

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

January 18, 2023

The Regents of the University of California met on the above date at the UCLA Luskin Conference Center, Los Angeles campus and by teleconference meeting conducted in accordance with California Government Code §§ 11133.

Members present: Regents Anguiano, Batchlor, Blas Pedral, Chu, Drake, Elliott, Hernandez, Kounalakis, Leib, Makarechian, Matosantos, Park, Pérez, Pouchot, Reilly, Robinson, Sherman, Sures, and Timmons

In attendance: Regents-designate Ellis, Raznick, and Tesfai, Faculty Representatives Cochran and Steintrager, Staff Advisors Lakireddy and Mackness, Secretary and Chief of Staff Lyall, General Counsel Robinson, Chief Investment Officer Bachher, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President Byington, Executive Vice President and Chief Operating Officer Nava, Provost Newman, Senior Vice President Colburn, Vice Presidents Brown, Gullatt, Leasure, and Lloyd, Chancellors Block, Gillman, Hawgood, Khosla, Larive, May, Muñoz, Wilcox, and Yang, and Recording Secretary Li

The meeting convened at 8:40 a.m. with Chair Leib presiding.

1. PUBLIC COMMENT

Chair Leib 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. Abraham Hernandez, UCLA student, asked the University to support the Opportunity for All campaign and expand employment opportunities to undocumented students who did not have Deferred Action for Childhood Arrivals (DACA) status. He stated that UC did not need to wait until DACA was terminated to act, and that many undocumented students were not DACA recipients.
- B. Sam Rusk, UCLA student and representative of the UC Divest coalition, expressed disgust that UC was investing in the military-industrial complex instead of addressing the high cost of education and the lack of job security. Ms. Rusk called on the Regents to divest from the weapons manufacturing industry and to end its relationship with Blackrock as an asset manager. She called for investing these funds in students and workers. She voiced her support for the Opportunity for All campaign.
- C. Shruti Adusumilli, UC Davis student and UC Student Association (UCSA) University Affairs Chair, asked the Regents to support issues that Student Observers would raise during the meeting. These included equal employment

opportunities for undocumented students; divesting from the Thirty Meter Telescope (TMT) project on Mauna Kea and investing in indigenous communities; and investing in student food and housing needs rather than in unethical corporations like Blackstone. UCSA also sought a State budget request of \$18.9 million to staff campus disability services centers.

- D. Johanna Avila, UC Irvine student, expressed support for the Opportunity for All campaign, which proposed immediate relief to undocumented students. Leading constitutional and immigration law scholars, including Dean Erwin Chemerinsky of UC Berkeley School of Law and Dean Kevin Johnson of UC Davis School of Law, agreed that UC had legal authority to hire undocumented students. There were over 44,000 such students in higher education without DACA status in the U.S.
- E. Lucine Torosian, President-Elect of the UCLA Staff Assembly, thanked the Regents for approving a 4.6 percent salary increase and asked them to consider a ten percent salary increase for policy-covered staff given the high cost of living. She invited Regents to meet with the Council of UC Staff Assemblies (CUCSA) to discuss this and other solutions for staff retention.
- F. Mary Entoma, UCLA student and representative of the UC Divest coalition, expressed disgust that UC was investing in the military-industrial complex instead of supporting students and workers. She reiterated comments made by Ms. Rusk.
- G. Danielle Garcia, UCLA student, spoke in support for the Opportunity for All campaign and called on UC to extend funding and job opportunities to undocumented students. According to attorneys and immigration advocates, there was no federal law prohibiting State universities from employing undocumented students. She stated that this was not a legal issue, but rather a policy decision, and that undocumented students at the University demonstrated merit and drive.
- H. Kathryn Lybarger, President of the American Federation State, County and Municipal Employees (AFSCME) 3299, expressed dismay at UC's decision to invest \$4 billion in Blackstone, whose extraction real estate model has exacerbated the housing crisis nationwide and at UC. Ms. Lybarger stated that Blackstone was an opponent of Proposition 10, a ballot measure that would have expanded rent control, and that the company directly benefited from short housing supply and rising demand. She added that, in the 1980s, the University's investment portfolio included companies with ties to apartheid in South Africa.
- I. Donna McKinley, UCSF staff member and member of AFSCME 3299, called on UC to bargain with the union in good faith. She stated that employees across the system were overworked, underpaid, and were missing meal and rest breaks due to understaffing. State Senate Bill (SB) 1334 required such breaks and penalty pay on days that breaks are not provided. Ms. McKinley expressed solidarity with other unions seeking UC compliance with the break requirement in SB 1334.

- J. Olivia Barber, UCLA student, expressed support for the Opportunity for All campaign. Undocumented students with employment opportunities could benefit from paychecks, work experience, and tuition remission. Ms. Barber reiterated comments made by Ms. Garcia.
- K. Susan Orlofsky, UC San Diego retiree and alumna, urged the University to petition Governor Newsom to reverse his decision to delay allocating \$83 million toward UC climate action. Ms. Orlofsky stated that UC has emitted about one million tons of carbon per year for the last ten years. She praised UC's recent actions, including the funding of electrification plans for all ten campuses and establishing a task force to guide implementation of these plans.
- L. Leticia Bustamante, UCLA student, expressed support for the Opportunity for All campaign and called on the University to expand employment opportunities to all students regardless of immigration status. Twenty-nine of the nation's leading constitutional and immigration law scholars have found that UC had legal authority to hire undocumented students.
- M. Catherine Cobb, President of Teamsters Local 2010, stated that, following the ratification of a new labor contract for the Clerical and Allied Services (CX) unit, needed and agreed upon pay increases have been delayed. The union demanded that UC make its members whole.
- N. Jeffry Muñoz, UCLA student, spoke in support of the Opportunity for All campaign and called for the adoption of the strategy within the campaign. He stated that the campaign has been well received by the UC community, as well as unions and national media outlets. Mr. Muñoz stated that the aims of the campaign were morally just and politically necessary. He reiterated comments made by Ms. Avila.
- O. Jason Rabinowitz, Secretary-Treasurer of Teamsters Local 2010, expressed concern about delays in providing retroactive pay increases to union members. He stated that they should have been provided 60 days after ratifying the labor contract. The union urged UC to staff its payroll departments to ensure that Teamsters members are paid on time and in accordance with the terms of the contract.
- P. Andrea Amaya, UC Santa Barbara student, called on the University to divest from the TMT project and instead prioritize student basic needs. She stated that students and staff across UC were opposed to the project, which lacked the consent of Native Hawaiians, and that UC had the authority to withdraw from it. She stated that, as a land grant university, UC bore responsibility to indigenous communities. She also called for the termination of the Munger Hall project and stated that the design team failed to address the Academic Senate's concerns.
- Q. Cassandra Ensberg, architect from Santa Barbara, stated that she and other architects have expressed concern about the Munger Hall project. Ms. Ensberg stated that windows and sleeping rooms that provide direct access to natural light

and air were essential and could not be substituted using artificial means. There were many examples of healthy campus housing throughout the UC system. She and other architects offered to meet with and assist Chancellor Yang and the Munger Hall design team to address these issues.

- R. Anthony Camacho, UCLA student and Community and Labor Coordinator for MEChA de UCLA, expressed concern about UCLA's efforts to qualify as a Hispanic-Serving Institution (HSI) and stated that the campus' values did not align with those of the Hispanic community. He stated that the University cared more about its assets and investments than about the social mobility of students who were first-generation, undocumented, or belonged to communities of color.
- S. Asiya Junisbai, UCLA student and representative of the UC Divest coalition, demanded that UC divest billions of dollars, which it receives from students and workers, from the military-industrial complex and that it terminate its relationship with Blackrock as an asset manager. She stated that other examples of Regent-funded violence included the occupation of Palestine, war and oppression in the Philippines, and policing of the U.S.-Mexico border. The coalition demanded that UC invest in students and workers and address the high cost of education and job security issues.
- T. Rafael Jaime, President of United Auto Workers (UAW) 2865, thanked President Drake and the Regents for supporting the new labor contract, which he believed set a new standard for universities across the country. He called for support of the Opportunity for All campaign and stated that employment needed to be accessible to all workers regardless of immigration status.
- U. Michelle Andrews, UC Davis student and UCSA Government Relations Chair, urged the Regents to allocate more resources toward addressing the student basic needs crisis and to stop contracting with unethical corporations. She stated that thousands of students faced food and housing insecurity while the University was investing billions of dollars in corporations like Blackstone. Ms. Andrews noted that some campuses had contracted with food service providers that have engaged in unethical labor practices.
- V. Tabettha Jones, UCLA Health staff member and member of AFSCME 3299, called on the Regents to divest \$6 billion from the Blackstone Real Estate Income Trust and invest in affordable housing in and around surrounding communities. Ms. Jones shared that she was a single parent who held multiple jobs. She called into question funding UC retirement as justification for investing in Blackstone and stated that union members advocated for retirement benefits in every contract negotiation.
- W. Julissa Muñoz Flores, UC Santa Cruz staff member and member of AFSCME 3299, addressed the Regents in Spanish. Ms. Muñoz Flores asked the University not to invest in Blackstone. She stated that it was unjust that that she has worked at UC for 20 years and received such low pay. She was paying \$4,000 per month in rent

in addition to utilities and food. Ms. Muñoz Flores expressed dismay that UC employees faced such a high cost of living.

- X. Monica De Leon, UC Irvine Health staff member and member of AFSCME 3299, called on UC to bargain with the union in good faith and to comply with SB 1334, which required providing breaks and penalty pay. She stated that patient care and service workers were overworked, underpaid, missing meal and rest breaks, and their units were understaffed, which ran counter to UC's promotion of mental health.
- Y. Yesenia Jimenez spoke in support of the Opportunity for All campaign, which would help UC achieve its debt-free goals by providing employment opportunities, work experience, and tuition remission to undocumented students. She stated that the University had the authority to implement the strategy of the campaign and called on UC to do so.
- Z. Jay Rosner, Executive Director of the Princeton Review Foundation, asked UC to consider the eliminating the Law School Admission Test (LSAT) as a requirement of law school admission. He disagreed with proponents of the LSAT, who argued that the test benefitted diverse student populations. Mr. Rosner believed that the LSAT, like the SAT, was a barrier to fair admissions.
- AA. Adam Cooper, UC San Diego student and representative of the UC Green New Deal, urged the Regents to aggressively advocate for the deferred \$83 million State budget allocation for UC climate action. He stated that recent storms have killed 20 people and caused \$1 billion in damage, and that continuing to burn fossil fuels on UC campuses would make future storms and wildfires worse.
- BB. Rosa Villarreal, UCSF nurse and member of the California Nurses Association (CNA), demanded that UC accept the waiver submitted by the union and to implement SB 1334. Ms. Villarreal opined that the need for meal and rest breaks was a symptom of the larger issue of understaffing.
- CC. Hanna Reyes, UCLA student and representative of the UC Divest coalition, called on the Regents to divest from all the weapons manufacturing industry and to end its relationship with Blackrock as an asset manager. She reiterated comments made by Ms. Rusk.
- DD. David Yamada, UCLA nurse and CNA member, stated that the University's implementation of SB 1334 has caused chaos and confusion. He stated that the CNA proposed that nurses be allowed to waive one break in order to minimize disruption to patient care, but UC management ignored CNA's requests to negotiate the new law's implementation. Mr. Yamada asked that UC make this amendment.
- EE. Karely Rios, UCLA student, spoke in support of the Opportunity for All campaign and asked UC to adopt the strategy of the campaign. She shared that she was an

undocumented student who did not qualify for DACA status and made ends meet by participating in the underground economy. She was offered a graduate research position but was unable to participate due to her immigration status.

- FF. Melissa Palacios, UCLA student, spoke in support of the Opportunity for All campaign. Ms. Palacios shared that she was an undocumented student training to become an educator during a teacher shortage. She appealed to the University to extend employment opportunities to undocumented students and to view these students as more than a revenue source or the subject of a diversity statement.
- GG. Maria Almaraz, representative of Pre-Health Dreamers, spoke in support of the Opportunity for All campaign and asked that UC extend employment opportunities to students regardless of immigration status. She stated that Pre-Health Dreamers was a national organization serving undocumented undergraduate students interested in the health profession. Undocumented young professionals were concerned about their employment opportunities due to their immigration status.
- HH. Alicia Verdugo, UCLA student and Undergraduate Students Association Council Cultural Affairs Coordinator, stated that the University has upheld white supremacy and imperialism through its investments in companies like Blackrock and Lockheed Martin, in the TMT project on Mauna Kea, as well as its refusal to abolish UC Police Departments. She added that Blackrock, a major investor in weapons manufacturing and fossil fuels, was still a UC asset manager. Ms. Verdugo noted that UC sought the designation of Hispanic-Serving Institution but has not invested enough in Latino(a) students.
- II. Astghik Hairapetian, UCLA School of Law alumna and attorney, spoke in support of the Opportunity for All campaign, the legal memorandum for which she helped research and draft. She stated that 29 leading constitutional law scholars agreed that the University did not face legal obstacles to expanding employment opportunities irrespective of legal status. Ms. Hairapetian opined that this was a policy decision.

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

Chair Leib began his remarks by welcoming new Systemwide Provost Katherine Newman, who was selected after a nationwide search in which students, faculty, staff, and senior leaders participated. Most recently, Ms. Newman was the System Chancellor for Academic Programs at the University of Massachusetts. Chair Leib then highlighted some agenda items from the meeting. Chair Leib expressed gratitude to the Governor for his commitment to the multi-year funding Compact, \$30 million in ongoing funding for enrolling more resident undergraduate students, \$6.5 million in ongoing funding for UC Riverside's medical school, and \$14.5 million in ongoing funding for UC Merced's medical school.

3. REMARKS OF THE PRESIDENT OF THE UNIVERSITY

President Drake welcomed students, faculty, and staff back to campuses for the start of a new academic term. Recent historic weather events have caused power outages, flooding, property damage, and interruptions to instruction at some campuses. President Drake encouraged those struggling with the aftereffects of these weather events to make use of support resources available at their UC location. He welcomed new Systemwide Provost Katherine Newman, who was the Chancellor's Distinguished Professor of Sociology and Public Policy at UC Berkeley and the author of 15 books. President Drake also welcomed State Senator Ben Allen, a UC Berkeley School of Law alumnus and former Student Regent who represented the 24th District, which includes UCLA.

President Drake expressed gratitude to Governor Newsom for his commitment to UC. The Governor's proposed State budget included \$256 million in ongoing funding and \$100 million in one-time funding. Per the Governor's funding Compact, the University would receive a five percent base budget increase, as well as \$30 billion in new ongoing funding toward replacing nonresident undergraduate students with more California undergraduate students at UC Berkeley, UCLA, and UC San Diego. Later, the Board would hear a presentation on the 19th Annual Report on Sustainable Practices, which focused on UC's community partnerships. The University has made significant strides in energy efficiency, building practices, water use, waste reduction, and vehicle and food purchases, and UC researchers were regularly recognized for their contributions in this area.

The University has announced 21 new projects funded by \$16.4 million in grants from Multicampus Research Programs and Initiatives (MRPI), which sought to leverage UC research to solve real-world problems. Since 2009, the University has awarded over 120 MRPI grants totaling over \$155 million and involving over 730 UC faculty members. Many of this year's projects called attention to the overlap of climate change and health equity. MRPI required that projects be a multi-campus, multidisciplinary effort. President Drake commended all who applied to MRPI.

4. REMARKS OF THE CHAIR OF THE ACADEMIC SENATE

Faculty Representative Cochran recalled that faculty adjusted course plans and offered additional support to students, including student employees who were on strike, last fall when the University returned to remote instruction due to the COVID-19 pandemic. She shared that many faculty believed that the current financial model of the University's Ph.D. programs could not be sustained. Ms. Cochran shared statistics related to doctoral education. Annually, California produced more research doctorates than any other state in the nation, 63 percent of whom came from UC last year. Nationally, six percent of doctoral recipients received their undergraduate education at UC, and more than two-thirds of UC doctoral students majored in science, technology, engineering, and mathematics (STEM). UC research doctoral education not only produced future professors, but it also promoted economic growth and upward mobility. According to the National Science Foundation, 71 percent of STEM Ph.D. students graduated with guaranteed employment or postdoctoral placements. Only 25 percent stayed in academia, many as postdoctoral

researchers who then moved on to non-academic employment. More than 70 percent of UC students who started a Ph.D. completed their degree, and almost 20 percent of last year's domestic UC doctoral graduates were from underrepresented groups. Research doctoral education was critical to the UC mission, and the current model relied on the labor, vision, and initiative of individual faculty, who provided financial support by writing grants for their doctoral students or mentoring them as they wrote their own grants. UC leaders, who were trying to address the immediate funding shortfalls that the new labor contract with United Auto Workers (UAW) 2865 would create, hoped that growth would be a longer-term solution, but faculty disagreed. President Drake and Provost Newman have committed to working with the Academic Senate to develop more forward-thinking models. Faculty also sought the support of the Regents. While Regents meetings often emphasized expanding access for undergraduate students, faculty were concerned about maintaining access for doctoral students.

The Board recessed at 9:55 a.m.

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 The Board reconvened at 11:50 a.m. with Chair Leib presiding.

Members present: Regents Anguiano, Batchlor, Blas Pedral, Chu, Drake, Elliott, Hernandez, Kounalakis, Leib, Makarechian, Matosantos, Park, Pérez, Pouchot, Reilly, Robinson, Sherman, Sures, and Timmons

In attendance: Regents-designate Ellis, Raznick, and Tesfai, Faculty Representatives Cochran and Steintrager, Staff Advisors Lakireddy and Mackness, Secretary and Chief of Staff Lyall, General Counsel Robinson, Chief Investment Officer Bachher, Chief Compliance and Audit Officer Bustamante, Executive Vice President and Chief Financial Officer Brostrom, Executive Vice President Byington, Executive Vice President and Chief Operating Officer Nava, Provost Newman, Senior Vice President Colburn, Vice Presidents Brown and Leasure, Chancellors Block, Gillman, Hawgood, Khosla, Larive, May, Muñoz, Wilcox, and Yang, and Recording Secretary Li

5. ANNUAL REPORT ON SUSTAINABLE PRACTICES

[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.]

Executive Vice President and Chief Financial Officer Brostrom introduced the item. This was the third year that the University offered an interactive report online. There were three major developments since the last annual report was presented to the Board. First, President Drake included “leading on climate” as one of the four priorities he presented to the Board in September 2022. The annual report demonstrated how UC’s climate action and leadership spanned teaching, research, and public service. Second, in June 2022, the Academic Senate approved a memorial that petitioned the Regents for infrastructure investments that would reduce on-campus fossil fuel combustion by at least 60 percent by

2030 and 95 percent by 2035. After the memorial was passed, President Drake appointed the Pathways to Fossil-Free UC Task Force (Task Force) at the recommendation of the Global Climate Leadership Council. Third, UC would share a portion of its State budget allocation for capital improvements and infrastructure projects to develop campus electrification plans. The State has also allocated \$185 million to fund UC climate research, innovation, and entrepreneurship.

Systemwide Chief Sustainability Officer Matthew St. Clair provided an overview of the online report, noting that the effects of the COVID-19 pandemic were reflected throughout it. Data were organized by policy area and UC location. The UC Sustainable Practices Policy contained goals for all UC campuses, academic health centers, and Lawrence Berkeley National Laboratory. UC has maintained achievement of its goal to reduce greenhouse gas emissions to 1990 levels, and all campuses had plans to achieve carbon neutrality by 2025. The University was accelerating efforts to transition away from fossil fuel offsets by launching the Task Force and developing more ambitious near-and long-term goals for emissions reduction and decarbonization, and the offsets that UC did purchase were evaluated using frameworks developed by UC researchers or related to UC research. Excluding offsets, in 2021, UC emissions declined by about 40 percent since 2012, during a time of significant growth and slightly lower transportation emissions due to the pandemic. Mr. St. Clair stated that more work needed to be done. UC's core climate strategy included energy efficiency, clean electricity, and electrification; 55 percent of UC electricity came from renewable or fossil-free sources. UC ranked sixth in onsite green power generation compared to all entities, including corporations and governments, that report to the U.S. Environmental Protection Agency (EPA). In 2021, the EPA honored the University with the Green Power Leadership Award for green power use, community engagement, and aggressive goals. With 80 percent of UC's remaining greenhouse gas emissions coming from natural gas consumption, phasing out natural gas use was the focus of UC's current efforts. The Pathways to Fossil-Free UC Task Force would explore the feasibility of implementing the Academic Senate memorial on reducing fossil fuel consumption and would recommend ways that campuses and health centers could overcome barriers to eliminating fossil fuel use. Using State funding received this year, the Task Force has provided guidance for decarbonization studies that also examined electrical reliability, cost, climate justice and equity, and alignment with the UC mission. The University would need to pursue a variety of strategies to achieve its fossil-free goals and could learn from campuses which have already made progress in their decarbonization endeavors. The theme of this year's report was community partnerships, and the report provided examples of such partnerships across the system. Mr. St. Clair concluded by stressing that the Regents' support would be essential to ensuring that the University acts with the urgency and scale that UC's own research has demonstrated is required.

Regent Park noted from the written materials that the University had 20 percent sustainable food procurement and asked about UC's plans in this regard, and whether sustainable procurement was difficult to achieve. Mr. St. Clair expressed pride in achieving 20 percent, but UC aimed to do more. The University planned to help locations evaluate what they needed to procure more sustainable food. Some sustainable food suppliers were not able to serve the volume required by campuses and health centers, while some locations, like UC

Davis Health, were located near an abundance of sustainable farms. Mr. Brostrom added that other challenges included per-meal and per-student costs. The University was exploring longer-term contracts with small farmers, especially for protein like eggs and meat, which was the most difficult for UC to source.

Regent Park asked for more information about the supply challenges and the cost differential of procuring more sustainable food.

Regent-designate Raznick asked whether fossil-free infrastructure efforts overlapped financially with seismic and deferred maintenance efforts. Mr. Brostrom responded that, according to the list of capital programs that UC submitted to the State, there was a 100 percent overlap. Making capital or seismic renewals as energy efficient as possible also led to cost savings.

Regent-designate Raznick asked if the University would become a fossil-free system after fully addressing its outstanding deferred maintenance and seismic needs. Mr. Brostrom responded in the negative. UC would need fossil-free energy sources for its lighting and heating needs as well. Conducting research also required a significant amount of energy.

Staff Advisor Mackness asked what was included in Scope 3 emissions and noted that students, staff, and faculty were commuting from farther away due to high housing costs. Associate Vice President David Phillips replied that UC included business travel and commuting as Scope 3 emissions and aimed to quantify other Scope 3 emissions such as purchasing, food, and waste. Housing presented both sustainability and affordability issues and was a top priority for the University.

Faculty Representative Steintrager noted that a report from *The Guardian* indicated that carbon offsets from Verra were potentially damaging to the environment and that UC Berkeley had Verra offsets. He asked how UC vetted carbon offset providers and about plans for phasing out the use of offsets. Mr. Phillips responded that offsets made up a very small portion of UC's emission reduction strategy, and that most of the offsets that the University recently purchased complied with the State's Cap-and-Trade Program and underwent the California Air Resources Board vetting process. Mr. Phillips acknowledged that addressing offsets was more challenging than he had anticipated, but there was consensus that offsets were not the solution for UC in the long term. The University had an internal review process to ensure that any voluntary offsets meet UC standards.

Chair Leib asked what UC anticipated this year's three biggest sustainability accomplishments to be. Mr. Brostrom projected that UC would have detailed budgets and timelines for electrification and decarbonization of campuses and medical centers. Chair Leib asked if the University could accomplish more in one year. Mr. Brostrom replied that the decarbonization process was complicated. For instance, the Big Shift at UC Davis was a multi-year project. Mr. Phillips added that new facilities, like UC San Diego Hillcrest Medical Center, demonstrated what was possible. Another anticipated accomplishment was having more examples of buildings that operate without carbon emissions. Mr. Brostrom stated that UC Irvine's new hospital facility was entirely electric and would

be used as a case study. Mr. St. Clair stated that the Office of the President was partnering with the Academic Senate to ensure a shared governance approach, and that a third accomplishment would be determining how campuses could be used as living laboratories to advance research, teaching, and the student experience. Chair Leib expressed his hope that, aside from planning, there would be data demonstrating achievements in the next year.

Chair Leib recalled that the University had halted the use of glyphosate on campus and asked if it could transition to fully organic grounds management, as UC Berkeley has done and as student groups have advocated, by 2025. This would align with Governor Newsom's and First Partner Jennifer Siebel Newsom's priorities and could lead to less water consumption. Mr. St. Clair responded that the glyphosate restriction remained in place and, since the last briefing to the Regents, the Systemwide Pesticide Oversight Committee has received no new requests to use glyphosate. Pesticide use authorization software was being developed and would be released when revisions to the Integrated Pest Management Policy have been finalized. Mr. Phillips commended student grassroots efforts and underscored that UC must ensure that it was not replacing glyphosate with another harmful product.

In response to a question from Regent-designate Tesfai regarding offsets, Mr. St. Clair replied that heavy reliance on offsets was a last resort for achieving the goal of carbon neutrality by 2025, and that UC was considering alternatives that would not rely on offsets.

6. **SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION, RESPONSE, AND COMPLAINT RESOLUTION PROGRAMS**

[Background material was provided to Regents in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

President Drake introduced the University's new Systemwide Title IX Director Julie Lewis, who would direct the Systemwide Title IX Office, strengthen prevention, detection, and response efforts, and work with campus Title IX offices to implement initiatives and best practices. Previously, Ms. Lewis held Title IX positions at California Polytechnic State University, San Luis Obispo and California State University, Stanislaus.

Ms. Lewis stated that sexual harassment and gender-based discrimination are endemic in society, and that ending and redressing their impacts is a shared community responsibility. There had been significant cultural activism and legislative and regulatory changes over the last five years, and UC was working deliberately to ensure compliance with the law, that best practices aligned with UC values, and the safety and well-being of the UC community was being prioritized.

Systemwide Title IX Deputy Director Isabel Alvarado Dees stated that Title IX offices contacted students three times within their first term: students completed online education prior to arriving on campus; received in-person training at orientation; and received guidance on reporting and support resources within the first four weeks, when the majority of incidents occurred on campuses nationwide. Mandatory training occurred annually for supervisors, managers and senior professionals, and faculty, and biannually for all other

employees. The training communicated that the same standard of conduct and policy applies to all stakeholders, how to seek support and file a report, and what constituted misconduct under UC policy. The training also made employees aware of reporting requirements as well as the strict, explicit prohibition against retaliation so that staff and faculty feel safe to come forward and report possible misconduct. Those who steward UC's sexual violence/sexual harassment (SVSH) process underwent more extensive training.

On average, UC responded to approximately 3,400 reports of possible misconduct annually, with one in three incidents being reported according to national data. Per the 2019 Association of American Universities (AAU) Campus Climate Survey, the few studies that compare sexual assault rates of college students to those of similar age adults indicated that college students experienced lower rates than those not in college. Ms. Dees presented charts that showed the average affiliation of SVSH complainants and respondents. The AAU survey found that the top reason victims do not report is because they did not believe an incident was serious enough or were less confident that their report would be taken seriously. UC must effectively communicate its active interest in access to reporting, participation, and safety. To that end, the SVSH policy included a responsible employer reporting requirement, and employees were trained in how to receive disclosures and where to find support resources for victims or themselves. The Systemwide Title IX Office has also issued guidance to campuses regarding how to respond when employees fail to meet this obligation. Campus Advocacy, Resources and Education (CARE) offices provided confidential counseling services, medical referral, and information about reporting options to survivors and navigating the University process or the criminal justice system. CARE offices also implemented emergency protective orders or no-contact directives.

To address climate issues, campuses established Coordinated Community Review Teams, as required by the SVSH policy, to ensure that climate issues are addressed, and have conducted climate surveys. Ms. Dees highlighted several nationally recognized campus initiatives. At UC Berkeley, #weCARE seed grants went to departments wishing to address specific climate concerns. At UC Santa Cruz, the Beyond Compliance program supported faculty-led climate initiatives. UC Davis had a pilot program that performed pre-employment faculty background checks. Lawrence Berkeley National Laboratory equipped supervisors with a toolkit to address climate issues. Systemwide efforts to address climate included the development of the Systemwide Non-Discrimination Policy and the Presidential Policy on Abusive Conduct, as well as engagement from senior leadership. For example, President Drake co-authored a letter regarding proposed changes to Title IX, and Title IX officers were invited to serve on chancellor's cabinets or speak at retreats. The Systemwide Title IX Office has also developed guidelines regarding training requirements and offered systemwide training opportunities. Systemwide initiatives included adding information about support resources and prohibitions against retaliation in the annual letter to employees regarding their reporting requirement; developing tests for training efficacy and comfort level with reporting; establishing "communities of practice" to create economies of scale and identify best practices; and publishing a systemwide annual report. Ms. Dees expressed gratitude to survivors for sharing their experiences, witnesses for choosing to participate, and respondents for being held to account and showing trust. She

recognized the University for its commitment addressing these issues and the dedicated professionals who steward this work and stay up to date.

Regent Pérez asked if patterns of issues, challenges, or opportunities were identified from the #weCARE seed grants. Ms. Dees replied that a description of all grants submitted were available online and offered to share this information with the Regents. One pattern that was identified was the issue of male civility. There was an opportunity to help males feel more comfortable participating in the SVSH conversation.

Regent Kounalakis, referring to the presentation materials, requested demographic information about complainants and respondents. She differentiated incidents among students from those among faculty or between faculty and student. Regent Kounalakis asked if there were more incidents among staff, citing issues identified by climate studies data showing the ability of individuals from underrepresented groups to advance. Ms. Dees stated that workplace SVSH data was not published or researched in the same way by government agencies, but the University was benchmarking against other institutions. The Systemwide Title IX Office aimed to disaggregate these data in its annual report, paying particular attention to vulnerable populations, such as postdoctoral researchers and graduate students. Ms. Lewis stated that the Systemwide Title IX Office was determining what in the aggregate data it wished to track and how these data would inform prevention, education, and training efforts at various locations. She invited further conversation in light of Regents' concerns.

Regent Kounalakis asked how often climate studies were conducted and under what circumstances, and how UC responds to negative results. Ms. Dees replied that the frequency of studies varied. At times, supervisors might conduct their own surveys, or they might ask the Title IX office to provide a targeted training program to address a climate issue.

Regent Kounalakis asked about the effectiveness of online SVSH training. In her experience, in-person training seemed more impactful. Ms. Dees noted that the required online training minimally met UC policy and State law requirements. It was her understanding that every campus Title IX office could provide an in-person training session at the request of a supervisor. A Title IX officer could lead an in-person training session at a department's annual meetings, tailoring the training to that department with relevant case studies and examples. Title IX offices also offered alternative, trauma-informed training to complainants and survivors.

Regent Anguiano asked how UC compared with similar populations. Ms. Dees replied that UC fared better than the national average of one in four incidents being reported. There were many reasons why individuals do not report, but those who were ready to seek support should be able to come forward. It was also possible that individuals were contacting confidential resources instead of reporting. This made data gathering challenging.

Regent Sures asked how many reports were investigated. Ms. Dees stated that Title IX offices reviewed every report received, whether there have been multiple reports of a single incident, and whether there has been a violation of the SVSH policy.

Regent Sures asked what percentage of reports reviewed were deemed violations of policy. Ms. Dees replied that her office had just begun examining these data. It had implemented a system of record two years ago and was migrating historical data. The Systemwide Title IX Office planned to present aggregated data in its report next year. Data regarding the number of reports that are investigated and substantiated were available by campus.

Regent Sures observed that the number of SVSH lawsuits that the University was settling was trending upward. He questioned the effectiveness of current training and whether there is a way to train people that would lead to better outcomes, less harm, and fewer lawsuits.

Staff Advisor Lakireddy opined that many staff complied with the training requirement in order to receive their annual salary adjustment, and that the online training was not always effective. She encouraged attending an in-person training session to learn how to respond, which can be challenging for those who experience or witness an incident, or for those whose primary language is not English. In her view, it was inconsistent to leave the decision to have in-person training to supervisors. Title IX offices could consult with staff assemblies and affinity groups to develop comprehensive training events. Ms. Lewis responded that campuses were very proactive about training, meeting regularly with affinity groups and arranging customized, in-person training for different audience groups.

Ms. Lakireddy asked whom CARE offices reported to. Ms. Dees replied that this varied by campus. Ms. Lakireddy noted the inconsistency of this reporting structure.

Regent-designate Ellis stated that professional students did not interact with campuses in the same way traditional students did with regard to in-person training, and scheduling an in-person training session with a student who was on campus infrequently could prove difficult.

Regent Reilly asked how well-informed the UC community was about available resources. Ms. Dees replied that reporting has nearly tripled since the implementation of the reporting requirement in 2015. This demonstrated that individuals knew what to report and where to report. The Systemwide Title IX Office planned to add testing before and after online training to gauge the effectiveness of the training and individuals' comfort level with reporting. Having a system of record would enable the Systemwide Title IX Office to make data-driven decisions and strategic plans. Ms. Lewis added that Title IX officers were very skilled in connecting individuals to resources. As an officer, she made sure that complainants and respondents knew what resources were available. Title IX offices offered interim measures and remedies so that complainants could continue their education.

Regent-designate Tesfai asked if the Systemwide Title IX Office was able to implement the best practices or policies of one campus across the system or suggest that certain other campuses implement them. Ms. Dees replied in the affirmative. While the Systemwide

Title IX Office shared guidance for policy, campuses also had the freedom to employ solutions tailored to their campus size and community and to report to other campuses on the effectiveness of those solutions. Regent-designate Tesfai asked if the Systemwide Title IX Office hoped to see campus-level solutions implemented at more campuses. Ms. Dees replied in the affirmative; this was the goal of communities of practice.

Regent Chu asked where the Board should be focusing its attention. Ms. Dees replied that the Board could focus on the resource needs of CARE offices and Title IX offices. The Board could also demonstrate leadership by inviting a Title IX officer to provide training at its retreat.

The meeting adjourned at 1:10 p.m.

Attest:

The Secretary and Chief of Staff