

The Regents of the University of California

GOVERNANCE COMMITTEE

May 20, 2020

The Governance Committee 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, Elliott, Estolano, Kieffer, Lansing, Leib, Makarechian, Napolitano, Pérez, Sherman, and Zettel

In attendance: Regents Butler, Cohen, Ortiz Oakley, Park, Reilly, Simmons, Sures, Um, and Weddle, Regents-designate Mart, Muwwakkil, and Stegura, Faculty Representatives Bhavnani and Gauvain, Secretary and Chief of Staff Shaw, General Counsel Robinson, Provost Brown, Executive Vice President Byington, Interim Vice Presidents Gullatt and Lloyd, Chancellors Block, Christ, Gillman, Hawgood, Khosla, Larive, May, Wilcox, and Yang, Interim Chancellor Brostrom, and Recording Secretary Johns

The meeting convened at 3:10 p.m. with Committee Chair Pérez presiding.

1. 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, Elliott, Estolano, Kieffer, Lansing, Leib, Makarechian, Napolitano, Pérez, Sherman, and Zettel voting "aye."¹

2. AMENDMENT OF REGENTS POLICY 1112 – POLICY ON REVIEW OF ALLEGATIONS OF BOARD MEMBER MISCONDUCT

Regent Simmons recommended that Regents Policy 1112: Policy on Review of Allegations of Board Member Misconduct be amended as shown in Attachment 1.

[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 Simmons began the discussion by recalling that she had chaired a working group which reviewed Regents Policy 1112, Policy on Review of Allegations of Board Member Misconduct, in order to ensure that it is aligned with the University's systemwide Sexual Violence and Sexual Harassment (SVSH) Policy. The working group had vigorous discussions that took all sides of this matter into account and strove for transparency, objectivity, and a trauma-informed perspective. It was important that the working group represent the UC system well and maintain high ethical standards. The working group believed that it had developed a fair recommendation that would align Regents Policy

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

1112 with the SVSH Policy. The working group had sought input from many subject matter experts.

General Counsel Robinson outlined major features of the proposed revisions to Regents Policy 1112. Complaints that would otherwise be covered by provisions of the SVSH Policy were addressed in a new section of the Policy, Section IV. In general, these types of complaints would be handled by the Systemwide Title IX Director in full accord with the provisions of the SVSH Policy. All other types of complaints against Regents, apart from SVSH complaints, would be handled by a newly created position, the Complaint Resolution Officer, who would be an independent third party outside the University and operating under a standing contract with the Regents. The contract would be executed periodically, perhaps every three years, and apart from any pending proceeding. The type of person who would serve as the Complaint Resolution Officer might be a retired judge. The recommended revisions were designed to implement best practices embodied in other UC policies with regard to procedural rights accorded the parties. All parties would have the right to review and respond to evidence before an investigator's report was finalized, to receive notice of the outcome, to comment on the final report and on any proposed sanctions, and to appear before the Board in advance of any vote on a sanction. The recommended revisions clarified the application of the Policy to Regents' private, non-University conduct. Under the recommended revisions, investigations would not be covered by attorney-client privilege but would be treated as confidential to the extent provided by law and University policy. The role of the General Counsel as overseer of the process had been eliminated. The General Counsel's role would be the more traditional role of providing advice and counsel.

Faculty Representative Bhavnani asked if recent changes issued by the U.S. Department of Education for regulations governing campus sexual assault under Title IX would affect this Policy. Mr. Robinson responded that those changes would not affect Regents Policy 1112; this Policy essentially looks to the University's SVSH Policy for SVSH matters and addresses them in accordance with the SVSH Policy. Systemwide Title IX Director Suzanne Taylor commented that the most significant aspect of the new regulations was that they would impose certain grievance procedures for complaints against students and employees. This would not apply to this Policy, since the Regents were not employees.

Ms. Bhavnani asked about situations involving students. Ms. Taylor responded that the process used by the University would depend on the identity of the respondent.

Regent-designate Stegura expressed approval for the instituting of a Complaint Resolution Officer. She raised questions about the role of the three member panel ("the Regent panel"). While she did not doubt that three Regents from the current Board could distance themselves and would have the integrity to oversee an investigation of non-SVSH conduct by a Regent, she wondered how this would look to the public—a smaller group of Regents policing their own colleagues. She quoted proposed language regarding determination of appropriate sanctions according to which "The Regent panel may accept the Complaint Resolution Officer's recommendation or make its own recommendation." She shared Ms. Bhavnani's concern about how the new Department of Education rules might affect

this Policy. There would be opportunities for an accuser to confront the accused. Regent-designate Stegura was concerned about imbalances of power in this situation, in particular if the accuser was a student who might not have adequate resources and representation, and about additional trauma that this situation might cause for the accuser. Ms. Taylor responded that the Policy as proposed would give the Systemwide Title IX Director a great deal of authority over the process. There would be consultation with the Regent panel; the Systemwide Title IX Director would implement the SVSH Policy. Ms. Taylor did not have concerns about the substance of the process but stated that she understood Regent-designate Stegura's concerns about the perception of the Regent panel's influence.

Committee Chair Pérez asked what authority the Regent panel had, in particular with regard to a sanction that might be recommended. Regent-designate Stegura noted that the language was a bit unclear and reiterated her concern about public perception. Ms. Taylor responded that, in cases of SVSH allegations, this Policy would follow the SVSH Policy and process. In that process, it was very important that the decision of the investigator be independent and not influenced by anyone within the University. In her view, the proposed Policy revision would preserve this. The investigator would reach a determination. That determination would be shared with the Regent panel, which would have the opportunity to influence the outcome. There would be further opportunity to influence any sanction recommended to the full Board, which the Board would then vote on.

Regent-designate Stegura reiterated her concern about power imbalances and asked if the new Title IX rules would provide more opportunities for adversarial hearings, in which a student might not have the means to engage a lawyer. Ms. Taylor responded that there was potential for inequity in any proceeding of this kind. One party might have the resources to engage a private attorney while the other party might not. Such inequity might be present in this process, throughout the investigation and in the presentations the parties might make to the Board. She did not believe that the new Department of Education rules would affect anything in this Policy. There was always a concern about inequity in these cases.

Mr. Robinson then responded to Regent-designate Stegura's concerns with regard to non-SVSH allegations. He noted that the provision quoted by Regent-designate Stegura related only to sanctions. A finding by the independent investigator was conclusive. If the investigator found a violation, there was nothing that anyone in the University could do to change that finding. The question remained of what the sanction should be in the case of such a finding. Under current policy, there was a handoff from the investigator and the officer charged with overseeing the investigation to someone else, another decision-maker, to determine what the sanction should be if a violation has been found. Ordinarily, the handoff was to the supervisor. In this case, the handoff was to the best surrogate one could find for a supervisor for those who are at the highest level of the University—first to the Regent panel, and then to the full Board.

Regent-designate Muwwakkil expressed support for the proposed Policy revisions. He referred to Regent-designate Stegura's concerns and acknowledged that there might be problematic areas. He asked about the degree of consensus the working group came to in its deliberations. Regent Simmons responded that there was a healthy debate and that the

working group came to a full consensus on the recommended Policy language. While all working group members supported the recommendation, some would have liked to see slight changes.

Regent Weddle reported that she had received over 30 email messages from students that day expressing concern about whether or not the proposed revisions promote genuine accountability for Regents. She stated that she shared these concerns, in particular with regard to the fact that the revisions maintain the Regent panel. She had participated in the working group and had expressed her discomfort with this element of the Policy which, in her view, did not provide a fair process. She was appreciative for other revisions, such as mandating trauma-informed training, alignment with the systemwide SVSH Policy, and more direct references to the rights of complainants than in the original Regents Policy 1112. Overall, she had mixed feelings about the revisions. She did not support the Regent panel but believed that, overall, the proposed revisions were an improvement over the original Policy.

Regent Park noted that, in non-SVSH investigations, the Complaint Resolution Officer could appoint an investigator who may or may not be a University employee. She requested clarification on the independence of SVSH investigations and comments on how the investigation process for SVSH and non-SVSH matters was similar or different. Ms. Taylor responded that, under the SVSH Policy, the investigator must be impartial and neutral. All investigators were internal investigators, impartial and neutral, and the Title IX Office had independence. In case of a Regent, she imagined that someone from outside the University would always conduct the investigation.

On this last point, Regent Park asked if, although this was not explicitly stated, that would be UC practice, given the Regents' role. Ms. Taylor responded in the affirmative. Regent Park stated her understanding that, in non-SVSH investigations, it was up to the Complaint Resolution Officer to decide whether the investigator would be an individual from inside or outside the University. Mr. Robinson confirmed that this was the case.

Regent Park remarked that this item concerned difficult sets of issues which required very close attention. She thanked the members of the working group for reaching a unanimous resolution. She expressed her support for this action.

Regent Zettel thanked Regent Simmons for her thoughtful and effective leadership of the working group.

Regent Estolano observed that, if the investigator has determined by a preponderance of the evidence that the Regent violated the ethical principles or breached his or her duties, the Complaint Resolution Officer can recommend a sanction. The Regent panel could make a change to that sanction, but both recommendations go forward to the full Board. This was an important point. The role of the three Regent panel was an issue related to governance and practicality. The issues to be dealt with by the Regent panel would always be sensitive. The Board of Regents was a large body. Given the sensitivity involved in monitoring and overseeing an investigation, it made sense that a smaller body have this oversight.

Ultimately, the decision about any sanction rested with the entire Board. A smaller body was necessary to manage this process and then move it forward to the full Board. She felt confident in supporting this item.

Regent Makarechian requested clarification regarding one of the sanctions that could be imposed on a Regent, which was revocation of University privileges. Mr. Robinson responded that the privileges afforded Regents were fairly few, such as parking passes. To the extent that there were such privileges, it would be within the authority of the Board to revoke those privileges. Regent Makarechian wondered whether this would include access to University property.

Committee Chair Pérez stated that the Board can remove Regents from leadership positions within the Board and limit the committees they serve on, as well as other actions that aligned with the concept of University privileges. Mr. Robinson confirmed that the Regents had the authority to revoke such privileges as were afforded to the Regents by the Regents.

Committee Chair Pérez referred to Regent Makarechian's question about access to University property. Most campus facilities were open to the general public and not in the category of University privileges afforded to Regents. The Regents would not be able to limit a Regent's access to facilities open to the general public absent special circumstances. Regent Makarechian stated that this point needed to be clarified.

Regent Um stressed the importance of the fact that the working group came to unanimous agreement. He acknowledged that there were concerns about the Regent panel. The working group had rejected the idea at the outset that it would be impossible for the Board of Regents to govern itself; the Regents can and should be able to govern themselves. The working group understood the highly charged nature of SVSH issues. As much as the Regent panel concept might be troublesome to some, outsourcing this function for a volunteer body of this nature did not seem acceptable. He stressed that there were checks and balances in the process.

Regent Weddle again underscored her view that these revisions were an improvement but did not go far enough for accountability. The UC Student Association also urged the Board to view these changes as a first step. While her term on the Board would end soon, Regent Weddle hoped that other Board members would work for greater accountability and find ways to improve these policies.

Ms. Bhavnani referred to proposed language regarding investigations in non-SVSH cases: "Upon determining that a formal investigation is warranted, the Complaint Resolution Officer shall notify the Regent panel and appoint an investigator who may or may not be a University employee." She suggested that it might be advisable to change this language and stipulate that the investigator would not be a University employee. She also found that outside observers might not look favorably on the Regent panel.

Regent Simmons remarked that the working group had stressed the importance of process over personality and of building trust through transparency. The UC Student Association, in its statement, supported this item, viewing it as a first step.

Regent Lansing noted that the role of the Regent panel caused discomfort because of the concern that the Regents could not monitor themselves. In other situations in the University, supervisors have to evaluate employees who report to them and with whom they have worked with for a long time and whom they respect. The situation of the Regent panel was not altogether different. All recommendations for sanctions would come to the full Board, not only the recommendations of the Regent panel. This was a check on this process. If, in the future, the Policy was found to be ineffective, the Regents could make further amendments.

Upon motion duly made and seconded, the Committee approved Regent Simmons' recommendation and voted to present it to the Board, Regents Anguiano, Elliott, Estolano, Kieffer, Lansing, Leib, Makarechian, Napolitano, Pérez, Sherman, and Zettel voting "aye."

3. **AMENDMENT OF BYLAW 21.7 AND REGENTS POLICY 1202 – POLICY ON APPOINTMENT OF STUDENT REGENT**

The Chair of the Board recommended that:

- A. Following service of appropriate notice, the Regents amend Bylaw 21.7 – Regent Compensation, as shown in Attachment 2; and
- B. The Regents amend Regents Policy 1202 – Policy on Appointment of Student Regent, as shown in Attachment 3, effective upon approval of the amendment to Bylaw 21.7 as described in paragraph A above.

[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.]

Committee Chair Pérez introduced the item, stating that it represented an effort to establish a more equitable way of engaging Student Regents.

Interim Vice President Gullatt explained that the proposed amendment would allow for the provision of a scholarship to the Student Regent and Student Regent-designate, the equivalent of the amount of funding received by UC teaching or research assistants, about \$22,000 per year. The scholarship was intended to alleviate the financial burden that this position imposed and to help more UC students envision themselves in this important role, knowing that they would not incur financial hardship. If approved, the scholarship would function as financial aid, would be adjusted annually based on cost of living increases, and would be funded and administered by the Office of the Secretary and Chief of Staff to The Regents.

Regent Weddle commented that this item had the support of undergraduate and graduate student leadership and student groups. There was much concern among students about whether they should apply for the position, given that it was nearly impossible to hold another paid job while fulfilling the role of Student Regent.

President Napolitano expressed support for the action. Student Regents fulfilled an important role, spent much time in this role, and provided insight to the Board from the student perspective.

Upon motion duly made and seconded, the Committee approved the Chair of the Board's recommendation and voted to present it to the Board, Regents Anguiano, Elliott, Estolano, Kieffer, Lansing, Leib, Makarechian, Napolitano, Pérez, Sherman, and Zettel voting "aye."

The meeting adjourned at 3:55 p.m.

Attest:

Secretary and Chief of Staff

Additions shown by underscoring; deletions shown by strikethrough

Regents Policy 1112: Policy on Review of Allegations of Board Member Misconduct

Approved March 16, 2017

Amended [date], 2020

This policy (“Policy”) provides procedures to address any allegation that a member of the Board of Regents (“Regent”) “has not fulfilled [his or her] duties as set forth in University Bylaws, policy or applicable law” and to “implement appropriate response(s) when such allegation is found to have merit” as required by Bylaw 21.11. This Policy concerns only the investigation of misconduct and the administration of sanctions, and it should not be interpreted as modifying or expanding the duties or responsibilities of a Regent as set forth in other University policies or Bylaws.

Section I addresses the Policy’s purpose and scope. Section II provides procedures for the investigation of alleged misconduct. Section III provides options for sanctions. Section IV provides special procedures for alleged misconduct involving complaints under the University’s Sexual Violence and Sexual Harassment (“SVSH”) Policy.

Section I – Introduction and General Policy

1. Purpose

The Board of Regents of the University of California (the “Board”) holds the University in trust for the people of the State of California. In this role, members of the Board are expected to conduct themselves ethically, honestly, and in a manner that strengthens the public’s trust and confidence; to exercise their powers and duties in the interest of the public, the University, and the Board; and to preserve and enhance the assets and reputation of the University for the education and betterment of current and future generations.

2. Applicability

This Policy applies only to the eighteen gubernatorial-appointed Regents, the ex-officio Regents, and any non-student Regents-designate. The Policy does not apply to the Student Regent or any faculty representative or staff advisors to the Regents.

3. Free Speech and Academic Freedom

Members of the University community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This Policy is intended to protect the reputation and integrity of the University, not to regulate protected speech. It is intended that the sanctions listed in this Policy be imposed and enforced for the protection of the University community and for the maintenance of the reputation and integrity of the University. No provision of this Policy shall be interpreted in a manner that results in a violation of any person’s rights of free speech and association or other fundamental rights.

Section II – Procedures for Investigation of Allegations and Imposition of Sanctions

The Board shall have the authority to censure or sanction a Regent who is found by the Board to have violated the Regent’s fiduciary or ethical duties to the University.

In order for the Board to censure a Regent, the Regent must be found by a preponderance of the evidence to have violated the ethical principles or breached his or her duties as set forth in the University Bylaws, policy, or applicable law. Such a finding shall be made ~~by the Board~~ only after an investigation directed by the ~~Office of the General Counsel~~ Complaint Resolution Officer. The Complaint Resolution Officer shall be a neutral third party retained by the Board to serve for an established period of time, except as provided in Section IV. The Complaint Resolution Officer ~~Office of the General Counsel~~ shall, as provided herein, consult with a three member panel (“the Regent panel”) comprising the Chair of the Board, the Vice Chair of the Board, and the Chair of the ~~Governance-Compliance and Audit~~ Committee; provided that, if one of the members of the panel cannot, in light of the allegations or for any other reason, appropriately serve, the other two members of the panel shall jointly select a third panel member. The investigation must include an opportunity for the Regent to respond to the allegations.

A Regent’s acts or omissions in his or her non-official capacity shall not be the basis for sanctions except as provided in Section IV ~~unless the acts or omissions (a) constitute a violation of the University’s Statement of Ethical Values and Standards of Ethical Conduct, the University’s Sexual Violence and Sexual Harassment Policy, or another policy that expressly applies to a Regent’s non-official conduct and (b) affect the University’s reputation, integrity, or policy objectives.~~

The Complaint Resolution Officer shall consult with the appropriate University policy owner during the investigation and shall, wherever possible, apply the standards of and afford the parties the rights and procedures available under that policy. The Complaint Resolution Officer may seek legal advice from the General Counsel, who may retain outside counsel to advise the Complaint Resolution Officer after consultation with the Regent panel.

Except as provided for in Section IV, ~~Any~~ allegations, investigation, or proposed sanction of a Regent may be resolved informally at any time, ~~following consultation with the Office of the General Counsel and~~ with the approval of the Regent panel. The Complaint Resolution Officer shall coordinate any informal resolution.

For the purposes of this Section, ~~outside counsel may be used in the place of the Office of the General Counsel~~ the Regent panel may appoint a different Complaint Resolution Officer for a particular case when good cause exists, as determined by unanimous vote of the Regent panel.

The Complaint Resolution Officer and members of the Board shall undergo relevant training (e.g. on the relevance of trauma in the context of sexual misconduct) approved by the University regarding the investigation of misconduct and the administration of sanctions.

1. Preliminary Review of Allegations

When allegations of a Regent’s misconduct or breach of duties come to the attention of the Board or a member thereof, the allegations shall be forwarded to the ~~Office of the General Counsel~~ Complaint Resolution Officer. The ~~Office of the General Counsel~~ Complaint Resolution Officer shall promptly notify the General Counsel and the Regent panel ~~accused Regent~~ of the allegations and shall conduct a confidential preliminary review ~~investigation~~ of the allegations. The preliminary review ~~investigation~~ should be conducted in a manner designed to minimize any

intrusion into the complainant's and accused Regent's personal or non-University affairs. The Complaint Resolution Officer shall notify the accused Regent of the allegations during the preliminary review.

The ~~Office of the General Counsel~~ Complaint Resolution Officer shall, ~~with the concurrence of at least two of the three Regent panel members,~~ initiate a formal investigation if, on the basis of its preliminary ~~review investigation,~~ it finds (a) the allegations are plausible and not frivolous, (b) the alleged conduct, if substantiated, would constitute a breach of the Regent's duties or responsibilities or otherwise be cause for sanctions, and (c) the allegations concern conduct by the Regent in his or her official capacity ~~or conduct that affects the University's reputation, integrity, or policy objectives.~~ If either the preliminary ~~review investigation~~ determines that these criteria are not satisfied or it is determined that it is not possible, based on the reasonable investigative methods available to the ~~Office of the General Counsel~~ Complaint Resolution Officer, to reach a conclusion, no further action shall be taken. The results of the preliminary ~~review investigation~~ shall be treated as private privileged and confidential ~~to the extent permitted by law.~~

Where appropriate, the ~~Office of the General Counsel~~ Complaint Resolution Officer shall provide a complainant with a written explanation of rights and available options for reporting to and/or notifying law enforcement or other campus authorities of the alleged misconduct.

2. Investigation

Upon determining that a formal investigation is warranted, the ~~Office of the General Counsel~~ Complaint Resolution Officer shall ~~notify the,~~ ~~with the concurrence of at least two of the three~~ Regent panel ~~members,~~ and appoint an investigator who may or may not be a University employee ("Investigator").

The appointed Investigator shall, with oversight by the Complaint Resolution Officer, ~~at the direction of the Office of the General Counsel~~ and consulting as appropriate with the Regent panel, gather information relevant to the allegations of misconduct or breach; afford the accused Regent an opportunity to respond to the allegations and comment on the information gathered; and make a written report of its review, findings, and recommendation ("Investigator's Report") within 90 days of initiation of the investigation from the date of appointment, ~~unless the Office of the General Counsel~~ Complaint Resolution Officer determines that circumstances warrant a longer period. The investigation should, to the extent reasonable in the circumstances, be conducted in a manner designed to minimize any intrusion into the complainant's and accused Regent's personal or non-University affairs.

The Investigator's Report shall be treated as private privileged and confidential to the extent permitted by law and University policy.

3. Opportunity to Respond to the Investigator's Findings

Prior to finding a violation or breach of the University Bylaws, policy, or applicable law, the complainant and the accused Regent shall have the right to review and respond to the evidence upon which the Investigator will rely prior to the report being finalized. ~~Investigator shall notify the accused Regent in writing of their intention to do so and the reasons therefor and shall invite the Regent to respond. Said notification will be delivered to the office and residence of the accused by registered mail. The Regent may respond, either in writing or in a personal conference, or both. Such response shall be within 14 days of the receipt of the notice. If there is a personal conference, the Regent and the Investigator shall each be entitled to bring a representative of their choice, including an attorney, to the conference.~~

Any response shall be provided within 14 days of the review of the evidence and any written response by an accused Regent to the allegations shall become part of the formal record and shall be appended to the Investigator's Report.

4. Determination of Appropriate Sanctions

The Investigator shall submit the Investigator's Report, upon completion, to the Complaint Resolution Officer, who shall provide it to the Regent panel, the ~~Office of General Counsel~~, and any authorized University policy-owner ~~the Regent panel~~.

The Complaint Resolution Officer shall notify the complainant and the accused Regent of the Investigator's findings and conclusions. They shall have 30 days to respond to the Complaint Resolution Officer, either in writing or in a personal conference, regarding an appropriate sanction or other corrective or remedial actions. They may bring a representative of their choice, including an attorney, to the personal conference. Any written response shall become part of the formal record.

If the Investigator has determined by a preponderance of the evidence that the Regent violated the ethical principles or breached his or her duties as set forth in the University Bylaws, policy or applicable law, the ~~Office of the General Counsel~~ Complaint Resolution Officer shall, in consultation with the Regent panel, recommend an appropriate sanction to the Regent panel. The Regent panel may accept the Complaint Resolution Officer's recommendation or make its own recommendation. The Complaint Resolution Officer and shall forward the Investigator's Report, any party's written response, and the recommended sanction of the Complaint Resolution Officer and the Regent panel, if any, to the individual members of the Board. If the Investigator has concluded that the preponderance of the evidence standard is not met ~~or that he or she lacks the ability to determine whether the preponderance of the evidence standard is met~~, the Regent panel may close the matter and may determine corrective or remedial actions, short of sanction, without no further Board action will be taken.

5. Board Consideration and Vote

Upon receiving from the ~~Office of the General Counsel~~ Complaint Resolution Officer the Investigator's Report and the recommended sanction, and unless the matter is resolved informally, the Board shall, at either a regularly or specially set meeting, vote on any proposed sanction. The Complaint Resolution Officer shall be present at the meeting to answer questions or provide information about the investigatory process.

At least ten days prior to the meeting, the complainant and the Regent may submit a written statement to the Board addressing the appropriate sanction and may request to appear before the Board at the scheduled meeting. Any party is entitled to bring a representative of their choice, including an attorney, to the meeting or to have the representative appear on the party's behalf.

~~Any~~ Sanctions may be imposed only by majority vote of the Board, excluding the affected Regent, who may not participate in the discussion or vote.

6. Confidentiality

All individuals affected by the investigation shall be accorded privacy confidential treatment to the maximum extent possible, consistent with University policy and applicable law.

7. Required Communications

If an investigation leads the Complaint Resolution Officer or University officials to conclude that

a crime has probably been committed, the results of the investigation shall be reported to the District Attorney or other appropriate law enforcement agency. For matters under Section IV, the Systemwide Title IX Officer will inform the complainant of their right to make a report to law enforcement and the University will follow any mandatory reporting requirements under the law. The UC Police should be the conduit for communications with law enforcement agencies unless ~~the Office of the General Counsel~~, in consultation with the Regent panel, in a particular situation determines a different communications strategy.

Section III – Types of Sanctions

The types of sanctions that may be imposed on a Regent are as follows: written censure, removal or suspension from a committee assignment, revocation of University privileges, recusal from certain Board proceedings or decisions, or restitution.

More than one sanction may be imposed for a single act of misconduct, e.g., a letter of censure and removal from a committee assignment. The Board may remove or terminate a sanction, either automatically or by administrative discretion, in individual cases. The severity and type of sanction selected for a particular offense must be appropriately related to the nature and circumstances of the case.

Prior to the imposition of any sanction described below, the Board may waive or limit any or all sanctions on the condition that the accused Regent performs some specified action(s) designed to address the harm and/or to prevent future harm. Such actions may include, but are not limited to, monetary restitution, compliance with a commitment not to repeat the misconduct, or other act to make whole injury caused by the Regent's misconduct or to prevent future misconduct.

If the imposition of a sanction is waived, the subsequent failure to perform the required act or otherwise comply with the conditions of the waiver will immediately subject the Regent to the implementation of the underlying sanction without an additional hearing. The authority to determine whether the Regent has complied with the conditions of the waiver rests with the Board.

1. Written Censure

The Board may convey a formal written expression of institutional rebuke that contains a brief description of the censured conduct. Written censure is to be distinguished from an informal written or spoken warning, and must be delivered confidentially to the recipient and maintained in a designated personnel file or files indefinitely or for a lesser period of time specified in the writing. Informal written or spoken warning is not an official disciplinary action.

2. Removal or Suspension from Committee Activity

The Board may remove or suspend a Regent from his or her position as a member, chair, or vice-chair of a committee or subcommittee. In the case of a suspension, the duration of the suspension shall be specified.

3. Revocation of University Privileges

The Board may revoke a Regent's University privileges such as access to University property, use of University administrative staff, or parking and library privileges. The degree and duration of the revocation shall be specified.

4. Recusal from Certain Board Proceedings or Decisions

The Board may recuse a Regent from participating in specified Board proceedings, including from voting on specified matters, where the subject matter of the vote relates to the allegations of

misconduct or breach of duties or the Regent's participation would otherwise be in appropriate in light of the misconduct or breach of duties.

5. Restitution

In the appropriate case, the Board may require divestiture, restitution, or forfeiture as appropriate to remedy an official violation of University policy.

Section IV – Special Provisions for SVSH Matters

A Regent's acts or omissions in his or her non-official capacity may be the basis for sanctions to the extent such acts or omissions are covered by and could constitute a breach of the SVSH Policy.

When allegations involve an alleged breach of the SVSH Policy, the Systemwide Title IX Officer shall take all actions and hold all authority assigned to the Complaint Resolution Officer, including notifications to and consultation with the Regent panel. The sole exception shall be that the recommendation of a sanction shall be the responsibility of the Complaint Resolution Officer in all cases, including SVSH matters.

The Systemwide Title IX Officer shall follow the processes in, apply the standards of and afford the parties the rights and procedures available under the SVSH Policy including an equal opportunity to meet with the investigator, submit information, identify witnesses, respond to the evidence gathered, and have an advisor present during interviews and any related meetings. Allegations under the SVSH Policy may be resolved informally consistent with the requirements and procedures of that policy.

If there is a conflict between this Policy and the SVSH Policy, the Systemwide Title IX Officer shall apply the provisions of the SVSH Policy and shall follow all requirements of this Policy regarding consultation with and notification to the Regent panel. The Systemwide Title IX Officer may consult with the Regent panel as necessary when addressing such conflicts.

Addition shown by underscoring

Bylaw 21. Duties and Requirements

Each member of the Board (“Regent”) shall be subject to the duties and requirements specified below.

* * * * *

21.7 Regent Compensation.

No Regent shall receive salary or other compensation for service as a Regent, nor shall any Regent, other than the President of the University, be eligible for employment or appointment in any University-affiliated position. Notwithstanding the foregoing, the student Regent shall be eligible for part-time compensated University employment and a scholarship per Regents Policy 1202: Policy on Appointment of Student Regent. Within limits pursuant to University policy, Regents may be reimbursed for actual expenses incurred by reason of attendance at any Board or Committee meeting or in the performance of other official business of the University.

Additions shown by underscoring; deletions shown by strikethrough

Regents Policy 1202: Policy on Appointment of Student Regent

Approved March 19, 1993

Amended September 22, 2005, March 16, 2017, and November 15, 2018

POLICY SUMMARY/BACKGROUND

The Board of Regents has chosen to appoint a student as a Regent in accordance with the Constitution of the state of California, which was amended in November 1974 to provide the Regents with the option of appointing a student to serve as a member on the Board. This Policy affirms that decision and broadly outlines the position.

POLICY TEXT

The student Regent must be a person enrolled as a student in good standing and not on academic probation at a campus of the University of California for each regular academic term during his or her service as a Regent-designate and Regent and must have demonstrated interest in the welfare of their fellow students and in the University. Political tests must not be applied to any candidate. A student body president, or equivalent, or a member of the board of directors of any student advocacy associations, is not eligible for appointment as a student Regent. While serving on the Board, a student Regent may not hold any appointive or elective student government position. However, a student Regent-designate may hold non-elected positions until their term as Regent begins. A student who is, or has served as, a student Regent is not eligible for reappointment as a student Regent.

The student Regent is a full voting member of the Board of Regents of the University of California, attending all meetings of the Board and its Committees and serving a one-year term commencing July 1. In their role as a Regent, the student Regent serves as a trustee on behalf of the people of the State of California. While the student Regent voices student perspectives to the Board, they do not solely represent students. The state Constitution provides that Regents shall be persons broadly reflective of the economic, cultural, and social diversity of the State.

From the time of appointment as a student Regent, but prior to the commencement of service as a member of the Board, the person so appointed is known as a Regent-designate, is invited to attend all meetings of the Board and its Committees and is seated at the meeting table with full participation in discussion and debate. The student Regent-designate will serve as a non-voting advisory member of committees of the Regents as assigned during their service as a Regent-designate. Non-voting members do not count toward the calculation of a quorum of a committee.

The student Regent and Regent-designate is entitled to reimbursement for expenses in accordance with Regents Policy and, if eligible in accordance with State and federal law, has the option of receiving either will receive a tuition and fee waiver or a scholarship in an amount equivalent to the student's total University fees and tuition or for any portion of tuition and fees that are not covered by financial aid during the academic years in which they serve as Regent-

designate and Regent. In addition, the student Regent and Regent-designate shall receive a scholarship, if eligible in accordance with State and federal law.

The student Regent is appointed by the Regents upon recommendation of a Special Committee that is appointed by the Chair of the Board for that purpose. The process for selecting the student Regent is described in the Student Regent Nomination Procedures.

The student Regent or Regent-designate may be removed for cause or sanctioned by majority vote of the Board (excluding the student Regent) if allegations of a violation of their fiduciary or ethical duties to the University or a violation or breach of the University Bylaws, policy, or applicable law are found to be substantiated through a process determined by the Chair of the Board and the Chair of the Governance Committee, in consultation with the General Counsel.

COMPLIANCE/DELEGATION

The Secretary and Chief of Staff to the Regents is responsible for coordinating the student Regent selection process and ensuring compliance with the nomination procedures.

NO RIGHT OF ACTION

This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the University of California or its Board of Regents, individual Regents, officers, employees, or agents.

PROCEDURES AND RELATED DOCUMENTS

Student Regent Nomination Procedures