

**NOW Foundation Board Meeting  
November 8, 2015  
Via Nationwide Webinar  
DRAFT Minutes**

NOW Vice President **Bonnie Grabenhofer** called the meeting to order at 4:30 pm.

**Roll Call**

Present or arriving shortly thereafter were: Aida Zuniga, April Emmert-Maguire, Beth Corbin, Carla Josephson, Charlotte Klasson, Gilda Yazzie, Gordy Gustafson, Jerilyn Stapleton, Joanne Tosti-Vasey, Meredith Ockman, Michele Hamilton, Nancy Campbell Mead, Robin Dionne, Shirley Ranz, Sonia Ossorio, Sue Gibson, Carol Moseley Braun (NV), Ellie Smeal (nv), Bonnie Grabenhofer, Terry O'Neill

Absent were: Amber Kirchhoff, Elena Carillo, Kae Chatman, Kim Villanueva, Laurie Bertram Roberts, Marian Bradley, Mary Pollock, Panayiota Bertzikis, Sinoun Hem, Janet Canterbury and Patricia Ireland

**Adoption of Agenda**

The agenda was adopted without amendments.

**Approval of Minutes**

The minutes were approved without correction.

**Policy Report**

Jan Erickson, Director of Foundation Programs, reported that the **International Building Code Committsion** recently adopted a resolution approving single-use bathrooms in newly constructed and newly renovated public buildings. NOW has long advocated for single-use bathrooms which are better for transgender people, older people, people with disabilities, and parents with small children.

A number of important cases are now pending before the Supreme Court.

***Whole Woman's Health v. Cole*** is a challenge to Texas' stringent anti-abortion bill, HB 2, which passed in 2013 and requires all abortion clinics to meet the standards for an ambulatory surgical center (ASC) and to have admitting privileges at a nearby hospital (especially problematic as hospitals can refuse on moral or ethical, not legal, grounds). The purpose and intent of the law is to force the closure of most abortion clinics in Texas, and it has been devastatingly successful. About half of the state's 44 pre-HB 2 clinics have closed; only ten would remain if the law is fully implemented.

In ***Little Sisters of the Poor Home for the Aged v. Burwell***, religiously-affiliated nonprofits such as schools, hospitals, nursing homes, etc. are challenging the Affordable Care Act's birth control mandate. Even though the Obama administration's rules allow these entities to avoid *paying* for contraceptive coverage (the insurance company absorbs the cost), these extremist organizations insist they have a constitutional right to force their religious beliefs on their employees, including blocking them from access to basic health care.

***Fisher v. University of Texas at Austin*** tests the constitutionality of UT-Austin's "top ten" admissions policy, which offers admission to any Texas student who graduates in the top 10 percent of their class, and offers admission to a small number of other students to ensure

diversity including racial diversity. In 2013 the Supreme Court remanded the case to the lower court with instructions to apply strict scrutiny to UT's policy. The court ruled it passed constitutional muster, and that decision is back before the Court now. As with so many other cases, the deciding vote will likely be Justice Kennedy's. He has never voted to uphold affirmative action. Justice Kagan will again recuse herself, as she did in 2013, because she worked on the case as Solicitor General before her appointment to the Supreme Court. Should the Court choose to overturn the 5th Circuit Court's decision, it just may be the end of affirmative action as we know it.

The future of public sector unions is at stake in ***Friedrichs v. California Teachers Association***, in which the Court is being asked to invalidate "agency fees" -- the monthly fee that union and non-union members alike are required to pay for services provided to them by the union (such as the cost of negotiating a contract or legal representation for an employee in the event of a work dispute). It is widely believed that the Court will strike down these fair-share fee arrangements. If it does, public sector unions would see their funding decimated, and with it their ability to advocate for workers' rights.

The meeting adjourned at 5:15 pm.