

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

January 19, 2022

The Regents of the University of California met on the above date by teleconference meeting conducted in accordance with California Government Code §§ 11133.

Members present: Regents Anguiano, Drake, Elliott, Estolano, Guber, Hernandez, Kounalakis, Lansing, Leib, Lott, Makarechian, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Sures, Torres, and Zaragoza

In attendance: Regents-designate Blas Pedral, Pouchot, and Timmons, Faculty Representatives Horwitz and Cochran, 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, Senior Vice President Colburn, Chancellors Block, Christ, Gillman, Hawgood, Khosla, Larive, May, Muñoz, Wilcox, and Yang, and Recording Secretary Li

The meeting convened at 8:35 a.m. with Chair Estolano presiding.

1. PUBLIC COMMENT

Chair Estolano 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. William Kidder, UC Riverside staff member, called on UC to better support undocumented students, who did not qualify for federal financial aid or CalFresh. In his view, regardless of whether the ruling in *Texas, et al., v. United States of America, et al.* is reversed, the eligibility criteria for Deferred Action for Childhood Arrivals (DACA) must be fixed for those who wish to attend UC. He presented a funding model for these students in the *Georgetown Immigration Law Journal*.
- B. Danatra Brown, UCSF nurse, called on the Regents to ask hospital management to adhere to State nurse-to-patient ratios and to properly staff each shift. Inadequate staffing has led to longer stays, unsafe nurse-to-patient ratios and patient handling, and exhausted nurses. Management needed to focus on safe patient handling, nurse retention, and maintaining an effective and supportive work environment.
- C. Anna Peery, UCLA Nurse, urgently called on the Regents to address below-market compensation and misclassification of nurse-midwives, which has contributed to a severe staffing shortage. Requests to correct this wage disparity or for a cost of living increase were denied, and labor negotiations between the California Nurses Association (CNA) and UC were at a standstill. Publicly listed salaries indicated that other UC midwives were earning 40 percent more per hour than UCLA nurse-midwives.

- D. Anna Sindelar, UC nurse, stated that many employees exhausted their COVID-19 paid administrative leave, and those hired after September 2021 were never provided leave. The UC Union Coalition urged UC to provide an additional 128 hours of leave; extend leave programs to the end of 2022 and leave hours to all new hires; restore sick, vacation, paid time off, or other benefit time retroactive to January 2021; and enhance the California Division of Occupational Safety and Health (Cal/OSHA) emergency standards so that employees continue to receive income if they are unable to work due to COVID-19.
- E. Bryan Bucklew, President and Chief Executive Office of the Hospital Council of Northern and Central California conveyed the Council's strong support of the proposed California Hospital Tower at UC Davis, which would feature state-of-the-art design and individual rooms for improved comfort, privacy, and infection control. UC Davis Health was a regional healthcare leader, provider, and partner.
- F. Alayna Fraser, architect and representative of the American Institute of Architects (AIA) Santa Barbara Chapter, spoke in opposition to the proposed Munger Hall at UC Santa Barbara. Ms. Fraser stated that Munger Hall would be a large, very dense, and windowless container that would not fit the context of its surroundings, and would be detrimental to the health and well-being of thousands of students. The Chapter urged the UC to take seriously the concerns of students, faculty, design review members, and design professionals. She regarded the project as dystopian, adding that it would set a dangerous precedent. The Chapter has submitted a letter detailing its concerns and was available for further guidance and discussion.
- G. Honu Nichols, UC Santa Barbara student and Native Hawaiian, urged the Regents to fully divest from the Thirty Meter Telescope (TMT) project, the costs of which have risen to \$2.4 billion. She stated that UC should invest in black and indigenous students instead of the TMT during the COVID-19 pandemic. She added that over 80 percent of Native Hawaiians opposed the project and that the University of Hawaii's draft master plan blatantly disregarded Native Hawaiian sovereignty.
- H. Amanda Hill, UC Berkeley student and Associated Students of UC Senator, spoke in opposition to reopening campuses. Although President Drake sent a letter to chancellors to keep instruction online during January, the threat of contracting COVID-19 could continue past this month given the surge of the Omicron variant. Without adequate planning and accessible options, disabled students felt compelled to risk their lives to attend in-person classes for the sake of grades.
- I. Drew Scott, Skilled Trades Director of Teamsters Local 2010, called for pay increases for union members. He stated that Governor Newsom's proposed UC funding plan, combined with the Regents' tuition actions, could generate hundreds of millions of dollars in ongoing revenue for UC, but some Teamsters' bargaining units have not received pay increases in more than a year, while the pay raises that some did receive were not keeping pace with the rapid rise in the cost of living. As of December, inflation was seven percent, the highest since 1982.

- J. Catherine Cobb, President of Teamsters Local 2010, called on UC to provide an additional 128 hours of COVID-19 paid administrative leave to all employees given the surge of the Omicron variant, case rates and hospitalizations rising more than 100 percent, and employees depleting their accrued leave. She stated that the University must protect its employees, help contain the virus, and prevent hospitals throughout the state from being overwhelmed with COVID-19 patients.
- K. Dan Mitchell, UCLA professor, expressed concern about a statement posted on the UCLA Department of Asian American Studies website in May 2021. He stated that individual faculty were free to express themselves regarding political issues but not on behalf of a department in a public university. In his view, there were potential legal issues based on nationality or religion; those considering enrolling in a course or applying for a staff or faculty position could feel unwelcome if they did not agree with the statement. If UCLA does not remove the statement, he suggested that the Regents adopt a policy on such statements.
- L. Amanda Blackwood, President and Chief Executive Officer of the Sacramento Metro Chamber of Commerce, spoke in support of the California Hospital Tower project at UC Davis. Ms. Blackwood praised UC Davis' and UCD Health's partnership with the Metro Chamber. The project, an important improvement in the Sacramento community, would include state-of-the-art design focused on patient care; individual rooms for improved comfort, privacy, infection control, and health outcomes; and earthquake resilience. UC Davis Health was evolving from a county hospital to a regional center of health, learning, and research.
- M. Scott Powell, Executive Vice President of the Greater Sacramento Economic Council, urged the Regents' support of the proposed California Hospital Tower at UC Davis. The project would advance health equity and ensure high-quality care through state-of-the-art design and individual rooms for improved comfort and health outcomes. The project would also bring UC closer to its carbon neutrality goal, and investing in earthquake resiliency would improve Sacramento's healthcare infrastructure. Mr. Powell also noted the project's proximity to light rail.
- N. Andrea Ramos Castro, UC Riverside Student and representative of the UC Undocumented Student Coalition, called for fellowships for non-DACA recipient undocumented students. Given the limited professional development and financial opportunities for undocumented students without work permits, the UC Undocumented Student Coalition asked that the University create new fellowships for these students or expand existing fellowships.
- O. Joseph Manson, UCLA professor, expressed concern that a recent decision by the Academic Senate's University Committee on Academic Freedom (UCAF) granted departments the right to issue statements on controversial political issues and use UC resources to publicize them. In his view, this was a violation of academic freedom because untenured, junior faculty did not have the power to disagree with senior faculty. He stated that several departments' recent statements regarding

Israel were propaganda and full of falsehoods, and that UCAF's decision violated the California Education Code, which prohibited the use of the name of the University for political purposes without the permission of the Regents.

- P. Marvia Cunanan, UCSB student, addressed item A6, *Update on Supporting Students with Disabilities at the University of California*. She stated that many were waiting for responses to accommodations requests and struggling to keep up in classes at UCSB. Aside from physical barriers, the campus lacked academic advising, career development, and student engagement opportunities for queer, autistic students of color like herself. Aside from retrofitting buildings to comply with the Americans with Disabilities Act, Ms. Cunanan recommended investing in universal design and normalizing hybrid learning; expanding funding for and incorporating inclusivity training at disabilities services, basic needs, and cultural resource centers; and establishing disability cultural centers on all campuses.
- Q. Jamal Colter, UCSF staff member and member of the Teamsters Local 2010 CX bargaining team, stated that staff should be properly compensated for contributing to the University's excellence. Staff salaries were inadequate, and many staff could not afford to live where they work and had long commutes. He shared that he was still working, albeit remotely, despite testing positive for COVID-19.
- R. Steve Coulter, UCSC instructor, spoke in support of the UC Green New Deal. He stated that, with rising temperatures, it was becoming more difficult to convince his students that their actions make a difference. He added that the Regents had a moral obligation to directly address the climate emergency, first by electrifying all UC campuses, and that carbon offsets were not a real, meaningful solution.

2. **REMARKS OF THE CHAIR OF THE BOARD**

Chair Estolano shared that, at this meeting, the Board would hear presentations on two of the priorities she set at the beginning of her term, expanding capacity and procurement diversity. The UC Capacity Working Group would provide an update on its efforts, and Su Jin Jez of California Competes would speak about the demand for higher education. There was a strong demand in Imperial County, the San Joaquin Valley, and regions where Latino(a)s made up most of the population. Chair Estolano emphasized that UC can and must do its part to meet this demand. The Regents would also hear about new initiatives to increase UC small business procurement, such as focusing on design and construction spend. The Finance and Capital Strategies Committee would hear about the Governor's State budget proposal. The Board would also hear a presentation on the Annual Report on Sustainable Practices. Chair Estolano emphasized the urgency of the issue and noted that many students, faculty, and members of the public have asked how and when UC would be free of fossil fuels. She stated that UC must revise its goals for the state's future.

Chair Estolano announced that Provost Brown was stepping down at the end of academic year. She praised his guidance in ending the use of standardized testing in admissions, addressing campus policing issues, expanding access, and maintaining excellence, and

expressed gratitude for his wisdom, counsel, and good humor. This was Regent Lansing's last regular Board meeting. She has worked as a teacher, been a trailblazing and visionary leader in Hollywood, and served as Chair of the Board. Chair Estolano thanked Regent Lansing for including the University in her amazing journey.

3. **REMARKS OF THE PRESIDENT OF THE UNIVERSITY**

President Drake began his remarks by welcoming State Senator Bill Dodd, who would be speaking at the Public Engagement and Development Committee meeting. He shared that he was pleased that many investments in Governor Newsom's 2022–23 State budget proposal were aligned with UC priorities, such as enrollment growth and climate action. These included the budget's funding compact, which offered stability and support for UC's teaching, research, and public service mission; a five percent increase for the next five fiscal years and funding to increase resident undergraduate enrollment; \$185 million in one-time funding for climate change research and innovation; and one-time funding for energy efficiency projects on UC campuses. These investments underscored UC's unique role in addressing climate change. The University was deeply grateful to Governor Newsom and looked forward to working with him and the Legislature.

In light of the disruptions caused by the Omicron variant, UC was working daily to keep campuses safe and healthy while pursuing its academic mission. Campuses have modified their instructional plan to allow students time to return to campus, get tested, sequester, and get tested again before returning to the classroom in person. All UC locations now required those eligible to get a vaccine booster dose; and President Drake urged every eligible member of the UC community to do so. Wearing masks, maintaining physical distance, and checking symptoms would continue. He praised the UC community's flexibility, understanding, and compassion and acknowledged healthcare workers who carry out grueling work.

Later in the meeting, the Board would hear from the UC Capacity Working Group, Chancellors Gillman and Larive, and Su Jin Jez of California Competes. President Drake was pleased with the Working Group's progress thus far. The Governance Committee would be considering chancellor compensation per Regents Policy 7103: Policy on Compensation for Chancellors. UC chancellors were compensated at the bottom of their peer group despite leading some of the top institutions of higher education in the country and the world. President Drake noted that this was Regent Lansing's last regular Board meeting and thanked her for over 20 years of service to UC. He thanked Provost Brown, who was stepping down at the end of the academic year, for over three decades of service. Mr. Brown's work included closing equity gaps, growing and diversifying the professoriate and graduate student body, changing testing policy, engaging in Native American repatriation efforts, and navigating the effect of COVID-19 on the academic community.

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

Faculty Representative Horwitz shared the effect that the return to remote instruction had on faculty and students. At UC San Diego, instructors were given the option to stay remote

for the whole quarter instead of reverting to in-person instruction mid-term. However, remaining remote could have a negative effect on students, with some considering a leave of absence this quarter. Faculty had no sick leave or substitute teachers. Mr. Horwitz shared the experiences of a professor trying to navigate the COVID-19 pandemic with a young child, and stated that UC has failed to provide support to members of the UC community with families. He suggested creating a pool of volunteer substitute instructors for those who needed to quarantine or get tested, but he did not believe that community self-help was sustainable. Mr. Horwitz predicted that there would be more COVID-19 variants and another surge and called on Regents and legislators to extend to faculty, administrators, and staff the same understanding that faculty extended to students.

With regard to technology transfer, the Academic Senate's University Committee on Research Policy and University Committee on Academic Personnel both came to the conclusion that there was no need to revise the Academic Personnel Manual, because existing faculty personnel processes already accounted for patent and entrepreneurial activity. The Academic Council would discuss the Committees' reports and submit a formal recommendation to the Regents. Chief Compliance Officer Bustamante has shared with the Academic Council a new approach from Ethics, Compliance and Audit Services (ECAS) in assisting faculty with compliance reporting. ECAS would ensure that UC staff and trainees at affiliated religious hospitals would be able to file complaints without risk of retaliation. The Academic Senate has asked the Office of the President to institute another cost of living adjustment (COLA). Last year's UC Retirement Plan COLA increase was two percent, but inflation was currently seven percent. The pensions of those who retired from UC before 1988-89 could fall below 75 percent of their purchasing power starting point.

Chegg Tutors was sued by some of its investors for premising business projections on students' use of its services to cheat. The return to in-person instruction also led to a decline in Chegg Tutors' revenue. The Academic Senate has asked the Office of the General Counsel if UC could join this lawsuit and create an automated request to remove faculty's stolen intellectual property. In Mr. Horwitz's view, until academic integrity in online instruction is addressed, and if the integrity of online pedagogy and grades could not be guaranteed, it would be unwise to rely on this modality to increase UC enrollment and expand access. Californians, who expect the high quality of UC degrees, would be shortchanged. There was evidence of substantial learning loss during the pandemic, especially among students who were already disadvantaged. Remote education operated at 30 to 50 percent efficiency for K-12 students. UC must be prepared to provide current and future students the resources they need. He closed his remarks by recognizing Provost Brown and Regent Lansing.

The meeting adjourned at 9:35 a.m.

Attest:

The Secretary and Chief of Staff