

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

July 7, 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, Mart, Muwwakkil, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Rendon, Sherman, Stegura, Sures, Thurmond, and Zettel

In attendance: Regents-designate Lott and Torres, Faculty Representatives Bhavnani and Gauvain, Secretary and Chief of Staff Shaw, General Counsel Robinson, Chancellors Block, Christ, Gillman, Khosla, Larive, May, Muñoz, Wilcox, and Yang, and Recording Secretary Johns

The meeting convened at 4:25 p.m. with Chair Pérez presiding.

1. PUBLIC COMMENT

- A. Sarah Bancroft, UC Berkeley student, asked the University to divest from the Thirty Meter Telescope (TMT) project on Mauna Kea in Hawaii. She stated that UC students did not want these monies to fund destruction of indigenous lands; instead, this funding could support students and instruction. She decried what she saw as UC's endorsement of cultural genocide and colonialism.
- B. James Riddell, UC San Diego student, asked that the incoming UC President take action to ensure that all undergraduate students graduate with an understanding of the current climate crisis. While UC was taking steps to address climate change, not enough students were learning about this urgent topic. UC could be a leader in climate education by mandating climate education for all UC students.
- C. Alia Reynolds, UC Santa Barbara student, asked the University to divest from the TMT project on Mauna Kea, which was a desecration of sacred and ancestral land. She also urged the Regents to oppose a recent directive by U.S. Immigration and Customs Enforcement (ICE) that would force international students to leave the country if their colleges held all classes online due to COVID-19.
- D. Matthew Wills, UC San Diego student, expressed the hope that any future UC president would not be compromised by possible allegations of harassment of University staff.
- E. Mia McIver, UCLA lecturer and president of University Council-American Federation of Teachers (UC-AFT), urged the University to take assertive and immediate action against the temporary rule issued by ICE and not to allow UC

students to be threatened with deportation. UC-AFT urged the new UC president to adopt a new approach to labor relations and to settle the UC-AFT lecturers' contract fairly and rapidly. The quality of students' education suffered from the annual turnover of lecturers, who needed opportunities for employment continuity and retirement rights.

- F. Laulani Teale, resident of Hawaii and activist opposed to the construction of the TMT on Mauna Kea, beseeched the University to select a president who had the vision to steer UC, and the future of science and education, in a direction aligned with indigenous peoples and the protection of sacred places.
- G. Chris Dang, UCLA student, expressed concern about the recent ICE directive. The alternatives proposed by ICE, such as transferring to a college that offered in-person instruction, were not realistic. If asked to leave the United States, Mr. Dang was not sure how he would get to the country of his birth. This directive was a political move that used international students as scapegoats. He asked the Regents to use their power to oppose the directive.
- H. Julia Dohner, Ph.D. candidate in earth science at the Scripps Institution of Oceanography at UC San Diego, commented that the effects of climate change would be felt and experienced in fuller force from this time onward. The United Nations had forecasted that, by 2050, the number of climate refugees would increase to between 25 million and two billion people. In the U.S., the issue of climate change was inextricable from that of racial justice. Changing the trajectory of climate change required bold action at local levels. There was now an opportunity for the UC system to be a leader in the fight for a livable and more just future. She exhorted the new president of UC to push beyond the University's current Carbon Neutrality Initiative to achieve de-carbonization of the UC system, to commit to never reinvesting in fossil fuels, investing instead in the transition to renewable energy sources, and to prioritize teaching and research that addressed the climate crisis.
- I. Natalya Gallo, postdoctoral scholar at the Scripps Institution of Oceanography at UC San Diego, stressed that UC must provide progressive and ambitious leadership on climate change. She asked that the new UC president update the Carbon Neutrality Initiative to achieve more accountable de-carbonization on a faster timeline. She asked that the Regents use their powers to actively promote a just transition from fossil fuels to renewable energy and that UC campuses integrate the climate crisis into their core teaching and research missions. The UC system had the responsibility to be a leader on the defining crisis of the 21st century.
- J. Susan Orlofsky spoke of the disastrous effects of COVID-19 on the United States. UC could provide necessary leadership. She hoped that the new UC president would update the Carbon Neutrality Initiative. The Regents must commit to never reinvesting in fossil fuels. Climate justice must be integrated into UC's teaching and research.

- K. Julia Li, an international student from China at UCLA, stated that she was unsure of her status for the upcoming fall quarter. If forced to return to her home country, it would be difficult for her to do so because of the reduced number of flights and their high cost. She asked the Regents to support international students in the context of the ICE directive and the pandemic.
- L. Alejo Kraus-Polk, graduate student at UC Davis, urged the incoming UC president to prioritize responding to the climate crisis. As a leading public university and the largest employer in California, UC had a responsibility to lead the state and the nation. The new president should update the Carbon Neutrality Initiative. Teaching and research on UC campuses should integrate the climate crisis and intersectional climate justice.
- M. Shreeya Thussu, president of the International Students Association at UC Berkeley, discussed the difficult situation of international students at this time due to the ICE directive. These students faced the possibility of deportation.
- N. Stephanie Gutierrez, UC Berkeley student, demanded that the University commit to rehiring all the UC Santa Cruz graduate student instructors who went on strike for a cost of living adjustment and commit to doubling underrepresented minority enrollment now. UC should act to overturn Proposition 209 and must set a new standard.
- O. Prudentia Gugulethu Zikalala, postdoctoral scholar at UC Davis, stressed that the present moment was a period of multiple crises. The new president of UC should have awareness of the political process that UC must engage in to address these crises. Beyond the COVID-19 crisis, there was a climate change crisis. UC had means to address climate change. She asked that the University update the Carbon Neutrality Initiative and promote teaching and research on climate change. UC should address economic inequality within the University, especially for minority and foreign students.
- P. Uyen Nguyen, UC Santa Barbara student, stated that the new ICE directive was very unfair for international students. It was impossible for these students to return to their home countries because there were no flights; if there were flights, students would be exposing themselves to the coronavirus on their way home. The U.S. government was acting in a way that put international students' health at risk by requiring them to attend in-person classes during the COVID-19 pandemic. She hoped that the ICE directive would be changed.
- Q. Helen Jannke, UC San Diego student, asked that the new UC president divest funding from the TMT project on Mauna Kea in order to respect and uphold indigenous rights. The TMT project would not be completed without violence against indigenous peoples, and, in particular, the Native Hawaiian protectors and elders who had physically blocked TMT construction for nearly a year. UC funds should not be used for the destruction of Native Hawaiian lands and sovereignty,

but for fair contracts for UC workers, for a cost of living adjustment for graduate student employees, and to address the University's financial losses due to COVID-19.

Chair Pérez stated that, over the past four years, students, faculty, and others in the UC community had been subjected to a disgusting series of attacks. A "Muslim ban" had affected UC faculty and students while they were traveling. There had been an attempt to end Deferred Action for Childhood Arrivals and so disrupt students' lives. Now there had been an ICE determination that international students must attend a certain amount of classes in person in order to remain in the United States during the COVID-19 pandemic. These attacks were rooted in cynical politics and were in complete conflict with the values of the University, and Chair Pérez expected that the University would respond accordingly.

2. **APPROVAL OF APPOINTMENT OF AND COMPENSATION FOR MICHAEL V. DRAKE, M.D., AS PRESIDENT OF THE UNIVERSITY OF CALIFORNIA AS DISCUSSED IN CLOSED SESSION**

- A. The Regents' Special Committee to Consider the Selection of a President recommended to the Regents that Michael V. Drake, M.D. be appointed as President of the University of California, at 100 percent time, effective no later than August 15, 2020. Subject to academic personnel review, the San Francisco campus will process a request for Dr. Drake's appointment as a tenured, non-salaried professor at an above-scale rank, at zero percent time, at the University of California, San Francisco.
- B. The Governance Committee recommended to the Regents that, contingent upon and effective with Dr. Drake's appointment by the Regents as President of the University of California, the following items be approved in connection with that appointment:
- (1) Per policy, an annual base salary of \$890,000, which will be funded by State sources.
 - (2) Per policy, University-provided housing while serving as President of the University.
 - (3) As an exception to policy, reimbursement or provision of temporary housing until University-provided housing is available.
 - (4) Per policy, reimbursement of actual and reasonable moving and relocation expenses associated with relocating Dr. Drake's primary residence as well as professional/scholarly books, records and equipment, including laboratory supplies in connection with the initial relocation to the San Francisco Bay Area, the following move to University-provided housing, and any subsequent move related to any change in University-provided housing, subject to the limitations under policy.

- (5) Per policy, when Dr. Drake leaves the position of President of the University of California, 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.
- (6) Per policy, reimbursement of reasonable travel expenses for all business-related visits to the University prior to Dr. Drake's official start date, subject to the limitations under policy.
- (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. Notwithstanding the provisions of University Policy G-28, Dr. Drake shall be authorized to utilize business and first-class air travel at his discretion, provided such expenses are managed within his administrative fund budget.
- (8) 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).
- (9) As an exception to policy, Dr. Drake's years of prior service with the University of California will be recognized for purposes of vesting under the University of California Retirement Plan and for the service credit requirements for retiree medical benefits as an employee rehired after a break in service on or after July 1, 2013. Per policy, Dr. Drake's years of prior service with the University of California will also be recognized for the purpose of calculating vacation accrual.
- (10) Per policy, eligibility to participate in the UC Employee Housing Assistance Program, in accordance with all applicable policies when stepping down as President, if Dr. Drake assumes a tenured faculty position at a UC campus.
- (11) Per policy and contingent upon the San Francisco campus's approval of Dr. Drake's tenured academic appointment, eligibility to accrue sabbatical credits as a member of the tenured faculty, consistent with academic personnel policy. As an exception to policy, in recognition of Dr. Drake's prior University service, Dr. Drake shall be granted the equivalent of one year of sabbatical credits upon his appointment and shall be eligible for administrative leave in lieu of sabbatical at his full administrative salary after the completion of four years of service as President.

- (12) For any outside professional activities, Dr. Drake 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 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.]

Chair Pérez introduced the item, observing that this day's vote, selecting a new president for the University, would be a momentous one. The process of selecting a president, which had begun almost a year prior, had reached a conclusion successful beyond all expectations. Per Regents Policy, a Special Committee was appointed to consider candidates and recommend one to the Board for appointment. Also per policy, the Special Committee consulted with advisory committees regarding the criteria for the position. In addition, the Special Committee held five campus town halls; more than 100 people spoke at these meetings. Separate forums were held in Northern and Southern California, and there were online portals for members of the UC community to share their thoughts on the selection of the new president. The Chair and Vice Chair of the Special Committee, Regents Elliott and Lansing, ensured that the process was thorough and inclusive. All members of the Special Committee were thoughtful and diligent in their work. The other members were Regents Cohen, Estolano, Park, Sherman, Um, and Weddle. Chair Pérez and Governor Newsom served as ex officio members. The Special Committee knew that it wanted a president who believed deeply in UC's mission as a public university. The candidate, Michael Drake, had served as a UC professor, a systemwide vice president, and a chancellor. Dr. Drake had demonstrated a commitment to seeing the whole student and supporting all UC students. He recognized the incalculable value of faculty and staff and understood the importance of public-private partnerships UC uses to realize its mission. This appointment was a homecoming for Dr. Drake. The Special Committee sought a president who could lead UC through these unprecedented times and position the University to expand on its excellence in the years ahead. At the Ohio State University, Dr. Drake worked with stakeholders to address issues of access and affordability, diversity and inclusion, sexual harassment prevention, and changes necessitated by COVID-19. As the first person of color to serve as the President of UC, Dr. Drake was assuming this position at an important time. This year, 2020, had been a difficult year. Dr. Drake's appointment was a sign that good things were still possible this year, and, under his leadership, great things would be possible.

Regent Elliott thanked the members of the Special Committee. The work of the Special Committee was a long process, with input from stakeholders, and led to a unanimous decision. Dr. Drake was an exceptional individual, with a proven record of supporting equity and inclusion and working collaboratively with students, faculty, and staff. Regent

Elliott expressed his excitement about the appointment of a president of this caliber, with this level of experience.

Regent Lansing commented that it had been a pleasure to serve on the Special Committee. The Committee considered many extraordinary candidates, but Dr. Drake stood out. One important quality for a candidate was that he or she be ready to begin work on day one. Dr. Drake had this ability due to his familiarity with UC and UC Health. The Special Committee was looking for a candidate who shared UC's values and was innovative. Dr. Drake's record, including as Chancellor at UC Irvine and President at Ohio State University, showed that he was bold and a visionary thinker. Dr. Drake knew the challenges now facing the University and was ready to meet them and to lead UC. Regent Lansing noted that Dr. Drake had been planning to retire. She thanked Chair Pérez for persuading Dr. Drake to change his mind. For Dr. Drake, this would be the culmination of an illustrious career. She stated her enthusiastic support for this appointment.

President Napolitano stressed that Dr. Drake knew the University and would be ready to begin work immediately. He knew how to manage a large, complex institution and was a superb choice. If approved by the Regents, he would be the first person of color to lead the University. This was an important moment, another step in the University's ongoing effort to ensure that UC reflected the rich diversity of California. This followed other recent efforts by the Board to address issues of inequity and systemic racism in society. President Napolitano had been the first woman to be president of the University and she recognized the importance of these firsts. While she hoped that diversity in the leadership of universities would soon become commonplace in the United States, she was grateful to have been part of this chapter in UC's history. This was a trying time, with challenges and difficulties, but there would also be opportunities and innovative solutions waiting to be discovered by UC's next president. The University was an exceptional and complex institution; leading it was both a challenge and a privilege. With Dr. Drake at the helm, she knew that she would be leaving the University in the hands of a seasoned and committed leader. She expressed her full confidence in Dr. Drake, and she was excited about the new ideas and perspectives he would bring.

Regent Kieffer commended the Special Committee on its decision. Dr. Drake was someone who knew the University from the inside but had also seen it from the outside. Having worked outside UC for six years at another major university, he would have a balanced view of UC and how it could become better. Dr. Drake's background in the health sciences, when UC Health was such a large part of UC's overall budget, was valuable.

Regent Kounalakis thanked the Special Committee for its difficult and time-consuming work. The University would be fortunate to have Dr. Drake as its leader in the next chapter of its history, particularly during these difficult times. She thanked President Napolitano for her leadership.

Regent Blum stressed that the Special Committee could not have made a better choice. The high quality of the Irvine campus was due in large part to the work of Dr. Drake as its former Chancellor.

Regent Muwwakkil thanked the Special Committee for taking feedback from students, alumni, and faculty into consideration. Given Dr. Drake's credentials, he seemed to be made for this position, especially at the current time.

Regent Stegura recalled that one of the advisory committees to the Special Committee was the alumni advisory committee. The University had 2.8 million alumni. She noted that, while UC policy required that the Special Committee hear input from UC alumni, it did not require that the Special Committee take so well to heart this testimony and the characteristics that alumni wished to see in the next president. Alumni would serve as feet on the ground for Dr. Drake to tell the story of the wonderful work that the University does. She thanked President Napolitano for her service and her engagement with alumni.

Staff Advisor Tseng stated that she had spoken with Dr. Drake, who had expressed his commitment to ensure that UC remains the top employer in the State of California. She looked forward to working with Dr. Drake.

Faculty Representative Bhavnani, on behalf of the Academic Senate, expressed delight that Dr. Drake had chosen to return to UC at this pivotal moment of profound global and national change. Dr. Drake's commitment to graduate and undergraduate students, to the work of faculty, to understanding the centrality of all UC employees, and his deep commitment to social mobility, coupled with his experience in dealing with budgetary challenges, issues of health and health care, racism and inclusion, and policing and security guaranteed that his leadership would steer the University into a bold new era. Ms. Bhavnani thanked President Napolitano for her service. The Academic Senate was eager to work with Dr. Drake.

Upon motion of Regent Elliott, duly seconded, the recommendation of the Special Committee to Consider the Selection of a President and the Governance Committee was approved, Regents Anguiano, Blum, Butler, Cohen, Elliott, Estolano, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Mart, Muwwakkil, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Rendon, Sherman, Stegura, Sures, and Thurmond voting "aye."¹

[At this point President-elect Drake joined the meeting.]

Dr. Drake thanked the Board members for their kind comments and stated that he was excited to rejoin his UC family. He thanked the Regents for their commitment to the University. He recalled mentors, guides, and sponsors over the years who meant a great deal to him, not all of whom were now living. He thought of them at this moment, which was the result of a long journey. He thanked his students, who had taught him so much, and his patients, who had trusted him. Dr. Drake had enjoyed the support of colleagues and friends; he thanked them, and his family. His parents had set a very high bar. His wife, Brenda, and his sons had created a world in which, working together, they had made a day like this possible. Dr. Drake had had the privilege to work with several previous UC

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

presidents. Past presidents had laid the groundwork for the University today, and it was awesome to be thought of as part of that company.

The University faced significant challenges. At this moment, a global pandemic was still spreading. Yawning wounds of social injustice tore at the fabric of society. There were long-term threats of environmental degradation and climate change which must be addressed. UC was among a few institutions worldwide best equipped to meet these challenges. The University would not solve these problems single-handedly, but would be fully engaged in finding solutions.

Dr. Drake stated that it had been a pleasure to have time to meet with dedicated faculty, staff, chancellors, students, and senior executives at the Office of the President. He recognized President Napolitano, who had been a public servant at the highest levels in the U.S., and stated that it had been a pleasure to work with her. He thanked her for her work on behalf of the University and the country. The Regents were the stewards of this great University, with the responsibility of overseeing the entire enterprise and helping it to move forward. Dr. Drake looked forward to working with the Regents as partners in writing the next chapter in the history of this great University.

The meeting adjourned at 5:25 p.m.

Attest:

Secretary and Chief of Staff