussing intolerance and honoring the safety and identity of all UC students would offer an educational opportunity based on UC's core values of equity and inclusion. Three main considerations were protecting academic freedom and free speech, setting consequences for acts of bigotry or discrimination, and educating about root causes of racism, anti-Semitism, homophobia, and other prejudices.

Regent Blum pointed out that his wife, Senator Feinstein, supported the University's re-drafting the Statement and enforcing appropriate penalties for students who commit anti-Semitic actions in violation of University policy. Regent Blum stated that he and Senator Feinstein support suspension or expulsion of UC students found to have committed such actions.

President Napolitano emphasized the importance of having this discussion and stated that more work needed to be done on the Statement. The University has a very large, diverse population. She emphasized that the Regents and the University should be resolute about the fundamental nature of tolerance and intolerance. The process of the Board's continuing to develop the important articulated statement of Regents' principles would continue and the Office of the President would provide any assistance it can. She emphasized the importance of educating UC students in the meaning of living in an open and diverse society.

Chairman Lozano expressed appreciation for the views expressed and for President Napolitano's commitment to developing the best possible statement. The proposed Statement reflected the beginning of a process. Chairman Lozano announced the formation of a working group led by Regent Island to begin a consultative and deliberative process to develop a statement consistent with the principles of both academic freedom and condemnation of acts of intolerance against any group. She recalled that the University has experienced acts of intolerance against many different students through its history and it was time for the Regents to put forth a thoughtful, yet descriptive, statement of their principles rejecting such actions, while protecting academic freedom. The working group would bring the result of its work back to the Regents. Committee Chair Island stated that he accepted the task with enthusiasm.

Regent Makarechian expressed agreement with Regent Blum that the sanctions for acts of intolerance must be addressed.

Regent Davis expressed hope that the working group would develop an educational component similar to that reported on earlier by the Task Force on Sexual Violence and Sexual Assault.

The meeting adjourned at 11:05 a.m.

Attest:

Secretary and Chief of Staff