

Domestic Partner Equity Meeting

Wed, March 19, 2003, 2:00 – 3:30 PM, Seminar Room B, Clark Kerr Campus, UC Berkeley

IN ATTENDANCE:

Bob Anderson, professor of economics, UCB

Jason Knisley, student, UCB

Matt Murray, UC student Regent-designate, UCB

Nancy Tubbs, UCLGBTIA Vice Chair, LGBT Resource Center Director, UCR

Jonathan Winters, UCLGBTIA Secretary, Residence Hall Manager Clark Kerr Campus, UCB

EXECUTIVE SUMMARY:

1. Out-of-state tuition waivers and financial independence

Regents Standing Order 110.2 Matters Relating to Residency includes provisions that allow for nonresident tuition and fee waivers of the following three types:

- a) “a spouse of a member of the University faculty who is a member of the Academic Senate” may have his or her nonresident tuition waived.
- b) “a spouse or child of a resident law enforcement officer or fire fighter killed on active duty” is exempt from nonresident tuition and all mandatory systemwide fees.
- c) “the surviving spouse who has not remarried of any member of the California National Guard who was killed or permanently disabled while in active service” may be exempted from mandatory systemwide fees but not nonresident tuition.
- d) A student who “is married ... and will not be claimed as an income tax deduction by his or her parents or any other individual for the tax year immediately preceding the request for residence classification” is granted financial independence, allowing him or her to claim California residency and avoid out-of-state tuition.

Granting these waivers to domestic partners on an equal basis with spouses would be a positive step toward equity for UC students. Making these changes would not affect any federal or state laws. This is a purely internal UC policy that the Regents have the authority to change.

2. Financial Aid

The following questions regarding financial aid policies should be answered:

- a) Does UC financial aid policy treat married students and students with domestic partners differently?
- b) Does each campus have a way for students to declare financial independence for financial aid purposes if their parents disown them after they “come out”? We know that at least some campuses have such a mechanism, but we are unsure if all campuses do.
- c) If such a process does exist, do campus financial aid and LGBT Resource Center staff members know about it? Again, experiences at some campuses have educated staff members about the process, but we are unsure of the situation at other campuses.
- d) What are the limitations of providing federal financial aid dollars to students with domestic partners? Could these limitations be avoided by using state and/or UC funds?
- e) Could an effort be made to find donors to fund financial aid for LGBT students who “come out” and are cut off from their parents?

3. Retirement benefits

Retirement benefits to employees with domestic partners only apply to people who retired after July 1, 2002. One way to increase equity would be to grant retirement benefits to people with domestic partners who retired before July 1, 2002.

Major questions to resolve regarding this issue include:

- a) How would retroactivity work?
 - i) Would UC pay back all the benefits that would have accrued from the time each employee retired until now to make up for a history of inequitable treatment?
 - ii) Would UC instead decide to equalize benefits for pre-7/1/02 retirees starting at a given date and thus only adjust current and future benefit levels to make them equitable?
- b) How would a pre-7/1/02 retiree be expected to prove he or she was in a legitimate domestic partnership at the time of his or her retirement?
 - i) Would such retirees be expected to provide similar documentation to that expected of current employees who are asked to document their partnership?
 - ii) Since the California Domestic Partnership Registry may not have existed at the time of an employee's retirement, and since it can be expected that as time passes documentation tends to be lost, should we establish a more flexible authentication process to prove the existence of a domestic partnership for these cases?
- c) How many UC retirees would be affected by this equalization?
- d) How much would this cost the university?

Obstacles to such a policy change:

- a) Potential costs. Since the number of retirees that would be affected is finite and presumably relatively small, the university should be able to estimate the potential costs accurately.
- b) Uncertainty of exactly what level of documentation would be acceptable to prove a domestic partnership at the time of retirement. At least one clear method of proof could be found in employees who filed for joint benefits at the time of their retirement, and who thus had their own personal benefits reduced.

4. Health benefits and the TIP program

Premiums for health benefits paid by an employee on behalf of a domestic partner are explicitly excluded from the TIP program, meaning that the employee must pay taxes on those premiums. In contrast, premiums paid on behalf a spouse are included in TIP and thus not taxed. While employee-paid premiums for a CA-registered domestic partner cannot be excluded from federal taxation without a change in federal law, they could potentially be excluded from state taxation. This discrepancy may require state, rather than just UC, action to correct.