

## THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

November 13, 2019

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

Members present: Regents Anguiano, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel

In attendance: Regents-designate Mart, Muwakkil, and Stegura, Faculty Representatives Bhavnani and Gauvain, Secretary and Chief of Staff Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Bustamante, Provost Brown, Executive Vice President Byington, Executive Vice President and Chief Operating Officer Nava, Interim Executive Vice President and Chief Financial Officer Jenny, Senior Vice President Holmes, Vice Presidents Brown, Humiston, and Leasure, Interim Vice President Cianca, Acting Vice President Lloyd, Chancellors Block, Christ, Gillman, Hawgood, Khosla, Larive, May, Wilcox, and Yang, Interim Chancellor Brostrom, and Recording Secretary Li

The meeting convened at 8:30 a.m. with Chair Pérez presiding.

### 1. PUBLIC COMMENT

Chair Pérez explained that the public comment period permitted members of the public an opportunity to address University-related matters. The following persons addressed the Board concerning the items noted.

- A. Art Mirin called on the University to research and treat myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS). He claimed that several people were denied treatment at UC medical centers. ME/CFS had double the disease burden of HIV/AIDS, and there was an extreme shortage of specialists for the 100,000 to 300,000 people living with ME/CFS statewide. Mr. Mirin acknowledged that the campus could not treat all medical conditions but emphasized the importance of treating ME/CFS.
- B. Julie Salamon, former criminal defense attorney who had ME/CFS, called for the disease to be taught at every UC medical school. She had the flu for nine months, and the doctors she sought could not help her because they did not learn about ME/CFS in medical school. Most medical schools did not teach ME/CFS.
- C. Rebecca Ora, UCSC student, claimed that that Regent Kieffer touched her inappropriately during a meeting with students in 2014 and called for his resignation. Citing the Gopal Balakrishnan and Dimitris Achlioptas cases as examples, she took exception to the way UC addressed complaints. She claimed

that the alleged incident and the ensuing reporting process had a negative effect on her studies, relationships, and mental health.

- D. Jacquelyn Holmes, UCSD staff member and Chair Elect of the Council of University of California Staff Assemblies (CUCSA), asked that the Regents consider the negative financial impact on employees and the inequity of implementing increases before negotiating with the labor unions when deciding on the proposed employee retirement contribution increase. She asked that the University resolve its funding shortfall without increasing the employee retirement contribution or delay implementation such that all staff would be affected fairly.
- E. Lizeth Torres, UC Merced student and UC Student Association (UCSA) member, called for the Regents to meet the requests of the American Federation of State, County and Municipal Employees (AFSCME). She highlighted the pay disparity between the chancellors and low-income staff. Students from low-income families were competing with students who did not share the same struggles.
- F. Alexandra Olvera, UC Davis student, asked the University to reconsider its residency policy. She was an undocumented transfer student whose mother lost her job and whose father was deported, and she had difficulty proving her residency and finding housing. The policy was a particular barrier to low-income students.
- G. Aidan Arasasingham, UCLA student and UCSA member, urged the Regents to commit \$23 million in order to restore Student Academic Preparation and Educational Partnerships (SAPEP) funding to pre-recession and pre-Proposition 209 levels. He added that SAPEP was the best way to recruit and retain students of color.
- H. Samantha Warren, UC Berkeley student and UCSA member, spoke in opposition to tuition increases and the cohort-based tuition model and called for \$23 million in funding for SAPEP. She emphasized the importance of funding recruitment and retention centers for students of color so that UC would reflect the state's diversity.
- I. Catherine Cobb, President of Teamsters Local 2010, spoke in opposition to the proposed increase in the employee retirement contribution. She stated that employee feedback had not been factored into the proposed options and claimed that the University mismanaged the retirement fund.
- J. Jason Rabinowitz, Secretary-Treasurer of Teamsters Local 2010, spoke in opposition to the proposed increase in the employee retirement contribution. He stated that UC should not create "poverty jobs" and that the increase would be equivalent to a pay cut that employees could not afford. He added that UC should pay for this increase because it could afford it and that UC paid less than half of what the California State University has paid for employee retirement. He thanked Chair Pérez for visiting workers and invited other Regents to do the same.

- K. Wandralee Lindtzie, member of the UC Administrative Professionals Network, spoke in opposition to the proposed increase in the employee retirement contribution. She asked why the Regents pursued the little money that workers had.
- L. Joanne Williams, UCSF staff member, spoke in opposition to the proposed increase in the employee retirement contribution. The number of faculty she supported had grown from one to five, and the number was expected to grow. Some workers have become ill or sustained injuries as a result of demands on workers. She asked the Regents to address compensation inequities first and urged the Regents to vote against the proposed increase.
- M. Laura Lliguin, UCLA staff member, spoke in opposition to the proposed increase in the employee retirement contribution. She stated that she and other people with disabilities have paid more for parking and that parking costs have increased with every merit increase.
- N. Ronald Richards, UCLA staff member, spoke in opposition to the proposed increase in the employee retirement contribution. He opined that, if UC did not have enough money meet its pension responsibilities, it was the result of the mismanagement of money. He claimed that tenured professors were controlling UC through the Academic Senate.
- O. John Rundin, member of University Council-American Federation of Teachers (UC-AFT), spoke in opposition to the proposed increase in the employee retirement contribution. He claimed that the increase would violate an agreement not to take more from employees than the California Public Employees' Retirement System (CalPERS). Then President Yudof said that UC should raise its contribution by 20 percent, which has not been reached. The increase would be financially unwise due to tax issues and would lead to greater labor stress to the University.
- P. Shirley Toy, retired nurse and member of the California Nurses Association (CNA), spoke in opposition to the proposed increase in the employee retirement contribution. She stated that she was able to retire after a 29-year career at UC Davis because of her pension. In 2013, CNA, AFSCME, and University Professional and Technical Employees (UPTE) agreed to a nine percent employee contribution increase in order to guarantee a single-tier pension. UC did not contribute to the pension for 20 years. She stated that UC mismanagement created this pension crisis and that the cost was being shifted to workers. Nurses would strike if necessary.
- Q. Shannon Cotton, UCSD nurse and CNA member, spoke in opposition to the proposed increase in the employee retirement contribution. She stated that the increase would be detrimental to UC employees and decrease retention, which would negatively affect patient care. In 2018, CNA went on a sympathy strike with AFSCME and UPTE, and CNA and other unions were united against the proposed increase. Ms. Cotton spoke against outsourcing and in support of AFSCME 3299 and urged the University to negotiate a fair collective bargaining agreement.

- R. Rika Gopinath, member of YardSmartMarin, thanked President Napolitano for convening an herbicide task force. She urged UC to adopt a mandate and invest in staff training and support, as well as transparency in reporting. Marin County Parks managed its parks with less than 300 ounces of conventional pesticides last year, which was possible through a clear directive and goal from its leadership.
- S. Sheehan Parker, UCLA staff member, spoke in opposition to the proposed increase in the employee retirement contribution. He stated that Los Angeles food and housing costs have risen, and UC's merit increase would not be enough to retain staff. The proposed retirement contribution increase would further push staff to leave UC, depleting the University of institutional knowledge and affecting the educational experience for students and research potential for academics.
- T. Kevin Baum, UC Berkeley alumnus and member of the Herbicide Free Campus campaign, reported that the campaign presented a letter signed by student organizations, emails from students, and a petition to President Napolitano to permanently ban glyphosate use at UC and commit to organic land management by 2025. He stated that the University had a responsibility to protect students and employees, as well as a fiduciary responsibility to protect UC from liability.
- U. Kathryn Lybarger, President of AFSCME Local 3299, spoke in opposition to the proposed increase in the employee retirement contribution and outsourcing. She shared statistics indicating the rise of outsourcing at UC and stated that contractor positions paid poverty wages and produced racialized inequality. She called on the University to stop opposing State law and binding contract language.

2. **APPROVAL OF MINUTES OF PREVIOUS MEETING**

Upon motion duly made and seconded, the minutes of the meeting of September 18, 2019 were approved.

3. **REMARKS OF THE CHAIR OF THE BOARD**

Chair Pérez began his remarks by welcoming Carrie Byington, M.D., new Executive Vice President of UC Health. Dr. Byington was previously vice chancellor for health services and senior vice president of the Health Science Center at Texas A&M University. Chair Pérez reported that he had appointed the Special Committee on Selection of a President. Per Regents Policy 7101: Policy on Appointment of the President of the University, the Student Regent, Alumni Regent, Governor, and Chair of the Board would be presumed members of the Special Committee. The six additional Regents that Chair Pérez appointed to the Special Committee were Regent Elliott as Chair and Regent Lansing as Vice Chair, as well as Regents Cohen, Estolano, Park, and Sherman. A search firm that shared the University's values had been selected. The Special Committee had met with various advisory committees and other key constituents. Chair Pérez thanked Regent Elliott for creating a process that was more inclusive and consultative than required by policy.

Chair Pérez provided an overview of upcoming Committee meetings. He acknowledged input from public commenters and others that would factor into the Regents decision on the proposed increase in the employee retirement contribution. The Regents were also considering a new policy on contracting out that aligned with best practices in California, as well as other colleges and universities. The Board would be discussing budget and tuition models. Since the last Regents meeting, Chair Pérez had visited five campuses, UC Washington Center, and Casa de la Universidad de California en México. He participated in 50th anniversary celebrations of the ethnic studies department at UCLA and Asian American studies department at UC Berkeley.

In March, UCLA began an independent review of its sexual misconduct policies in clinical settings. Chair Pérez opined that it was a vast departure from how other institutions have responded and welcomed a public discussion of findings and adoption of policy changes. He wished to make the report and recommendations public so that the system could benefit.

Chair Pérez reported on his and President Napolitano's visit to Washington, D.C. for *Regents of the University of California v. the United States Department of Homeland Security*. Students, faculty, and other members of the UC community were present outside the U.S. Supreme Court. Because UC's first lawsuit in 2017, 500,000 Deferred Action for Childhood Arrives (DACA) recipients were able to renew their status. Out of the 4,000 undocumented students at UC, 1,700 were DACA recipients, which reinforced UC's obligation to the entire student body. Chair Pérez stated that, in determining its next steps, the University should determine ways to demonstrate certainty to the campuses. UC should deliver on the promise in the slogan "Home Is Here." He predicted that the final ruling would likely come after end the of academic year and observed that challenges ahead would differ depending on the success of the lawsuit.

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

President Napolitano began her remarks by providing an overview of *Regents of the University of California v. the United States Department of Homeland Security*. The Deferred Action for Childhood Arrivals (DACA) program, which was created during her tenure as U.S. Secretary of Homeland Security, was challenged at the outset. UC campuses have provided support services for undocumented and immigrant students. The UC Immigrant Legal Services Center at UC Davis School of Law, which offers free immigration legal services systemwide, has seen a sharp increase in its case load as a result of the DACA injunction.

President Napolitano noted the recent wildfires and power shutoffs that affected UC Berkeley, UC Santa Cruz, and Lawrence Berkeley National Laboratory. UCLA cancelled classes for one day due to wildfires. She thanked Governor Newsom's office for offering its assistance. UC was committed to working with the State and utilities to modernize the California energy grid and sought solutions to stem the threat of fire. UCSD has developed high-definition fire-detecting cameras that send images to first responders. UC's goal was to install 900 cameras statewide. UCSC has developed mini weather stations to detect wildfires. UCB was developing drones that would predict a fire's path, as well as air

scrubbers to remove smoke-filled air from the sky. A UC Berkeley professor has founded a fire research group comprised of a wide range of experts. UCR was using wide area mobile communications and virtual and augmented reality technology to help fight fires. These underscore the impact of climate change, and the University's Carbon Neutrality Initiative has been the umbrella of its climate goals. UC planned to purchase \$42 million in renewable biogas from Anaergia over the next 20 years. UC and the California State University (CSU) would cohost a climate and environmental literacy summit, convening all segments of higher education, K-12 educators, State and federal agencies, and community leaders. UC has partnered with CSU and Southern California Edison for a four-year clean energy optimization pilot program. UC campuses joined colleges and universities worldwide to sign a climate emergency declaration. This year, seven UC campuses were named in *Sierra* magazine's "Cool Schools" ranking of the nation's most ecologically friendly colleges. UCSC was recently named a member of the Association of American Universities, joining UCB, UCD, UCI, UCLA, UCSD, and UCSB.

**5. REMARKS OF THE CHAIR OF THE ACADEMIC SENATE**

Faculty Representative Bhavnani began her remarks by providing an update on her role in the search for a new President, which included forming an Academic Advisory Committee (AAC). The Academic Council submitted its edits to the 2013 criteria for selecting a President. These included being an eminent scholar, having knowledge of higher education, the ability to work closely with the Legislature and the Governor, and having an understanding of and submitting a statement on diversity, equity, and inclusion. In November 6, the AAC met with the Special Committee on the Selection of a President.

The Academic Senate's Standardized Testing Task Force (STTF), established in early 2019, was examining the efficacy of standardized testing in the admissions process. STTF was comprised of experts in areas such as psychometrics, education, neuroscience, statistics, anthropology, and law. STTF has conducted its own analyses and consulted with the College Board, Smarter Balanced test proponents, practitioners, and others. STTF would present a preliminary recommendation to the Academic Senate by early 2020.

Faculty have cared deeply about students and the working conditions of staff and have been distressed when students struggle financially, emotionally, or physically. Faculty have encouraged students to speak frankly in class regardless of their country of origin. Faculty regarded teaching students and doing research with them as a form of service that encouraged students to have confidence in themselves.

The meeting adjourned at 10:00 a.m.

Attest:

Secretary and Chief of Staff