

BOARD OF DIRECTORS

Session 120

Date: *April 1, 2021*



ASSOCIATED STUDENTS OF THE
UNIVERSITY OF WASHINGTON

Submitted by Mustapha Samateh

Senate Vice Speaker

BOARD BILL 5.10: Resolution to End the University of Washington's Investments in Prison Labor and the Prison Industrial Complex

Sponsors: Eva Hudak

Senate Vote: 53-1-3

WHEREAS, Washington State Correctional Industries, "Manufactured all of the furniture in Alder Hall, Elm Hall, Terry Hall, Maple Hall, Lander Hall, Willow Hall, Madrona Hall, McCarty Hall, and Mercer Apartments, according to Robert Lubin, Director of Facilities and Capital Development for Housing & Food Services (HFS)," (1); and

WHEREAS, According to the Washington State Department of Corrections, the maximum amount an incarcerated person can make per hour is \$1.70 with the minimum being \$0.65 per hour (2); and

WHEREAS, The Washington State minimum wage is \$13.69/hr with some areas in Washington having a minimum wage of up to \$16.69/hr (3); and

WHEREAS, According to Washington State Correctional Industries, incarcerated people "manufactured items from scratch, starting with raw steel." (4), but also, "installed more than 7,000 pieces of furniture on the University campus," (5); and

WHEREAS, Washington State Correctional Industries reported \$56,615,236 in total assets in 2019 (6); and

WHEREAS, According to Washington state law, not working can negatively impact an incarcerated individual by resulting in, "denial of earned early release days and other privileges," (7); and

WHEREAS, The UW Supplier Code of Conduct mandates that "The Supplier shall not use coerced or forced labor, nor subject employees to inhumane or abusive treatment, in accordance with UN Global Compact Principle 4 and the Universal Declaration of Human Rights, Article 4, 5 and 23...The Supplier shall pay at least the legal minimum wage in all locations in which the Supplier operates...The Supplier shall recognize and respect employees' rights of Freedom of Association and Collective Bargaining," (8); and

WHEREAS, In a letter from 2019, University of Washington president Ana Mari Cauce stated, “In terms of our own Supplier Code of Conduct, I would remind you that WA state law does not consider prisoners as employees, and that while the 13th amendment of the U.S. Constitution forbids forced labor or ‘involuntary servitude,’ it explicitly makes an exception for those convicted of a crime,” (9); and

WHEREAS, the United States Senate has had legislation introduced by Senator Jeff Merkley and others to abolish the clause of the 13th Amendment that allows for slavery and involuntary servitude as punishment for a crime (10); and

WHEREAS, the punishment clause of the 13th Amendment was written by a slave owner and was condemned by other Senators at the time of it’s debate (11); and

WHEREAS, The University had \$141,000,000 (12) invested in BlackRock funds as of 2020, “BlackRock, the second-largest shareholder in both CoreCivic and Geo,” (13); and

WHEREAS, Geo, also known as Geo Group is, “the nation's second largest for-profit prison operator,” (14); and

WHEREAS, “CoreCivic, Inc., formerly known as Corrections Corporation of America or CCA, is the largest private prison corporation in the United States. Founded in 1983, CoreCivic was the first company to design, build, and operate both a private prison and a private immigrant detention center,” (15); and

WHEREAS, the University of Washington's investment in the prison industrial complex has been an issue for the ASUW since 2017, LD-24-2 (XX); and

WHEREAS, A petition to demand the UW divest from prison labor currently (21 Jan. 2021) has over 700 signatures (16); and

WHEREAS, During the COVID-19 pandemic, “Outbreaks are spreading at prisons across the state, including Airway Heights Corrections Center in Spokane County, Washington Corrections Center in Shelton, Mason County, and Stafford Creek Corrections Center in Aberdeen, Grays Harbor County,” (17); and

WHEREAS, All three of these prisons are involved in the manufacture of numerous products, from furniture to clothing to food products (18); and

WHEREAS, Coyote Creek Corrections Center had one of the first major outbreaks in Washington, largely as a result of staff not following Covid-19 guidelines: “Corrections officials believe staff likely introduced the coronavirus into the prison,” (19); and

WHEREAS, Stafford Creek Corrections Center, the prison where all of the new dorm furniture for UW was manufactured, also has a major outbreak resulting in the death of a guard and an inmate: “A second COVID-19 related death has been reported at Stafford Creek Corrections Center among an incarcerated individual,” (20); and

WHEREAS, Data suggests that COVID-19 cases are massively underreported from prisons (21), as are COVID-related deaths, making the cases at Coyote Creek and Stafford Creek likely to be much higher than reported; and

WHEREAS, The conflict of interest clause of the University of Washington Internal Investment Management Company (UWINCO) Board section of the Board of Regents Governance Standing Orders document states, “UWINCO Board members shall not participate in the formulation or rendering of UWINCO advice where their participation could be influenced by financial or other considerations that would conflict or could reasonably appear to conflict with their UWINCO Board obligation to only consider the best interest of the University,” (22); and

WHEREAS, Bryan White was the Managing Director of BlackRock starting in 2007 and a Board Member of the University of Washington Investment Management Company starting since its founding in 2015 (23) and he did not depart BlackRock until 2016 (24) resulting in a one-year conflict of interest in his work at BlackRock and on the UWINCO Board; and

WHEREAS, There is little to no guidance and regulation regarding who is allowed to serve on the UWINCO Board, simply that they are to be appointed by the Board of Regents, which is how the founder of BlackRock served on the UWINCO Board while UW continued to invest over one million dollars into BlackRock; and

WHEREAS, According to Washington state law, when a purchase of good exceeds \$40,000 in cost or a construction/repair or other project exceeds \$100,000 in cost, a competitive bidding process must be followed (25); and

WHEREAS, In a recent case, the first choice was out of business and the second was an international business that did not meet other requirements, leaving only Correctional Industries (9);

WHEREAS, numerous departments within the UW use Correctional Industries products

THEREFORE, BE IT ENACTED BY THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF WASHINGTON BOARD OF DIRECTORS

THAT, the University of Washington publicly apologize for its past use of prison labor; and

THAT, the University of Washington totally commit to divest from all use of prison labor by the end of the 2021- 2022 academic year; and

That, the University of Washington will amend its supplier code of conduct to explicitly list incarcerated workers as employees and until that time, the University of Washington will not contract with Correctional Industries or any similar company; and

THAT, the University of Washington runs educational efforts to inform students if and when they are investing in correctional labor in addition to broadcasting clear plans and progress periodically to the student population and all stakeholders of the plan.

THAT, the University of Washington will divest utterly from BlackRock funds and will commit to not invest in the future in any group or fund that includes investment in prisons or prison labor in the future; and

THAT, the University of Washington will commit to providing outreach to formerly-incarcerated peoples as well as explicitly stating that they will provide equal support and services to any students and employees, regardless of whether or not they have been incarcerated; and

THAT, the Board of Regents Governance Standing Orders that pertain to the University of Washington Investment Management Company are placed under review by a panel of faculty and students and are updated to provide more strict guidelines on who can be selected to be a member of the UWINCO Board; and

That this bill be forwarded to,

UW Board of Regents; President of the University of Washington, Ana Mari Cauce; Clara Coyote, Director of University Affairs; Michael Larson, Chair of the UW Investment Management Company; Executive Director of Housing and Food Services, Pam Schreiber.

End

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