



NATIVE AMERICAN HERITAGE COMMISSION

November 10, 2022

To: Commissioners, Native American Heritage Commission

From: Mario Pallari, CalNAGPRA Attorney

Re: Nomination of William Clarke Kidder to UC Riverside Campus Committee

I. INTRODUCTION

This memorandum memorializes the recommendation of the Commission's UC Nominations Subcommittee to nominate Mr. William Clarke Kidder to the UC Riverside Campus Committee. The Subcommittee believes Mr. Kidder is qualified to serve and refers the final decision to the Commission.

II. APPROVING THE NOMINATION TO THE UC RIVERSIDE CAMPUS COMMITTEE

The UC Nominations Subcommittee recommends the nomination of Mr. William Clarke Kidder to the UC Riverside Campus Committee. His application is attached as Exhibit 1, hereto. In brief, Mr. Clark received his Juris Doctorate from UC Berkeley. He has over fifteen years of experience in management staff roles, compliance, and civil rights. Moreover, Mr. Kidder has demonstrated throughout his career the ability to work in collaboration with Native American tribes successfully on issues related to repatriation or museum collection management. This includes nine years of experience in NAGPRA compliance and conducting internal reviews to ensure all human remains were returned to Washington State Tribes. Mr. Kidder acted as the project lead and policy architect for the UC-wide proposal to consider membership in a federally recognized tribe as a factor in UC graduate admissions. Additionally, he has experience as a university liaison to with the Twenty-Nine Palms Band of Mission Indians, the Federated Indians of Graton Rancheria, and other tribal leaders. Mr. Kidder more than satisfies the educational and experience requirements outlined in CalNAGPRA. As a result, the UC Nominations Subcommittee is recommending his nomination.



NATIVE AMERICAN HERITAGE COMMISSION

UNIVERSITY OF CALIFORNIA NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT IMPLEMENTATION AND OVERSIGHT COMMITTEE

- NOMINATION FORM -

The Native American Heritage Commission (NAHC) seeks nominees for the University of California (UC) Systemwide and Campus Native American Graves Protection and Repatriation Act Implementation and Oversight Committees (pursuant to Section 8026 of the California Health and Safety Code).

If you are interested in serving or nominating a candidate please review the criteria below, complete the following application materials, and submit completed packet to the NAHC nominations subcommittee: 1) Indicate the position(s) sought for the nominee, 2) Attach a short biography or resume demonstrating that the nominee meets the criteria below; 3) Attach a letter of support or tribal resolution with this form; and 4) Attach a list of at least three references, with names, telephone numbers, and email addresses for each.

Tribal Nominees: Support letters or tribal resolutions for tribal nominees should be from Tribal governments, tribal community organizations or Institutional leadership organizations, include the strengths of the candidate, as well as any information that might be relevant to the NAHC reviewing committee.

UC Nominees: Support letters for UC nominees should include professional experience demonstrating the ability to work in collaboration with Native American tribes successfully on issues related to repatriation or museum collection management.

Please note, even if you are not selected in the initial appointment group the NAHC will keep your application on file for Committee positions that may become available in the future.

Deadline: Nomination packets are due on the date(s) indicated at nahc.ca.gov/calnagpra/nominate.

QUALIFICATIONS

Tribal Nominees

Tribal Nominees must be a member of a federally or non-federally recognized California Indian tribe as defined by Section 8012 of the Health and Safety Code. And have at least five years of experience in any of the following:

- Repatriation of human remains and cultural items pursuant to the federal Native American Graves Protection and Repatriation Act;
- Cultural resources protection under tribal, state, and federal law; or
- Consultation with state and federal entities and agencies.

Preference: Preference shall be given to members of a California Indian tribe.

UC Nominees

UC Nominees must be affiliated with or employed by the University of California and have the following:

1. A graduate degree in any of the following: Archaeology, Anthropology, Native American Studies, Ethnic Studies, Law, Sociology, Environmental Studies, or History, with a focus in California; and
2. A minimum of five years' experience working in his or her field of study.

Note: At least two UC nominees to the Systemwide one UC nominee to the Campus Committee(s) must be affiliated with an American Indian or Native American Studies program.

You are encouraged to submit a nomination if the nominee meets a majority of the requirements, even if you are unsure as to whether they meet a specific requirement. **In the event that you are uncertain as to whether a nominee may be qualified under a certain requirement, please include a brief explanatory statement supporting their qualifications in your nomination packet.** The NAHC shall consider all supporting materials and narrative to make a final determination of eligibility.

Preference: Preference shall be given to members who have demonstrated, through their professional experience, the ability to work in collaboration with Native American tribes successfully on issues related to repatriation or museum collection management.

COMMITTEE(S) SOUGHT

Please indicate the Committee(s) to which the nominee is seeking appointment. If nominating for a campus committee(s), list the campus(es) where the nominee is interested in serving, in order of preference. Check all that apply. If a nominee selects both the UC Systemwide Committee and Campus Committee, their application will be considered for both Committees and they may be appointed to either, however at this time Committee members will only serve on one Committee at a time, unless the pool of candidates does not allow.

- ☐ UC Systemwide Committee *(if only Systemwide please skip to Nominator Information below)*
- ☒ Campus Committee *(please fill out Section A below)*



A. If the Nominee would like to serve on a Campus Committee, please fill out the following additional information.

Campus Committee (*Preferred Campus*): Riverside

Alternative campus(es) Nominee will consider (candidates are encouraged to complete this section, if possible):

- 1) NA
- 2) NA
- 3) NA

SUBMISSION INFORMATION

Nominator Information

Name: Steven Mandeville-Gamble Title: Chancellor's Designee

Tribal/UC Institutional Affiliation: Riverside

Email: [REDACTED] Phone: [REDACTED]

Nominee Information

Name: William Clarke Kidder Title: Ethics and Compliance Professional

Tribal/UC Institutional Affiliation: Riverside

Email: [REDACTED] Phone: [REDACTED]

Position Sought: ☐ Tribal Nominee ☒ UC Nominee

Please attach:

- (i) A short biography and, if desired, a resume or CV of the nominee,
- (ii) A tribal resolution or letter of support, and
- (iii) A list of at least three references, with names, telephone numbers, and email addresses for each.

Submit completed nomination packets to NAHC@nahc.ca.gov or 1550 Harbor Blvd, Suite 100, West Sacramento, CA 95691 by the due date indicated at nahc.ca.gov/calnagpra/nominate.

Incomplete packets will not be considered.

William Clarke Kidder

Short Biography

William Clarke Kidder has fifteen years of experience working in management staff roles at UCR and elsewhere in the UC and CSU in academic affairs, compliance/civil rights (whistleblower, Title IX, faculty discipline, Title VI/VII, ADA, research misconduct) and student affairs. Throughout his higher education career, I have demonstrated support for tribal sovereignty and for Native American concerns.

Of particular note in terms of his experience relevant to serving on UCR's campus NAGPRA committee are the following initiatives::

- Project lead and policy architect for UC-wide proposal (approved by the Senate and senior administration) to consider [membership in a federally recognized tribe as a factor in UC undergraduate admissions](#)). This successful multi-year project included promotion of the proposal via an article with retired Supreme Court Justice Cruz Reynoso. This effort also laid the groundwork for UC President Drake's more recent decision to waive tuition for UC undergraduates from federally recognized tribes.
- At Sonoma State University, which maintains the Fairfield Osborn Preserve on Sonoma Mountain (land with sacred significance to the Coast Miwok people), as the President's chief of staff he served as a liaison to develop enhanced collaborations between SSU and the Federated Indians of Graton Rancheria (FIGR). This work under President Sakaki and Graton tribal Chair Sarris resulted in the FIGR learning center at the Fairfield Osborn Preserve, among other projects.
- In his earlier stint at UCR, he represented the University for two years in the strategic planning committee convened by the Twenty-Nine Palms Band of Mission Indians and other tribal leaders, which later led to the founding of the [California Indian Nations College](#) (a partnership with the College of the Desert and UCR).
- By virtue of his nearly nine years in academic compliance roles at UCR, I have a solid background in NAGPRA matters in the local UCR context, including familiarity with the significant revisions to the new UC NAGPRA policy (e.g., incorporating AB 275 changes to CalNAGPRA).
- He also has extensive experience working with archival and scholarly records related to a (now deceased) archeology professor who conducted research at UCR on the human remains of the Ancient One/Kennewick Man 20-25 years ago as part of an internal review to ensure that all human remains from the Ancient One were in fact returned to the federal government in preparation for repatriation (the Ancient One was repatriated by the federal government and reburied by tribal members in Washington State in 2017).

William C. Kidder

I have fifteen years of experience working in management staff roles at UCR and elsewhere in the UC and CSU in academic affairs, compliance/civil rights (whistleblower, Title IX, faculty discipline, Title VI/VII, ADA, research misconduct) and student affairs. Throughout my higher education career, I have demonstrated support for tribal sovereignty and for Native American concerns. My experience relevant to serving on UCR's campus NAGPRA committee includes:

- Project lead and policy architect for UC-wide proposal (approved by the Senate and senior administration) to consider [membership in a federally recognized tribe as a factor in UC undergraduate admissions](#)). This successful multi-year project included promotion of the proposal via an article with retired Supreme Court Justice Cruz Reynoso. This effort also laid the groundwork for UC President Drake's more recent decision to waive tuition for UC undergraduates from federally recognized tribes.
- At Sonoma State University, which maintains the Fairfield Osborn Preserve on Sonoma Mountain (land with sacred significance to the Coast Miwok people), as the President's chief of staff I served as a liaison to develop enhanced collaborations between SSU and the Federated Indians of Graton Rancheria (FIGR). This work under President Sakaki and Graton tribal Chair Sarris resulted in the FIGR learning center at the Fairfield Osborn Preserve, among other projects.
- In my earlier stint at UCR, I represented the University for two years in the strategic planning committee convened by the Twenty-Nine Palms Band of Mission Indians and other tribal leaders, which later led to the founding of the [California Indian Nations College](#) (a partnership with the College of the Desert and UCR).
- By virtue of my nearly nine years in academic compliance roles at UCR, I have a solid background in NAGPRA matters in the local UCR context, including familiarity with the significant revisions to the new UC NAGPRA policy (e.g., incorporating AB 275 changes to CalNAGPRA). I also have extensive knowledge of archival and scholarly records related to the (now deceased) archeology professor who conducted research at UCR on the human remains of the Ancient One/Kennewick Man 20-25 years ago (the Ancient One was repatriated by the federal government and reburied by tribal members in Washington State in 2017).

Education

- J.D. University of California, Berkeley School of Law
Thelen Marrin Prize at graduation (law journal writing)
Editor, California Law Review
Alexander Marsden Kidd scholarship (education law)
- B.A. University of California, Berkeley
Dean's honor list (top 4%) twice, College of Letters & Science
Graduated with high honors in psychology

Employment History

University of California, Riverside

Ethics & Compliance Professional (Compliance & CR Investigator) 2021-present

(added role advising Vice Provost on faculty discipline cases)

Associate Vice Chancellor and Chief Compliance Officer/LDO 2015–2016

Assistant Provost (and whistleblower LDO) 2009–2015

University of California, Santa Cruz

Special Assistant (Whistleblower & ADA), Chancellor's Office 2019-2021
(merged into new compliance/civil rights unit in 2020)

Sonoma State University

Associate VP and President's Chief of Staff 2016–2017

Interim Associate VP, Title IX & Strategic Initiatives 2017–2018

University of California, Office of the President (Oakland)

Special Assistant (Chief of Staff) to Vice President Student Affairs 2007–2008

University of California, Davis

Senior Policy Analyst to Vice Chancellor of Student Affairs 2005–2006

Equal Justice Society, San Francisco

Researcher (on higher education equity/civil rights) 2003–2005

U.S. District Court, San Francisco

Law Clerk to Magistrate Judge Edward Chen (1-year clerkship) 2002-2003

Other UC/CSU contributions advancing racial equity

- Chaired Sonoma State's work group on successfully securing [HSI eligibility](#) for federal grants which involved obtaining an exception to Pell Grant criteria, resulting in HSI designation years ahead of what campus officials were expecting
- Served as Sonoma State's campus liaison cementing a new partnership between SSU and DREAM.US (privately funded by the Chan-Zuckerberg Initiative) that provided Dreamer students with full four-year scholarships
- Provost's/UCR's liaison for CSUSB/UCR/K-16 collaboration receiving \$5M [Governor's Innovation Award](#) (highest award/rating by Governor's office)
- Crafted policy proposal adopted by UC task force to make a single exception to UC's forty-year ban on honorary degrees in the case of Japanese American alumni forced to withdraw due to WWII Executive Order 9066 -- unanimous positive votes by Academic Council and [UC Regents](#)
- Drafted successful "appeal" of UCR Senate committee decision to the UC Academic Senate's UCR&J (see [Legislative Ruling 2.10](#)), resulting in legislative ruling applicable to all UC campuses that affords better anti-discrimination protection for faculty job candidates
- Project manager for tripling Asian Am./Pac. Islander data categories on UC application
- Served on UC Provost Brown's Advisory Council on Educational Equity (2020-21)
- Served on UC/OGC work group on enhancing diversity within limits of Proposition 209
- Lead staff to [undergrad. work team](#) of the UC Regent's Study Group on Univ. Diversity
- Served as consultant to [UC Provost's work group report on faculty discrimination complaint procedures](#) – UC system's response to UCLA "Moreno Report"
- Lead author (w/ UC Legal) on report to UC Regents on [Title VI/IX disparate impact](#)

Volunteer service (civil rights, higher education)

- [Research associate, The Civil Rights Project/Proyecto Derechos Civiles \(UCLA\)](#), where I've authored occasional papers and policy briefs on racial equity in higher education (2016-)

- Co-led (w/ prof. Uma Jayakumar) organizing/drafting of amicus brief signed by [1,246 American social scientists](#) in *SFFA v. University of North Carolina* U.S. Supreme Court affirmative action case (2022) and served on drafting teams for amicus briefs supporting diversity in three previous U.S. Supreme Court affirmative action cases; consultant to leading civil rights groups in the above cases (NAACP LDF, Lawyers' Committee for CR, Asian Am. Advancing Justice, AALDEF)
- Research affiliate, UC Berkeley Center for Studies in Higher Education (2020-)
- Submitted extensive public comments on proposed Title IX regulations (2019, 2022) and proposed DACA regulations (2021)
- Board member, Asian Pacific Americans in Higher Education (APAHE), 2008-16

Scholarly publications and policy briefs

Articles focused on or including analysis of American Indians in higher education

- Reynoso & Kidder, 2008-09. "[Tribal membership and state law affirmative action bans: Can membership in a federally recognized American Indian tribe be a plus factor in admissions at public universities in California and Washington.](#)" *27 Chicano-Latino L. Rev.* 29-58, Kidder & Gandara, [ETS Policy report on California and Prop 209](#), [Journal of College and University Law](#), [Harvard Blackletter Law Journal](#).

Title IX, faculty discipline, sexual harassment prevention & accountability

- [UC Berkeley CSHE paper](#), [Journal of College & University Law](#); co-authored: [UC Davis Law Review](#), [Utah Law Review](#), [Journal of Legal Education](#)

Other works advancing Equity in Higher Education

- [Georgetown Immigration Law Review](#), [UCLA Civil Rights Project](#), [UCLA Law Review Discourse](#), [UCLA Civil Rights Project](#), [UCLA Civil Rights Project](#), book chapter in *Realizing Bakke's Legacy*, *Michigan Journal of Race and Law*, *Law & Social Inquiry*, *California Law Review*, *Berkeley La Raza Law Journal*, *Asian Law Journal*, *Texas Journal of Women & Law*, *Yale Journal of Law & Feminism*
- Co-authored: [AAUP Journal of Academic Freedom](#), mismatch book chapter [working paper version here](#), [Texas Law Review](#), *Stanford Law Review*, *Harvard Latino Law Review*, *Hastings Race & Poverty Law Journal*, *Journal of Blacks in Higher Education*, *The Black Scholar*, *Santa Clara Law Review*

Presentations on civil rights, compliance and ethics

- Racial equity in higher education:
 - UCLA Law, *African American Policy Forum* convenings (2020, 2016, 2015)
 - UC Berkeley Law, Prop. 209 symposium (2018)
 - UC Irvine Law/Education Schools, higher education act symposium (2015)
- Title IX, prevention of sexual harassment in academia (partial list):
 - Boston University Law Review's Title IX 50th anniversary conference (2022)
 - UC Berkeley Law, Global #MeToo conferences (2019, 2021)
 - UC-wide Privilege & Tenure Committee, standard of evidence and Title IX/Bylaw 336 (2020)
 - UCB Center for Studies in Higher Education, history of faculty misconduct, SVSH (2020-21)
 - California Western School of Law Title IX symposium in honor of RBG (2020)
 - NASPA webinar on new Title IX regulations (2020) & student affairs law conference (2019)
 - Opening keynote, ATIXA west coast conference (2019)
 - UC Davis Law Review, *Bakke* symposium (2018)
 - Ruth Chance lecture, Henderson Center for Social Justice, UC Berkeley Law (2017)



University Library
900 University Avenue
P.O. Box 5900
Riverside, CA 92517-5900

November 4, 2022

California Native American Heritage Commission
Attn: NAHC nomination subcommittee for UC NAGPRA committees
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
nahc@nahc.ca.gov

Re: Letter of Support for William Clarke Kidder's nomination to serve on the UCR NAGPRA Implementation Committee

Dear NAHC Subcommittee Members:

I write in support of the nomination of William Clarke (Bill) Kidder to serve on the UCR NAGPRA Implementation Committee. I have known and worked with Bill in several capacities during the past 10 years, most recently in my dual roles as University Librarian and Chancellor's Designee for NAGPRA issues. In 2016, the records of the UCR Radiocarbon Laboratory were transferred to the University Archives by emeritus professor R. Ervin Taylor, former director of the UCR Radiocarbon Laboratory whereupon the University Archives staff discovered that the collection contained a significant number of samples left over from the radiocarbon dating process, including samples of human remains.

As Dr. Taylor had been involved in the dating of the Ancient One/Kennewick Man, the campus moved quickly to conduct a thorough review and inventory of the samples in the collection to ensure that all human ancestors were identified and that no additional remains from the Ancient One were present. While no additional remains were discovered, Bill began an intensive effort utilizing archival records and published articles to ensure that no other samples

from the Ancient One were unaccounted for. As a professional archivist by training, I was impressed by Bill tenacity, ingenuity, and creativity in identifying and accessing archival records and other primary information sources as well as printed articles to track down leads in order to confirm that samples had been returned. He demonstrated a real passion for ensuring that the portions of the Ancient One who had been sent to the UCR Radiocarbon Lab had been returned home.

This combination of tenacity and insight in terms of tracking down information about Ancestors to ensure that they get home to their communities would be a real asset to the UCR NAGPRA Implementation Committee, especially combined with his legal acumen and policy compliance background.

For these reasons, I urge the Commission to give serious consideration to his nomination.

Sincerely,

Steven Mandeville-Gamble
University Librarian & Chancellor's Designee



Sonoma State University
President Emerita

1801 E. Cotati Ave., Rohnert Park, CA 94928

October 25, 2022

California Native American Heritage Commission
Attn: NAHC nomination subcommittee for UC NAGPRA committees
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
nahc@nahc.ca.gov

Re: Recommendation for William Kidder to serve on UCR's campus NAGPRA committee

Dear NAHC Subcommittee Members,

In my roles as President of Sonoma State University, Vice President of Student Affairs at the UC Office of the President and as Vice Chancellor of Student Affairs at UC Davis, I was William (Bill) Kidder's direct supervisor. Based on my years of experience working with Bill it is with great enthusiasm that I recommend him to serve on UC Riverside's campus NAGPRA committee. Bill's strong background and acumen in university policy compliance and his unflagging commitment to tribal sovereignty, dignity and welfare in California mean that he would serve with diligence and conscientiousness on UCR's NAGPRA committee.

There are a large number of American Indian tribes and rancherias within the service area of Sonoma State, and as my first chief of staff Mr. Kidder played an important role in helping me to improve and deepen collaborations between SSU and tribes in Sonoma and Mendocino counties. This included our work with chairman Greg Sarris to secure support for a new Federated Indians of Graton Rancheria learning center at the Fairfield Osborn Preserve on Sonoma Mountain (as chairman Sarris writes, Sonoma Mountain ["has always been a special place for Coast Miwok people"](#)). This work also included other culturally appropriate initiatives to support college-going preparation and aspirations of American Indian young people in the North Bay. In fact, it was Mr. Kidder who had the foresight to propose to me that our (ultimately successful) federal application to become a Hispanic-Serving Institution would be stronger if SSU detailed commitments to North Bay tribes as an important part of our institutional mission and obligation to serve the local community.

In my previous leadership roles as Vice President of Student Affairs at UCOP and Vice Chancellor of Student Affairs at UC Davis, Mr. Kidder developed an innovative and detailed proposal for the University of California system to allow membership in a federally



Sonoma State University
President Emerita

1801 E. Cotati Ave., Rohnert Park, CA 94928

recognized American Indian tribe to be a consideration in undergraduate admissions as a principled and legal exception to the prohibition on consideration of race/ethnicity under California's Proposition 209. I asked Bill to serve as project lead for this substantial and multi-year undertaking, which involved extensive engagement with the UC's Academic Senate, senior administration, tribal officials and legal counsel. Mr. Kidder partnered with the late Justice Cruz Reynoso then at the UC Davis Law School (who also served as the negotiator on California's gaming compacts with tribes) to develop this proposal into an academic article and thereby persuade faculty that this was the right thing to do. His combination of policy rigor and genuine commitment to tribal communities is what made this initiative a success.

For these reasons I give Bill Kidder my highest recommendation to NAHC to serve on UC Riverside's campus NAGPRA committee. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Judy K. Sakaki".

Judy K. Sakaki, Ph.D.
President Emerita

cc: Steve Mandeville-Gamble, UCR Librarian and Chancellor's NAGPRA Designee

William Clarke Kidder
References

Dr. Judy Sakaki (President of Sonoma State University 2016-22 (now Emerita); Vice President of Student Affairs at UCOP 2007-16)

[REDACTED]

Dr. Clifford Trafzer (Costo Distinguished Professor of American Indian Affairs at UCR; past Vice Chair of the California Native American Heritage Commission)

[REDACTED]

David Bergquist, Esq. (UCR Chief Campus Counsel 2012-22 (retired), now at Truebeck Construction)

[REDACTED]