

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

July 29, 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, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Mart, Muwwakkil, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Stegura, Sures, and Zettel

In attendance: Regents-designate Lott, Torres, and Zaragoza, Faculty Representatives Bhavnani and Gauvain, Secretary and Chief of Staff Shaw, General Counsel Robinson, Provost Brown, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President Byington, Executive Vice President and Chief Operating Officer Nava, Chancellors Christ, Gillman, Hawgood, Khosla, Larive, May, Muñoz, Wilcox, and Yang, 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. Wendy Matsumura, UCSD faculty member, called on the University to invest in a fair contract for UC-American Federation of Teachers (AFT) Unit 18 lecturers and divest from policing. Graduate students faced a dire job market, and institutions like UC were reducing tenure-track faculty hiring in favor of short-term contracts with no health benefits, which disproportionately affects women of color. Constant turnover expelled underrepresented voices from higher education.
- B. Ana Sandoval, UC Davis student, spoke about UC Immigrant Legal Services Center funding. The proposed Office of the President (UCOP) budget would decrease funding for the Center from \$900,000 during fiscal year 2018-19 to \$237,000, preventing the Center from expanding. Asylum cases were being rejected because of capacity and workload. She asked the Regents about the long-term vision and goals for the Center and how UCOP would support the Center
- C. David Miller Shevelev, UCSC student and UC Student Association (UCSA) member, called on the rejection of legal compliance as a benchmark in discussions about disability. For instance, the UCSC Disability Resource Center was not fully wheelchair-accessible but was compliant because it was accessible via van service. Accessibility has become a legal concern instead of a social justice and equity

issues. He asked that any Regents' discussion about disability should consider accessibility and universal design while seeking input of student leaders.

- D. Alton Wang, UCLA School of Law student, called on the Regents to rescind the Professional Degree Supplemental Tuition (PDST) increase during the COVID-19 pandemic. An open letter about this issue had the support of over 1,600 students, faculty, staff, and community members. While PDST was necessary to support programs' costs and financial health, graduate students were in a precarious situation during the pandemic, and increasing PDST would violate UC's commitment to access, inclusion, and affordability. Professional degree programs were already prohibitively expensive, and an increase would disproportionately affect underserved and underrepresented communities.
- E. Ashley Taylor, UCR student and Associated Students of UCR member, spoke about the treatment and arrests of protesting students and staff. She called on the Regents to defund, disarm, and abolish UC police departments (UCPD); invest the \$140 million in students of color; rethink its contracts with police officer associations, and prioritize student physical and mental health.
- F. Jason Rabinowitz, Secretary-Treasurer of Teamsters Local 2010, called on the University to avoid layoffs, furloughs, and pay reductions. Workers who have kept UC running should not bear brunt of the COVID-19 crisis. As one of the largest employers in the state, UC should support good jobs to speed economic recovery and should explore every alternative to layoffs, including using reserves, bringing contracted work back to employees, using stimulus funding, and reducing executive load.
- G. Ana Perez, former UCSD staff member, called for an end to layoffs. She was laid off after 17 years at UCSD. She was baffled by the decision, because she worked in a lucrative department with multiple budgets, but temporary workers were favored over career employees. UCSD gave her job security and stability, which led her purchase a home last November. She was available and ready to work.
- H. Andrea Woodard, former UCSF staff member, called for an end to layoffs. She was laid off after 18 years at UCSF. She was the sole source of income for her family, and she believed she was targeted because she worked in her department the longest and had the lowest-paid classification. Her previous requests for reclassification had been denied despite having done the work of a higher classification. Ms. Woodward, who identified as an African American woman, believed this to be the result of institutional racism. She needed her job, healthcare, and insurance.
- I. Sapna Ramappa, UCLA student, asked the University to sign the Open COVID Pledge, which would make UC's intellectual property free and available to use for ending the COVID-19 pandemic. Amazon, Microsoft, and IBM have signed. UC should not create barriers to life-saving innovations developed using public funds.

Signing this pledge would reaffirm UC's commitment to the global community and its leadership role in the access to medicines movement.

- J. Marisabel Perez, UCI student, spoke about the lack of student and staff retention efforts. UC service workers were not provided the job security they deserve, and students of color experienced police violence on campus. She stated that Chancellor Gillman and President-designate Drake, who was the former UCI chancellor, had both undermined protests by communities of color.
- K. Ryan Uchison spoke about fetal tissue harvesting by UCSF researchers from elective abortions. He stated that UCSF did not use digoxin because it would contaminate tissues needed for research and that fetuses were dismembered in utero or sometimes born alive. He called on UC to be transparent and to use other alternatives for scientific research, such as miscarried fetuses, organ donors, adult cells, or artificial organs.
- L. Alisha Saxena, UCSD student, shared a statement from a UCSD student who identified as a black, bisexual, Christian, disabled woman. The student called on UC to honor the Americans with Disabilities Act by providing funding for disabled students, establish disability culture centers, prepare disabled students for graduation and careers, and support their intersectional identities.
- M. Aisha Warsame, UCSD student, called for an end to layoffs. It was unacceptable that workers were being treated as disposable and replaceable. Laid off workers would fall behind on retirement savings and be denied back pay, raises, and inflation adjustments. Layoffs would lead to increased class size and a decrease in student resources. Austerity measures could be avoided by using reserves.
- N. Cynthia Garcia, a nurse at Ronald Reagan UCLA Medical Center, spoke about working conditions. Staff in her unit, which had COVID-19 and non-COVID-19 patients, were afraid of increasing staffing ratios because of patient acuity, staff burnout, work-related injuries, and delayed care. Floating staff did not want to work with COVID-19 patients, which has led to a shortage of staff.
- O. Kathryn Lybarger, President of the American Federation of State, County and Municipal Employees (AFSCME) Local 3299, spoke about layoffs. UC told unions that it would lay off up to 3,000 workers, including frontline patient care workers and low-wage service workers, who were mostly people of color. UC would save a fraction of one percent of its budget by laying off hundreds of workers. Workers urged UC not to reopen until UC and the State could guarantee a safe environment for all students and staff, as well as guarantee full employment.
- P. Regina Starks, former UCSD nurse, shared that she was laid off on June 30. She was the sole provider in her family and lost her health benefits. Prior to her layoff, she had worked at UC for almost ten years.

- Q. Rachael Pacheco, UCSB faculty member, encouraged the Regents to reduce UCPD funding. She asked the University to heed the call from mass movements to defund the police and accommodate a new vision for community well-being. She also urged the Regents to reduce UC funding of the Thirty Meter Telescope in Hawaii.
- R. Mary Salazar, representative of the Society for Ethical Research, stated that UCSF's Institutional Review Board (IRB) has failed to uphold ethical standards and has allowed late-term abortions on viable fetuses capable of pain, live dismemberment, or medical induction that could result in born-alive fetuses. She stated that UCSF was procuring fetal organs for unethical research and cited California Health and Safety Code Section 123435 regarding rights of fetuses. The Society called for transparency, safeguards, and humane standards.
- S. Herb Geraghty spoke about fetal tissue research at UCSF. He stated that digoxin was not used in abortions so that organs could be used for research. He asked what policies were in place to prevent live dissection of viable fetuses. He called for UCSF to make publicly available the number of fetuses born alive and dissected. Chancellor Hawgood should ensure that UCSF laboratories were complying with California Health and Safety Code Section 123435.
- T. Wandralee Lindtze, UCSF staff member, stated that senior leadership's ten percent pay cut was only the surrender of paid time off. She spoke about the pay inequality at UC with billions of dollars in unrestricted reserves. Layoffs and furloughs were not inevitable. There was a profound opportunity to reinvent leadership at UC. What is done to harm workers would also harm leadership and the University.
- U. Terrisa Bukovinac, Executive Director of ProLife San Francisco, spoke about live human dismemberment on viable fetuses for scientific experimentation at UCSF. Half of the fetuses in a monthly supply were born alive. In her view, this was one of the most egregious examples of abortion extremism. ProLife San Francisco called for transparency, safeguards, ethical standards, and that UCSF comply with its requests for information.

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

Upon motion duly made and seconded, the minutes of the meeting of May 20, 2020 were approved, Regents Anguiano, Cohen, Elliott, Estolano, Lansing, Leib, Makarechian, Mart, Muwwakkil, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Stegura, Sures, and Zettel voting "aye." ¹

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

Chair Pérez began stated that, since the last Regents meeting, the University has taken steps to join the momentum of change sparked by the killings of George Floyd, Breonna Taylor,

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

and many others. The prior month, the Regents voted unanimously to endorse Assembly Constitutional Amendment (ACA) 5 and supported the repeal of Proposition 209. The State Legislature then sent ACA 5 to the November ballot. Chair Pérez and President Napolitano announced that UC would be examining policing practices systemwide. UC responded to another threat to international students by the federal government, which it later rescinded. UC remained vigilant and committed to all of its students. UC offered admissions to a record number of California students this year, with Latino(a) students as the largest ethnic group admitted for the first time. UC was moving closer to its goal of better reflecting the state it served. Also this year, UC Berkeley offered admission to the largest number of black students in over 30 years. Progress had been made, but much more work needed to be done. In a recent *L.A. Times* story, UC Berkeley student Ahmad Mahmuod shared that it took less than ten minutes to feel like he did not belong. It was UC's responsibility ensure that no student felt like they did not belong. The incoming class would be 45 percent Pell Grant recipients and 44 percent first-generation college students; UC should be proud of its financial aid packages that made this possible. UC's diversity gains were made prior to its actions regarding Proposition 209 and the SAT, and Chair Pérez believed that future tools would accelerate these gains. Since the last meeting, UC had also chosen a new UC president, Dr. Michael V. Drake. Chair Pérez thanked Regents Elliott and Lansing, all who served on the Special Committee to Consider the Selection of a President, and the staff at the Office of the President and Office of the Secretary and Chief of Staff to the Regents.

On Thursday, Chair Pérez would be asking to adjourning the Regents meeting in honor of the late U.S. Representative John Lewis. Congressman Lewis made changes where he could and stood firm where he must. He knew that patience without progress was not enough for equality and freedom.

Chair Pérez welcomed Regents-designate Cheryl Lott and Art Torres. Regent-designate Lott, a graduate of UCLA, was a litigation attorney, the past president of the UCLA Alumni Association, and member of the UCLA Foundation and UCLA School of Law Alumni boards. Regent-designate Torres served 20 years in the State Legislature and was the longest-serving state Democratic Party chair in U.S. history. Chair Pérez welcomed Regents Mart, Muwwakkil, and Stegura as voting members of the Board, and he welcomed Staff Advisor Lucy Tseng. Shortly, the Board would be voting on nominee Alexis Atsilvs gi Zaragoza as the next Student Regent-designate. This would be Chancellor Muñoz's first meeting as UCM chancellor. Chair Pérez thanked Executive Vice President and Chief Financial Officer Nathan Brostrom for his outstanding service as interim chancellor. He thanked Faculty Representative Bhavnani for her service in the searches for the new UCM chancellor and UC president, as well as her leadership in some of the Board's most consequential decisions.

Chair Pérez highlighted several presentations at this meeting, including an update on the COVID-19 pandemic's impact on UC Health, a discussion on community safety and policing, and a presentation on the Thirty Meter Telescope (TMT) project. This was a discussion item on the project the was promised six months ago; no action would be taken by the Board at this meeting. Chair Pérez shared that he had met with Mauna Kea elders and had a frank and thorough discussion of history, land use, culture, and legacy. It

reminded him of his discussions with California tribal leaders about sacred sites when he served as Speaker of the State Assembly. Chair Pérez stated his belief that Mauna Kea was a sacred site and deserved to be treated as such. He anticipated an action plan for UC informed by both science and humanity. He expressed confidence in UC's ability to address this issue.

Chair Pérez noted that this was the last Regents meeting for President Napolitano and that she would be formally recognized by the Board the following day. He expressed great appreciation for her seven years of service as President. She has made deep and lasting bonds with all at the University.

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

President Napolitano thanked Chair Pérez for his kind remarks. This was her last meeting as UC President, and it had been an absolute honor to serve in this role. She underscored UC's accomplishments and what she envisioned in its future. In the 1960s, Clark Kerr remarked that the American research university was peerless in its pursuit of knowledge and service to so many segments of civilization. This was true now more than ever. In the midst of a global pandemic, UC has played a critical role in helping society achieve a better tomorrow. Last spring, UC offered admission to a record number of California freshman and transfer students. UC Health continued to provide care, including COVID-19 treatment, and develop solutions to the pandemic. UC Santa Cruz determined the complete sequence of a human chromosome. UC Riverside found the first substance that could treat citrus greening disease. Challenges of the future could pose a serious threat, but UC's foundation was unshakeable. UC's fundamental values of access, opportunity, the pursuit of knowledge, and the vibrant exchange of ideas guided her presidency. One of the things she was proudest of was UC standing up as a community against things that were not right. UC supported undocumented community members up to the U.S. Supreme Court; backed evidence-based science that informed sound public policy; developed policies protecting survivors of sexual harassment and sexual assault; changed operations to reduce greenhouse gases and the effects of climate change; responded to students' basic needs; and worked to root out systemic racism. UC has strived for justice, progress, transformation, and innovation. UC may not have made the right decision every time or always risen to the occasion; that that was part of the humanity of being a university. UC has stood alongside the State of California as a partner, think tank, innovator, and not-so-secret weapon for success. Daring was embedded in the DNA of UC, as invoked in the tag line, "Boldly Californian."

While her own career was full of firsts, President Napolitano was prouder of the firsts that she and UC accomplished together. These included establishing the first systemwide Title IX office; hiring the first African American chancellor at UC Davis and first woman chancellor at UC Berkeley; creating the first systemwide office for diversity and engagement; admitting the first UC freshman class with a majority of Latino(a) and Chicano(a) students; and the fact that over 40 percent of UC undergraduate students were first-generation college students. She took this role in 2013 having come from a U.S. presidential administration characterized by hope and change. When hope is alive, change

is possible. UC must invest in and protect students and their dreams. UC must respond when bullies denigrate millennials and Generation Z. UC must be creative in educating, nurturing, and setting students up for success. Older generations must do all they can to provide a better future for this generation as was done for them. UC should challenge itself to imagine, for example, the availability of UC Health throughout the state; uniting the food security and carbon neutrality initiatives; and purchasing most or all food from California growers, especially growers using regenerative agriculture. This would increase the supply of nutritious food to students, support the state's agricultural economy, and address climate change. By challenging itself, UC would maintain its standing as a leading university. She acknowledged that she could have taken a different approach in Sacramento at times. One of the greatest challenges for UC was convincing State leaders and the public that the University should not to be taken for granted. Other states did not have an institution on the scale of UC. The University was not a luxury and should not be the first one subject to cuts in a budget crisis. UC was a treasure to be protected and sustained. She urged all Californians to remember the University's potential and the brilliant future represented by its students. UC was and always would be a beacon of opportunity.

President Napolitano thanked the Regents for their guidance, service, and belief in her. She gave special thanks to Chair Pérez, Regents Estolano, Kieffer, and Lansing, and the hardworking UCOP staff. She had the greatest trust in President-designate Drake. She would continue to serve and support UC long after she leaves this role.

Chair Pérez thanked President Napolitano and stated that he looked forward to the next phase her career as faculty member at the Goldman School of Public Policy.

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

Faculty Representative Bhavnani announced that this was her last Regents meeting as faculty representative. Faculty Representative Gauvain would assume the role of Chair of the Academic Senate, with UCSD Professor Robert Horwitz as Vice Chair. Ms. Bhavnani spoke about recent actions by authorities towards protestors were who catalyzed by the police's killing of George Floyd. The Academic Council offered President Napolitano campus safety recommendations, which included banning firearms as standard police equipment, decreasing police funding, and redistributing funds to create safe communities.

Amidst a spike in COVID-19 cases in California, the Academic Senate was working on ensuring that the UC community was safe and healthy. Uncertainty and unpredictability made decisions about repopulating campuses difficult. UC researchers were working around the clock to determine safe repopulation models, as well as the best testing and tracing regimens. During the previous pandemic 100 years ago, UC had begun to develop shared governance due to faculty demands for more say in policy and the selection of a president. According to the agreement signed in June 1920, the Academic Senate would advise the president on faculty and administrative appointments and promotions, educational policy, and budget matters. The University recognized the importance of faculty in decision-making and establishing international recognition. The Regents began to shift away from micromanagement to become a policy-making board. The Regents had

a responsibility to seek the Academic Senate's advice before making a decision. Shared governance worked best in an atmosphere of respect and with an understanding of differing roles. Last week, she and Ms. Gauvain were invited to join Regents Park and Leib in a discussion about recommended changes to Regents Policy 7102: Policy on Appointment of Chancellors. The Academic Senate and Regents agreed that a chancellor could not be expected to lead without the full confidence of faculty. On July 23, the Academic Council issued a letter with its concerns about some of the recommendations. For instance, the quality of new chancellors would be affected if the faculty's role in screening candidates was diluted. The quality of chancellors would be maintained if campuses remain central to the decision. The Academic Council urged the Board to delay voting on this amendment until President-designate Drake has assumed his position and could share his views. Ms. Bhavnani underscored the importance of critique in growth and ended her remarks by quoting the last words of George Floyd.

6. **REPORT OF THE SPECIAL COMMITTEE TO SELECT A STUDENT REGENT**

Appointment of 2021–22 Student Regent

The Special Committee recommends that Alexis Atsilvsgi Zaragoza, an undergraduate student at the University of California, Berkeley, be appointed a Regent of the University of California to serve for the period July 1, 2021 through June 30, 2022, and that she 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 stated that Alexis Atsilvsgi Zaragoza transferred to UC Berkeley from Modesto Community College and was a former Trustee of the California Community Colleges Board of Governors. She was selected from an impressive list of candidates.

Upon motion of Regent Anguiano, duly seconded, the recommendation of the Special Committee was approved, Regents Anguiano, Butler, Cohen, Elliott, Estolano, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Mart, Muwwakkil, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Stegura, Sures, and Zettel voting "aye."

Regent-designate Zaragoza introduced herself. She was a geography undergraduate student at UC Berkeley, as well as a Chicana and citizen of the Cherokee Nation. While serving on the California Community Colleges Board of Governors, she served on the Cal Grant Reform Work Group and helped established a diversity, equity, and inclusion work group. She looked forward to working with the Board and sharing her knowledge and experience.

The meeting adjourned at 9:50 a.m.

Attest:

The Secretary and Chief of Staff