

10-5-1993

## University Of California. Governance.

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Office of the Secretary of State  
Tony Miller  
Acting Secretary of State

1230 J Street  
Sacramento, California 95814

ELECTIONS DIVISION  
(916) 445-0820  
For Hearing and Speech Impaired  
Only:  
(800) 833-8683

March 15, 1994

**TO:** ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND  
PROponents (94067)

**FROM:** *Cathy Mitchell*  
CATHY MITCHELL  
INITIATIVE COORDINATOR

Pursuant to Elections Code section 3520(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

**TITLE:** UNIVERSITY OF CALIFORNIA. GOVERNANCE.  
INITIATIVE CONSTITUTIONAL AMENDMENT.

**SUMMARY DATE:** October 5, 1993

**PROponent:** Donald E. Nicodemus, Jr.  
Charles Schwartz  
Steve Bloom  
Dona Spring  
Lawrence A. Agran



1

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Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

ELECTIONS DIVISION  
(916) 445-0820  
For Hearing and Speech Impaired  
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(800) 833-8683

#602

October 5, 1993

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (93103)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

UNIVERSITY OF CALIFORNIA. GOVERNANCE.  
INITIATIVE CONSTITUTIONAL AMENDMENT.

Circulating and Filing Schedule

1. Minimum number of signatures required . . . . . 615,958  
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date . . . . . Tuesday, 10/05/93  
Elec. C., Sec. 3513.
3. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures . . . . . Tuesday, 10/05/93  
Elec. C., Sec. 3513.
  - b. Last day Proponent can circulate and file with  
the county. All sections are to be filed at  
the same time within each county . . . . . Thursday, 03/03/94  
Elec. C., Secs. 3513, 3520(a)
  - c. Last day for county to determine total number of  
signatures affixed to petition and to transmit total  
to the Secretary of State . . . . . Tuesday, 03/15/94

(If the Proponents file the petition with the county on a date prior to 03/03/94, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).



UNIVERSITY OF CALIFORNIA. GOVERNANCE.  
INITIATIVE CONSTITUTIONAL AMENDMENT.

October 5, 1993

Page 2

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties ..... Thursday, 03/24/94\*

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State ..... Thursday, 05/05/94

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 03/24/94, the last day is no later than the thirtieth day after the county's receipt of notification.)  
Elec. C., Sec. 3520(d), (e).

f. If the signature count is more than 677,554 or less than 585,161 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 585,161 and 677,554 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures ..... Sunday, 05/15/94\*

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State ..... Monday, 06/27/94

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 05/15/94, the last day is no later than the thirtieth working day after county's receipt of notification.)  
Elec. C., Sec. 3521(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient ..... Friday, 07/01/94

\* Date varies based on receipt of county certification.

4. The Proponents of the above-named measure are:

Donald E. Nicodemus, Jr.  
Comm. For A Responsible University  
4079 Army Street  
San Francisco, CA 94131  
(415) 647-2775

Charles Schwartz  
Department of Physics  
University of California  
Berkeley, CA 94720

Steve Bloom  
1517 E. 17th Street  
Oakland, CA 94606

Dona Spring  
1636 Channing Way  
Berkeley, CA 94703

Lawrence A. Agran  
14978 Sand Canyon Avenue  
Irvine, CA 92718

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; Bilofsky v. Deukmejian (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 41, 41.5, 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

Sincerely,



CATHY MITCHELL  
INITIATIVE COORDINATOR

DANIEL E. LUNGREN  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
P.O. Box 944255  
SACRAMENTO, CA 94244-2550  
(916) 445-9555

(916) 324-5490

October 5, 1993

Honorable March Fong Eu  
Secretary of State  
1230 J Street  
Sacramento, CA 95814

**FILED**  
in the office of the Secretary of State  
of the State of California  
OCT 5 1993  
MARCH FONG EU, Secretary of State  
By *Ab Mitchell* Deputy

Re: Initiative Title and Summary  
Subject: UNIVERSITY OF CALIFORNIA. GOVERNANCE.  
INITIATIVE CONSTITUTIONAL AMENDMENT.  
File No: SA 93 RF 0018

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the names and addresses of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN  
Attorney General

*Kathleen F. DaRosa*  
KATHLEEN F. DaROSA  
Initiative Coordinator

KFD:ms  
Enclosures

Date: October 5, 1993  
File No: SA93RF0018

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

UNIVERSITY OF CALIFORNIA. GOVERNANCE. INITIATIVE

CONSTITUTIONAL AMENDMENT. Changes manner in which members of the Board of Regents of the University of California are selected. Provides for election of certain regents through statewide nonpartisan elections. Provides for appointment of other regents by campus-based councils comprised of faculty, staff, students and local citizenry. Increases number of student regents. Limits terms of regents. Directs Legislature to enact a campaign finance law for election of regents. Limits total compensation paid to regents and other university officials. Imposes restrictions on conduct of regents. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Could result in state costs of up to a few million dollars annually for elections, staffing of campus councils, and other implementation costs. Increased state costs would be partially offset by savings resulting from reductions in compensation to affected UC officials. Could also result in minor local government costs every four years.



# COMMITTEE FOR A RESPONSIBLE UNIVERSITY

4079 ARMY ST., SAN FRANCISCO, CA 94131

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August 6, 1993

Dan Lungren  
Attorney General  
1515 K Street  
Sacramento, CA 95814

RECEIVED  
AUG 9 1993

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Dear Attorney General Lungren,

We would like to request a title and summary for the inclosed ballot initiative. We expect that there is no significant fiscal impact. We seek to place this on the November 1994 State ballot as a Constitutional Amendment. We hope that you can complete this process at the earliest possible date; if you have any questions, please call us at (415) 647-2775.

Sincerely,

*Donald E. Nicodemus, Jr.*

Donald E. Nicodemus, Jr.  
4079 Army St.  
San Francisco, CA 94131

*Steve D. Bloom*

Steve Bloom  
1517 E. 17th St.  
Oakland, CA 94606

*Charles Schwartz*

Charles Schwartz  
Dept. of Physics  
University of California, Berkeley  
Berkeley, CA 94720

registered address:  
734 Wildcat Canyon Rd.  
Berkeley, CA 94708

*Lawrence A. Agran*

Lawrence A. Agran  
14978 Sand Canyon Ave.  
Irvine, CA 92718  
Registered Address:  
9 Mann St.  
Irvine, CA 92715

*Dona Spring*

Dona Spring  
1636 Channing Way  
Berkeley, CA 94703

## BALLOT INITIATIVE FOR NOVEMBER 1994

## -- RESPONSIBLE MANAGEMENT OF THE UNIVERSITY OF CALIFORNIA --

This is a grassroots campaign to reform the governance of UC, using the basic ideas of democracy to make the Board of Regents representative of and accountable to the people of California. The initiative balances the interests of citizens throughout the state with those immediately on and nearby the UC campuses; maintains the Regents' traditional connections with elected state officials, and with the established alumni and student organizations; provides a means for substantial consultation with adjacent communities on major land use decisions by UC; preserves the political independence of the University, and provides for the protection of academic freedom.

Committee for a Responsible University, 4079 Army St., San Francisco, CA 94131

8/6/93

## SUMMARY

Replace the 18 regents presently appointed by the Governor for 12 year terms with:

- \*\* 9 regents elected in statewide elections, on a non-partisan basis; candidates need 6000 signatures to be nominated; voters would each cast a vote for one candidate on the ballot and the 9 highest vote getters are elected; and
  - \*\* 9 regents appointed by Campus Councils and confirmed by the Assembly.
- These 18 regents serve 4 year terms with a 12 year term limit.

Continue the present \*\* 4 ex-officio members of the Board of Regents: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction. Continue the \*\* 2 representatives of the UC Alumni Association. Add \*\* 2 representatives of the UC Student Association (These two would replace the one student regent, now selected by the Board, and the president of the University.) The alumni regents and student regents would also be confirmed by the Assembly.

Campus Councils, one on each of UC's 9 campuses, will be composed of:

- \* 5 members elected by the campus faculty employees, one vote per voter;
  - \* 5 members elected by the campus non-faculty employees, one vote per voter;
  - \* 5 members elected by the campus students, one vote per voter;
- In each, the 5 highest vote getters are elected; 2 year terms, 12 year limit.
- \* 5 members selected by the local city and county;
  - \* 1 ex-officio member: the chancellor of the campus.

In addition to selecting the appointed regents, each Council is empowered to hold public hearings and issue advisory reports on any matters of general concern to the campus, to make appropriate rules for the conduct of their business, and to exercise other powers that the regents may delegate to them.

The political independence of academic functions within the University will be protected: "For the protection of academic freedom, the authority and functions presently delegated by the Regents to the Academic Senate of the University shall not be modified or withdrawn without the express consent of the Academic Senate."

Other provisions. The total compensation paid to the UC president and chancellors, as well as any paid to the regents, shall be subject to legislated limits. The Legislature is directed to enact a campaign finance law covering the election of UC regents. If the number of UC campuses should change, the number of elected and appointed regents also changes. Filling of vacancies, transition and other details are covered.

**Responsible Management of the University of California**

**Section 1.** The people of the State of California find and declare as follows:

(a) The University of California belongs to all Californians and their posterity as a public trust, and is a valuable resource providing higher education, research and public service.

(b) The University's Board of Regents has historically been dominated by appointees drawn from the wealthy and politically well-connected segments of society, and they are accountable to nobody.

(c) The Regents have created a management bureaucracy to run the University like a private business corporation: they have given the top executives excessive salaries and extra compensation; and they have fostered habits of secrecy and arrogance in the University's dealings with the general public, with its own students and employees, and with its neighbors.

(d) The Regents have continued to increase student fees, thus jeopardizing the historic principle of access to education for all qualified students, and they have done this even though alternative funds have been available to meet budget needs.

The people of California therefore undertake to reform the governance of the University of California, using the basic ideas of democracy to make the Board of Regents representative of and accountable to the people of California.

This reform is intended to balance the interests of citizens throughout the State with those immediately on and nearby the campuses of the University; maintain the Regents' traditional connections with elected State officials, and with the established alumni and student organizations; and preserve the political independence of the University, and provide for the protection of academic freedom.

**Section 2.** The people of the State of California hereby amend the Constitution of the State by repealing existing Section 9 of Article IX and replacing it with a new Section 9, to read:

**Section 9. UNIVERSITY OF CALIFORNIA**

(a) **Governance and Powers**

(i) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the University, and to such competitive bidding procedures as may be made applicable to the University by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services.

(ii) The Regents of the University of California ("the Regents") shall be vested with the legal title and the management and disposition of the property of the University, and of property held for its benefit; and shall have the power to take and

hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the University, or incidentally to its conduct; provided, however, that sales of University real property shall be subject to such competitive bidding procedures as may be provided by statute. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the University, or to others, such authority or functions as it may deem wise. The Regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The University shall be entirely independent of all political or sectarian influence and kept free therefrom in the election, appointment and confirmation of its Regents, and in the administration of its affairs. No person shall be debarred admission to any department of the University on account of race, religion, ethnic heritage or sex.

(iii) For the protection of academic freedom, the authority and functions presently delegated by the Regents to the Academic Senate of the University shall not be modified or withdrawn without the express consent of the Academic Senate. Such authority and functions shall include, but are not necessarily limited to, those specified in the Standing Orders of the Regents, particularly sections 100.4 ("Duties of the President of the University"), 103.9 ("Tenure"), 103.10 ("Security of Employment") and 105 ("Academic Senate"), as in effect on August 1, 1993.

(iv) Prior to taking any action inconsistent with the zoning classifications established by a local government agency with land use planning authority, the University shall notify the clerk of the governing body of said local government agency of its intent to take such action and of said governing body's right to object before such action is taken. Said governing body may, within one month of such notification or on the next business day following its next meeting after the earliest date discussion of the proposed action can be legally placed on said governing body's agenda, whichever is later, in turn notify the University of its objection; failing objection by said governing body within the specified time, the University may proceed with the proposed action. In any case where the University is so notified, it shall be barred from proceeding with the proposed action unless the Regents subsequently vote that the proposed action is nonetheless necessary. The requirements of this subparagraph shall not be construed to replace or modify any provision of the California Environmental Quality Act or other statutes relating to zoning or land use.

(v) Individual Regents who are also employees of or consultants to the University may not vote as Regents on issues involving salaries and benefits that directly affect them.

(b) The Regents

(i) The Regents shall be in form a joint board composed of elected members equal in number to the number of fully functioning campuses of the University (currently nine); appointive members, also equal in number to the number of campuses, one to be appointed by each of the Campus Councils established in accordance with paragraph (c) of this Section; four ex officio members, who shall be the Governor, the Lieutenant Governor, the Speaker of the Assembly, and the Superintendent of Public Instruction; and four representative members, two of whom shall be alumni representatives selected by the alumni association of the University and two of whom shall be student representatives selected by the student association of the University. The representative members and the appointive members, including

those who are selected to fill vacancies, shall each be confirmed by the Assembly, but they shall begin serving as Regents from the effective date of their selection.

(ii) The presently named appointive Regents shall continue to serve as Regents until they are replaced, in a sequence to be determined by a lottery conducted by the Secretary of State, by the new appointive and elective members.

(iii) Elective Regents, who shall serve four year terms, shall be chosen in the general election every four years starting in 1996, in a nonpartisan manner, and shall commence their term on July 1 of the year following their election. Candidates must be qualified electors of the State and, to qualify for placement on the ballot, must submit a nominating petition containing valid signatures of registered voters equal in number to one fifteenth of one percent of the votes for all candidates for Governor at the prior gubernatorial election. The number of seats to be filled shall be equal to the number of fully functioning campuses of the University on June 1 preceding the election. Voters shall each vote for one candidate and the candidates who receive the highest vote totals shall be elected. Vacancies among the elective Regents shall be filled, in order of votes received, by the persons who received the next two highest vote totals at the preceding election of Regents; if no such person is available, vacancies shall be filled by appointment by the Governor, subject to confirmation by the Assembly, a majority of the membership concurring. Any filling of a vacancy shall be for the balance of the term for which the vacancy exists.

(iv) The initial terms of appointive Regents shall commence on the first day of the eighth month following the date this Section is approved by the voters, and subsequent terms shall be for four years commencing on July 1, 1999. Any vacancy among the appointive Regents shall be filled by appointment by the relevant Campus Council for the balance of the term for which the vacancy exists.

(v) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the state, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of Regents.

(vi) If the courts for any reason should invalidate the selection of appointive Regents pursuant to this paragraph, then the composition of the Regents shall instead be an entirely elective board composed of a number of members equal to twice the number of fully functioning campuses of the University, with half that number elected every two years, and including no representative or ex officio members, but otherwise consistent with the provisions of this Section.

(vii) To facilitate fair and equal access to the office of Regent, the Legislature shall adopt a campaign finance law applicable to the election of elective Regents. Said law shall take effect by either January 1, 1996, or August 1, 1996, whichever date first occurs after the effective date of this Section; and may be amended by initiative statute.

(c) The Campus Councils

(i) Each fully functioning campus of the University shall have a Campus Council, which shall be a deliberative body composed of five members elected by the faculty employees of the campus; five members elected by the non-faculty employees of the campus; five members elected by the students of the campus; the chancellor of the campus serving as an ex officio member; three members selected by the city in which the central administrative office of the campus is located; and two members

selected by the county in which the central administrative office of the campus is located; provided, however, that for campuses where the central administrative office is located in an unincorporated area, the county shall select five members. Initial terms of Campus Council members shall commence not later than the first day of the sixth month following the date this Section is approved by the voters, and shall end on May 1, 1997; provided, however, that if this should result in initial Campus Council terms shorter than one year, then the initial terms shall end on May 1, 1999. Subsequent terms shall be two years in duration. Each Campus Council shall not function until the results of the employee and student elections have been certified.

(ii) In each of the three portions of the Campus Council elections by employees and students of the campus, voters shall each vote for one candidate and the five candidates who receive the highest vote totals shall be elected. No person shall vote in more than one such portion. For purposes of this paragraph, "employee" shall include any person who is employed by the campus at the time of the election and who has received wages in the amount of at least six hundred dollars during the year preceding the election, but shall not include consultants; and "student" shall include any person who is a registered student at the campus at the time of the election.

(iii) Each Campus Council shall have additional powers to make and revise rules, consistent with the provisions of this Section, for the conduct of its own business, for further details of the selection of its members, and for the filling of vacancies; to hold public hearings and issue advisory reports on any matter of general concern to its campus; and to exercise such other powers as may be delegated to it by the Regents. Campus Councils, but no other authority, may also determine that categories of employees or students of the University excluded from voting by the definitions of this paragraph, including those affiliated with non-campus branches of the University, are part of a given campus electorate for purposes of this paragraph.

(d) Term Limits

Commencing with the effective date of this Section, no person, excepting ex officio members as allowed by this Constitution, shall serve more than twelve years as a Regent, nor shall any person, excepting chancellors serving in an ex officio capacity, serve more than twelve years on a Campus Council. For purposes of this paragraph, years of service need not be consecutive.

(e) Recall and Removal

Elective Regents shall be subject to recall in a manner consistent with the provisions of this Constitution related to the recall of other Constitutional officers. Appointive and representative Regents may be removed, for cause, by a vote of the Legislature, two-thirds of each house concurring. Appointive Regents may be removed by a two-thirds vote of the relevant Campus Council. Representative Regents serve at the pleasure of their appointing organizations.

(f) Compensation of University Officers

The total compensation provided by the University to an executive officer of the University shall not exceed limits that the Legislature may establish, and shall in no case exceed the compensation provided to the Governor. For purposes of this paragraph, "executive officer" shall denote Regents, the president of the University and the chancellors of the campuses; and "compensation" shall include all things having monetary value, including, but not limited to, wages and benefits.

(g) Open Meetings

Meetings of the Regents and their committees, and of the Campus Councils and their committees, shall be public, with exceptions and notice requirements as may be provided by statute. Decisions of the Regents and their committees shall be taken only by recorded vote, with the vote of each Regent in attendance being separately noted in the minutes of the meeting.

**Section 3.** The interpretation and application of the provisions of this amendment, insofar as they do not conflict with the provisions of existing Section 9, shall be consistent with the interpretation and application of the provisions of existing Section 9. All statutes in effect under the authority of existing Section 9 shall remain in effect unless found to be in conflict with this amendment, and then shall be invalid only to the extent of the conflict.

**Section 4.** If any provision of this amendment or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this amendment which can be given effect without the invalid provision or application, and to this end the provisions of this amendment are severable.