

1974

REGENTS, UNIVERSITY OF CALIFORNIA

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Ballot Title

REGENTS, UNIVERSITY OF CALIFORNIA. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Adds vice-president of alumni association as ex-officio member. Adds two additional members appointed by Governor with approval of Senate. No appointment to new term shall be made during first year of any gubernatorial term. Reduces terms from sixteen to twelve years after 1976. Allows regents appointment of one faculty member of institution of higher education and one student to board. Requires regents be persons reflecting economic, cultural and social diversity of state, including ethnic minorities and women. Provides for advisory committee which Governor must consult with in selection of regent appointees. Financial impact: Minor increase in state costs.

FINAL VOTE CAST BY LEGISLATURE ON SCA 45 (PROPOSITION 4):

ASSEMBLY—Ayes, 58	SENATE—Ayes, 27
Noes, 15	Noes, 1

Analysis by Legislative Analyst

PROPOSAL:

The Constitution establishes the Regents of the University of California to govern the University. The Regents presently consist of 24 members. Sixteen are appointed by the Governor and eight serve on the board because of other offices they hold. These ex officio members are the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the President of the University of California Alumni Association, the President of the University, the President of the State Board of Agriculture, and the President of the Mechanics Institute of San Francisco.

This proposition revises the make-up of the Regents, and as to those appointed by the Governor reduces their term of office, and establishes a new procedure for their selection.

Membership of the Regents. This proposition makes the following changes in the membership of the Regents:

(a) It increases the total number of Regents from 24 to 25 and authorizes a potential of 27. This is accomplished (1) by adding two Governor-appointed members, so that the total number of Governor-appointed members increases from 16 to 18, (2) by reducing the total number of ex officio members from eight to seven, and (3) by authorizing the Regents to appoint up to two additional members.

(b) If the Regents decide to appoint persons to fill these two authorized positions, one must be serving on the faculty at an institution of higher education in California and the other must be a student enrolled at a University of California campus.

(c) The Regent-appointed members shall serve for not less than one year.

(d) The ex officio memberships taken off the Regents are the President of the State Board of Agri-

culture and the President of the Mechanics Institute of San Francisco.

(e) The ex officio member added to the Regents is the Vice-President of the University of California Alumni Association.

Shortened Term. The proposition reduces the term of office of the 18 Governor-appointed members from 16 years to 12 years.

Selecting Regents. The proposition requires the Governor to consult with a 12-member advisory committee in selecting his appointees to the Regents. The advisory committee consists of (1) the Speaker of the Assembly, (2) the President pro Tempore of the Senate, (3) the Chairman of the Regents, (4) a member of the faculty of the University of California chosen by the academic senate of the University, (5) a student of the University of California chosen by the Council of Student Body Presidents, (6) an alumnus of the University of California chosen by the alumni association of the University, and (7) six public members of which two each are appointed by the Speaker of the Assembly, the Rules Committee of the Senate, and the Governor.

FISCAL EFFECT:

The measure will cause a minor increase in state costs. One reason for this is the increase in the number of Regents. Regents receive a per diem when attending meetings away from home, are served lunch, and are reimbursed for travel costs at tourist rates. Another reason is that there may be some costs associated with the operation of the advisory committee. It is not possible at this time to determine precisely what these costs will be. Based on past experience, we believe the total fiscal impact will be minor.

Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 45 (Statutes of 1974, Resolution Chapter 85) expressly amends existing sections of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout~~ type and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLE IX

First—That subdivision (a) of Section 9 of Article IX is amended to read:

SEC. 9. (a) 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 compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form a board composed of ~~eight~~ *seven* ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, ~~the president of the State Board of Agriculture, the president of the Mechanics Institute of San Francisco,~~ the president *and the vice president* of the alumni association of the university and the acting president of the university, and ~~16~~ *18* appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the ~~appointive~~ *members appointed prior to November 5, 1974*, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every ~~even-numbered~~ *even-numbered* calendar year, and ~~two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceding paragraph.~~

~~in~~ *In* case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, ~~to~~ *shall* be for the balance of the term ~~as to~~ *for* which such vacancy exists.

(c) ~~The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the~~

~~board. Any person so appointed shall serve for not less than one year commencing on July 1.~~

(d) ~~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.~~

(e) ~~In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.~~

(f) ~~The regents of the University of California said corporation 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. 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; provided, that the Regents shall receive all moneys funds derived from the sale of public lands donated to this state by pursuant to the act of Congress approved of July 2, 1862, (and the several any subsequent acts amendatory thereof); shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies; and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts; in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the state shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.~~

Second—That subdivision (b) of Section 9 of Article IX is amended and renumbered to read:

(b) (g) Meetings of the ~~regents~~ *Regents of the University of California* shall be public, with exceptions and notice requirements as may be provided by statute.

Argument in Favor of Proposition 4

Proposition 4 is designed to preserve the essential independence of the University of California, while also providing for meaningful and necessary changes in the structure of the Board of Regents which will enable the University to be more responsive to the needs and aspirations of the people of California. Proposition 4 strikes an appropriate balance between increased public participation in the affairs of this great institution and the need to keep the University free from unwarranted political interference. In Proposition 4 this balance is achieved by preserving many key principles which have guided the University throughout its more than 100 years of service to the people of the State. Thus, the representatives of the people—the Governor, the Lieutenant Governor, the Speaker of the Assembly, and the Superintendent of Public Instruction will continue to serve as members of the Board of Regents. The Governor retains his right to select appointive Regents, subject to confirmation by the State Senate, a provision which the people adopted in 1972. These provisions assure that the elected representatives of the people will continue to have a voice in the governance of the University.

On the other hand, a number of changes proposed in Proposition 4 are designed to insure that the University will be more responsive and reflective of the interests of a rapidly changing California. Proposition 4 would shorten Regents' terms from the current 16 years to 12 years, add two public members, add an additional alumni member, remove the President of the Mechanics

Institute and the President of the State Board of Agriculture from the Board of Regents, establish an advisory committee to the Governor to assist him in selecting Regents, and authorize the Regents, at their discretion, to appoint a student and/or faculty member as a member of the Board of Regents.

Additionally, Proposition 4 provides that the Regents shall be able persons broadly reflective of the economic, cultural and social diversities of the State, including ethnic minorities and women. This statement recognizes that the University, which touches the lives of all Californians through its teaching, research, and public service programs, should be guided by qualified persons sensitive to the breadth and richness of California society.

During legislative debate, this measure enjoyed the support of alumni leaders and of spokesmen for the faculty, students, and the Regents themselves. It passed the Legislature overwhelmingly: 27-1 in the Senate and 58-15 in the Assembly. It is a reasonable and responsible reform proposal. It deserves your support.

VOTE YES ON PROPOSITION 4.

ALBERT S. RODDA
Senator, 5th District
Chairman, Senate Education Committee

JOHN J. MILLER
Assemblyman, 17th District

CHARLES J. HITCH
President, University of California

Rebuttal to Argument in Favor of Proposition 4

The proponents of Proposition 4 suggest that it provides "meaningful and necessary changes in the structure of the Board of Regents which will enable the University to be more responsive to the needs and aspirations of the people of California." Having served on the Joint Committee on the Master Plan for Higher Education, I truly question this statement. I fail to see how adding a second alumni representative, removing agriculture's representative, and possibly adding student and faculty members with full voting privileges will accomplish this. Rather, I believe these changes will make the Board less responsive to the taxpayers of California.

Why should alumni be so over-represented, at the expense of California's number one industry, agriculture?

Should student and faculty members be placed on the board of directors of this \$1.1 billion corporation for just one year? Do they have the experience, the exper-

tise, necessary for making major decisions? Do they truly know the "needs and aspirations" of the people, the taxpayers, of California?

And, there is nothing in the present Constitution which prohibits Regents from being "able persons broadly reflective of the economic, cultural and social diversities of the State, including ethnic minorities and women."

Are the proponents of this measure suggesting that this is not now the case, or are they trying to establish some type of "quota" system?

Shortening the terms of Regents may be positive; however, the changes in the Board's composition are ill-advised.

Accordingly, I urge your "NO" vote on Proposition 4.

JOHN STULL
Senator, 38th District

Argument Against Proposition 4

Proposition 4 is one of those proposals which has some good, but more bad. Certainly shortening the terms of office for Regents of the University of California is desirable. However, other weaknesses override this positive aspect, and, therefore, Proposition 4 should be defeated.

This proposal would make the following detrimental changes in the composition of the Board of Regents:

- a. Remove the President of the State Board of Agriculture.

This is truly unwise, because agriculture is California's number one industry (not counting government). California taxpayers now spend many millions annually in the budget for the University's Division of Agricultural Sciences. This goes into specific projects such as agricultural stations, extension programs, and research. The vital relationship between the University and agriculture must be preserved. This can best be done by retaining the State Board of Agriculture's representative on the Board of Regents.

- b. Add the Vice President of the Alumni Association.

The President of the Association is already a member, and adding a second alumni representative is unnecessary.

- c. Allow the appointment of one student and one faculty member as voting members for one-year terms.

This addition, although discretionary, is dangerous and the key reason for rejecting this proposal. Obviously, students and faculty should have input to the Board, as they now do, but giving them a vote on policy and personnel decisions (faculty and administrators) is unwarranted. The University is a \$1.1 billion corporation with extensive contracts with the Department of Defense and the Atomic Energy Commission. If length of service is important to gain necessary expertise, as so well argued by University representatives when protesting previous proposed reductions in Regents' terms, the placement of a one-year-term voting student or faculty member on its board of directors is surely an unwise policy.

The structure and independence of the University are too valuable to be changed unnecessarily. At this point, the need for reducing terms of Regents does not compensate for the negative aspects of this proposal. It should be rejected so that the Legislature may once again consider and propose needed changes in the University's system of governance which do not have the negative features of this proposal.

I urge your "NO" vote on Proposition 4.

JOHN STULL
Senator, 38th District

Rebuttal to Argument Against Proposition 4

The opposition argues that there are, among the positive aspects of Proposition 4, three "detrimental changes" to the composition of the Board. We contend that these provisions will assist the Regents in being more responsive to the needs of Californians.

- a. Remove the President of the State Board of Agriculture.

While no one would argue that agricultural interests are not important in California, it is unclear why only that economic interest should be granted an ex-officio seat. Surely, every Governor will guarantee that agricultural interests are represented.

- b. Add Alumni Vice President.

This provision recognizes the phenomenal growth of different campuses and allows for greater recognition of the role to be played by their alumni.

- c. Allow appointment of student and faculty member.

The presence of a fully participating student or faculty member on the board can add a valuable perspective to its deliberations. Authorizing the Regents to appoint these members to sit and vote

with the other 25 Regents cannot reasonably be viewed as a threat. The Regents have the option of establishing such seats. There is no requirement to do so. If adding these seats proves unworkable or is abused, the Regents can abolish them. Since the Regents also determine how such members are chosen, they can guarantee that they are responsible trustees.

We trust you will conclude, as has the Legislature and representatives of the University and its faculty, students and alumni, that Proposition 4 best embodies the changes needed in University governance.

VOTE YES ON PROPOSITION 4.

ALBERT S. RODDA
Senator, 5th District
Chairman, Senate Education Committee

JOHN J. MILLER
Assemblyman, 17th District

CHARLES J. HITCH
President, University of California