

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

July 17, 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, Elliott, Estolano, Guber, Kieffer, Leib, Makarechian, Napolitano, Ortiz Oakley, Pérez, Sherman, Simmons, Sures, Thurmond, Um, Weddle, and Zettel

In attendance: Regents-designate Mart, Muwakkil, and Stegura, Faculty Representatives Bhavnani and May, Secretary and Chief of Staff Shaw, General Counsel Robinson, Chief Compliance and Audit Officer Bustamante, Acting Provost Carlson, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President and Chief Operating Officer Nava, Senior Vice President Holmes, Vice President Brown, Chancellors Block, Christ, Gillman, Hawgood, Khosla, Larive, Leland, May, Wilcox, and Yang, Interim Vice President Leasure, 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. Arthur Mirin, UC Berkeley alumnus and former staff member of Lawrence Livermore National Laboratory, urged the University to address myalgic encephalomyelitis (ME/CFS), also known as chronic fatigue syndrome. ME/CFS affected 100,000 to 300,000 Californians, over one-quarter of whom were homebound or bedbound, and many had been sick for decades. ME/CFS had no definitive biomarkers and no U.S. Food and Drug Administration–approved treatment. Though incurable, clinicians could often manage symptoms and improve quality of life. It had double the disease burden of HIV/AIDS and over half that of breast cancer. He claimed that UC turned away patients needed to develop in-house expertise to address this disease.
- B. Jane Pannell, former nurse at UCSF, stated that she has had ME/CFS since 1984 and that she was denied care at UCSF. Rheumatologists refused to refer her to UCSF’s Rheumatology Clinic because they believed that UCSF would not provide her with care. She later received referrals to the Rheumatology and Immunology Clinics and was refused by both, and UCSF Neurology stated that she would be treated if she received a second spinal tap procedure.

- C. Kavleen Singh, UC Berkeley alumna, read a statement on behalf of Emma Warshaw, UC Davis student, who called on the Regents to support State Senate Bill (SB) 24, which would bring medication abortion to on-campus student health centers. She was co-founder of Students for Reproductive Freedom at UC Davis and reported widespread support for the bill on campus. According to UCSF research, UC Davis had the farthest travel distance to an abortion clinic of any UC campus. She shared the account of a student who missed classes to drive to an off-campus abortion clinic. UC had an opportunity to set an example for the nation.
- D. Elizabeth Kavianian, UC Riverside student, called on the Regents to support SB 24. She stated that medication abortion was safe, effective, and clinically simple to provide at student health centers. Students of color and first-generation students struggling financially faced the greatest obstacles to accessing abortion care, taking time off work or classes and arranging for travel to an abortion clinic.
- E. Phoebe Abramowitz, UC Berkeley alumna and member of Students United for Reproductive Justice, spoke in support of SB 24. Four years ago, UCB students began the movement to bring medical abortion to campus. Almost 200 UC students have sought medication abortion off-campus every month. After the Tang Center confirmed that providing medication abortion was feasible, the UC Berkeley administration rejected the decision.
- F. David Anyakora, UC San Diego student, proposed a systemwide mentorship program for incoming freshman students with faculty. He was working on an outreach initiative benefiting the Inland Empire, which had an 18 percent bachelor's degree attainment rate as opposed to statewide average of 34 percent. Mr. Anyakora planned to take a high school tour in the Murrieta Valley Unified School District with the UCSD admissions team.
- G. Eric Halgren, UC San Diego professor, called for the University's divestment from fossil fuels. UCSD had a campus-wide vote for divestment that had passed, and he had been trying to bring the issue before the Regents ever since. About 77 percent of all UC faculty had voted in favor of divestment in a memorial. He stated that UC had much moral power that should be put behind divestment and dealing with the climate crisis.
- H. Giovanni Tamacas, UC San Diego student, called on the Regents to divest the University from fossil fuels. He stated that, according to the U.N. Secretary General, the world had until 2020 to reverse the effects of climate change. Global societies would collapse and mass starvation would result from melting Arctic ice.
- I. Lizeth Torres, UC Merced student and External Vice President of the Associated Students of UC Merced, spoke in support of SB 24, removing the stigma of abortion, and the reasons why safe abortion is needed. She called for more cultural centers at UC Merced and fair labor contracts for student workers.

- J. Geoffrey Lee, UC Berkeley professor and member of Fossil Free UC, called on the Regents to divest from fossil fuels. Academic Senate faculty voted overwhelmingly to divest from fossil fuels after five years of votes on campuses. Climate change was the most serious threat and how this generation responded would determine how future generations would remember it. Investing in fossil fuel companies would assist them in accelerating climate change.
- K. Evan West, UC Santa Cruz student and member of Fiat Justice, called on the Regents to remove abusive faculty. He stated that the Faculty Code of Conduct and related policy did not sufficiently protect or empower students and noted the lack of standards for dismissal. He claimed that UCSC was hesitant to pursue Gopal Balakrishnan's termination because the Regents might not approve it. Another UCSC professor, Dimitris Achlioptas, was under investigation for harassment, pay discrimination, and money laundering. Groups from UCSC and UCSF had both proposed solutions. Reforming this process would give the opportunity for UC to become a leader in equity and foster an environment conducive to great learning.

Chair Pérez clarified that not responding did not mean Regents did not hear speakers' concerns.

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

Upon motion duly made and seconded, the minutes of the meeting of May 15, 2019 were approved.

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

Chair Pérez began his remarks by introducing and welcoming Regents-designate Eric Mart and Debby Stegura; new voting Regents Simmons, Um, and Weddle; and incoming Staff Advisor Ann Jeffrey. He welcomed Chancellor Larive, who was officially the Chancellor of UC Santa Cruz. Chair Pérez stated that the Regents would be voting on the appointment of UC Santa Barbara doctoral candidate Jamal Muwwakkil as the student Regent for 2020–21. He noted that this was Faculty Representative May's last meeting and thanked him for his service. This was also Chancellor Leland's last Regents meeting, and Chair Pérez thanked her for her leadership of UC Merced in its expansion, mentioning the Merced 2020 project. He recognized her advocacy for low-income, first-generation, and Deferred Action on Childhood Arrivals (DACA) students. UC Merced had doubled its enrollment, vaulted in rankings, and was second systemwide in undergraduate students pursuing doctoral degrees. He welcomed new committee chairs and vice chairs, and he highlighted upcoming items on the agenda. Chief Compliance and Audit Officer Bustamante would speak about the audit on UC admissions practices in the Compliance and Audit Committee meeting. The Board would hear a presentation on a cohort tuition model and an update on the final State budget. Chair Pérez thanked Regents, students, and faculty for their advocacy efforts, and he thanked Governor Newsom and the Legislature for reinvesting in UC, acknowledging the value that UC provides to the State of California. He believed that the renewed engagement of Regents in Sacramento would bode well for the University.

Chair Pérez shared some personal comments and began by thanking Regent Kieffer for his outstanding service to and commitment to the University over the decades, not just as Regent. He expressed his respect for and enthusiasm about collaborating with the Board, faculty, staff, and students of UC. This was especially true of his forthcoming partnership with Vice Chair Estolano. He noted that UC Berkeley had recently celebrated its sesquicentennial and that UCLA was celebrating its centennial this year. The addition of UCLA transformed UC from one campus to a system. Chair Pérez wished to acknowledge those who made this possible. Reginaldo Francisco del Valle (1854–1938), a Latino State Assemblymember born in Los Angeles four years after California became a state, was a principal proponent of establishing an institution of higher learning. Despite some competition regarding location, he successfully established the predecessor of UC’s second campus, the Los Angeles State Normal School, in March 1881. Last year, the State Assembly celebrated the 100th anniversary of service in the Assembly by Frederick Madison Roberts (1879–1952), the first African American to be elected to the State Legislature. A publisher who studied at the University of Southern California, Mr. Roberts wrote the bill that transferred assets from the State Normal School to the establishment of UCLA. Chair Pérez noted that UCLA and the University system would not exist but for these two people. He mentioned them to spotlight UC’s great history and, noting his unique position of having served as ex officio member and now Chair, to demonstrate that the relationship between UC and the State Capitol could have positive results. With a new fiscal year, Board leadership, and academic year, the University faced a tough challenge of how to make a system of profound excellence even better. UC’s pioneering sustainability research has powered efforts to reduce its carbon footprint and has set an example for rest of the world to follow. UC’s Labor Centers have produced important research on just wages and working conditions, and the University must become the kind of employer it has encouraged others to be. Chair Pérez noted his background in the labor movement and how it shaped his perspective and actions throughout his career. The University, bearing the name of the most diverse state in the nation, could expand its outreach efforts and ensure greater demographic, geographic, and economic representation of California students on all campuses. UC could also ensure that the cost of education was affordable, equitable, and predictable. Two years after the University’s founding, the Regents voted to admit women on an equal basis while other campuses took years or even decades to follow suit. From that action, the University produced leaders such as Ida Louise Jackson, Julia Morgan, Joan Didion, and, most recently, Alex Morgan, co-captain of the U.S. Women’s Soccer Team. As the first LGBTQ Chair of this Board, Chair Pérez emphasized that the commitment to diversity was ingrained in the University’s DNA and that the Regents would continue to work so that every student, staff member, and faculty member was welcomed, supported, and seen. UC’s history was filled with immigrant instructors who fled Nazi persecution and immigrants who learn and “DREAM” in classrooms where the only document that mattered was the Blue Book handed in at the end of an exam. The University’s motto, “Fiat Lux,” which means “Let there be light,” demonstrated UC’s obligation to be a beacon to students and faculty around the world; no one’s closed mind would ever close the doors to the University of California. He stated that UC was the finest public education institution in the world and that use of the word “public” implied no asterisk, because the University matched any private institution and went beyond that by

fulfilling its public mission, a mission that many believe in and hold dear. Fulfilling this mission might be an aspiration, but, just as the U.S. must work to form a more perfect union, UC must work to form a more perfect university. As long as UC kept striving for perfection, its excellence would never falter. Chair Pérez highlighted some of UC's achievements: campuses ranked among top universities serving middle- to lower-income students; campuses filled with first-generation college students; a campus named first in the country for doing the most to fulfill the American Dream; and campuses named the world's best in two global surveys. UC has the most graduates hired in Silicon Valley and the most graduates starting technology companies there. He asked the Board to consider the following questions during his term: how UC could ensure that children of UC workers could attend UC and how to give UC employees and their families more tools and resources; how UC could provide an elite education without elitist barriers to qualified students; how UC could strengthen partnerships with the community and the Capitol; how UC could reaffirm its commitment to shared governance; and how UC could empower its ten special and distinct universities and chancellors to innovate and lead at a campus level. He believed that the University could make the most out of both new beginnings and old traditions and could keep demonstrating excellence and pursue perfection. By working together, the University could protect academic discourse, change lives through inspired education, and transform the world through research and innovation. He stated that the world needed societies where public integrity, civic responsibility, and social democracy flourish and that UC could develop the leaders and policies that promote, build, and protect such societies. He underscored that the future is our business and thanked everyone for the opportunity to serve them.

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

President Napolitano began her remarks by recognizing Chair Pérez and Vice Chair Estolano, as well as new Regents, Regents-designate, and advisors to the Board. She looked forward to working with the Committees and new Board leadership. She thanked Chancellor Leland for her service to the University, and stated that Chancellor Leland would step down in August after skillfully leading UC Merced to grow its student body and physical footprint. The Merced 2020 project would propel the campus into the next decade and beyond. A national search for the next chancellor was under way, and President Napolitano wished Chancellor Leland all the best in retirement. This would be the last meeting for UC Student Association (UCSA) President Caroline Siegel-Singh, strong champion for fellow students and staunch advocate in Sacramento. UCSA would vote for its new president next month. Ms. Siegel-Singh had been a valuable partner in advocacy, especially in college affordability and student basic needs, and was recently appointed to the California Student Aid Commission. President Napolitano thanked Ms. Siegel-Singh for her service.

The State finalized its 2019–20 budget, which has provided UC with more than \$3.9 billion in State General Funds, including \$246.5 million in new, ongoing funding, which would support enrollment of nearly 5,000 undergraduate students over the next two academic years and would cover many mandatory cost increases. A close collaboration among the Governor, Legislature, and UC would be necessary for UC to fulfill its mission

of accessibility, affordability, and helping students achieve the California Dream. The University hoped to further its work toward these shared aims and advance the multi-year goals of producing additional college degrees, ensuring equity in degree attainment, and further investing in UC's world-renowned faculty and research. President Napolitano thanked all those who had advocated for UC in Sacramento, and the University looked forward to continuing those joint efforts.

She highlighted an item before the Board on the following day, a cohort-based tuition model, which would keep tuition flat for the duration of a student's enrollment at UC. Changes in tuition would apply only to incoming cohorts of students. Such a model could provide increased predictability for incoming students and families and make a college education more accessible for undergraduate students. It would also stabilize revenue streams for UC and allow individual campuses to better plan ahead. She was hopeful that this item would mark the beginning of discussion with the Board and Sacramento about how to keep a UC education affordable, accessible, and predictable, as well as how to retain the excellence for which the University is so renowned.

On July 1, 2019 UC San Diego and the University of Southern California (USC) reached a settlement in ongoing Alzheimer's disease research litigation involving the transfer of faculty, data, and grants from UCSD to USC. UC achieved a very successful resolution.

Last year, UC entered negotiations with Elsevier with the goals of providing open access publication of UC research and containing rapidly escalating journal costs. Negotiations stalled in February, and Elsevier continued to provide access to new articles. On July 9, 2019, Elsevier notified UC that its access to 2019 articles and some other older articles would be discontinued on July 10. President Napolitano assured the Board and the UC community that UC and its libraries were prepared to help scholars access articles no longer available online at Elsevier. Open access remained an important issue for ensuring that UC research reached its worldwide audience and facilitated global discourse. She was proud of UC's leadership, noting that the size and prestige of UC made it possible. The University remained open to reentering formal negotiations with Elsevier if Elsevier was willing to discuss a contract that would contain cost and facilitate open access to UC research.

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

Faculty Representative May stated that he had transmitted a memorial from the Academic Senate calling on the Regents to divest from fossil fuel companies. He quoted the memorial, noting UC's investment in 200 publicly traded fossil fuel companies with the largest carbon reserves. The memorial received an affirmative vote in the Academic Senate of 76.7 percent of voters. He urged the Regents to implement this call from the Academic Senate as its Chair. UC faculty have joined many others in the UC community, including researchers who have made groundbreaking contributions to the understanding of climate change and students who have often spoken at Regents meetings. Divestment would represent the ongoing, significant reduction of fossil fuel in UC holdings and an increase in investments in renewable and green energy. Mr. May quoted the Sustainability Objectives of Regents Policy 6101: University of California Retirement Plan Investment

Policy Statement. Divestment has been an effective tool, as shown by UC's divestment from companies doing business in South Africa in 1985. Similarly, UC would be making a strong and clear statement nationally and internationally by acting on this memorial given the lack of political leadership on climate change at the national level. It would set an example to other universities while contributing to the state's overall efforts to address climate change. Mr. May stated that, a thousand years from now, this generation would only be remembered for what it did or did not do to address the climate crisis. He underscored the importance of a shared political will and noted the action required to develop it. The Academic Senate asked the Regents to develop a specific path to fossil fuel divestment with clear landmarks for implementation.

Mr. May also spoke to Elsevier's decision to cut UC's access to its articles after its failure to negotiate a contract that respects UC's open access policies. The Academic Senate had reaffirmed these policies, which reflect academic freedom, and reasserted both its negotiating position and its solidarity with University libraries. He acknowledged the inconvenience to many, but the Academic Senate was fully confident that the UC libraries would maintain alternative access to scholarship. UC has been a leader in this international movement, and it was UC's goal to help change the system for the benefit of all.

Mr. May reported on the alarming decision by U.S. Department of Health and Human Services to place significant barriers to the use of fetal tissue. The Academic Council of the Academic Senate condemned this decision. Fetal tissue research on UC campuses has led to the development of effective treatments of debilitating and life-threatening diseases such as Alzheimer's disease, hemophilia, HIV, and eye diseases. The Academic Council made clear that political attacks on science and academic freedom not only threaten UC research, but also the nation's economic prosperity, health, and global scientific leadership. Chancellor Hawgood and President Napolitano also made statements for the continuation of this research.

As a final request, Mr. May proposed that it be Regents policy that the University does not affiliate or have contractual obligations with any institution that does not fully endorse the University's nondiscrimination policies in accordance with Regents Policy 1111: Policy on Statement of Ethical Values and Standards of Ethical Conduct, Regents Policy 4403: Final Report of the Regents Working Group on Principles Against Intolerance, and other relevant Regental and University policies. This request was an expectation that others meet the high moral standards that the University meets. This was also a request to affirm a core value in a world where discrimination was seen as as commonplace and justifiable.

Mr. May closed his remarks by noting that universities were institutions which had historically existed to protect an environment in which research and scholarship could be conducted to the highest ethical standards, freely expressed and disseminated, unencumbered by coercion or direction. Universities were institutions of academic freedom. It had been an honor and a privilege to sit with the Board for the last two years, participating in the public trust of this institution as the world's greatest University, a beacon of academic achievement and opportunity. Mr. May thanked the Board for all he

had learned and closed with the fervent hope that the Board would continue to honor the values that were the foundation of the University's greatness.

6. **COMMITTEE REPORTS INCLUDING APPROVAL OF RECOMMENDATIONS FROM COMMITTEES**

Report of the Special Committee to Select a Student Regent

Appointment of 2020–21 Student Regent

The Special Committee recommended that Jamaal Muwwakkil, a graduate student at the University of California, Santa Barbara, be appointed a Regent of the University of California to serve for the period July 1, 2020 through June 30, 2021, and that he serve as Regent-designate, effective immediately, until the appointment becomes effective.

[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.]

Regent Anguiano thanked her fellow Regents on the Special Committee for their efforts during the selection process. Mr. Muwwakkil was a Ph.D. student at UC Santa Barbara and would be the first Student Regent from UCSB since 2009. He received his bachelor's degree in Applied Linguistics from UCLA and was a transfer student from Los Angeles City College. His thoughtfulness, inclusive outlook, and record of leadership stood out to the Special Committee.

Upon motion duly made and seconded, the recommendation of the Special Committee was approved.

Chair Pérez invited Regent-designate Muwwakkil to join the table. Regent-designate Muwwakkil thanked the Board for their warm welcome and stated that it was a privilege to serve the citizens of California. He noted that this was a unique time with unique problems, and, given the composition of the Board, it was uniquely situated to do amazing work. He added that the Board stood on the shoulders of giants. He hoped to help expand the good work already started by others. He also hoped to draw attention to non-traditional and transfer students in the University. He looked forward to working with the Board.

The meeting adjourned at 9:30 a.m.

Attest:

Secretary and Chief of Staff