

The Regents of the University of California

SPECIAL COMMITTEE ON REGENTS' PROCEDURES

September 18, 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, Levin, McClymond, and Montoya

In attendance: Regents Bagley, Brophy, Clark, Davies, Davis, Johnson, Leach, Nakashima, Preuss, and Soderquist, Regents-designate Miura and Willmon, Faculty Representatives Dorr and Weiss, Secretary Trivette, General Counsel Holst, Treasurer Small, Provost King, Senior Vice President Kennedy, Vice Presidents Darling, Gurtner, and Hopper, Chancellors Berdahl, Carnesale, Debas, Dynes, Orbach, Wilkening, and Yang, Executive Vice Chancellor Grey representing Chancellor Vanderhoef, Laboratory Director Shank, and Recording Secretary Nietfeld

The meeting convened at 2:05 p.m. with Special Committee Chair Connerly presiding.

1. LOCATIONS OF REGENTS MEETING FOR 1997-98

The Committee was informed that the following schedule of Regents meetings and meeting locations for 1997-98 reflects recent location changes, as indicated by strikeout and shading:

1997

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

1998

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 Los Angeles Campus
June 18-19	Los Angeles Campus San Francisco - Laurel Heights
July 16-17	San Francisco - Laurel Heights

2. AMENDMENT OF PROCEDURES FOR APPEARANCES BEFORE THE BOARD AND COMMITTEES -- PUBLIC COMMENT PERIOD

It was recommended that the Procedures for Appearances Before the Board and Committees -- Public Comment Period be amended as follows, effective immediately:

deletions shown by strikeout, additions by shading

- A. For matters on the agendas of Committees, ~~the first open session meeting of the morning and of the afternoon will be a meeting of the Committee of the Whole for the purpose of receiving comment pertaining to matters on the open session agendas of the morning and afternoon committees, respectively.~~
- B. A sign-up sheet is used to record those who wish to address the Committee of the Whole. The sign-up sheet is made available at the meeting location at least one hour before the first open session is scheduled. Anyone who wishes to speak may call the Secretary in advance of the meeting or sign up to do so the day of the meeting. Callers are encouraged by the Secretary to provide their comments in writing.
- C. Depending on the day's overall schedule and the number of people who wish to address the Board, speakers may be asked to limit the length of their remarks when the session is convened. The usual limit is for three minutes per speaker. ~~Individual speakers may not pool their time to provide a larger amount of time for a group representative.~~ Three or more speakers may pool their time to provide up to seven minutes for a group representative. Those intending to do so must be present at the meeting when their names are called to confirm their willingness to yield their time.
- D. Speakers are cautioned to keep their remarks on point for the item referenced in their requests. They are reminded that their comments may not extend to matters which are the subject of collective bargaining, individual appeals, or litigation.
- E. For University-related matters not on the agendas of committees at the current meeting, speakers may address a meeting of the Committee of the Whole that will be convened for no more than ten minutes immediately before the open session meeting of the Board or at the beginning of Thursday's open session proceedings when there are no Friday sessions slated. The procedures described in paragraphs B. and C. above shall apply to this public comment period.

It was recalled that at the June 1997 meeting, Secretary Trivette reported on a survey of sister institutions undertaken to determine their practices with regard to public comment. This survey was done at the request of Regent Connerly, who had suggested that the Regents may wish to consider additional ways of providing the maximum reasonable opportunity for public input into the deliberative process. 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. The working group, consisting of Regents Connerly, Levin, and McClymond, Secretary Trivette, and Associate Secretary Shaw, met by teleconference on July 3, 1997.

Regent Levin recalled that she had reported on the group's discussion at the July 17, 1997 meeting of the Special Committee. In her report, she noted that the present policy, which does not permit speakers to pool their time in order to address an agenda item of particular public interest, appears to some to be 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 now 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. For one-day meetings, the "open-mike" period would be scheduled as the first open session of the day.

Regent Leach observed that, contrary to past practices, recently at the end of the public comment period several Regents have addressed the public, absent an agenda item. He suggested that the public comment period was not designed for dialogue between the members of the Board and the audience. Chairman del Junco stated his intention to adhere to the correct procedures in the future.

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

3. **ADOPTION OF POLICY REGARDING THE DISTRIBUTION OF MATERIALS AT THE REQUEST OF INDIVIDUAL REGENTS**

It was recommended that the following Policy Regarding the Distribution of Materials at the Request of Individual Regents be adopted, effective immediately:

Materials distributed by the Secretary or the Office of the President on behalf of or on the request of members of the Board of Regents shall be limited to material pertaining to agenda items pending presentation before the Board.

Committee Chair Connerly explained that this recommendation was being put forward by Regent Brophy and called upon him for his remarks about the proposal.

Regent Brophy stated that the purpose of his resolution was to preclude the use of the Office of the President or the Secretary for distribution of internal letters between Regents.

Regent Preuss believed that it was already difficult for the Regents to communicate with each other and suggested that there be a reliance upon discipline rather than adoption of an official policy regarding communications.

Regent Johnson stated her support for the current method of communication, noting that she was not in favor of more regulations.

In response to a comment by Regent Clark, Regent Brophy suggested that correspondence between some of the Regents criticizing other Regents results in bad publicity for the Board.

Regent Connerly pointed out that the resolution is designed to curtail the exchange of letters between himself and Regent Bagley which are distributed by the Secretary to the Regents. He noted that he had attempted to ignore the criticism which had resulted from the July 1995 adoption of the policy eliminating the use of race and ethnicity in admissions but that on some occasions he had been forced to respond. Regent Connerly did not support Regent Brophy's resolution but rather he committed himself to not responding in the future to such provocations.

Regent Brophy stated that he was withdrawing his motion because its purpose had been accomplished.

Regent Bagley stated that he had curtailed his response to communications from Regent Connerly. With respect to the comments made by Regent Brophy concerning adverse publicity, he pointed out that, under the Public Records Act, any document that is not privileged which is distributed to a majority of any board is a public record and thus is available to the media by way of a public records request.

The meeting adjourned at 2:20 p.m.

Attest:

Secretary

