

The Regents of the University of California

**SPECIAL COMMITTEE ON REGENTS' PROCEDURES**

July 17, 1997

The Special Committee on Regents' Procedures met on the above date at UCSF-Laurel Heights, San Francisco.

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

In attendance: Regents Bagley, Brophy, Davies, Gonzales, Johnson, Leach, Nakashima, and Soderquist, Regents-designate Miura and Willmon, Faculty Representatives Mellichamp and Weiss, Secretary Trivette, General Counsel Holst, Treasurer Small, Provost King, Vice Presidents Darling, Gomes, and Gurtner, Chancellors Berdahl, Carnesale, Debas, Dynes, Orbach, Vanderhoef, Wilkening, and Yang, and Recording Secretary Nietfeld

The meeting convened at 11:55 a.m. with Special Committee Chair Connerly presiding.

**1. LOCATIONS OF REGENTS MEETINGS FOR 1997-98**

It was recalled that approval of a schedule for Regents meetings is the responsibility of The Regents, while the President and the Chairman of the Board, in consultation with the Secretary, are responsible for approving the locations. At the January 1997 meeting, the dates of Regents meetings through July 1998 were approved, and meeting locations through 1997 were announced as follows:

July 17-18	San Francisco - Laurel Heights
September 18-19	Los Angeles Campus
October 16	Davis Campus
November 20-21	San Francisco - Laurel Heights

Chairman del Junco and President Atkinson have determined that Regents meetings from January through July 1998 will be held at the Laurel Heights facility, with one meeting to occur on the Los Angeles campus, as listed below:

January 15-16	San Francisco - Laurel Heights
February 19	San Francisco - Laurel Heights
March 19-20	San Francisco - Laurel Heights
May 14-15	San Francisco - Laurel Heights
June 18-19	Los Angeles Campus
July 16-17	San Francisco - Laurel Heights

President Atkinson observed that in the past the attempt had been made to combine Regents meetings with Regental visits to the campuses. It has become clear that such an approach is often unsuccessful. At the same time, it is clear that every Regent is interested in visiting the campuses to interact with students, faculty, staff, alumni, and community leaders. As a result, he and Chairman del Junco strongly advocate the return to the policy established by the Board in 1977 which requires regular campus visits. It is proposed that there be three such visits per year (one per academic quarter), which all Regents would be encouraged to attend. The new plan will have the beneficial effect of allowing interested individuals in various areas of the state to share their views with the Regents during public comment periods. This approach builds on the program developed by Regent Leach which established small Regental campus visiting committees that were assigned specific campus visitation responsibilities.

President Atkinson reported that his original intention had been to schedule one Regents meeting per year in Los Angeles and eight in San Francisco. However, several Regents have advocated locating at least two meetings per year in southern California, and as a result meetings will be held at the Los Angeles campus once in the fall and once in the spring.

Regent Brophy stressed that the purpose of holding Board meetings in the Los Angeles area is to offer a presence in southern California. Regent Montoya agreed with the importance of facilitating input from people in other areas of the state.

Regent Johnson pointed out that it would be helpful to have the proposed dates of campus visits well in advance in order to permit more Regents to attend. President Atkinson responded that he would propose to establish a three-year schedule of these visits.

## 2. **AMENDMENT OF POLICY ON APPOINTMENT OF STUDENT REGENT**

The President recommended that the Policy on Appointment of Student Regent be amended, as follows:

### **deletions shown by strikeout, additions by shading**

That the appointment of student Regent be continued...

\* \* \*

- (2) The student Regent shall be appointed by the members of the Board of Regents upon recommendation of a Special Committee to be appointed by the Chairman of the Board for that purpose. The incumbent student Regent shall serve as ex officio member of the Special Committee. The Special Committee shall make its recommendation from a panel of three names submitted by the Board of Directors of the University of California Student Association following the selection procedure described below. Should the Special Committee not be satisfied with the panel in its

entirety, the Committee may request the Board of Directors of the University of California Student Association to submit one or more additional names. A representative of the Board of Directors of the University of California Student Association shall be invited to attend all meetings of the Special Committee with full participation in discussion and debate.

- (3) For each campus, the student government, or other student body association having recognized membership on the Board of Directors of the University of California Student Association, shall appoint two students, an undergraduate and a graduate, as members of the student Regent nominating commission. There shall be one such nominating commission for the Berkeley, Davis, San Francisco and Santa Cruz campuses and one such nominating commission for the Irvine, Los Angeles, Riverside, San Diego and Santa Barbara campuses. The nominating commissions shall screen candidates and applicants and shall recommend five students from the southern campuses and four students from the northern campuses. The nine students so recommended shall be interviewed by the Board of Directors of the University of California Student Association which shall nominate three as a panel of names for submission to The Regents. The submission of the panel of names shall be at such time that the Special Committee may complete its deliberations and submit its recommendations to the Board of Regents no later than the ~~February~~ March meeting of the Board.

Provost King recalled that in March 1996 the President convened a special committee consisting of two Regents, a former student Regent, a chancellor, a former faculty representative to the Board, a member of the University of California Student Association, a campus student body president, and a campus representative with experience in coordinating the student Regent recruitment process. Provost King introduced Professor Carol Mock, the first student Regent, who chaired the committee, and called upon her to present the committee's report.

Ms. Mock reported that the committee was charged by President Atkinson with reviewing the procedures used to select the student Regent and to recommend changes in them if appropriate. The report summarizes the committee's work, findings, and recommendations, most of which are administrative and have already been put into effect. Ms. Mock recalled that 22 years ago the Board of Regents undertook a rather remarkable experiment in the expansion of responsible student participation in University governance when it established the position of the student Regent. This was done on behalf of the people of the State of California who had just voted in favor of this and other changes in the Board. Given the context of the time, this vote was recognition that even in times of conflict, a student perspective on the issues before the Board may be invaluable to the University. In 1975, a clear conception of the role the student Regent would play on the Board was thought essential for shaping the student Regent selection process as well as the character and quality of the interactions the student Regent would have with other Regents, students, University

officials, State officials, and the public. All of the proximate parties to the decision to seat a student Regent shared the same concern: that the student Regent should be considered a trustee for all the people of the State, "voting his conscience" as then-President Hitch said, "for what he considers best for the University as a whole, not as a representative of an internal or external constituency, however important...not bound, as Regents, by the majority views of...their Councils." Ms. Mock observed that it is useful to remember that the student leaders of 1975 believed in the same trustee concept of the position as did Regents and administrators, if for slightly different reasons. As elected student representatives, they had worked within the system to gain access to policy makers on the campuses and systemwide and to make their concerns on issues affecting students known to the Board. They did not believe that any one student Regent could act as the representative of all UC students to the Board. Further, they believed that a student Regent who tried to do so would undermine their more legitimate role as representatives and destroy the lines of communication with University policy makers they had worked so hard to establish.

Ms. Mock explained that the process by which the first student Regent was selected was nearly the same as it is today. Applications were reviewed by northern and southern regional nominating commissions, each composed of one graduate and one undergraduate representative from the campuses in the area. The two commissions forwarded a total of nine applications to the Student Body Presidents' Council (SBPC), which then interviewed all nine candidates and forwarded three names to the Special Committee to Select a Student Regent. The SBPC has been replaced by the University of California Student Association (UCSA), but its duties are similar to those of the SBPC. A notable change in the student Regent selection process since 1975 is the addition of administrative support, coordination, and continuity provided by the Secretary of The Regents and the chancellors. While the selection process is much the same as it was twenty years ago, other policies which supported the trustee concept of the student Regent have changed significantly. Today the once separate roles of bringing a student perspective to the job of trustee and of representing student interests before the Board are no longer distinct. In one important development, official presentations to The Regents by the UCSA ceased to occur in the late 1970s. The UCSA continued occasionally to address the Board on selected issues as part of public comment during the 1980s and early 1990s. Because the UCSA no longer makes regular presentations to the Board in the context of specific issues and discussions, elected student representatives have come to rely upon the student Regent to articulate their concerns before the Board. At the same time, and perhaps as a result, many students and even Board members have come to view the student Regent as the "student representative" to the Board and not a trustee.

Ms. Mock reported that members of the committee believe that much of the dissatisfaction among different members of the University community with the functioning of the student Regent today may be directly related to these changes in the understanding of the role of the student Regent and to ignorance of the role student representation to the Board plays in enabling student Regents to function as trustees. The committee's first recommendation was to clarify the role of student Regent and to protect elected student leaders' access to the

Board and to University policy makers by reinstating regular presentations to the Board by the UCSA on matters of concern to students. This proposal was greeted with enthusiasm by the Office of the President, and the process was initiated at today's meeting.

The committee identified a perception among many of those involved in the student Regent selection that the process is unfairly biased against certain applicants. The committee was not certain that specific actions could be taken to eliminate the problem of perceived unfairness. It may not be reasonable to expect that any selection process involving multiple constituencies, conflicting interests, and necessarily limited information, will ever be widely perceived as unbiased or nonpolitical. The committee also found several areas where it believed that the administration of the nomination and selection processes could be improved.

Many of the recommendations for change are intended to improve coordination between the Secretary's Office, the campuses, and students, to increase the amount of information about the student Regent position and the selection process that is available to all the participants, and to increase the amount of information about the applicants that is available to decision makers. The committee suggests that the selection process may be used as a tool by campus coordinators for student leadership development. Finally, periodic evaluation of the selection process is needed so that problems can be identified and resolved in a timely fashion. The committee recommends that the next such evaluation take place in two to three years. The committee believes that it is essential to consider selection procedures which could both ensure the trustee concept and have credibility with students. Ms. Mock explained that the committee did not make any recommendation with respect to several of the proposals before it, in particular the proposal that the UCSA forward only one nominee to Board. Only two of the committee's recommendations require approval by the Board, as detailed in the President's recommendation: changing the deadline for approval of the candidate from February to March and the inclusion of the current student Regent as an ex officio member of the Special Committee to Select the Student Regent.

Ms. Debbie Davis, Chair of UCSA, addressed the proposal for the UCSA to submit one finalist as a candidate for the position of student Regent. In support of the proposal, she noted that it is in the interest of the students to select the best candidate for the position. In addition, students may have anecdotal information which is not available to the Regents to be used in making the selection. Finally, Ms. Davis suggested that students are the most qualified to determine who should represent them.

Regent Davies stated that he did not find any justification in the report for adding the student Regent to the selection committee. In fact, he found it inconsistent with the idea that the student Regent should play the role of trustee rather than someone with a student perspective. He believed that the appointment of the selection committee should be left to the discretion of the Chairman of the Board.

Regent McClymond suggested that because the student Regent has a relationship with the UCSA that is different from other Regents, that perspective could be helpful in evaluating

candidates for the position. Regent Davies believed that those Regents best qualified to choose the student Regent were senior Regents.

Regent Leach reiterated the concern raised by Regent Davies that the Board should not take an action which would bind the hands of future chairmen with respect to the membership on the selection committee.

Ms. Mock pointed out that, in fact, it has in general been the practice to appoint the sitting student Regent to the selection committee; members of the review committee felt that this practice had been helpful in the past.

Regent Levin suggested that consideration could be given to appointing the student Regent as a non-voting ex officio member.

Regent Khachigian moved to table the proposal in order to permit more discussion and consultation. The motion was duly seconded and passed unanimously.

President Atkinson stated his intention to bring a recommendation to the Committee at the September meeting.

With respect to the section of the recommendation pertaining to the schedule, Assistant Vice President Galligani reported that a procedure had been put into place based upon the March deadline.

Regent del Junco moved that the question be divided and that the recommendation contained in paragraph (3) above be approved. The Committee approved the recommendation and voted to present it to the Board.

### **3. ESTABLISHMENT OF SPECIAL COMMITTEE ON DIVERSITY AT THE UNIVERSITY OF CALIFORNIA**

Chairman del Junco recommended that a Special Committee on Diversity at the University of California be established, effective immediately, to encourage maximum diversity at the University of California. The term of the Committee shall continue until action is taken by The Regents to discharge it.

Chairman del Junco explained that he had proposed the establishment of a Special Committee on Diversity which would serve as a cross-cutting committee to focus on issues related to diversity among students, staff, and faculty, and in business matters. In so doing, it would take into consideration the recommendations of the Outreach Task Force and monitor the implementation of those and other such recommendations, in furtherance of The Regents' commitment to diversity. In addition, the Special Committee on Diversity would be expected

to consider reports that may come forward in the future which relate to the furtherance of this goal, as well as as to that of encouraging diversity in hiring and contracting.

Regent Connerly suggested that such a committee would not be appropriate. He preferred that the President keep the Regents involved in the process of expanding outreach efforts.

Regent Khachigian, speaking as a member of the Outreach Task Force, found no justifiable need for a special committee on diversity. She believed that the Regents' commitment to diversity is already well documented and without question. The Outreach Task Force has defined outreach as the appropriate avenue for continuing the University's commitment to diversity.

The motion failed for lack of a second.

Regent Leach asked that there be a substantial commitment on the part of the President to keep the Regents informed of the University's progress on outreach and diversity. President Atkinson assured the Regents that this would be done.

#### 4. **ESTABLISHMENT OF SPECIAL COMMITTEE ON THE TENTH CAMPUS**

Chairman del Junco recommended that a Special Committee on the Tenth Campus be established, effective immediately, to provide oversight on issues related to the development of the tenth campus. The term of the Committee shall continue until action is taken by The Regents to discharge it.

It was recalled that in November 1988 The Regents authorized planning for up to three new campuses in response to projections that capacity at the existing campuses would be inadequate to meet the student demand expected for 2005-2006. A Site Selection Task Force, consisting of Regents and executive staff, was established in March 1989 and charged with advising the President on sites for potential new campuses. In February 1990, the Board directed the President to focus the search for a new campus in the central region of the State. In March 1991, the Board selected three sites for further consideration: Lake Yosemite, Table Mountain, and the Academy. The President had intended to recommend to the Board which sites should be advanced for further study at the March 1992 meeting, but action was delayed due to the budgetary uncertainty faced by the University and the State. The Regents suspended the site selection process in May 1993 in response to further budget reductions, but upon approval of State funding for the preparation of an Environmental Impact Report in September 1993, the process was resumed. In May 1995 The Regents approved the selection of Lake Yosemite in Madera County as the preferred site for the San Joaquin campus. Following this action, the Site Selection Task Force was discharged.

Between May 1995 and the present, ongoing planning for the tenth campus has been the role of the Tenth Campus Steering Committee, which consists of the following members: Senior

Vice President Kennedy (Chair), Provost King, Vice President Darling, Associate Vice President Hershman, Vice Provost Tomlinson-Keasey, and Professor Daniel Simmons.

Chairman del Junco stated that he has proposed that a Special Committee on the Tenth Campus be established in order to provide Regental oversight for the development of the tenth campus. In particular, the Special Committee would be asked to review academic plans at critical junctures in the planning process and to serve as a cross-cutting committee to focus on issues related to the development of the San Joaquin campus.

The Bylaws specify the following with respect to the establishment of Special Committees:

“Special Committees shall be appointed by the President or Chairman of the Board upon authority of the Board with such powers and duties as the Board may determine...A Special Committee shall act for no more than one year from the date of appointment and shall be considered discharged upon the expiration of said year, unless specifically authorized by the Board at the time of its appointment, or from year to year, to act for a longer period.”

Regent Johnson observed that since the site for the tenth campus was chosen, the Regents have not been involved in the process. She was concerned that the Regents should be fully informed. Regent del Junco stressed that the Special Committee would be composed of Regents. Regent Johnson did not believe that there should be a rush to open the tenth campus before the infrastructure is in place and before the existing campuses have fulfilled their urgent capital needs.

Regent del Junco stressed the need for a Regental body to address the issues raised by Regent Johnson.

Upon motion duly made and seconded, the Committee approved the recommendation and voted to present it to the Board.



## 5. PROCEDURES FOR PUBLIC COMMENT

It was recalled that at the June 19, 1997 meeting of the Special Committee, Secretary Trivette presented a report on a survey of procedures used for public comment at sister institutions throughout the country. This survey was undertaken at the request of Special Committee Chair Connerly, who has suggested that the Board may wish to modify its current procedures.

At that same meeting, Regent Connerly requested that Chairman del Junco appoint a working group to consider the issues which were raised by Regents during the course of the Committee's discussion.

Regent Levin reported that the working group, consisting of herself, Regents Connerly and McClymond, Secretary Trivette, and Associate Secretary Shaw, met by teleconference on July 3, 1997. An important goal defined by the working group is to improve the accessibility of the public to the Board of Regents. Suggestions which were made at the June meeting were considered by the working group and are described below.

Several Regents have commented that the present policy, which does not permit speakers to pool their time in order to address an agenda item of particular public interest, is too restrictive. The working group suggests that the policy be amended to permit one spokesperson to appear on behalf of at least two other speakers, with a seven-minute time limit. It would be made clear that those wishing to yield their time would need to be present to do so.

Another concern which has been expressed is the necessity for speakers to address a duly noticed agenda item. As the survey undertaken by Secretary Trivette revealed, many governing boards permit an "open mike" forum for the public at some time during the course of their meeting. The working group proposes that a ten-minute time period be allocated at the beginning of the Board's Friday morning open session meeting in order to permit speakers to present the Regents with comments pertinent to the University of California which did not appear on the agenda.

The working group also discussed the Board's accessibility in light of the location of Regents meetings, which have generally been held at the Laurel Heights campus over the past two years. Consideration might be given to continue the practice of holding most business meetings in San Francisco but to replace the current visits by the Visiting Groups with a series of three or more visits by the entire Board to the campuses. Such visits would provide the Regents with more exposure to the campuses--their programs, facilities, and students--than the present practice of occasional business meetings would do. They would also allow for public comment periods on the campuses which would provide members of the community access to the Regents.

Regent Levin stated the intention of bringing a recommendation to the Committee at its September meeting.

(For speaker's comments, see the minutes of the July 17, 1997 meeting of the Committee of the Whole.)

The meeting adjourned at 12:45 p.m.

Attest:

Secretary