

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

December 15, 2020

A meeting of the Regents of the University of California was held on the above date by teleconference meeting conducted in accordance with Paragraph 3 of Governor Newsom's Executive Order N-29-20.

Members present: Regents Cohen, Drake, Guber, Kieffer, Lansing, Leib, Makarechian, Mart, Muwakkil, Park, Pérez, Reilly, Sherman, Stegura, Sures, and Zettel

In attendance: Regents-designate Torres and Zaragoza, Faculty Representatives Gauvain and Horwitz, Secretary and Chief of Staff Shaw, Deputy General Counsel Nosowsky, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President Byington, Vice President Nation, Chancellors Block, Hawgood, Khosla, and Larive, and Recording Secretary Johns

The meeting convened at 11:00 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. Utitofon Inyang, UC Riverside student, spoke of gaps in UC student health services. It was necessary to ensure that the interests of students referred from campus health centers to outside providers were protected. These students could be vulnerable to exploitation and mistreatment. Ms. Inyang urged the University to address this blind spot in its services.
- B. Nathan Tilton, UC Berkeley student and manager of the UC Berkeley Disability Laboratory, asked why students enrolled in the UC Student Health Insurance Plan (UC SHIP) did not have access to in vitro fertilization or artificial insemination resources and expressed frustration about this circumstance.
- C. Kami Steele, UC Santa Cruz student, reported that it sometimes took her a long time to negotiate student health services and schedule appointments due to her neurodivergency and social anxiety. She had difficulty with telephone calls and processing auditory information. She asked that access to student health services be made possible for neurodivergent students with options other than telephone calls, such as the video conference format.
- D. Zuleika Bravo, UCLA student, reported that UC SHIP had been expensive and insufficient for managing her disability. She was diagnosed with a disability, needed more support than was provided, and the accrued costs of seeing a physical therapist were so great that she had to stop these visits due to her financial situation.

She had recently added her daughter to UC SHIP, which was very costly. Ms. Bravo asked the Regents to focus on disability issues and to prioritize students who needed support in order to thrive at UC in spite of their disabilities.

- E. Kat Meza reported difficulties accessing information about UC SHIP and Medi-Cal. The University relied heavily on telephone service for students accessing care, and she was unable to use the telephone. For several months she was unable to confirm if students could have UC SHIP and Medi-Cal coverage at the same time.
- F. Maddie McCormick, UC Davis student, reported that there were not enough counselors to provide care to students. Students with disabilities were already struggling to access adequate health care through UC SHIP. She asked that the University provide wider support networks for mental health and expanded access to mental health professionals.
- G. Kristen Cox, nurse at UCSF, expressed concern about current staffing levels. She asked that UCSF reduce the number of elective surgeries in order to ensure safe staffing levels during the COVID-19 pandemic. When a patient had to be transported, this might leave one nurse with nine patients to look after. She reported that nurses were feeling despair about this situation.
- H. Syreeta Nolan, UC San Diego student, stated that a health maintenance organization (HMO) platform for UC SHIP services created delays in accessing specialists that disabled students need. A preferred provider organization (PPO) platform should be an option to expedite scheduling with specialists. With regard to the COVID vaccine, she asked how UC Health would identify students with high-risk medical conditions. She asked that UC prioritize students with disabilities.
- I. Nicole Wall, UC Davis nurse, reported that her unit did not disseminate the news of a COVID-19-positive co-worker as it should have. She called in sick and was informed that she had been exposed to a COVID-19-positive employee, but no other employees were then informed. Management did not notify these staff until two-and-a-half weeks later. Stronger safety practices, proper notification, testing for asymptomatic nurses, and appropriate staffing levels were very important.
- J. Marlene Tucay, UC Irvine nurse, discussed the importance of occupational health. Protection of nurses should be a priority. Nurses relied on UC's occupational health service for protection, interventions, and a safe return back to work. Nurses experienced delays in COVID-19 testing and results. UC nurses needed access to COVID-19 testing at convenient locations and times, including after hours and on weekends.
- K. Shannon Cotton, UC San Diego nurse, stated that it was crucial for hospitals to provide single-use personal protective equipment rather than reusing, sanitizing, or decontaminating N95 masks and other personal protective equipment. She cautioned against applying for a nurse-to-patient ratio waiver from the California

Department of Public Health. Patient survival rates in UC's intensive care units were high due to appropriate ratios, which were crucial for nurse and patient safety. She urged the University to preserve ratios rather than seeking a waiver.

- L. Valerie Ewald, UCLA nurse and member of the California Nurses Association, reported that nurses at UCLA had been told the past week that they would be using decontaminated N95 masks. To her knowledge, UCLA was the only UC medical center to impose this measure. Re-use of these masks was not ideal, and UCLA Health should have been prepared for the second surge of COVID-19. Nurses reported headaches and dizziness from these decontaminated masks. She demanded that UCLA cease the use of decontaminated masks immediately.
- M. Greyson Sims, UC San Diego student, Labor Affairs Director for the Associated Students of UCSD, and member of United Students Against Sweatshops, reported that two managed care employees at UCSD Health, Tamara Totten and Ashley Brunson, were unjustly laid off. They were the only two black women in their unit, and one of them had earlier filed a discrimination grievance. The decision to lay them off was suspiciously racist and retaliatory. Students had learned of these layoffs and were concerned. He asked that UCSD Health rescind the layoffs of these employees.
- N. Lisa Kessler stated that UCSF's Comprehensive Parnassus Heights Plan was not a normal development project. UCSF was trying to squeeze a massive, 300-foot-tall building into a small residential neighborhood. Environmental, housing, and transportation effects would be felt not just in the immediate neighborhood but in the entire city. Ms. Kessler stated that UCSF had been acting in bad faith, rushing the Plan through during a global pandemic and steamrolling over legitimate issues raised by its advisory committee and neighborhood residents. There was major opposition to the Plan by community groups who were prepared to fight the project with litigation if necessary. The 1976 Regents' Resolution ("Designation of Open Space Reserve, Alteration of Campus Boundaries, Commitment of Houses to Residential Use, Authorization to Negotiate Sale of Properties and Commitment to Transportation Studies, San Francisco") was intended specifically to protect the Parnassus campus and surrounding neighborhoods from aggressive expansion and overdevelopment. She asked the Regents to vote against certification of the Environmental Impact Report for the Plan.
- O. Sarah Earnshaw, postdoctoral scholar at UC Berkeley and steward of UC Academic Researchers United, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) 5810, drew attention to recent UC policy requiring academic employees working remotely abroad to report to physical locations in California in 2021, perhaps as early as January 4. The University had communicated that failure to do so would be considered "voluntarily tendered resignation." In the midst of a global pandemic, this showed a shocking disregard for public and personal health. Much of the State of California was under restrictive "shelter in place" orders. Many scholars who had to return to their own

countries were under national lockdowns with travel bans to the U.S. Requiring individuals to undertake international travel, and, for some, to risk travel through a third country, went against these scholars' union contract and California and U.S. public health directives. She called on the University to reverse this requirement and to allow UC research to continue despite the unprecedented challenges of the COVID-19 pandemic.

The Regents recessed at 11:25 a.m.

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The Regents reconvened at 5:25 p.m. with Chair Pérez presiding.

Members present: Regents Cohen, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Mart, Muwwakkil, Park, Pérez, Reilly, Sherman, Stegura, Sures, and Zettel

In attendance: Secretary and Chief of Staff Shaw, General Counsel Robinson, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President and Chief Operating Officer Nava, Interim Vice President Lloyd, and Recording Secretary Johns

2. **AMENDMENT TO THE UNIVERSITY OF CALIFORNIA RETIREMENT PLAN TO FURTHER ACCOMMODATE WORKFORCE ACTIONS RELATED TO COVID-19**

The President of the University recommended that the Regents authorize the following for COVID-19-related workforce actions that have been designated as such by the President:

- A. The University of California Retirement Plan (UCRP) be amended to preserve the Highest Average Plan Compensation (HAPC) for any Active Member whose retirement falls within the window period, as established by the President.
- B. The UCRP be amended to preserve Final Salary for any Active Member eligible for UCRP Disability Income, or who dies prior to retirement and has survivors eligible for Preretirement Survivor Income within the window period, as established by the President.
- C. The President be granted authority to establish the window period for retirements eligible for preservation of the HAPC, establish the window period for the preservation of Final Salary, and make UCRP modifications and changes consistent with these terms as may be required for their implementation, including that the Plan Administrator amend the UCRP as necessary to implement the approved changes.

For eligible represented employees, all changes are subject to any applicable collective bargaining requirements under the Higher Education Employer-Employee Relations Act.

[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.]

Interim Vice President Lloyd explained that this item requested approval to further amend UC's pension plan to minimize the impact that certain workforce actions could potentially have on eligible employees, future retirement, and other benefits. At the November meeting, the Regents approved an amendment to the UC Retirement Plan (UCRP) to preserve members' rate of service credit accrual during an unpaid furlough or curtailment related to a COVID-19 workforce action. Service credit was just one of the components for calculating the pension of a plan member, along with the Highest Average Plan Compensation (HAPC) and age at retirement. The November item did not include recommendations to preserve pay components used in determining UCRP benefits, such as the HAPC or final salary, used for determining UCRP disability income or certain survivor income. This item was now being brought to the Regents in order to extend protections for HAPC and final salary, based on further discussions and consideration with stakeholders and University leadership. A member's HAPC could potentially be reduced by a workforce action that resulted in a salary reduction if the member retired during or shortly after the time that the salary reduction was in effect. A lower HAPC would naturally result in a lower pension for as long into the future as the pension is received. A salary reduction could also reduce a member's final salary, thereby lowering potential disability income and certain survivor income. Since faculty were not eligible for a traditional furlough or curtailment, a designated COVID-19-related workforce action for them must generally take the form of a salary reduction. It was now anticipated that staff at some UC locations might also experience a salary reduction due to COVID-19-related workforce actions. For this reason, this item recommended a UCRP amendment to preserve the HAPC of active members who retire within a window period established by the President in order to minimize financial impact. Additionally, it was recommended that UCRP be amended to protect the final salary for active members if affected by a designated COVID-19-related workforce action.

Regent Cohen opined that this was a reasonable action. He referred to the item approved in November, *Amendment of the University of California Retirement System to Accommodate Workforce Actions Related to COVID-19*, and paragraph C of that action: "The President be granted authority to make Plan modifications and changes consistent with these terms as may be required for their implementation..." He asked why the amendment being proposed was not consistent with that prior action and why the President could not take these actions under the previously delegated authority. Ms. Lloyd responded that this item would affect only a small segment of the UC workforce. The previous approval and delegation of authority to the President might not have allowed for the actions proposed in this item.

Chair Pérez stated his understanding that this item was being brought to the Regents to make it absolutely clear that the Office of the President was acting consistent with the Board's expectations. There might be room for interpretation about whether the previous delegation to the President to make modifications would include these specific actions.

Ms. Lloyd affirmed that the University wished to ensure that its action would apply to all UCRP members and that no one was left out.

Upon motion duly made and seconded, the President's recommendation was approved, Regents Cohen, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Mart, Muwwakkil, Park, Pérez, Reilly, Sherman, Stegura, Sures, and Zettel voting "aye."

The meeting adjourned at 5:35 p.m.

Attest:

Secretary and Chief of Staff

Pending Approval