

The Regents of the University of California

SPECIAL COMMITTEE ON REGENTS' PROCEDURES

November 21, 1997

The Special Committee on Regents' Procedures met on the above date at Sunset Commons, Los Angeles campus.

Members present: Regents Atkinson, Connerly, Khachigian, Lee, Levin, McClymond, Montoya, Parsky, and Wilson

In attendance: Regents Bagley, Brophy, Bustamante, Chandler, Clark, Davies, Davis, Eastin, Gonzales, Hotchkis, Johnson, Leach, Nakashima, Ochoa, Preuss, Sayles, and Soderquist, Regents-designate Miura and Willmon, Faculty Representatives Dorr and Weiss, Secretary Trivette, General Counsel Holst, Assistant Treasurer Stanton, Provost King, Senior Vice President Kennedy, Vice Presidents Gomes, Gurtner, and Hopper, Chancellors Carnesale, Debas, Dynes, Greenwood, Orbach, Vanderhoef, and Yang, Executive Vice Chancellor Golub representing Chancellor Wilkening, and Recording Secretary Nietfeld

The meeting convened at 11:20 a.m. with Special Committee Chair Levin presiding.

ESTABLISHMENT OF POSITION OF STAFF DELEGATE TO THE REGENTS

Regent Levin recalled that the Council of UC Staff Assemblies (CUCSA) had asked that the Board consider allowing staff council leadership the same standing and participation at Regents meetings as the faculty leadership in order to provide the Board with relevant and cogent information when discussion or issues affecting staff arise. Adoption by the Board of the CUCSA recommendation would make the Chair and Vice Chair of the staff assemblies the staff delegates to the Board of Regents.

Regent Connerly asked that the CUCSA request for staff input be scheduled for discussion in order to determine whether the Special Committee might wish to recommend such an arrangement to the Board.

The Committee was informed that the Council of UC Staff Assemblies, which consists of representatives from one affiliate staff group at each campus, laboratory, and the Office of the President, was established over twenty years ago in order to improve communications between the staff and the administration. As an advisory group to the Office of the President, CUCSA addresses matters of concern for those employees who are not exclusively represented by a collective bargaining agent. According to its bylaws, the mission and constituency of CUCSA are the following:

In support of the mission of the University of California it is the purpose of the Council to maintain and enhance communication within the University community and to advise

appropriate officials on matters that affect staff employees in accordance with California laws and Regental policy.

The constituency of the Council is understood to be staff employees of the University of California. The Council will address all matters of concern for those who are not exclusively represented. The Council may advise on matters not within the scope of representation for those who are exclusively represented.

Generally, campus staff assemblies are supported by the campus administration, which allows use of University office supplies and equipment, pays for some travel and operating expenses, and permits employees to perform assembly activities while on pay status. The Office of the President provides budget support for some Staff Council expenses, including travel to Council and Regents meetings.

CUCSA believes that staff have demonstrated their ability to be judicious in choosing when to participate in University matters. Regents who have attended CUCSA meetings have found the elected delegates to be a diverse group of dedicated staff who bring broad knowledge to the staff council. CUCSA elects its chair and vice chair from among the delegates, and these individuals advise appropriate officials on matters affecting staff employees. In addition, they attend all Regents meetings. CUCSA believes that, in order to live up to the University's "guarantee of equality," its leaders should be afforded the same representation to the Board of Regents as the faculty. Collective bargaining laws have conditions protecting the role of the Academic Senate which do not apply to the staff, and thus a different approach may be needed. If the staff assembly is selected, it could not deal with the University on employment issues affecting exclusively represented employees because those are subject to collective bargaining with the exclusive union bargaining agent.

The Committee may wish to consider as an alternative the suggestion made by Regent Brophy in June 1997 that CUCSA representatives be given the opportunity to make five- to seven-minute presentations to the Regents on items of particular importance. Regent Bagley supported the idea of having these presentations made at the Board table.

At the July 1997 meeting, the President reintroduced the practice of having representatives of the University of California Student Association address pertinent issues on the Committees' agendas. Thus the students have the opportunity to present views of interest to students directly to the Regents without relying on the student Regent to represent their views.

Regent Connerly observed that all segments of the University community and State government are represented at the Board table, with the exception of staff. At present, the staff representatives are required to present their views to the Regents during the public comment period. He recognized that there are certain problems involved with the institution of staff representatives to the Board but believed that a way could be found to avoid any untoward participation by staff during the discussion of collective bargaining issues. He believed that a way must be found to ensure staff participation at the Board table.

At Regent Connerly's request, Senior Vice President Kennedy presented a statement on the concerns which the proposal raises. Mr. Kennedy noted that the administration is proud of the professionalism and high caliber of its staff and continues to support staff involvement in University decision-making.

The concerns of the administration regarding the appointment of a staff delegate to the Board of Regents relate solely to practical and legal problems that such appointment might bring. Currently more than half of UC staff are unionized, with 13 different unions and employee organizations representing UC employees in 20 collective bargaining units. In almost all cases, the union bargaining agents have the exclusive right to represent the bargaining unit. Under the Higher Education Employer Employee Relations Act (HEERA), unions could allege interference with their exclusive right to represent employees if an advisory group were selected to represent employees generally.

A previous unfair labor practice charge was brought against the University on the basis that providing support to advisory groups was interfering with union rights. Under HEERA, employment and other matters within the scope of collective bargaining are negotiated in strict confidence. The status of bargaining and union relations need to be discussed periodically with the Board in closed session. The presence of a staff representative could lead to unfair labor practice charges or demands for seats on the Board for various union representatives. The faculty representation on the Board is in recognition of shared governance on academic matters and is specifically protected under HEERA.

The University administration consults with a wide range of staff advisory groups, and the effectiveness of the consultation process could be hampered by selecting one group over another.

The preferred alternative would be to provide a regular opportunity for staff, through Staff Council and other advisory groups, to make presentations to the Board on issues of interest to them.

Regent Bagley suggested that staff members could be invited to join the Regents at the Board table not as representatives but as advisors, which would avoid collective bargaining issues.

Regent Leach was of the opinion that the proposal is ill-advised, regardless of the great appreciation and respect that the Regents have for the members of the staff. He supported Regent Brophy's suggestion that Staff Council be invited to the table to make presentations rather than being required to speak during the public comment. In addition, the staff report directly to the administration; establishment of staff delegation to the Board would confuse those lines of reporting and responsibility.

Regent Brophy suggested that a period of time be set aside at the beginning of each meeting to permit staff to address the Board.

Regent McClymond stated her strong support of staff input into the Board's decisions. She was not convinced that inviting them to speak would address their concerns. She suggested that the Committee continue to review the matter before making any recommendation to the Board. Regent Khachigian also supported the Committee's doing so.

Regent Clark believed that the responsibility for a recommendation rested with the President, who is most concerned with what the consequences might be.

Faculty Representative Dorr stated that while the faculty value and respect staff, they have a concern that CUCSA represents only half of the staff. The faculty encourage further consideration by the Committee, with assistance from the Office of the President, to understand how best to achieve representation from the entire University community.

The meeting adjourned at 11:35 a.m.

Attest:

Secretary