

May 22, 1997

President Richard C. Atkinson

Dear Dick:

Following up on my statement at the May 17 meeting of the Regents, I am requesting formally that a discussion of benefits for domestic partners be scheduled for the June or July meeting of the Board. I know that you are now committed to such an action and, speaking for the faculty, we do appreciate your willingness to see such a discussion take place.

As you know, the issue of extending full benefits to all University employees has a long history. In 1991 the Academic Council referred to the University Committee on Faculty Welfare a recommendation to seek the "elimination of discrimination on the basis of sexual orientation in the provision of benefits within the University of California." The topic was studied extensively during 1991-93 by a distinguished special committee of faculty chaired by Daniel Mitchell (professor and now chair in the Anderson School of Business at UCLA). Their report recommended that health and retirement benefits should be extended to any employee in a recognized partnership (same or opposite sex)--that is, a mutually supportive relationship involving legal commitments substantively equivalent to the standards for marriage in the State of California.

The special committee's recommendations were considered at length by the University Committee on Faculty Welfare chaired by Professor Richard Gable (former Academic Council chair and faculty representative on the Board of Regents 1987-89). Endorsement by UCFW was followed by similar action by the Academic Council which forwarded the recommendations to then president Peltason in 1994.

No action has been taken by the administration to put this important matter before the Regents for their crucial discussion in more than three years. Thus the Council again endorsed the special committee's recommendations in January of this year and notified you of this action.

As I said last Friday, members of the Council understand that this topic is a sensitive one; and the Council has been willing to wait for a propitious moment to open the discussions. However, it has become clearer to me each month that there never will be an ideal time. Thus I wanted to indicate the faculty's continuing resolve to initiate an open discussion of the issue.

I also want to be able to have at least the opening elements of such a discussion before I leave the Board. My relations with individual members of the Board have been excellent, and I would hope to be able to help in the frank exchange of views that surely would ensue. However, the major reason for urging formal consideration of the Senate's recommendations now is the people who are affected by our inaction. They are loyal University employees--faculty, staff, and administrators--who have waited patiently for years for these vestiges of discrimination to be removed.

At the time the special committee reported, the primary points they based their recommendations on were fairness and equity. There seemed to be no reason to treat people differentially who are bound together in any relationship that has at its foundation a commitment to long-term mutual support. This is a quality to be prized in any human relationship.

Since that date, many universities, municipalities, and large corporations have adopted some variant of benefits for domestic partners. Thus the original issue of equity/fairness has been joined by a second, i.e., competitiveness. At present, six of our eight comparison universities, including Stanford, and many other outstanding universities with whom we compete directly for faculty offer domestic partner benefits.

At the time of the original study, a considerable body of data already existed indicating that extension of health benefits to domestic partners was not expensive, increasing health benefit costs overall no more than a few percentage points at reporting institutions. An important element is that health care costs have been no more expensive, on average, for each enrolled domestic partner than for each enrolled spouse. Now it surely will be possible to get a much better estimate of the costs of a full extension of benefits from institutions that have, at this later date, several years of operating experience.

I would like to make one final point: the UC Retirement System today is in a substantially overfunded state by any measure, even using the very conservative asset/liability projection methodology employed by the Regents. Thus this may be the appropriate time to consider extending retirement benefits as well as health benefits to domestic partners. Admittedly the contingent beneficiary feature of the UC Retirement Plan already can be used to provide benefits to a domestic partner, but only with an actuarial reduction in the employee's benefit. This distinction is in marked contrast to the way spousal benefits are provided; it was the special committee's recommendation that corresponding benefits be put on an equitable basis.

In summary, the anticipated costs of extending benefits to any employee living in a committed relationship appeared to be quite small in our earlier study. Experience gained in the interim by the many agencies that have adopted such a change validates the earlier information, and thus dealing with the cost issue should be relatively straightforward. Of course, information to be provided by the Office of the President will allow Regents to draw their own conclusions.

In evaluating the larger question, i.e., what are the best interests of the University, I believe that arguments in favor of making such a move will be as compelling to Regents as they have been to all the faculty groups that have studied this issue over the past five years. Without such a move, UC will be less competitive in attracting and retaining those employees for whom the availability of such benefits is a key consideration. And equity, fairness, and the elimination of discrimination are no less important issues today than when the Senate first began its study.

Duncan A. Mellichamp  
Chair, Academic Council

Attachment: Timeline documenting Senate actions and resolutions  
re benefits for domestic partners