

## THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

May 20, 2020

The Regents of the University of California met 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 Anguiano, Blum, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, 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 Investment Officer Bachher, Executive Vice President Byington, Executive Vice President and Chief Operating Officer Nava, Interim Executive Vice President and Chief Financial Officer Jenny, Interim 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 8:45 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. Jamie McDole, president of University Professional and Technical Employees-Communications Workers of America, acknowledged the commitment that President Napolitano and the Regents have made to staff during the pandemic and called upon the Regents to continue that commitment. UPTE-CWA represented 15,000 healthcare, research, and technical workers at UC who have helped the University transition to remote instruction, provide healthcare, and research COVID-19 during the pandemic. The Regents had approved \$200 million in reserves for infrastructure and new buildings. Staff must be present as UC fulfills its mission and continues to lead the State and the nation in recovery.
- B. Arunima Kohli, resident physician at UC Davis Medical Center and member of Committee of Interns and Residents/Service Employees International Union (CIR/SEIU), stated that CIR/SEIU were the only unionized health staff without a collective bargaining agreement. CIR/SEIU submitted proposals eight months ago, but there has been no progress or movement to improve working conditions. Co-residents at UCI and UCLA have settled fair contracts. Working 12 to 28 hours per shift and 80 hour weeks, residents had limited time to dedicate to bargaining.

- C. Jeff Tully, resident physician at UC Davis Medical Center, called on UC Davis Medical Center to settle its contract with CIR/SEIU. UC Davis Medical Center has relied on residents, who have risked their lives to provide care during the pandemic. These residents have been told that their contract demands are impossible, but residents have been doing the impossible for their patients every day.
- D. Kamron Williams, UCSD student, urged the University administration to support students. He requested that the Regents consider the needs of students during the COVID-19 pandemic when making decisions, especially the needs of marginalized communities. Information was changing daily, but challenges that students faced were being exacerbated by the pandemic. No one should be left behind at this time. UC should ensure that the budgets of vital programs, especially those providing resources to vulnerable populations, are not cut.
- E. Karli DeRego, UCSD alumna, invited Regents, chancellors, and other UC leaders to discuss the impact of the Thirty Meter Telescope (TMT) project on the Hawaiian community and to work with Mauna Kea protectors. Building the telescope would irreversibly damage the culture and environment of Mauna Kea and would be an act of violence and disrespect to Ms. DeRego's community. Funding projects that promote the desecration of sacred sites for scientific discovery harm indigenous students, who have spent much time and effort on attending meetings, educating the public, and community organizing.
- F. Emily Valencia, Madera High School student, spoke in opposition to the use of the SAT in college admissions. High school resources varied across in California and the nation. For instance, the student-teacher ratio at San Francisco University High School was seven to one, while the average ratio at public high schools was 35 to one. Private schools could offer more one-on-one time with students to prepare for the SAT. Test anxiety affects students' SAT performance, and many students were hesitant to apply to UC or other prestigious universities because of their SAT scores.
- G. Diana Abendano, Madera South High School student, spoke in opposition to the use of the SAT in college admissions. Ms. Abendano could not afford tutors to prepare for the SAT due to her low-income background, and her high school English department spent two days to help students prepare for the test. Her low SAT score discouraged her from applying to a four-year university. The emphasis on standardized tests in admissions overlooked what students achieved despite a lack of resources.
- H. David Shevelev, UCSC student, shared that disability resource centers across UC have reported that online instruction during the pandemic has lowered some barriers to access. While student services and basic needs are emphasized for improving access to the University, the pandemic has provided an opportunity to consider how pedagogy related to accessibility could also be used. He urged the Regents to work

with the Academic Senate to explore how pedagogy could be used to lower barriers to entry, with online instruction as a model.

- I. Karina Mijangos Guzman, Selma High School student, stated her belief that students with financial support and resources from their families were at a greater advantage when preparing for the SAT/ACT. Lower-income students had fewer resources to prepare for these tests, resulting in test anxiety and poor performance. She urged the removal of these examinations, which do not show intelligence, as an admissions requirement.
- J. Sarah Bancroft, UCB student, stated that two letters were presented to the Regents in opposition to the TMT project, one from individual UC students and student organizations and another signed by 1,700 UC Berkeley students, parents, and community members. She shared an excerpt of the former letter, which urged Regents to withdraw support from the TMT project. Institutions of higher education must champion indigenous rights and knowledge instead of continuing a legacy of ethno-cultural genocide and assimilation. The letter urged the Regents to uphold UC's public mission and to invest in protection and conservation of Mauna Kea.
- K. Keoni Rodriguez, Stanford University student, spoke in opposition to the TMT project. UC's involvement in the project represented a lapse in ethical conduct. As a Native Hawaiian, Mr. Rodriguez urged the Regents to engage in a conversation about the TMT. Hawaii was an occupied nation in the Pacific still suffering the effects of American imperialism. He asked that the University work with Mauna Kea protectors to uphold indigenous sovereignty and better research.
- L. Rachel Huang, UCSB student, spoke in opposition to the TMT project, which violated indigenous rights and sovereignty and has received no consent from the people of Mauna Kea, the people of Hawaii, UC students, staff, and members of the UC community. The project has violated the UC mission and the Regents' standards of ethical conduct. Records showed that UC has spent more than \$68 million since 2016, \$10 million of which as recently as February 2020. UC workers have been advocating for contracts and graduate students have demanded a cost of living adjustment (COLA), but UC has chosen to invest in a project that would misuse resources, desecrate land, and produce unnecessary waste, and result in little to no positive impact. She urged the University to divest from the project.
- M. Dante Gonzalez, UCB student and Carbon Neutrality Initiative Fellow, spoke in opposition to the TMT project. He claimed that UC was in direct violation of Articles 11, 12, 19, 25, 26, 29, and 32 of the UN Declaration on the Rights of Indigenous Peoples. Construction of the telescope would disrupt the natural watershed and take the University farther from its carbon neutrality goals. Thirteen observatories already exist on Mauna Kea despite disapproval by Native Hawaiians. He called on the Regents to hold the meeting on the TMT project now and to reinvest money meant for the project into students.

- N. Angela Mayfield, UC Irvine nurse and California Nurses Association member, shared that frontline healthcare workers were testing positive for COVID-19 while providing the utmost care to their patients and while UC executives watched from their own homes. Frontline healthcare workers have fought for appropriate personal protective equipment (PPE), the highest staffing levels, and information about their own exposure to COVID-19. They demanded that UC recognize as them as essential and not line items in a budget. Registered nurses would always stand in solidarity with their union sisters and brothers, as well as fight for the safety of hospitals, patients, communities, and frontline healthcare workers.
- O. Sheridan Enomoto, Native Hawaiian and community organizer for Greenaction for Health and Environmental Justice, called on the University to divest from the TMT project, which would have an irreversible environmental impact on the fragile and endangered ecosystem on Mauna Kea. The proposed project would be built on conversation lands but would not meet conservation criteria. At a previous Regents meeting, the California Environmental Justice Coalition submitted a letter demanding UC's divestment from the project. Denial of environmental abuses could threaten human health and lives; the health of the world's water is crucial to human survival.
- P. David Benjamin Gruenbaum, SAT/ACT and college admissions expert, spoke in support of keeping standardized testing in admissions. Twenty years ago, he advocated for revising the SAT before President Atkinson and the Regents, which eventually happened. Instead of eliminating testing, he suggested that UC develop and administer its own test, ask that the College Board revise the SAT, or make the SAT/ACT optional. Minority enrollment doubled at the University of Chicago after it became test-optional. UC faculty recommended keeping the testing requirement.
- Q. Justin Rodriguez, UCLA student, urged the Regents and the Office of the President to make decisions that would benefit students and workers. During the 2008 recession, there were mass layoffs and tuition increases. In his view, UC was losing money because of public-private partnerships. Students were frustrated because chancellors and UC leaders never faced the same pay cuts or layoffs. Students and workers would act in solidarity if there were mass layoffs or tuition increases.
- R. Kathryn Lybarger, president of American Federation of State, County and Municipal Employees (AFSCME) 3299, stated that frontline workers were facing not only a deadly, fast-spreading disease, but also cuts to work hours, PPE shortages, and balancing work with home-schooling children. Thousands of colleagues have been exposed to COVID-19, hundreds have been infected, and at least two have died. Frontline health workers and low- and middle-income communities of color, which described a large portion of UC employees and students, were bearing the greatest burden. UC frontline workers have put themselves in harm's way to protect the public and the institution. She called on

the University to use its rainy day fund and federal relief to lead the recovery effort and to stand up for workers and students in their time of need.

- S. Liz Perlman, executive director of AFSCME 3299, asked the Regents to use AFSCME's research on the University's finances in making decisions. The black and brown communities that UC aimed to serve were most affected by the COVID-19 pandemic. Referring to a discussion about diversity during the Investments Committee meeting, she expressed her hope that UC do more than hire black and brown hedge fund managers. UC should invest in black and brown communities instead; money should be used to help others, not just to make more money. Union members advocating for federal relief need money to feed their families.
- T. Narges Zagub, UCLA student, spoke in opposition to the TMT project, a poor investment that had no guarantee of being built. Instead, UC could put money toward a COLA for graduate students. The project went against UC's mission and the Regents' standards of ethical conduct. Students, staff, and the greater UC community did not want this project. The people of Hawaii have not given consent to build on Mauna Kea, and proceeding meant the violent removal of indigenous protesters and serious human rights violations. She asked Regents not to let this be their legacy.
- U. Paul Asfour, UCSF staff member, shared his concerns about the Regents' potential actions in response to the COVID-19 crisis. He strongly suggested that Regents avoid layoffs at all costs, because the loss of experience and expertise would not easily be restored. A layoff would likely be a financial death sentence when no other jobs were available, and the Bay Area community would be burdened with more unemployed people. During previous financial crises, UCSF offered retirement incentives to reduce current payroll. This would allow for smoother transitions of work and be kinder than layoffs.
- V. Charles Doran, UCLA staff member, asked the Regents on behalf of nonrepresented UC employees for a guarantee of no layoffs or furloughs. Staff have worked many years to keep UC operational and were hoping that UC would use its financial reserves, use federal stimulus money, or borrow at a favorable rate rather than cut employees.
- W. Christopher Kracha, UCSB student and member of the UC Green New Deal Coalition, expressed his concerns about UC's accountability in the creation of scalable solutions to help Californians fight climate change. An estimated 42 percent of greenhouse gas emissions from institutions of higher education come from their supply chains, but Scope 3 emissions have been excluded from UC's 2050 carbon neutrality goals. UC's sustainable procurement guidelines focus on waste instead of greenhouse gas emissions. He urged UC to consider greenhouse gas emissions in procurement and commit to Scope 3 carbon neutrality by 2050.

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

Upon motion duly made and seconded, the minutes of the meeting of March 18, 2020 were approved, Regents Anguiano, Blum, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel voting “aye.”<sup>1</sup>

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

Chair Pérez opened his remarks by stating that, amidst the present and future changes resulting from the COVID-19 pandemic, it was a powerful and affirming process to connect with so many committed to UC, its public mission, and its potential to change and possibly save the world. He expressed his hope that everyone in attendance was well. Some in the community were experiencing food, housing, and job insecurity, and some were caring for or have lost loved ones. He encouraged those who were struggling to reach out for help. Campus health programs were operational. The need for mental health services was more imperative than ever; Chair Pérez expressed his wish that information about mental health resources available to UC students and staff be shared on every available platform, making it easy to get help. He hoped that people checked in with each other.

Chair Pérez shared examples of UC’s creative solutions to challenges presented by the pandemic. UC Berkeley biochemistry students have manufactured hand sanitizer for first responders. UCSF medical personnel have volunteered to go to New York and the Navajo Nation to assist healthcare workers and return with lessons learned. UC Santa Barbara and UC San Diego engineers were designing and 3-D printing face shields and ventilators. Theater employees at UC Riverside were sewing masks. UC Davis staff have partnered with Yolo Food Bank to deliver food. At UCSF, students were babysitting the children of frontline workers. UC Irvine physicists were researching the use of Blu-ray disc lasers for sanitation. UC Merced public health and engineering professors were conducting studies on telehealth and risk assessment. UCSC was researching rapid, low-cost serology testing. Researchers across the system were developing antivirals, therapeutics, and vaccines. He applauded the herculean efforts of UC faculty and staff to adjust to this public health crisis and help students adjust. Faculty have spent many hours planning and preparing remote instruction. He acknowledged the disproportionate impact of the pandemic on Latino, black, and Native American communities. UC must continue to reach out to and focus on students from underrepresented and underserved communities, such as undocumented students, former foster youth, and formerly incarcerated students. From the K-12 system to universities, inequalities were persistent in the distance-learning environment as well. In 1918 and 1919, the Berkeley campus experienced three waves of the flu epidemic. The most serious wave occurred in October and November 1918, when nearly a quarter of the campus community contracted the disease. Then President Benjamin Ide Wheeler banned public gatherings, recommended a moratorium on new assignments, and mandated wearing masks on campus. Professor and Dean of Women Lucy Stebbins mobilized 648 students to manufacture over 23,000 flu masks. The State Hygienic Laboratory developed a vaccine

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<sup>1</sup> Roll call vote required by the Bagley-Keene Open Meeting Act [Government Code § 11123(b)(1)(D)] for all meetings held by teleconference.

using blood donated by UC Berkeley students. Chair Pérez was confident that UC would weather the pandemic as it had in 1918 and would lead the state and the nation.

Governor Newsom's May Revision to the State budget included a \$54 billion deficit. This crisis might be more manageable for the State than the Great Recession, but the University faced greater challenges now than it had faced during the Great Recession. UC has seen a decrease not only in State revenue, but also in all other revenue sources. UC must be mindful of the Legislature's actions and learn from the Great Recession by not causing undue harm with overcorrecting. Decisions must be rooted in UC's core mission and serve people. This was not the first budget crisis that Chair Pérez had experienced. Early in his career in the State Assembly, California faced a \$60 billion deficit out of a \$120 billion budget. By comparison, roughly 20 percent of the State's budget was in deficit today. At the time, smart decisions were made, such as paying down long-term debt, establishing a rainy day fund, and building reserves. Currently, the rainy day fund had \$16.2 billion. Lessons learned from the Great Recession could help carve a path forward. There could be no real national recovery without a strong California and UC.

This meeting would focus on the academic, health, and fiscal impacts of COVID-19 on the UC community, as well as principles for the safe operation of the University. The Regents would also be acting on the recommendation of the UC Merced chancellor search committee, which has nominated an exceptionally well-qualified candidate. Chair Pérez expressed his gratitude to the search committee for its diligence and commitment to UC Merced, as well as to Interim Chancellor Brostrom for his steady leadership of the campus. The Special Committee to Consider the Selection of a President planned to recommend a candidate this summer. The Board would hear from UC administrators, researchers, and members of the Academic Senate's Standardized Testing Task Force and then consider the future of standardized tests in UC admissions. He announced that this was the last full Board meeting for Regents Um, Simmons, and Weddle and expressed his personal gratitude for their efforts and commitment to the University. Despite serving two-year terms, these Regents have made lasting contributions to UC decisions and policy. They have served in and chaired Committees and working groups, including the search committees for the new President and UC Merced chancellor. He recognized the contributions of Chief Investment Officer (CIO) Bachher, who has held a series of discussions on the University's role in navigating current challenges. Through the work of the Office of the CIO and the Investments Committee, UC has charted an impressive, long-term course for sustainable investment that would be published in newspapers nationwide.

As a gay man who came of age during the AIDS crisis, this was not the first pandemic that Chair Pérez had seen. Despite the losses, courage, kindness, humor, and science helped carve a path forward then as it did today. Chair Pérez was appointed by President Bill Clinton and served under President George H.W. Bush on the President's Commission on the HIV Epidemic. While California produced a U.S. president who acknowledged AIDS after five years and tens of thousands of deaths, California also produced a University that stepped up to address that crisis. There was great uncertainty ahead, but these truths remained: UC was resolute in its commitment to its students and to building on UC excellence as researchers, educators, employers, and stewards of the public good.

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

President Napolitano expressed pride in how the University and State have responded to the COVID-19 pandemic, with resolve, flexibility, creativity, and compassion. Many of the items in this meeting's agenda were related to the current situation. The previous day, the Special Committee on Basic Needs discussed efforts to help students during the pandemic. On this day and the following day, Regents would consider the budget, standardized testing, and when and how campuses could be safely repopulated. UC leaders would provide updates on how the pandemic has affected UC's operations, academics, health enterprise, and financial outlook. These were unprecedented times and the University was dealing with many unknowns, but it could still proactively plan for the future. All UC campuses were actively working to address the question of how campus life would look in the fall. Every campus would be open and offering instruction so that all UC students could continue to make progress toward earning their degree. How much instruction would be in person and how much would be remote would be discussed at this meeting. UC must also keep its research enterprise strong and continue to support the State and the nation in the pandemic response. Many UC research laboratories have continued to operate during the pandemic and have provided information and solutions to leaders in real time. Reopening non-COVID-19 research laboratories would support graduate students and postdoctoral researchers. The University has asked the Board to approve a set of principles to guide UC's return to in-person campus operations. Every location would need to meet these threshold criteria before expanding campus operations: including plans for testing, contact tracing, quarantine, and isolation. After satisfying these criteria, campuses could then decide whether to maintain fully remote instruction in the fall or return some portion of their students to campus. UC aimed to make these decisions, which must be made in the context of local, State, and federal public health restrictions, by mid-June. President Napolitano anticipated that most, if not all, UC campuses would operate in a hybrid mode.

UC has already incurred substantial financial losses due to COVID-19, especially in hospital revenues and higher costs for equipment and staffing, as well as costs related to remote learning, housing, and dining on campuses. From mid-March to April 30, the estimated systemwide combined financial losses totaled \$1.18 billion. The California Department of Finance estimated a \$54.3 billion State budget deficit. The Legislative Analyst's Office estimated a lower but still significant State budget deficit between \$18 billion and \$31 billion. Governor Newsom's May Revision of the State budget included a 9.8 percent reduction to UC's core base budget for next year, which was made in response to the State's diminished revenue. The Governor and Legislature would revisit the budget after State tax returns are submitted in July. The University had a two-phase plan for decision-making. During the first phase, which would take place during the next few months, UC would make reductions and adjustments in response to the State budget and other financial constraints. UC could take further action on its budget in the next phase, which would occur in the fall, after State tax returns are submitted and UC has a better understanding of the State budget and fall enrollment numbers, which would affect tuition and fee revenues. UC also planned to pursue bridge funding through the capital markets

and seek more funding from State and federal governments. The phased approach ensured that cuts would not be so deep that they damage the underlying integrity of the institutions. Cuts would be necessary. President Napolitano has appointed a project management team, chaired by Associate Vice President David Alcocer and including the Chair of the Academic Senate, to design a process and specify targets. At a later time, she would announce a larger cross-functional task force, composed of faculty, staff, and other stakeholders, that would determine what options UC would adopt to address its budget gaps. In the meantime, President Napolitano and the chancellors would take a voluntary ten percent pay cut for fiscal year 2020–21. In consultation with the chancellors, President Napolitano has instituted a systemwide freeze on salaries for policy-covered employees and a freeze on salary scales for policy-covered faculty. UC has initiated discussion with union leaders about its current financial circumstances; President Napolitano thanked Chair Pérez for participating in those discussions. The campuses and the Office of the President (UCOP) were practicing strict position control, which meant carefully evaluating every open position and making careful decisions about whether and when to fill them. All non-essential travel has been eliminated, and service agreements were being negotiated. The UCOP budget would be presented to the Board in July and would include UCOP's share of the reduction in State funding. Despite the stark picture that has been painted, UCOP and the chancellors would work overtime to address UC's losses to recover. She thanked UCOP and campus staff for their efforts. UC was fortunate to have some of the best minds and most committed employees. President Napolitano was confident in their ability to innovate, persevere, and thrive during the pandemic.

The University must move forward on other issues. With regard to the use of the SAT/ACT in admissions, the Board would hear from the Standardized Testing Task Force, which was formed last year by the Academic Senate at President Napolitano's request. President Napolitano would also present her own recommendation, which aligned with the faculty recommendation but had some differences. She underscored that her recommendation was informed by historical context, expert advice, current circumstances created by the pandemic, and what she believed was best for students and families. She looked forward to a robust discussion. The search for the next chancellor of UC Merced had reached a successful conclusion; the candidate who would be presented to the Board is highly qualified with strong California roots. She recognized Interim Chancellor Brostrom's service, adding that he would return to UCOP as Chief Financial Officer after a transition period with the next UCM chancellor. President Napolitano thanked Interim Executive Vice President and Chief Financial Officer Jenny for his service at UCOP. Mr. Jenny would return to UCSF full-time. Chief Investment Officer Bachher has announced that UC investment portfolios were now completely free of fossil fuel investments, which aligned with UC's staunch commitment to environment sustainability and policy weighing environmental, social, and governance risk factors. To achieve this, UC sold over \$1 billion in assets from its pension, endowment, and working capital pools. UC has also surpassed its five-year goal of investing \$1 billion in clean energy projects. President Napolitano congratulated Mr. Bachher, his team, and the Investments Committee led by Regent Sherman. She noted that this was the last meeting for several Regents and advisors. She recognized Staff Advisor Klimow's advocacy on behalf of UC staff. She expressed gratitude for the time that Regents Simmons and Um have dedicated to attending meetings

and events, connecting with other alumni, and advocating for the University. She recognized Regent Weddle for her impassioned leadership and thoughtful contributions, especially in responding to student basic needs.

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

Faculty Representative Bhavnani stated that people were adapting to physical isolation due to the COVID-19 pandemic by finding new ways to connect with loved ones. It was becoming apparent that people with less money were more severely affected by the pandemic. Ms. Bhavnani thanked all those who were fighting the coronavirus. Faculty and students were working hard to offer high-quality education remotely. UC was addressing such issues as testing, reopening research, and repopulating campuses while considering many distinct constituencies. The Academic Senate has created a climate crisis task force following a Senate memorial submitted to the Regents in September 2019 requesting that UC investments be free of fossil fuel companies.

The Academic Senate, comprised of faculty who work closely with students, has a duty to guide the admissions process and advise the Regents on admissions policy. This duty was delegated by the Regents to the Senate in the 1880s so that the Board of Regents could focus on making policy. The Board, in turn, has a responsibility to seek Senate input through the President before making a decision. This three-pronged process of shared governance has worked very well and ensured unity in times such as these. The Board would be discussing recommendations from the report issued by the Senate's Standardized Testing Task Force (STTF) at this meeting. Over the past three decades, the Senate and the University have become much more sensitive to public concerns and assumptions that standardized tests are intrinsically discriminatory and give an advantage to higher-income students. The report's statistical analyses have shown that test scores offer a means to protect applicant diversity because they are viewed within the applicant's local context. This counterintuitive finding has demonstrated that UC admissions policies afford greater diversity than expected. While it was undisputed that diversity could be improved at UC, having rigorous, evidentiary data that showed how UC admissions offices were tackling diversity was helpful. For these reasons, the Academic Senate Assembly voted to endorse the STTF report with the recommendation that the University would revisit in five years the issue of whether the SAT/ACT had added value. The Assembly vote was nearly unanimous except for one abstention.

The Academic Senate has also tackled issues related to the coronavirus. The Board of Admissions and Relations with Schools has suggested temporary revisions of admissions policies during the pandemic that were embraced by President Napolitano and the Regents. Theresa Maldonado, Vice President for Research and Innovation at the Office of the President, has been coordinating the resumption of research work. Graduate students, postdoctoral researchers, and principal investigators ensured that research did not wither, and the Senate has been involved in many discussions about teaching development during the pandemic. COVID-19 research has been a multidisciplinary effort. The joy of collaboration underpinned the essence of shared governance, which has been a stabilizing force for the ten campuses and a hallmark of the University.

6. **APPROVAL OF APPOINTMENT OF AND COMPENSATION FOR JUAN SÁNCHEZ MUÑOZ AS CHANCELLOR, MERCED CAMPUS AS DISCUSSED IN CLOSED SESSION**
- A. Having completed consultation with the Committee to Advise the President on the Selection of the Chancellor of the Merced Campus, the President of the University recommended to the Regents that Juan Sánchez Muñoz be appointed as Chancellor, Merced campus, at 100 percent time, effective on or about July 6, 2020.
- B. The President recommended that, contingent upon and effective with Mr. Muñoz's appointment by the Regents as Chancellor of the Merced campus, the following items be approved in connection with that appointment:
- (1) Per policy, annual base salary of \$425,000, which will be funded by State and non-State sources.
  - (2) Per policy, University-provided housing while serving as Chancellor.
  - (3) Per policy, reimbursement of actual and reasonable moving and relocation expenses associated with relocating Mr. Muñoz's primary residence as well as professional/scholarly books, records and equipment, including laboratory supplies, subject to the limitations under policy.
  - (4) Per policy, when Mr. Muñoz leaves the Chancellor position and takes on a full-time professorial position at a UC campus, reimbursement of actual and reasonable expenses related to relocating household goods and personal effects, including his personal library, laboratory, and any other related equipment and materials to a location of his choice in California, subject to the limitations under policy.
  - (5) Per policy, standard pension and health and welfare benefits and standard senior management benefits including eligibility for Senior Manager Life Insurance and eligibility for Executive Salary Continuation for Disability (eligible after five consecutive years of Senior Management Group service).
  - (6) Per policy, eligibility to participate in the UC Employee Housing Assistance Program, in accordance with all applicable policies when stepping down as Chancellor, if Mr. Muñoz assumes a tenured faculty position at Merced or at another UC campus.
  - (7) Per policy, an administrative fund will be established for official entertainment and other purposes permitted by University policy. Adjustments may occur annually as allowed by policy.
  - (8) If Mr. Muñoz maintains an active research program in connection with a tenured faculty appointment during his appointment as Chancellor, an

annual allocation of campus funding will be established for this research during the term as Chancellor. This allowance is not compensation, and Mr. Muñoz may only use it for expenses related to his research allowed under University policy.

- (9) Per policy, eligibility to accrue sabbatical credits as a member of tenured faculty, consistent with academic personnel policy.
- (10) For any Outside Professional Activities, Mr. Muñoz will comply with applicable outside professional activity policies and reporting requirements.

The compensation described above shall constitute the University's total commitment until modified by the Regents or the President, as applicable under Regents policy, and shall supersede all previous oral and written commitments. Compensation recommendations and final actions will be released to the public as required in accordance with the standard procedures of the Board of Regents.

[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.]

President Napolitano stated that Mr. Muñoz was currently the President of the University of Houston-Downtown (UHD), where he has served since 2017. During his tenure there, enrollment, retention, and graduation rates have increased, and new degree programs in nursing and data science were created. Mr. Muñoz led UHD's recovery after Hurricane Harvey and launched UHD's largest capital campaign. Prior to UHD, Mr. Muñoz worked at Texas Tech University and was once an assistant professor at California State University (CSU) Fullerton's Department of Secondary Education. He held a bachelor's degree in psychology from UC Santa Barbara, a master's degree from CSU Los Angeles, and a Ph.D. from UCLA, where he studied in the Urban Schooling division. Mr. Muñoz, the son of a farmworker, was the first in his family to earn a college degree. Early in his career, he was a secondary school teacher and a community college advisor and instructor in California. He was an honorably discharged sergeant from the U.S. Marines and has been involved with numerous charitable and civic organizations and causes. Mr. Muñoz has deep experience in higher education and a passion for expanding educational access and opportunity; he was highly qualified with strong California roots. President Napolitano stated her belief that Mr. Muñoz would be an exceptional leader for UC Merced.

Regent Leib endorsed the appointment. Having served on the search committee, he expressed excitement that Mr. Muñoz could become UC Merced's new chancellor.

Regent Estolano also endorsed the appointment. This was an excellent appointment; Mr. Muñoz would lead the campus that represented the best of UC. She looked forward to working with him.

Regent Kounalakis recognized Interim Chancellor Brostrom and his exceptional leadership. Many students have noted how accessible he was to students and his enthusiasm

for the campus and their education. Regent Kounalakis also served on this search committee and stated that UC could not have found a better match than Mr. Muñoz. She expressed her excitement and encouraged the Board to support his appointment.

Upon motion made by Regent Leib, duly seconded, the recommendation of the President was approved, Regents Anguiano, Blum, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel voting “aye.”

Chair Pérez stated that he was incredibly pleased by the action of this Board. He joined President Napolitano in thanking all who advised her in selection. Chancellor-designate Muñoz’s career and life story were exemplary and showed the transformational power of public higher education. The product of the CSU and UC systems, he has committed himself to education at the K–12, community college, and university levels. He was exactly the kind of leader UC needed to follow Interim Chancellor Brostrom. Chancellor-designate Muñoz’s ability to connect with the challenges and opportunities at UC Merced were unparalleled, and his personal life story would reinforce the hopes and dreams of UC Merced students. Chancellor-designate Muñoz’s father picked grapes in Merced before the family moved to Los Angeles. This was a tremendous moment for UC Merced. Chair Pérez thanked Chancellor-designate Muñoz for accepting this challenge and for the leadership he would provide to the Merced campus, the UC system, and communities across the Central Valley. He invited Chancellor-designate Muñoz to make some remarks.

Chancellor-designate Muñoz stated that it was his distinct privilege to accept the invitation to serve as the fourth chancellor of UC Merced. He thanked the University of Houston system and Chancellor Renu Khator for their support of his service. UC Merced, while the youngest of the UC campuses, has earned its place among the other campuses with its vigorous research ambitions, commitment to inclusive excellence, and dynamic alumni. He had no doubt that UCM would receive the Carnegie R1 classification and hoped to be the chancellor who informs the Board of this accomplishment. In its nearly 14 years of operation, UCM has experienced remarkable growth, academic achievement, and peer recognition. The Merced campus’ national ranking as a top university for social mobility, student outcomes, sustainability, and ascension of its engineering science programs demonstrated its tremendous capacity. UC Merced was located in the San Joaquin Valley, one of richest agricultural regions in the world, and producing distinctive and diverse college graduates, as well as cutting-edge research, on a campus where every building is Leadership in Energy and Environmental Design (LEED) certified. This commitment to sustainability and the environment would remain a hallmark of the campus. No one anticipated that UCM would be one of the top young universities in the world, as well as the youngest to attain R2 classification. In this moment of global unease, institutions such as UCM and UC would play an unprecedented role in the science, investigations, and partnerships necessary to eradicate COVID-19 and help move the world forward.

Chancellor-designate Muñoz acknowledged the contributions of UC Merced’s past leaders. Chancellor Carol Tomlinson-Keasey worked with lawmakers and community leaders to garner support for what would later become UC Merced. In her inaugural address,

Chancellor Tomlinson-Keasey pledged that UC would keep a promise it made in 1868 that it would be a system that served equally. Chancellor-designate Muñoz pledged that he would work with UC leadership and the Board of Regents to continue to keep this promise for Californians. During Chancellor Sung-Mo “Steve” Kang’s tenure, UCM grew its enrollment and physical campus, and it became a distinguished Hispanic Serving Institution. That demographic has now exceeded 50 percent of the UCM student population. The Merced campus was the only research university with both a graduation rate of over 60 percent and a student population that was over 60 percent Pell Grant eligible. He believed that broad access to academic excellence was one aspect of the promise that Chancellor Tomlinson-Keasey was referring to. Chancellor Dorothy Leland championed record enrollment growth; the expansion of undergraduate and graduate programs; the improvement of retention and graduation rates; oversight of the Merced 2020 Project; and R2 classification. Interim Chancellor Brostrom generously stepped away from his role at the Office of the President to shepherd UCM during its current transition in leadership. His contributions included co-sponsoring, envisioning, and implementing the Merced 2020 Project. Chancellor-designate Muñoz looked forward to working with faculty, staff, alumni, community advocates, and students to build on these legacies of leadership. UC Merced has rested on the foundation established by his predecessors. Few campuses have created the pedagogical environment that allowed undergraduate students to work this closely with nationally recognized faculty. The importance of active learning for undergraduate students, particularly those from economically disadvantaged backgrounds and first-generation households, could not be understated. These students were materially challenged but had potential and ambition. Their hope, intellect, and promise would be cultivated with the highest expectations of academic rigor while respecting their identities and backgrounds. Sharing a quote from former UC Riverside Chancellor Tomás Rivera about documenting the strength of those he had known, Chancellor-designate Muñoz shared his belief in the students who would be the future of UCM and the state. He hoped to work with faculty to make UC Merced one of the most significant producers of diversity in the academy by helping to generate a professoriate that reflects the diversity of the state and country. As a first-generation college student and son of immigrants, neither Chancellor-designate Muñoz nor his father, once a farmworker, could have imagined this opportunity. His family, which now held a total of five degrees from the UC system, was profoundly aware of how the University could change lives. He and his partner, Zenaida Aguirre-Muñoz, promised to uphold the spirit and purpose of the UC system, citing former President Daniel Gilman, who promised in 1872 that UC would be an institution of the people and for the people.

Chair Pérez welcomed Chancellor-designate Muñoz and his family to the UC community and acknowledged Ms. Aguirre-Muñoz’s future contribution to UC. Chair Pérez reiterated his thanks to Interim Chancellor Brostrom for his service.

The Board recessed at 10:30 a.m.

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 The Board reconvened at 3:00 p.m. with Chair Pérez presiding.

Members present: Regents Anguiano, Blum, Butler, Cohen, Elliott, Estolano, Kieffer, Kounalakis, 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 Investment Officer Bachher, Provost Brown, Executive Vice President Byington, Executive Vice President and Chief Operating Officer Nava, Interim Executive Vice President and Chief Financial Officer Jenny, Interim Vice President Lloyd, Chancellors Block, Christ, Gillman, Hawgood, Khosla, Larive, May, Wilcox, and Yang, Interim Chancellor Brostrom, and Recording Secretary Li

7. **PRINCIPLES FOR RESPONSIBLE OPERATION OF UNIVERSITY LOCATIONS IN LIGHT OF THE SARS-COV-2 PANDEMIC**

The President of the University recommended that the Regents adopt the following:

**Principles for Responsible Operation of University Locations in Light of the SARS-CoV-2 Pandemic**

The University of California remains fully committed to promoting the safety, health and well-being of students, faculty, and staff as we pursue the tripartite mission of teaching, research and public service. The following principles will guide our actions, as a system and at each location:

- A. The University is committed to providing on-site activities that enable faculty, students and staff to advance UC's mission, further their educational and professional goals and pursue personal achievements; the way we do this must be consistent with applicable State and Local Public Health Department orders and directives and the advice of experts, and will consider the impact on equity, diversity and inclusion.
- B. While the elimination of risk is not possible, the University will implement scientifically appropriate COVID-19 practices including, to the extent appropriate, screening, testing, contact tracing and utilize other public health data to inform decisions and mitigate the spread of COVID-19.
- C. The University will adopt rules, policies or practices to promote physical distancing, universal face covering, and other mitigation measures to the extent necessary and appropriate based on scientific and public health data.
- D. The University may utilize risk-based restrictions on visitors to campus as determined necessary to mitigate the spread of COVID-19.

- E. The University will ensure that the provision of facilities, equipment, supplies, and staff are sufficient to develop, implement, and sustain the above COVID-19 principles.
- F. University locations will maintain flexibility in all of their responses to the COVID-19 pandemic and will be ready to adjust rapidly to changes in public health conditions.

[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.]

President Napolitano stated that this set of principles would serve as threshold standards that every UC location must meet when making decisions about whether to resume in-person operations in the fall and how it would be done. The chancellors and their teams were addressing these questions, and the answers would be informed by federal, State, and local public health guidance. She believed that these principles were fundamental to ensuring that UC can deliver on the objectives of its mission while remaining cognizant of a complex situation. Standards included plans for screening and testing, contact tracing, and quarantine and isolation. UC would also adopt physical distancing and universal masking measures, and it would ensure that facilities, equipment, supplies, and staff are sufficient to sustain protocols. The University would also be considering the advice of experts and impacts on equity, diversity, and inclusion. Once UC locations have incorporated these principles, campuses would then plan for full remote instruction in the fall or returning some students to campus. She anticipated that most, if not all, campuses would operate in a hybrid mode. She would work with the chancellors to ensure that they were responding to updated directives from public health officials. UC aimed to align to these principles as a system while recognizing variation among the campuses depending on local needs and requirements. She was grateful for the work and planning across the system. Many lessons would be learned, so UC must gather and analyze data in the process. This was a great challenge but also a great opportunity for UC to move forward as an institution.

Chair Pérez thanked the Office of the President and the chancellors and their teams for their efforts. He added that Governor Newsom's office was finalizing directives to colleges and universities and that UC would consider them as well.

Regent Um questioned why the Board was being asked to adopt these principles when guidance was changing. Abiding by local guidelines also seemed obvious. It did not appear that these principles were binding, because every campus would be able to make decisions based on its own conditions. He was concerned about the lack of restrictions in the principles. He was also concerned about enforcement of the principles, such as masking and potential liability. He did not wish to overstate what UC was doing other than recognizing the severity of the issue and abiding by federal, State, and local guidelines. He was prepared to adopt the principles on this limited basis.

Regent Butler stated that she shared Regent Um's concern about enforcement. Across the country, data suggested that enforcement of health measures in local police departments and communities was happening unevenly. She wished to see a principle regarding the tone and direction of enforcement. She also wished to know more about the engagement of campus police in that enforcement. Chair Pérez noted, for example, the disproportionate number of arrests of people of color for violating health measures in New York City. He asked President Napolitano what direction was being given to campus police in order to prevent disparate interactions. President Napolitano stated that the policing plan was not available yet but would be distributed to the Board in the next few weeks.

Upon motion of Regent Um, duly seconded, the recommendation of the President was approved, Regents Anguiano, Butler, Cohen, Elliott, Estolano, Kieffer, Kounalakis, Leib, Makarechian, Napolitano, Ortiz Oakley, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel voting "aye."

The meeting adjourned at 3:10 p.m.

Attest:

The Secretary and Chief of Staff