

Remarks of the Chair of the Academic Senate to the Regents

Robert May
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Thank you, Regent Kieffer.

In commencing my remarks today, I would like to take a moment, on behalf of the Academic Senate, to join in extending our gratitude to two of the leading citizens of the University of California: George Kieffer, stepping down as Chair of the Board, and George Blumenthal, stepping down as Chancellor of the Santa Cruz campus. In their own ways, they are each great students of the University of California, steeped in its history, shapers of its present, and visionaries of its future. Their dedication to UC is legion, and their interactions with the Academic Senate exemplify the best of what makes our system of shared governance so effective. For George Blumenthal, this comes especially naturally, as he once sat in this chair as Faculty Representative to the Regents, during his terms as vice-chair and chair of the Academic Senate. The Academic Senate's appreciation of these exceptional leaders of our University is abundant. Personally, I feel fortunate and honored to have come to know them both, and I look forward to continuing our enjoyable and edifying conversations.

Sadly, the Academic Senate also joins in extending its deepest condolences to the family of Ellen Tauscher. No one who met Ellen in her role as Regent could fail to be struck by her investment in the University, and in the serious and thoughtful way that she approached the position. To say she will be missed is an understatement; we are all deeply saddened by her passing.

Turning now to the topic of my remarks, I would like to draw your attention to the following statement:

Members of the University of California community are committed to the highest ethical standards in furtherance of our mission of teaching, research and public service. We recognize that we hold the University in trust for the people of the State of California.

This statement opens Regents policy 1111 – the Statement of Ethical Values. This policy sets the standards for our institution's comportment in carrying out its responsibilities as a public university. Of these ethical values, one of the most central and essential to the University is its commitment to non-discrimination: Laudably, the University of California Nondiscrimination Statement sets an absolute prohibition on discrimination, picking out many covered categories, including race, sex, gender identity and sexual orientation. "This nondiscrimination policy", it reads, "covers admission, access, and treatment in University programs and activities." This policy is explicitly affirmed by the Regents in their Principles Against Intolerance (Policy 4403), because the "Prohibited discrimination . . . jeopardizes the research, teaching and service mission of the University."

Of late, the University's adherence to this core ethical value has much been on the mind of the Academic Senate. The question of concern has been whether the University should enter into formal relations with another institution that demonstrably does not abide by the highest ethical values of our non-discrimination statement. Should the University of California associate its brand with an institution that discriminates? As a single participant in the Academic Senate's discussion, I would say *prima facie*, the answer is no; If we hold ourselves to this standard, shouldn't we hold others to it as well?

This question also faces the Regents. As fiduciary trustees, it is the core responsibility of the Regents to protect the integrity of the institution, to maintain it as a healthy environment for carrying out the teaching, research and service missions of the University to the highest professional standards. A large part of this task is financial; the Regents must ensure that the University does its business in a financially prudent and sustainable manner. But this is not the Regents only fiduciary responsibility: As Regents Policy 1111 tells us, the Regents are responsible to the values of non-discrimination and openness that define our community, and that, as a university community, we are committed to nurturing in society at large. The Regents' responsibilities are not only financial, but also ethical.

The twist for the Regents in this instance is what to do when business considerations are out of alignment with the core ethical values of the University of California. There are important cases in which our commitment to values has been strong enough to outweigh mere financial optimization. The University divested from South Africa precisely because of it being a constitutionally discriminatory state. More proximally, approximately 50% of our California undergraduates receive financial aid from return-to-aid derived from tuition. But why do we do this, since these funds could be deployed to assist the University and the campuses with their many dire needs? The answer is simple: To not give financial aid would discriminate against those less fortunate to attend UC, and that would violate our "highest ethical standards". The same sort of considerations govern our thinking whether in good conscience the University can be in business with a partner that does not abide by our non-discrimination values, no matter how enticing the deal. The call here is clarion; again, to this participant in the discussion, to my mind the essence of the University lies in maintaining the highest ethical standards so eloquently stated in the Regents Statement of Ethical Values.

Earlier this year, the Academic Senate's University Committee on Faculty Welfare (UCFW) empaneled a UC Non-Discrimination in Healthcare Task Force. The Task Force, in an interim report, makes a recommendation that any "affiliation agreements with entities whose values are in conflict with UC's role as a public trust for the people of California be paused, scrutinized with increased rigor, and curtailed until any area of conflict with University mission and values have been resolved." If we do not subscribe to this, the University is in grave danger of failing to act in accordance with its highest standards. The call here to the University is to its best self.

Thank you, Chair Kieffer, this concludes my remarks.