7. **Appendices**

**7.1 Past Legislation on the UC Board of Regents Structure**

Below are the official voter guide text, descriptions, and debates for Ballot Proposition 5 (1972) and Propositions 4 and 16 (1974).
APPOINTMENT OF REGENTS, UNIVERSITY OF CALIFORNIA.
Legislative Constitutional Amendment. Requires that appointments to the Regents of the University of California by the Governor be approved by a majority of the membership of the Senate.

YES

NO

General Analysis by the Legislative Counsel
A "Yes" vote on this measure is a vote to require that appointments by the Governor to the Regents of the University of California be approved by the State Senate.
A "No" vote is a vote to reject this revision.
For further details, see below.

Detailed Analysis by the Legislative Counsel
Section 9 of Article IX of the California Constitution now empowers the Governor to appoint 16 members of the Regents of the University of California and to fill vacancies in such memberships by appointment. The appointments are not subject to approval by the State Senate.
This measure would require that such appointments be approved by a majority of the members of the State Senate.

Argument in Favor of Proposition 5
The people of the State of California should be aware of the fact that a most important appointment is not subject to Legislative confirmation.
The Constitution of the State of California provides Senate confirmation of many Boards and Commissions but overlooks completely the Board of Regents of the University of California. Each member of the Board of Regents is appointed for 16 years and controls a vast educational system with an annual budget of over $337,000,000 and a total of nine (9) campuses with over 110,000 students.
Proposition 5 would make the Board of Regents of the University of California subject to confirmation by a simple majority of the State Senate.
This amendment would, in no way, prevent the Governor from choosing an appointee, for it would only allow the State Senate to ratify or reject the choice of the Governor.
It would, therefore, allow for the careful consideration of the qualification of members of the University of California Board of Regents by two branches of government, the same consideration now given appointees to many lesser bodies that have a far smaller effect on the State of California.
The people of the State of California must be given an opportunity to pass upon the appointments to the extremely important office of Regent of the University. Adoption of this amendment will give the people, through their elected representatives, that opportunity.

JOHN A. NEJEDLY
State Senator, 7th District
WALTER W. STIERN
State Senator, 16th District

Rebuttal to Argument in Favor of Proposition 5
The arguments both "for" and "against" Proposition 5 raise the following points:
1. Should this proposition pass, will not the appointing process of the Regents devolve into a highly political situation? Matters of public education have traditionally been nonpartisan in California.
2. The Senate's current powers to reject or accept appointees is limited and does not cover other bodies concerned with education such as: Board of Governors of the California Maritime Academy, Teachers' Retirement Board, Educational Innovation and Planning Commission, California Advisory Council on Vocational Education and Technical Training, etc., etc.
If the selection of the Regents is to be approved by the Senate, what about the other educational bodies?
Would a lack of uniformity exist if we change the procedure for one body, but not the others?
Remember, it is not the people of the State of California who would be given an opportunity to pass upon these appointments, but rather your state senator who is one man of forty in the Senate.

JOHN L. E. "BUD" COLLIER
Assemblyman, 54th District

Argument Against Proposition 5
Proposition 5 (SCA 44) would inject substantially more politics into the appointment of the Regents of the University of California than what is claimed by some, presently exists.
Proposition 5 (SCA 44) would erode the democratic powers of government by diluting...
Governor's power to appoint the Regents of University of California.

If this proposition passes, no individual could be appointed without the concurrence of a majority of the 40-man State Senate. The State Senate, as part of the legislative body, has over the years become increasingly more partisan. Bitter partisan fighting held the legislators in Sacramento all of 1971, setting a record for the longest session in California's history. Agreement on the major issues was long in coming or was never reached.

With the current mood of the Legislature it is very conceivable that vacancies on the Board of Regents would remain unfilled for an inordinately long time as the issue of ratification of nominees became bogged down with partisan in-fighting.

To safeguard our precious democratic process in this Republic, a careful distribution and balance of powers among the three branches of government must be maintained. The usurpation of any of the ongoing practices of any branch can be hazardous.

This proposed dilution of the Governor's powers could be very detrimental to the University by causing delay and thus deprive the University of badly needed leadership. Under an Executive Branch of both parties, for the past 100 years men and women of high caliber stature have been selected to serve the University. Out of six new appointments in recent years under the current Governor half of the individuals have Doctor of Philosophy Degrees. The University has continued to excel in all of its endeavors.

There is no evidence to indicate a need for change in the selection process to an obviously more political approach.

I therefore urge a "NO" vote on Proposition 5.

JOHN L. E. "BUD" COLLIER
Assemblyman, 54th District

Rebuttal to Argument Against Proposition 5

The argument against proposition 5, unfortunately, fails to address itself to present circumstances and the intentions of SCA 44 to improve them. The people of the State of California have no means of expressing any control whatsoever over the selection of appointments to the extremely important position as a member of the Board of Regents of the University of California.

Under the present system nearly every other gubernatorial appointment is subject to Legislative review in order that the concerns of the people may be heard. The interests of the people can best be protected by the requirement that the Legislature approve these appointments.

Review of appointments by the Senate has long been a historical and Constitutional prerogative and its extension to this important board complements rather than violates the argument of separation of powers.

When the President of the University of California acknowledges that the UC Board of Regents is "an elite group not fairly representative of California society" the people should demand a change. A YES vote on proposition 5 provides that opportunity.

JOHN A. NEJEDLY
State Senator, 7th District

WALTER W. STIBN
State Senator, 18th District

NATURALIZED CITIZEN VOTING ELIGIBILITY. Legislative Constitutional Amendment. Eliminates existing provision in Constitution requiring naturalized citizen to be naturalized for 90 days prior to becoming eligible to vote.

(For full text of measure, see page 6, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote to eliminate the provision from the Constitution which makes a naturalized citizen ineligible to vote unless he has been a citizen for at least 90 days prior to any election.

A "No" vote is a vote to retain the constitutional provision which makes a naturalized citizen ineligible to vote unless he has been a citizen for at least 90 days.

For further details, see below.

Detailed Analysis by the Legislative Counsel

Section 1 of Article II of the California Constitution now requires that a naturalized citizen be a citizen for 90 days prior to any election before he is eligible to vote. This measure deletes this requirement.

If this measure is adopted, certain statutory provisions enacted by Chapter 1760 of the Statutes of 1971 (Assembly Bill No. 210) will become operative (see analysis of Chapter 1760 below).
REGENTS, UNIVERSITY OF CALIFORNIA

Ballot Title

REGENTS, UNIVERSITY OF CALIFORNIA. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Adds vice­president 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  SEVEN—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 Agriculture 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.
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 **struck out** 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 University of California, the president of 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.

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

(b) The terms of the appointive members appointed prior to November 5, 1974, shall be 12 years; the terms of two appointive members to expire at heretofore on March 1st of every 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, 1976, 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 gубстерitical 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 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, shall be for the balance of the term as to 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 formal 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 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 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 or under authority of Congress upon the condition that the same shall be invested as provided by said acts of Congress and the income from said moneys shall be invesitively 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:

(g) Meetings of the 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 expertise, 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
Regents, University of California

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

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STUDENT TUITION, UNIVERSITY OF CALIFORNIA

Ballot Title

STUDENT TUITION, UNIVERSITY OF CALIFORNIA. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Adds section 9.1 to Article IX of the State Constitution to empower the Legislature to determine whether students enrolled in state-supported regular academic terms at the University of California shall be charged for instruction and instructional facilities and the amount of such charges. Charges established by the Regents and in effect shall remain in force until acted upon by the Legislature. Financial impact: None in absence of exercise of power conferred on Legislature; if Legislature acts, financial impact will be dependent on type of action taken.

FINAL VOTE CAST BY LEGISLATURE ON ACA 85 (PROPOSITION 16):

ASSEMBLY—Ayes, 54 SENATE—Ayes, 31
Noes, 12 Noes, 5

Analysis by Legislative Analyst

PROPOSAL:
Presently the Constitution does not allow the Legislature to decide whether tuition for instructional services shall be charged at the University of California. The Board of Regents of the University of California decides whether tuition will be charged and how much it will be.
This proposition will require the Legislature to decide whether tuition for instructional services shall be charged at the University of California, and, if so, how much tuition shall be. The proposition does not affect fees for noninstructional services which are determined by the Board of Regents.

FISCAL EFFECT:
If the Legislature does not exercise the power to determine the extent to which tuition will be used to pay instructional costs as provided in this proposition, the proposition will have no effect on state revenues or costs. On the other hand, if the Legislature sets a smaller tuition fee than that which the Board of Regents now charges, revenue for the University will decrease. In that case, the Legislature might make up the decrease from other state revenue sources or might require the University to cut back on its expenditures. If the Legislature sets a larger tuition fee than that set by the Board of Regents, revenue for the University will increase. In that case the Legislature might cut back on state money going to the University so that its program level would not increase, or the Legislature might allow the University to use the added revenue to increase its programs.
The University presently charges tuition of less than $45 million annually for instructional purposes. The exact amount is unknown because no legislative definition of instructional services exists.
This amendment proposed by Assembly Constitutional Amendment 85 (Statutes of 1974, Resolution Chapter 91) expressly amends an existing article of the Constitution by adding a new section thereto. Therefore, the provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED AMENDMENT TO
ARTICLE IX

Sec. 9.1. The Legislature shall determine whether students enrolled in state-supported regular academic terms and programs at the University of California shall be charged for instruction and instructional facilities, and the amount of any such charges. Any such charges which have been established by the Regents of the University of California and which are in force at the time this section becomes effective, shall remain in force until acted upon by the Legislature.

Polls are open from 7 A.M. to 8 P.M.
Argument in Favor of Proposition 16

Proposition 16 transfers the authority to levy student charges for instruction and instructional facilities—tuition—at the University of California from the U.C. Board of Regents to the state legislature. This measure does not alter the level of fees currently charged. It is not opposed by the Board of Regents or by any other group or agency.

California has a three-segment system of public higher education: the University of California, the California State University and Colleges, and the California Community Colleges. For coherent and consistent state policy, the authority to levy student charges at all public institutions should reside in one agency. The Legislature has always had the responsibility for determining the level of student fees at the California State University and Colleges and the community colleges.

When an individual governing board (such as the Regents) can levy charges independently, without regard to the impact on other institutions and state student financial aid programs, the prospects for rational state planning and coordination are diminished. Unilateral board action to raise tuition could result in denying access to qualified students. Other students would require additional financial aid, thus utilizing a larger proportion of funds in the state scholarship program. Still more students could be diverted to the community colleges, causing an increase in property taxes. Thus, the Regents’ action can affect programs and institutions for which they have no responsibility.

The levels of student charges at public educational institutions are matters of public policy. Tuition, in essence, is a form of taxation. Matters of public policy and taxation should be resolved by the elected representatives of the people, the Legislature.

This measure is neither pro-tuition nor anti-tuition. It simply reflects the belief that major public policy decisions should be made by your elected representatives. That way, you have some control. Accordingly, Proposition 16 shifts the responsibility for determining the level of student fees from the Board of Regents to the Legislature.

VOTE “YES” ON PROPOSITION 16.

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District

Rebuttal to Argument in Favor of Proposition 16

It seems to us that the proponents’ arguments for this proposition made by Senator Howard Way and Assemblyman John Vasconcellos are contradictory. If, as they say this measure does not empower the Legislature to alter the tuition fees set by the Regents, what does it do? They admit the measure empowers the legislature to control the charges for tuition, and it does.

Next they say the measure is not opposed by the Board of Regents or any other group or agency. This claim is obviously untrue as evidenced by our opposition argument and this rebuttal.

Their argument says “tuition is a form of taxation.” This is incorrect. No student is compelled to attend the University of California, but all citizens are compelled, by government force if necessary, to pay taxes whether they wish to or not. So voluntary tuition payment is not taxation.

We believe this measure will enable the legislature to abolish voluntary tuition and shift this charge to the taxpayers.

We urge a “NO” vote at the November 5th election.

UNITED ORGANIZATIONS OF TAXPAYERS INC.
6431 5th St., Los Angeles, California

Howard Jarvis, State Chairman
Edward J. Boyd, President
Leona Magidson, Executive Secretary

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Argument Against Proposition 16

The California legislature now wants the new power, which it does not have now to control and determine the student tuition charges for those attending the University of California.

For this reason the legislature has put Proposition 16 on the November ballot for voter approval. If this proposition is approved by the voters, the power to determine the amount of yearly tuition the students pay, now held by the University Board of Regents, will henceforth be determined by the legislature and no longer by the Board of Regents.

We believe this is a bad proposal the people should vote against.

The legislature already has the power to control the educational policies of this state. It does not have, and should not have the additional power to be the administrators of the University of California.

The legislature is a political arm of government. It does not have the capability to be an administrative body for other functions of government. Neither should the partisan political makeup of the legislature be the deciding force in setting the tuition for the simple reason that tuition charges should not be made into a political football.

Looking ahead, we believe it is the intention of the legislature to mandate free education at the University of California, and then add these costs to the tax bill of every citizen.

The high taxes in California have already severely reduced the standard of living for all the people of this state, therefore we believe Proposition 16 is simply the prelude to another and higher tax raise. We urge a no vote on Proposition 16 in November.

UNITED ORGANIZATIONS OF TAXPAYERS INC.
6431 West 5th St., Los Angeles, California
Howard Jarvis, State Chairman
Edward J. Boyd, President
Leona Magidson, Executive Secretary

Rebuttal to Argument Against Proposition 16

Proposition 16 does not give the Legislature “power to be administrators of the University.” The Board of Regents is the agency with full powers of governance and administration. The Regents do not view Proposition 16 as a threat to their autonomy and do not oppose its passage.

It is not the Legislature’s intent to either raise or lower tuition. The amendment was drafted in such a way so as to insure no change in current fees. The proposition was initially proposed by a committee of ten legislators which studied higher education for two years. The bipartisan and ideological composition of the committee, like the Legislature itself, was so diverse that there was no recommendation regarding whether or not the state should charge tuition. That is a separate issue. However, the members did agree that the decision as to whether or not the state charges tuition—and if so, the amount—should be made by the elected representatives of the people.

We agree that “tuition should not be made into a political football.” Yet, the imposition of tuition in the late 1960’s was very much a “political” issue in the Regents’ deliberations.

The charge that Proposition 16 is a “prelude to another and higher tax raise” is absurd and irresponsible. If anything, Proposition 16 can save your tax dollars. Currently, an agency which has no responsibility for the state’s 100 community colleges can take unilateral actions which could result in raising taxes for the support of these colleges.

VOTE “YES”.

JOHN VASCONCELLOS
Assemblyman, 24th District
HOWARD WAY
Senator, 15th District

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7.2 Other Proposals

7.2.1 CRU 1994 Ballot Initiative

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.

Source: http://socrates.berkeley.edu/~schwrtz/democ.html

### 7.2.2 De Facto Election of Regents

PROPOSAL TO DEMOCRATIZE SELECTION OF THE UC REGENTS:

**HOLD UC REGENT ELECTIONS WITHOUT WAITING FOR LEGISLATIVE APPROVAL**

By Matthew Taylor – [http://matthewtaylor.net](http://matthewtaylor.net)
revised 12/5/09

Summary: UC Students, Faculty, and Staff/Workers agree on an election structure, and then **go forward and hold elections for new UC Regents without waiting for approval from the legislature**. When the UC campus community has elected a new Board of Regents, it will be possible to pressure and persuade the state legislature to amend the State Constitution to disband the old Board of Regents and transfer power to the new, democratically-elected Board of Regents.

By electing Regents, we are taking power and creating the kind of crisis that will likely be necessary to influence the legislature to win our goal. Throughout the course of the campaign, we should of course lobby the legislature to amend the constitution, but we cannot expect them to pass our amendment without significant pressure. If the legislature knows that the students, faculty, and staff are speaking in one voice on this matter, that we no longer recognize the legitimacy of the current Board of Regents, and that we have chosen a replacement government for our University, at some point they will feel that they have no choice but to work with us.

Below is an outline, at the bottom some rationale/discussion.
1. Students, faculty, and staff form a Committee for Democratization of the UC Regents (CDUCR) to draft a specific proposal for democratic elections of the Regents and to develop further strategy and tactics to win this struggle.

Example of one possible election model: Students at every UC Campus elect one Regent per campus (total of 10 Regents). The campus ASUCs can consolidate the election with the normal spring elections, thus costing nothing. Academic Senate elects one Regent per campus, thus 10 more Regents. Workers at each campus elect one Regent per campus, 10 more Regents. Thirty elected Regents total (larger than the current 26-member board). Regential terms are now 4 years, reduced from the current 12.

Another option is for Regent elections to be conducted systemwide instead of per campus. Three Regents could be elected yearly (or six Regents bi-yearly) for 4-year terms, staggering the starting years of the terms of office. That way, each class votes for Regents every year (or every other year) – rather than only once during their college careers. Students would therefore elect twelve Regents total; the Academic Senate would elect or appoint 10 Regents, and worker would elect or appoint eight Regents.

Or the structure could resemble Charlie Schwartz’s proposal of Campus Councils and devolved governance:
http://socrates.berkeley.edu/~schwrtz/democ.html

2. CDUCR brings proposal to the UCSA and ASUC at every campus, the Systemwide Academic Senate, the Academic Senate at every campus, the Coalition of University Employees (CUE) and other worker/staff organizations. The above bodies give input for changes and revisions.

3. Bearing in mind all feedback, a final version of the election structure is approved by all of the above bodies.

4. Simultaneously, the following two things happen:

a) The CDUCR, working with organizations such as the Greenlining Institute, organizes lobbying efforts in Sacramento to persuade the legislature to pass the new elections structure as a Constitutional Amendment. Senator Leland Yee, who sponsored the Reform the UC bill (reformtheuc.com), is a potential sponsor for our new bill;

b) Students, Faculty, and Staff/Workers publicize the coming elections for Regent and recruit candidates to run in the elections.

5. Within 3-6 months of the announcement of the elections – ideally by the end of the current academic year – we hold highly organized and widely publicized elections for UC Regents throughout the UC system. After the Regents are elected, they all take an oath of office, something like, “I do solemnly swear to protect, defend, and advance the cause of public education at the University of California, to ensure that this University system works and educates for the common good, to never abuse or misuse my position of power for personal gain, and to be accessible, available, and accountable to my constituents.”

6. Once all the Regents are elected, CDUCR goes back to the legislature, informs all Senators/Assemblypeople that the entire UC system has elected a new Board of Regents, and demands
that the legislature amend the constitution, disband the current, ineffective board, and recognize and seat the new democratically-elected board. We make it clear that the old Board of Regents is now an illegitimate governing body in the eyes of the University of California students, faculty, and staff.

7. If the legislature refuses: we shut down the entire UC system, go on strike, everyone gets on buses (we raise money to pay for buses), travel to Sacramento, and set up a nonviolent Tent City in front of the Capitol building. The message: “We will not leave and we are shutting down the UC system until you seat our Board of Regents. We mean it. We will stay for days, weeks, as long as necessary. UC is on the verge of destruction, and this is a moment of choice for the Legislature: hand over control of the University to the new Board of Regents, or there will be no UC.” We can also use the time to advance the cause of education by holding classes at the Tent City, which will help us with image/messaging/media (UC in exile is still functioning in the grassy lawn in front of the capitol building, but students, faculty, and workers won’t return to the buildings until they have a say in University governance). Ideally, Tent City happens in Spring 2010 before the end of the academic year.

Another possible approach: Tent State Sacramento would also be an excellent strategy for Summer 2010, and possibly preferable to Spring. Elections will not be certified until 7th week, which gives one month of pressure and organizing for the tent state. We finish up finals and move to the Capitol Lawn. Summer sessions – the most PROFITABLE university term – can be shut down without greatly inconveniencing most students and leaving us free to organize at will. We begin Tent City + Shut Down in May or early June at Berkeley as a test campus, threatening to shut down all the UCs mid-June. Seniors massively disrupt / re-create their own graduation ceremonies in protest. We have a statewide convergence to organize and pressure the legislature. We keep the movement fired up over the summer and if we do not win, the struggle continues, strong, into the fall, where it can effect the Nov. elections.

**RATIONALE/STRATEGY (IN FAQ FORMAT)**

1. **Why hold elections for Regents before the legislature approves the constitutional amendment?**

   Many reasons:

   a) Most students have no idea who the Regents are, much less what they do, what their power is, and the history of the Board of Regents that brought us to the current crisis. An elections campaign would be a vast “public education” opportunity, where students throughout the UC system would suddenly be forced to research the views of different Regental candidates in order to cast a vote. In so doing they would become engaged with the high-level governance of their University, which has historically rarely if ever been the case.

   b) Once everyone votes for a Regent, they will be “invested” in their vote, and they will fight to ensure the winners of the elections are seated. Our movement will be 10x bigger and more powerful after the elections.

   c) It’s easy for the Legislature to dismiss us if only a small minority of the UC system is getting in their face about amending the constitution. Far more of us will be in their face once we elect Regents.

   d) A newly elected Board of Regents is a great news story and photo opportunity that will help us shape
and frame the public narrative, and generate pressure on the legislature.

e) If we can convince the public that our new Board of Regents is better than the old one, they will be on our side – remember, the public is furious about corruption and pay scandals.

f) We can organize massive internet-based campaigns – blogs, youtube videos, the works – around both the Regential election campaign and its outcome. People will pay attention to this stuff if on the front page of all the campus newspapers, it says “Vote for Your Regent Today!” and the opinion pages are running op-eds with endorsements/dissections of the various Regential platforms. It will start trickling out into the mainstream media too.

g) “Yes We Can Democratize our University” is a rallying cry that will, with a little stoking by the right people (faculty esp.), spread like wildfire among the student population in this post-Obama world. Can you imagine rallies, speeches, assemblies where this is the theme? Students just helped to elect an African-American President, utterly unthinkable just a few decades ago.

h) The mainstream media has stubbornly covered the 9/24 protest as being about the “state budget crisis” and given little airtime to the concerns about governance and corruption. Holding elections will refocus and reframe the narrative. At some point, we need all the media coverage to say two things: this is a crisis of public funding of public education AND this is a crisis of competent governance, and BOTH need to be solved. Organizing the elections for Regents -- at the same time we’re working on overturning the 2/3 majority rule, see Lakoff -- will help us drive the messaging. Furthermore, this message could influence the Gubernatorial election (November 2010). We will seek to make sure that the people of CA elect a governor who is going to sign this constitutional amendment.

2. Won’t we seem pushy/presumptuous if we hold elections without approval from the legislature?

No. We will make it clear in all of our lobbying efforts that we want to work in partnership with the legislature, and we are asking for them to join with us as we seek to eliminate a systematically, irretrievably deficient form of governance, the partisan, pay-for-play current system of Regential appointment, and replace it with a form of governance that is truly a public benefit.

We will get a bill introduced, and make it clear that we hope that it will be passed (with whatever amendments the legislature wishes to propose, that we are collectively willing to accept) before we hold elections. However, we will also make it clear that we are holding elections in anticipation that our bill, or something similar to it, will be passed.

Thus, by the time we hold elections, we will have effectively and clearly communicated with every member of the legislature. The election of our Regents will then advance the cause of us ratcheting up the pressure on the members of the legislature who gave us a flat out No during the first round of lobbying. And the Tent City in Sacramento will only be necessary if we get a No during the second round of post-election lobbying.

3. What’s this about direct action and a Tent City in Sacramento? Will that help us or hurt us? Isn’t that too radical?

Historically, nonviolent social movements have involved occupations of public space on the path to success. For instance, in Ukraine’s 2004 Orange Revolution, Viktor Yanukovych and pro-government
forces committed widespread, well-documented election fraud. Protestors organized a mass occupation and Tent City in Kiev’s Independence Square, which along with strikes, helped bring the country to a halt in the wake of the stolen election. The nonviolent mass mobilization eventually led to a free and fair revote, bringing opposition leader Viktor Yuschenko to power.

If necessary, the conservatives in the legislature must understand unequivocally that we will not submit to the Board of Regents. They must understand that the problem is not any one personality on the Board of Regents, but the system by which the Regents are appointed. This is a conversation we will be having with the legislature over the course of the campaign. Shutdown of the UC and the Tent City in Sacramento is the final step of the conversation, only if necessary, but a step we must be prepared to execute. History shows that it can win, and it will win if we have built up enough collaborative momentum and engagement through the process of holding elections ourselves.

Additionally: nonviolent social movements have historically set up “parallel/alternative governments” while an illegitimate government is in power, and then found ways to disempower the old regime and install their new government. So history is on our side if we choose to hold elections ourselves. During the Orange Revolution, following the fraudulent election, opposition leader Yuschenko took the Presidential oath of office even though the official, bogus results showed him to be the loser. By asking him to take the oath of office before the re-vote, Yuschenko’s supporters showed their commitment to seeing their movement through to its conclusion, and demonstrated that they would not submit to the rule of an illegitimate government. Similarly, by electing (and possibly swearing in!) Regents on our own terms, we will be sending an unmistakable and loud message to the legislature and the people of California.

4. Is it fair to describe the UC Board of Regents as an illegitimate government?

Yes. Constitutionally, the UC is a sovereign entity, and the legislature has virtually no power to control the Regents’ behavior, short of amending the Constitution. The UC is such an enormous enterprise, it could be considered “a state within a state,” a fiefdom. Those who rule the UC do so almost entirely without the consent, input, or collaboration of those they rule – the students, faculty, and staff of the University, not to mention the taxpayers of California who fund part of the UC’s budget, and the citizens who live in the highly-impacted cities that host UCs. This is the very definition of “undemocratic” and, as such, arguably illegitimate within a Republic whose founding principle is claimed to be democracy.

In some ways, the UC Board of Regents is not just illegitimate, but despotic. The Board manages the omnincidal U.S. nuclear weapons enterprise, which threatens life on Earth. Several key Regents have amassed great personal fortunes through UC’s management of nuclear weapons. Others have personally profited from more benign yet still conflict-of-interest arrangements, such as construction contracts awarded to their private corporations.

We are launching a nonviolent, democratic revolution to overthrow a government that is in many ways incompetent and self-serving, and at worst, a direct enabler of the most violent and destructive technology ever invented.

5. What about “compromises”?

Yes, the legislature is likely at some point to offer us a compromise to get the heat off of them. We must engage with these offers from a position of strength, assurance that our cause is just, and never sell out
our basic principles. For example: while the current student Regent position is better than nothing, it’s not much more than that. It is a token that has no true power to alter the UC’s current course of privatization. If the legislature offers a compromise, we must ask: does this fulfill our basic demand for democratization, or is this a token that will not help us save the University?

6. What about Prof. Charlie Schwartz’s proposal from 1993 to create campus councils and a more decentralized form of governance than the current Board of Regents model?

We must not let the perfect be the enemy of the good. While I personally believe Schwartz’s plan is in many ways superior to the example elections format outlined in this proposal, I also think the legislature is more likely to endorse a plan whose change is not too complicated for them to grasp. Changing the method by which Regents are selected, while radical, is also very understandable and fits within the flawed yet popularly understood model of U.S. representative democracy. Devolved governance would be an arguably more democratic and effective model that would produce better results, but I am afraid it would be harder to organize around and win as a constitutional amendment. Holding elections at every campus for UC Regent, I think, would be more politically helpful in advancing the cause. And once our new Board of Regents are in place, we can lobby them for devolved governance, which they would have the power to grant. It could even be part of the platform that some of them run on.

Schwartz’s 1993 proposal:
http://socrates.berkeley.edu/~schwrtz/democ.html

However, perhaps I am underestimating our chance of winning Schwartz’s model. Again, the exact format of democratization must be determined by the CDUCR, what’s outlined in this proposal is just an example.

7. Why not include a provision for public election of UC Regents?

It’s certainly possible. Here’s why I’m cautious about it...

When I spoke to Lt. Gov John Garamendi about this idea (and he’s a true ally to public education), he raised several objections to public elections:

a) Money – a corrupting influence on politics; the current wealthy elite Regents could just “buy” a seat on the Board, and then what would we have accomplished? Similarly, entrenched politicians could buy their way into the club. And the U.S. Supreme Court has ruled “money is free speech,” meaning it would be either difficult or impossible to keep public elections clean.

b) Ideology – we don’t want to expose ourselves to right-wing fundamentalists running on an anti-evolution platform.

Now there may be counters to these problems. Obama’s election and the dawn of internet-organized campaigns shows that large pools of small, people-powered donations can at times overcome corporate financing. And there may be ways to overcome the ideology issue.
But on top of this, I wonder: does the average California citizen truly understand or even think about what is best for the UC? A majority of them picked a Hollywood bodybuilder to be governor. Do we want to invite them to insert their whims and fancies into our University?

And by far, my biggest problem with making public election of the Regents part of our plan is it strips us of our power. The key to this proposal is that we are taking charge of our own destiny. We are organizing our own elections. We are becoming a self-governing institution, and we are not waiting for anyone’s permission to do it. And in doing so -- by holding elections on each campus -- we will build a mass movement and create a more engaged community of campus citizens.

This movement never stops -- its whole point is to become institutionalized and change campus cultures to be directly involved with their politics and administration.

As soon as we create an electoral process that’s outside of our control, we become children asking for Mommy and Daddy at the legislature to help us. Keep in mind the definition of the word Regent: “One who rules during the minority, absence, or disability of a monarch.” Regents, historically, have ruled while children of the royal family have been too young to govern. That is what we are in the words of Schwarzenegger, “just another screaming special interest group,” a bunch of children too immature to look after ourselves. After 140 years, it is time for us to finally grow up and take care of ourselves. By democratizing the Regents, we are de facto abolishing the Regential system. We are the Regents; we are the rulers and governors of our own University.

The legislature is a bunch of absentee landlords with respect to the Public Trust that is California’s public education system. The legislature is so dysfunctional, they can’t be trusted to do much of anything. The most we want to ask them to do is just attach their signature to a plan that, by the time they get around to signing it, will likely be a fait accompli – it’s like signing a receipt for an unrequested package that FedEx has delivered on your doorstep. You didn’t ask for it, but it’s there, and you’re not going to return it to sender – not when thousands of the senders are camped out on your front lawn, demanding that you sign for the package. Not when they refuse to leave until you sign for the package.

If the CDUCR – in consultation with UCSA, Ac Senate, etc. wants to build public elections for Regents into the proposal despite all of the above potential problems, then so be it. Perhaps one way to do it that would satisfy everyone is to have some of the Regents elected by students/faculty/staff and some by the public; that way, when we hold our elections, it will only be for a portion of the board, not all. Hopefully this portion becomes a collaborative minority, or at worst, a minority of thorns in our sides. We can elect our Regents, go to the Legislature, and demand that they both ratify the Constitutional amendment and hold elections for the remaining seats.

Another possibility is for a Coalition of the Mayors of the cities that host UCs (Berkeley, LA, Santa Cruz, Davis, etc.) to appoint some of the Regents. There is a significant rationale to do this because of the UC’s dramatic impact on resources, finances, and land use issues of the host cities, who have far more at stake in the UC’s governance than do people who live in the rest of the state.

Another possibility is for the Legislature’s Education committee(s) to appoint some of the Regents.

If the collective desire is to have some Regents that are elected or appointed by the public or state government, fine, so long as the selection process is not appointment by the Governor -- a process that has proven itself to be totally corrupt and must be forever abolished and have no further place in the
running of our University. But I would not recommend we build public election/appointment into our initial proposal – we can always add later based on negotiations with the Legislature.

8. How could this campaign be integrated into a broader movement for public education reform across Calif.?

The CSUs have a virtually identical problem – their Board of Trustees is appointed by the Governor, with similar consequences. Potentially, the Democratize Selection of the Regents campaign could be combined and merged with a Democratize Selection of the Trustees campaign. It could end up being a Democratize California’s Universities campaign. To my understanding, the Community College system is more responsibly and more democratically governed that the CSUs and UCs, but I am less familiar with it.

9. What about UC’s PR machine? Won’t they crush us?


If our messaging is, “We are becoming a self-governing institution, cleaning house, capping administrator salaries, firing the corrupt and incompetent, and running a tight financial ship,” we will win the majority of the public to our side.

We will need to get organized, reach consensus on a media/messaging strategy, and utilize PR/spokespeople who are as good or better than Dan Mogulof. The truth is on our side, and the people will know it. And it’s crucial that we build an awesome web presence to buttress our campaign. We’ll need five-minute or less YouTube videos, interactive web powerpoints, we’ll need it all.

We’ll need to be clear, concise, and on message in how we communicate to the public.

10. Don’t we need to get on the same page as the Regents and the President, mend fences, and work together to convince the public to re-invest in public education?

No way. See the above SF Chronicle story. The public knows the Regents and Yudof are corrupt. As do we. Yes, it would be easier to tell the narrative that “UC deserves public funds” if we had a clean, coherent house. But the reality is we don’t. We have a messy house with a lot of garbage in the basement, and the public knows it. Once we clean house and have a new Board of Regents, then we – administration, faculty, and students alike – will speak in one voice about public funding.

11. What about alternative ways to amend the Constitution – like a ballot measure or the constitutional convention?

Going through the legislature is the way I recommend because I see it as the most doable and accessible right now, but we certainly should consider the other options.
Getting a ballot measure in front of voters requires gathering approx. 600,000 valid signatures, an enormous task that requires loads of money to hire paid signature gatherers. It might be possible, but would probably require us finding wealthy donors.

A state Constitutional Convention is a possibility – see repaircalifornia.org. We should make allies with this organization, and also make sure we fit into the scope of the limited constitutional convention they propose. I presume that we would fit into the state agencies and commissions section. However, Repair CA says it wouldn’t happen until 2011. We should certainly track their progress and if a convention seems imminent, we should try to get this onto the agenda. But let’s not wait. Let’s act now while the iron is hot and the momentum is strong for real change.

12. But won’t winning Democratization of the Regents take years to accomplish? Isn’t that a long-term goal, not something we can do right now?

This is a short-term goal if we prioritize it, winnable within the next 1-2 years, within the timeframe of the movement that started on 9/24/09. Democratizing the Regents can be and if we choose to, it will be climax of the 9/24 movement.

The time is now. Our moment has arrived. What happened on 9/24 was the biggest UC uprising in a generation.

In a twisted sense, we should be grateful for a 32% fee hike, furloughs, and layoffs – they made clear to the masses what a small minority of us have been saying for years, that the UC is on a life-support machine and that the UC Regents in combination with a right-wing anti-tax agenda have their hands on the plug, ready to pull it from the wall. The University is not dying, it is being killed, and it is up to us to stop the murder.

Five thousand of us are fired up and ready to go. We must both expand that number, and focus its energy. **This movement is in desperate search of a coherent, clear, understandable, winnable project.**

We cannot predict when, if ever, we will again have an opportunity to coordinate, organize, and mobilize a united body of students, workers, and faculty.

Will the 9/24 Movement change the system, or win a minor victory that will be just a blip on the road to the public university’s place in the Graveyard? Mortician Mark Yudof thinks he knows the outcome:


“Being president of the University of California is like being manager of a cemetery”

13. What about the tuition hikes, furloughs, layoffs, and budget cuts? Isn’t that what we should be struggling to change? Why waste time on such a big, unwinnable project like democratizing the regents?

Democratizing the Regents is precisely as winnable as electing an African-American president, desegregating lunch counters and buses, and winning free speech on campus. It is winnable if we believe it is winnable, and if we organize.
Focusing our energy on the problems of this system – without changing the system that creates the problems – ensures that we will only momentarily delay, not prevent, the system from privatizing the UC.

Gov. Pat Brown’s Master Plan for Public Education in the State of California calls for tuition free education, and this was a reality a scant 40 years ago. At one time, Californians viewed free University education as a right comparable to free K-12 public education. Paying for public University education is not part of the “natural order,” but is a result of the conservative/right-wing plan to drown the government in a bath tub, starve it of revenue, and privatize everything. There is nothing new or unique about this year’s budget crisis and tuition hikes, only the scale is slightly larger than usual. They are not a special problem, just another step in a long, deliberative, slowly-implemented plan that is nearly complete and has been masterfully executed.

Stopping the current tuition hike and budget cuts would be no more than a band-aid on a broken leg, a mildly comforting salve with no curative powers on a body afflicted with cancer. We must break out of this context-free, crisis-oriented thinking and like a medical professional, diagnose the source of the disease and develop a therapy that will actually heal it.

We must not comfort the patient. We must heal her.

There are two sources of this disease:

1) De-funding of public education by the public;
2) A structure that necessarily and creates corrupt, incompetent, harmful governance.

This proposal is a method to cure number two – or at least, shape it into something both less harmful and more beneficial. Others, like George Lakoff, have more to say about #1. But certainly, if we get #2 in order, we will be more successful with #1, as the public will have more confidence if UC’s government is responsible, accountable, and financially prudent.

So yes, we should stop the furloughs, tuition hikes, etc. But only as part of a campaign that changes the system. If all the 9/24 movement accomplishes is a momentary reprieve from financial hardship – and that is all we choose to focus our energies on -- we won’t save the University, only delay its demise.

**14. What if the specific proposal for democratization of the Regents is not perfect? What if it could have been better, and because we are moving quickly, we end up with a flawed outcome?**

If we actually want to win, that is guaranteed to happen.

Representative democracy is a fatally flawed system. It won’t be perfect, it won’t be ideal, but it will be an enormous improvement; a change closer to revolution than reform.

What we are going to do is vastly and forever and undeniably improve the way the UC is governed. Whatever we come up with and win, surely we will later recognize the problems and flaws in the new structure as it unfolds. We can always go back to the Legislature, and revise it in the future. We can lobby our new, elected Board of Regents, who will surely be more responsive than the old one, especially because they will have to answer to the voters every four years.
We could spend forever debating what is the best way to organize and run a Democratize Selection of the Regents campaign, and what is the best format of democratization. There are as many ways to do this as there are stars in the sky.

Yes, let’s be deliberative and careful about our strategy and tactics and the format for democratization we choose. But let us also be expeditious. Whatever format for democratization we choose, we can always revise and adjust as we go forward if we decide it serves us to do so.

The worst thing we can do is be paralyzed by indecision – or our moment will be gone, like sand washed away by the tides of time.

The time is now. Let’s do it.

7.3 Section 9 of the California Constitution: University of California

Current
CALIFORNIA CONSTITUTION
ARTICLE 9 EDUCATION

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 the security of its funds and compliance with the terms of the endowments of the university and 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. Said corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 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 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 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 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, shall be for the balance of the term 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 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 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 race, religion, ethnic heritage, or sex.

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

1868
Organic Act
Sec. 11. Board of Regents
The general government and superintendence of the University shall vest in a Board of Regents, to be denominated the "Regents of the University of California," who shall become incorporated under the general laws of the State of California by that corporate name and style. The said Board shall consist of twenty-two members, all of whom shall be citizens and permanent residents of the State of California, as follows:

1. **First—Members ex officio.** Of the following ex officio members, namely: His Excellency the Governor; the Lieutenant-Governor, or the person acting as such; the Speaker, for the time being, of the Assembly; the State Superintendent of Public Instruction; the President, for the time being, of the State Agricultural Society; and the President, for the time being, of the Mechanics' Institute of the City and County of San Francisco;

2. **Secondly—Appointed.** Of eight other appointed members, to be nominated by the Governor, by and with the advice and consent of the Senate, who shall hold their office for the term of sixteen years; *provided*, that such members first so appointed shall be classified by lot at the first meeting of the Board of Regents, so that one of the numbers so appointed shall go out of office at the end of every successive two years, and after that the full term to be sixteen years; and the record of such classification shall be transmitted by said Board of Regents to the Secretary of State and filed in his office;

3. **Thirdly—Honorary.** Of eight additional honorary members, to be chosen from the body of the State by the official and appointed members, who shall hold their office for the term of sixteen years; *provided*, that such honorary members first so chosen shall be classified by lot, when so appointed, by the Board of Regents so appointing them, so that one of the members so chosen shall go out of office at the end of each successive two years, and after that the full term to be sixteen years; and the record of such classification shall be transmitted by said Board of Regents to the Secretary of State and filed in his office. Each member of the said Board, whether official, appointed or honorary, shall, if present, be entitled to one vote at all the meetings of said Board. The first official year, from which the terms of office shall be computed to run, shall be the first day of March, in the year eighteen hundred and sixty-eight.

**Vacancies.** Vacancies in the office of appointed members of the Board, occurring in the recess of the Legislature, shall be filled for the rest of the term by appointment of the Governor. Vacancies in the office of honorary members occurring from any cause other than expiration of the term by limitation shall be filled for the rest of the term by appointment of the Board of Regents. In case the Senate shall adjourn before the Governor shall have nominated the first appointed members of the Board of Regents under this Act, or before it shall have confirmed his nominations in their behalf, the Governor shall appoint the same by his sole act. No member of the Board of Regents, or of the University, shall be deemed a public officer by virtue of such membership, or required to take any oath of office, but his employment as such shall be held and deemed to be exclusively a private trust; and no person who at the time holds any executive office or appointment under the State shall be a member of said Board, except the Executive officers above mentioned. The Governor shall be President of the Board of Regents, and in his absence the Board shall appoint a President pro tempore.

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1879
Constitution
Article IX, Section 9
The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments, and the proper investment and security of its funds. It 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; provided, that all the moneys derived from the sale of the public lands donated to this state by act of congress, approved July second, eighteen hundred and sixty-two (and the several acts amendatory thereof), shall be invested as provided by said acts of congress, and the interest of 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 the 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 he diminished or lost the state shall replace such portion so lost or misappropriated so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the university on account of sex.

1918
November 5,
Section 9 amended

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 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 of the Alumni Association of the University and the Acting President of the University, and 16 appointive members appointed by the Governor; provided, however, that the present appointive members shall hold office until the expiration of their present terms. The term of the appointive members shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and in case of any vacancy the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor, to be for the balance of the term as to which such vacancy exists. 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 all moneys derived from the sale of public lands donated to this State by act of Congress approved July 2, 1862 (and the several 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.

1972
June 6
Section 9 amended

(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 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 of the Alumni Association of the University and the Acting President of the University, and 16 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. The terms of the appointive members shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and 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 be for the balance of the term as to which such vacancy exists. 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 all moneys derived from the sale of public lands
donated to this State by act of Congress approved July 2, 1862 (and the several 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.

(b) Meetings of the regents shall be public, with exceptions and notice requirements as may be provided by statute.

1974
Nov 5
Section 9 amended

(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 seven ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 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 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 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 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, shall be for the balance of the term 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 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. 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 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.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.
(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 the security of its funds and compliance with the terms of the endowments of the university and 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. Said corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 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 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 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 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, shall be for the balance of the term 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 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 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 race, religion, ethnic heritage, or sex.

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

### 7.4 Recent Bills and Legislation

**7.4.1 2008 – AB 2372 – College Affordability**

BILL NUMBER: AB 2372 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 14, 2008

INTRODUCED BY Assembly Member Coto
An act to add Article 3.5 (commencing with Section 66026) to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, and to add Section 17044 to the Revenue and Taxation Code, relating to public postsecondary education, and making an appropriation therefor, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST


(1) The existing Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education and their respective institutions of higher education. The act establishes the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as 2 of the segments of public postsecondary education in this state. The act provides that it applies to the University of California only to the extent that the regents act, by resolution, to make it applicable.

This bill would establish the College Affordability Act of 2008. The bill would limit, notwithstanding any law and commencing with the 2009-10 fiscal year, the systemwide tuition and fees charged to resident undergraduate students at the California State University and the University of California to those in effect during the 2008-09 academic year. Commencing with the 2014-15 fiscal year, the bill would limit any increase in statewide tuition and fees to the annual percentage change in the California Consumer Price Index. The bill would apply to the University of California only if the regents, by resolution, make it applicable.

The bill would create the College Affordability Funding Accountability Panel. The panel would be required to annually review the expenditure of funds received pursuant to the tax created in (2) and provide an accountability update to the public that would be posted on the California State University and University of California Internet Web sites.

(2) The Personal Income Tax Law provides for specified treatment and calculations with respect to the taxation of the income of residents, nonresidents, and part-year residents.

This bill would, in addition, for each taxable year beginning on or after January 1, 2009, impose an additional tax at the rate of 1% on that portion of a taxpayer's taxable income in excess of $1,000,000. Revenue from the additional tax would be deposited in the General Fund. Sixty percent of these revenues would be credited to the College Affordability Fund, which the bill would create. The bill would continuously appropriate this revenue to be disbursed on an annual basis by the Legislature to the California State University and the University of California. The bill would require that the
funds be used to offset increased costs of educating resident undergraduate students attending the California State University and the University of California thereby mitigating the need for increases in student tuition and fees. In the event that the provisions of the bill would not apply to the University of California, the bill would require the California State University to receive all of the revenues that would have been allocated to the University of California. This bill would provide that its provisions are severable.

(3) This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

This bill would take effect immediately as a tax levy.

State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 3.5 (commencing with Section 66026) is added to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, to read:

Article 3.5. College Affordability Act of 2008

66026. This act shall be known, and may be cited as, the College Affordability Act of 2008.

66027. The Legislature finds and declares as follows:
(a) Education is the foundation of our society and maximum efforts should be made to help all students attend college.
(b) The State of California has a historical commitment to making higher education accessible and affordable for all eligible students.
(c) California's 21st century economy needs a strong public university system that is accessible and affordable to all Californians and can provide an educated workforce.
(d) Student tuition and fees, at the University of California and the California State University has almost doubled in the past six years, making it much more difficult for California families to send their children to college.
(e) According to a recent study released by the Public Policy Institute of California, nearly two-thirds of Californians believe that a person must have a college education to succeed in today's workplace and that the cost of college prevents qualified, motivated students from pursuing higher education. Eighty-four percent of residents, an overwhelming share, believe college affordability is a problem.
(f) This article will help give all of California's children the opportunity to attend college by freezing statewide mandatory tuition and fees paid by resident undergraduate students at the California State University and University of California and provide additional funding for these institutions.

66028. (a) For purposes of this article, "base year" means the
statewide mandatory tuition and fees paid by resident undergraduate students to attend the California State University or the University of California in the 2008-09 academic year.

(b) Notwithstanding any law, commencing with the 2009-10 fiscal year and continuing for a period of five years, there shall be no increase in systemwide tuition and fees charged to resident undergraduate students at the California State University and University of California. The systemwide tuition and fees charged to those students shall not exceed the tuition and fees in effect as of the base year. Commencing with the 2014-15 fiscal year, any increase in statewide tuition and fees charged to resident undergraduate students at the California State University and University of California shall not exceed the annual percentage change in the California Consumer Price Index.

(c) This article and Section 17044 of the Revenue and Taxation Code shall apply to the University of California only if the Regents of the University of California, by appropriate resolution, make them applicable.

66029. (a) There is hereby established the College Affordability Funding Accountability Panel. The panel shall be comprised of six members appointed by the Governor for a term of two years, including two members representing administrators, two members representing faculty, and two members representing resident undergraduate students from the California State University and University of California.

(b) The panel shall annually review the expenditure of funds that the California State University and the University of California receive pursuant to Section 17044 of the Revenue and Taxation Code. The panel shall annually provide an accountability update to the public that details the expenditure of these funds on a campus-by-campus basis for the preceding fiscal year. The accountability update shall be posted on the California State University and University of California Internet Web sites.

SEC. 2. Section 17044 is added to the Revenue and Taxation Code, to read:

17044. (a) For each taxable year beginning on or after January 1, 2009, in addition to any other taxes imposed by this part, an additional tax shall be imposed at the rate of 1 percent on that portion of a taxpayer's taxable income in excess of one million dollars ($1,000,000).

(b) The revenue from the additional tax imposed under subdivision (a) shall be deposited in the General Fund of the State Treasury. Sixty percent of these revenues shall be credited to the College Affordability Fund, which is hereby created. These funds are hereby continuously appropriated to be disbursed on an annual basis by the Legislature to the California State University and University of California for the purposes of The College Affordability Act of 2008 (Article 3.5 (commencing with Section 66026) of Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code). The funds shall be used to offset increased costs of educating resident undergraduate students attending the California State University and University of California mitigating the need for other unnecessary increases in student tuition and fees. Costs eligible for funding shall include, but need not be limited to, the funding of student instructional materials, new technology, student scholarships and grants, libraries, campus safety improvements, and faculty salaries.

(c) The ratio of revenues allocated to the California State University and University of California pursuant to this section
shall be the same ratio of the resident undergraduate statewide
mandatory fee revenue collected by the California State University to
the University of California in the 2006-07 academic year.

(d) In the event that the Regents of the University of California
do not pass a resolution pursuant to subdivision (c) of Section 66028
of the Education Code, the University of California shall receive no
revenues provided pursuant to this section. In this event, the
California State University shall receive all of the revenues that
would have been allocated to the University of California.

(e) The funding established pursuant to the College Affordability
Act of 2008 shall be used to supplement, and not supplant, existing
levels of federal, state, and local funding for the California State
University or the University of California.

(f) Moneys in the College Affordability Fund shall not be used for
any purpose other than the purposes authorized pursuant to the
College Affordability Act of 2008 and shall not be loaned to any
other public entity or fund of that entity.

SEC. 3. The provisions of this act are severable. If any provision
of this act or its application is held invalid, that invalidity
shall not affect other provisions or applications that can be given
effect without the invalid provision or application.

SEC. 4. This act provides for a tax levy within the meaning of
Article IV of the Constitution and shall go into immediate effect.

7.4.2 2009 – SB 218 Public Records

BILL NUMBER: SB 218 ENROLLED
BILL TEXT

AMENDED IN ASSEMBLY AUGUST 26, 2009
AMENDED IN ASSEMBLY AUGUST 17, 2009
AMENDED IN ASSEMBLY JULY 14, 2009
AMENDED IN ASSEMBLY JUNE 30, 2009
AMENDED IN SENATE MAY 28, 2009
AMENDED IN SENATE MAY 20, 2009
AMENDED IN SENATE MAY 5, 2009
AMENDED IN SENATE APRIL 27, 2009

INTRODUCED BY Senator Yee
(Coauthors: Senators Calderon, DeSaulnier, Dutton, and Runner)
(Coauthors: Assembly Members Beall, DeVore, Furutani, Nielsen,
Portantino, Silva, Smyth, Torrico, and Tran)

FEBRUARY 23, 2009

An act to amend Sections 72670, 72670.5, and 89901 of, and to add
Section 92034 to, the Education Code, and to amend Section 6252 of,
and to add Section 6254.30 to, the Government Code, relating to
public records.
LEGISLATIVE COUNSEL'S DIGEST

SB 218, Yee. Public records: state agency: auxiliary organizations.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless those records are exempt from disclosure. The act defines the terms "local agency" and "state agency" for purposes of the act.

This bill would revise the definition of the term "local agency" to additionally include specified auxiliary organizations established for the purpose of providing support services and specialized programs for the general benefit of a community college.

This bill would revise the definition of the term "state agency" to additionally include specified auxiliary organizations and other specified entities.

The bill would exempt from disclosure under the California Public Records Act the names of individuals who donate to specified entities if those individuals request anonymity. However, the bill would provide that this exemption does not apply if a donor, in a quid pro quo arrangement, receives anything that has more than a nominal value in exchange for the donation.

This bill would also provide that it is the intent of the Legislature to reject the court's interpretation of state law regarding the application of the act to auxiliary organizations, such as the CSU Fresno Association, at issue in California State University, Fresno Assn., Inc. v. Superior Court (2001) 90 Cal.App.4th 810. The bill would also provide that it is the intent of the Legislature that specified organizations be included in the definition of "state agency" solely for the purposes of the California Public Records Act.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 72670 of the Education Code is amended to read:

72670. The governing board of a community college district may establish auxiliary organizations for the purpose of providing supportive services and specialized programs for the general benefit of its college or colleges. As used in this article, "auxiliary organization" may include, but is not limited to, the following entities:

(a) Any entity in which any official of a community college district participates as a director as part of his or her official position.

(b) Any entity formed or operating pursuant to Article 4 (commencing with Section 76060) of Chapter 1 of Part 47.

(c) Any entity that operates a commercial service for the benefit of a community college or district on a campus or other property of the district.

(d) Any entity whose governing instrument provides in substance both of the following:

(I) Its purpose is to promote or assist a community college or district, or to receive gifts, property, and funds to be used for the benefit of the community college or district or any person or
(2) Any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the governing board of the district, an official of the district, or selected, ex officio, from the membership of the student body or the faculty or the governing board or the administrative staff of the district.

(e) Any entity that is designated as an auxiliary organization by the district governing board.

(f) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 2. Section 72670.5 of the Education Code is amended to read:

72670.5. (a) The Board of Governors of the California Community Colleges may establish auxiliary organizations for the purpose of providing supportive services and specialized programs for the general benefit of the mission of the California Community Colleges.

(b) As used in this article:

(1) "Auxiliary organization" may include, but is not limited to, the following entities:

(A) Any entity whose governing instrument provides in substance both of the following:

(i) That its purpose is to promote or assist the Board of Governors of the California Community Colleges, or to receive gifts, property, and funds to be used for the benefit of the Board of Governors of the California Community Colleges or any person or organization having an official relationship therewith.

(ii) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the Board of Governors of the California Community Colleges or an official of the California Community Colleges, or selected, ex officio, from the membership of the Board of Governors or the administrative staff of the California Community Colleges.

(B) Any entity which, exclusive of the foregoing subdivisions of this section, is designated as an auxiliary organization by the Board of Governors of the California Community Colleges.

(2) "District governing board" includes the Board of Governors of the California Community Colleges, unless the context requires otherwise.

(c) Any agreement between the Board of Governors of the California Community Colleges and an auxiliary organization established pursuant to this section shall provide for full reimbursement from the auxiliary organization to the Board of Governors of the California Community Colleges for any services performed by the employees of the board under the direction of, or on behalf of, the auxiliary organization.

(d) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 3. Section 89901 of the Education Code is amended to read:

89901. As used in this article, the term "auxiliary organization" includes the following entities:

(a) Any entity in which any official of the California State
University participates as a director as part of his or her official position.

(b) Any entity formed or operating pursuant to Article 1 (commencing with Section 89300) of Chapter 3.

(c) Any entity that operates a commercial service for the benefit of a campus of the California State University on a campus or other property of the California State University.

(d) Any entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist any campus of the California State University, or to receive gifts, property, and funds to be used for the benefit of such campus or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of an official of any campus of the California State University, or selected, ex officio, from the membership of the student body or the faculty or the administrative staff of campus.

(e) Any entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist the trustees of the California State University, or to receive gifts, property, and funds to be used for the benefit of the trustees of the California State University or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the trustees or an official of the California State University, or serve, ex officio, from the membership of the trustees or the administrative staff of the California State University.

(f) Any entity which, exclusive of the foregoing subdivisions of this section, is designated as an auxiliary organization by the trustees.

(g) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 4. Section 92034 is added to the Education Code, to read:

92034. As used in this article, the term "auxiliary organization" includes the following entities:

(a) An entity in which an official of the University of California participates as a director as part of his or her official duties.

(b) An entity that operates a commercial service for the benefit of a campus of the University of California on a campus or other property of the University of California.

(c) An entity whose governing instrument provides in substance both of the following:

(1) That its purpose is to promote or assist any campus of the University of California, or to receive gifts, property, and funds to be used for the benefit of that campus or any person or organization having an official relationship therewith.

(2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to the approval of, an official of any campus of the University of California, or serve, ex officio, from the membership of the student body or the faculty or the
(d) Any entity whose governing instrument provides in substance both of the following:

1) That its purpose is to promote or assist the Regents of the University of California, or to receive gifts, property, and funds to be used for the benefit of the Regents of the University of California, or any person or organization having an official relationship therewith.

2) That any of its directors, governors, or trustees are either appointed or nominated by, or subject to, the approval of the Regents or an official of the University of California, or serve, ex officio, from the membership of the regents or the administrative staff of the University of California.

(e) An entity that is designated by the regents as an auxiliary organization of the University of California.

(f) Nothing in this section shall require an entity described in this section to disclose information that is exempt from disclosure pursuant to Section 99040, Section 3426.1 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

SEC. 5. Section 6252 of the Government Code is amended to read:

6252. As used in this chapter:
(a) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; an entity described in subdivision (b), (d), or (e) of Section 72670 of the Education Code; other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

(b) "Member of the public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

(c) "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.

(d) "Public agency" means any state or local agency.

(e) "Public records" includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975.

(f) "State agency" means all of the following:

1) (A) Every state office, officer, department, division, bureau, board, and commission or other state body or agency.

(B) An organization described in subdivision (b), (d), (e), or (f) of Section 89301 of the Education Code.

(C) An organization described in subdivision (c), (d), or (e) of Section 92034 of the Education Code.

(D) An organization described in paragraph (1) of subdivision (b) of Section 72670.5 of the Education Code.

2) "State agency" does not include those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(g) "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon
SEC. 6. Section 6254.30 is added to the Government Code, to read:

6254.30. Nothing in this chapter shall be construed to require disclosure of the names of individuals who donate to an entity described in paragraph (1) of subdivision (b) of Section 72670.5, Section 72670, 89901, or 92034 of the Education Code, if those individuals request anonymity. This exemption does not apply if a donor, in a quid pro quo arrangement, receives anything that has more than a nominal value in exchange for the donation.

SEC. 7. It is the intent of the Legislature in enacting this act to construe and clarify the meaning and effect of existing law and to reject the court's interpretation of state law regarding the application of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) to auxiliary organizations, such as the CSU Fresno Association, at issue in California State University, Fresno Assn., Inc. v. Superior Court (2001) 90 Cal.App.4th 810.

SEC. 8. It is the intent of the Legislature in enacting this act to clarify that an organization described in paragraph (1) of subdivision (b) of Section 72670.5, Section 89901, or Section 92034 of the Education Code be included in the definition of "state agency" solely for the purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 9. The Legislature finds and declares that Section 6 of this act imposes a limitation on the public's right of access to writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following finding to demonstrate the interest protected by this limitation and the need for protecting that interest: The Legislature finds and declares that in order to protect the privacy of individuals who donate to specified entities and request anonymity, it is necessary to exempt those individuals' names from disclosure.

7.4.3 2009 – AB 690 – Regent Reps Attendance

BILL NUMBER: AB 690 ENROLLED
BILL TEXT

PASSED THE SENATE SEPTEMBER 2, 2009
PASSED THE ASSEMBLY SEPTEMBER 8, 2009
AMENDED IN SENATE AUGUST 17, 2009
AMENDED IN ASSEMBLY MAY 12, 2009

INTRODUCED BY Assembly Member Ammiano

FEBRUARY 26, 2009

An act to amend Section 66602 of, and to add Section 92022 to, the Education Code, relating to public postsecondary education.
AB 690, Ammiano. Trustees of the California State University and Regents of the University of California: meetings.

1. Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Under existing law, the trustees are composed of a total of 25 members, which include 5 specified ex officio members, a representative of the alumni associations of the university, 16 members appointed by the Governor, subject to confirmation by 2/3 of the membership of the Senate, for 8-year terms, and 2 California State University students and one California State University faculty member appointed by the Governor for 2-year terms.

This bill would authorize each ex officio trustee, except the Chancellor of the California State University, to designate a person, as prescribed, to attend a meeting or meetings of the trustees in his or her absence. The bill would prohibit an ex officio trustee from designating more than one person to attend meetings of the trustees in any calendar year.

2. Existing provisions of the California Constitution provide that the University of California constitutes a public trust and requires the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. These provisions require the membership of the board to be composed of 18 appointive members, appointed by the Governor and approved by the Senate, and the following 7 ex officio members: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, and the president and vice president of the alumni association of the university and the acting president of the university. These provisions also require the corporation to have all powers necessary or convenient for the effective administration of its trust, including the power to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise.

This bill would express legislative intent that each ex officio member of the board, to the extent authorized pursuant to those provisions of the California Constitution, designate a person to attend a meeting or meetings of the board in the member’s absence.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66602 of the Education Code is amended to read:

66602. (a) (1) The board shall be composed of the following five ex officio members: the Governor, the Lieutenant Governor, the Superintendent of Public Instruction, the Speaker of the Assembly, and the person named by the trustees to serve as the Chancellor of the California State University; a representative of the alumni associations of the state university, selected for a two-year term by
the alumni council, California State University, which representative shall not be an employee of the California State University during the two-year term; and 16 appointive members appointed by the Governor and subject to confirmation by two-thirds of the membership of the Senate.

(2) (A) Each ex officio member, except the Chancellor of the California State University, may designate a person, who is an officer or member of the same office or elective body as the member, to attend a meeting or meetings of the trustees in the member's absence. A person designated pursuant to this paragraph shall not have the power to vote on behalf of the member and shall not be counted as a member of the board for purposes of establishing a quorum. An ex officio member may designate only one person in a calendar year to attend a meeting or meetings of the trustees in the member's absence.

(B) For purposes of this paragraph, "officer or member of the same office or elective body of the member" means the following with respect to each ex officio member:
(i) Governor: a secretary of an executive agency appointed by the Governor.
(ii) Lieutenant Governor: a member of the Senate.
(iii) Superintendent of Public Instruction: an elected county superintendent of schools.
(iv) Speaker of the Assembly: a member of the Assembly.

(b) (1) Two students from the California State University, who shall have at least a junior year standing at the institutions they attend, and who remain in good standing as students during their respective terms, shall also be appointed by the Governor for two-year terms.

(2) In the selection of students as members of the board, the Governor shall appoint the students from lists of names of at least two, but not more than five, persons furnished by the governing board of any statewide student organization that represents the students of the California State University and the student body organizations of the campuses of the California State University. Any appointment to fill a vacancy of a student member shall be effective only for the remainder of the term of the person's office that became vacated.

(3) The term of office of one student member of the board shall commence on July 1 of an even-numbered year and expire on June 30 two years thereafter. The term of office of the other student member of the board shall commence on July 1 of an odd-numbered year and expire on June 30 two years thereafter. Notwithstanding paragraph (1), a student member who graduates from his or her college or university on or after January 1 of the second year of his or her term of office may serve the remainder of the term.

(4) During the first year of a student member's term, a student member shall be a member of the board and may attend all meetings of the board and its committees. At these meetings, a student member may fully participate in discussion and debate, but may not vote. During the second year of a student member's term, a student member may exercise the same right to attend meetings of the board, and its committees, and shall have the same right to vote as the members appointed pursuant to subdivision (a).

(5) Notwithstanding paragraph (4), if a student member resigns from office or a vacancy is otherwise created in that office during the second year of a student member's term, the remaining student member shall immediately assume the office created by the vacancy and
all of the participation privileges of the second-year student member, including the right to vote, for the remainder of that term of office.

(c) (1) A faculty member from the California State University, who shall be tenured at the California State University campus at which he or she teaches, shall also be appointed by the Governor for a two-year term. In the selection of a faculty member as a member of the board, the Governor shall appoint the faculty member from a list of names of at least two persons furnished by the Academic Senate of the California State University.

(2) The faculty member of the board appointed by the Governor pursuant to this subdivision shall not participate on any subcommittee of the board responsible for collective bargaining negotiations.

(3) The term of office of the faculty member of the board shall commence on July 1, and shall expire on June 30 two years thereafter.

SEC. 2. Section 92022 is added to the Education Code, to read:

92022. It is the intent of the Legislature that each ex officio member of the Regents of the University of California, to the extent authorized pursuant to Section 9 of Article IX of the California Constitution, designate a person to attend a meeting or meetings of the regents in the member's absence.

7.4.4  2009 – AB 69 – fee setting

BILL NUMBER: AB 69  AMENDED
BILL TEXT
AMENDED IN ASSEMBLY  APRIL 2, 2009
INTRODUCED BY   Assembly Member Duvall
DECEMBER 12, 2008

An act to repeal and add Section 66025 of the Education Code, add Section 66208 to the Education Code, and to add Section 13337.1 to the Government Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST


Existing
(1) Existing law provides for a public postsecondary education system in this state. This system includes the University of California, which is administered by the Regents of the University of California, and the California State University, which is administered by the Trustees of the California State University. Existing law authorizes the segments of
the public postsecondary education system to charge various fees to
their students.

This bill would delete a provision that required the systemwide
fees and tuition charged to resident undergraduate students at the
University of California and the California State University to be

The bill would require, notwithstanding any law, commencing with
the 2010-11 fiscal year, the level of mandatory systemwide fees
and tuition for undergraduate students at the University of California
and the California State University to be set over a 4-year period in
order to allow students at those institutions to budget accordingly
for the entirety of their education. The bill would provide that the
University of California and the California State University have the
discretion to establish the set level of mandatory systemwide fees
and tuition. The bill would express the intent of the Legislature
that the level of student fees for undergraduate students at the
University of California and the California State University also be
set over a 4-year period. The bill would apply to the University of
California only to the extent that the Regents of the University of
California act, by resolution, to make its provisions applicable.

This bill would request the regents, and require the trustees to
submit information regarding the number of students who graduated for
the most recent academic year, and the number of students who left
school without graduating, as part of the annual enrollment growth
reports required by the annual Budget Act.

(2) Existing law requires the Governor's Budget to be submitted to
the Legislature within the first 10 days of each regular session.
Existing law requires the Governor's Budget to be prepared in
compliance with guidelines and instructions adopted by the Department
of Finance.

This bill would require the department, before the submission of
the Governor's Budget, to develop projections for enrollment at the
University of California and the California State University that are
based on the number of students expected to graduate from high
school in the ensuing fiscal year.

State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66208 is added to the
Education Code , to read:
66208. (a) The Regents of the University of California are
requested to, and the Trustees of the California State University
shall, include in their annual enrollment reports, as required by the
annual Budget Act, the following information for the most recent
academic year:
(1) The number of students who graduated with a degree.
(2) The number of students who did not continue their education
from the prior academic year and did not obtain a degree.
(b) The information shall be calculated and presented separately
for undergraduate students and graduate students.

SEC. 2. Section 13337.1 is added to the
Government Code , to read:
1337.1. Prior to the submission of the Governor's Budget to the Legislature, the Department of Finance shall develop projections for enrollment growth at the University of California and the California State University. The projections shall be based on demographic data on the projected growth in the number of high school students in the state that are expected to graduate in the ensuing fiscal year.

SECTION 1. Section 66025 of the Education Code is repealed.

SEC. 2. Section 66025 is added to the Education Code, to read:

66025. (a) Notwithstanding any law, commencing with the 2010-11 fiscal year, the level of mandatory systemwide fees and tuition for undergraduate students at the University of California and the California State University shall be set over a four-year period in order to allow students at these institutions to budget accordingly for the entirety of their education.

(b) The University of California and the California State University shall have the discretion to establish the set level of fees and tuition established in subdivision (a).

(c) It is the intent of the Legislature that the level of student fees for undergraduate students at the University of California and the California State University also be set over a four-year period to allow students to budget accordingly.

(d) No provision of this section shall apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make that provision applicable.

7.4.5 2009 – AB 462

AKA AB 2372 of 2008 – College Affordability Act. See section 7.3.2 above.

7.4.6 2009 – AB 656

8. BILL NUMBER: AB 656 AMENDED
9. BILL TEXT
10.
11. AMENDED IN ASSEMBLY JULY 9, 2009
12.
13. INTRODUCED BY Assembly Member Torrico
14. ( Coauthors: Assembly Members
15. Beall, Block, Bonnie Lowenthal,
16. Ma, and Price )
17. ( Coauthor: Senator
18. DeSaulnier )
19.
20.
21.
22. FEBRUARY 25, 2009
23.
24. An act to add Chapter 8 (commencing with Section 99500) to Part 65
25. of Division 14 of Title 3 of the Education Code, and to add Part 21
26. (commencing with Section 42001) to Division 2 of the Revenue and
27. Taxation Code, relating to postsecondary education, and making an
28. appropriation therefor, to take effect immediately, tax levy
and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 656, as amended, Torrico. California Higher Education Endowment Corporation: oil and gas severance tax.

(1) Existing law establishes the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, and the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as the 3 segments of public postsecondary education in this state.

This bill would establish the California Higher Education Endowment Corporation (CHEEC). The bill would establish an oversight board to govern the CHEEC and would require that board to appoint the chief executive officer of the CHEEC. The bill would require the CHEEC to annually allocate an unspecified percentage of the moneys in the continuously appropriated California Higher Education Fund, which would be created in the General Fund by the bill, to the California Community Colleges for curriculum and programs related to renewable energy and to annually allocate remaining moneys in the fund to the California State University and the University of California, as specified. The bill also would authorize the board to invest the moneys in the fund in accordance with prescribed procedures.

(2) Existing law imposes various taxes, including taxes on the privilege of engaging in certain activities. The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges.

This bill would impose an oil and gas severance tax, on and after January 1, 2010, upon any producer for the privilege of severing oil or gas from the earth or water in this state for sale, transport, consumption, storage, profit, or use, as provided, at a specified rate of 9.9% of the gross product. The tax would be administered by the State Board of Equalization, and would be collected pursuant to the procedures set forth in the Fee Collection Procedures Law. The bill would require the board to deposit all tax revenues, penalties, and interest collected pursuant to these provisions, except as specified, in the California Higher Education Fund.

Because this bill would expand application of the Fee Collection Procedures Law, the violation of which is a crime, it would impose a state-mandated local program.

(3) This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that...
THE STRONG 21
ST CENTURY PUBLIC UNIVERSITY

84. reimbursement.
85. This bill would provide that no reimbursement is required by this
86. act for a specified reason.
87. (5) This bill would take effect immediately as a tax
88. levy.
89. (5) This bill would declare that it is to take effect immediately
90. as an urgency statute.
92. State-mandated local program: yes.
93.
94.
95. THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:
96.
97. SECTION 1. The Legislature hereby finds and declares all of the
98. following:
99. (a) A recent study by the Public Policy Institute of California
100. stated that California's need for college-educated workers is
101. outpacing the state's ability to produce them, and that gap is
102. expected to widen in the future.
103. (b) Forty-one percent of California workers will need a bachelor's
104. degree to meet the state's projected economic demand in the year
105. 2025 if current trends continue, yet changes in the California
106. workforce make it unlikely that this demand will be met.
107. (c) The percentage of college-educated workers has increased
108. significantly in recent years, from 28 percent in 1990 to 34 percent
109. in 2006, but the rate of increase is expected to slow
110. because people between 50 years of age and 64 years of age currently
111. have the highest levels of education, and that group will reach
112. retirement age by 2025.
113. (d) Groups such as Latinos will make up 40 percent of the state's
114. labor force by 2020, but only 12 percent of Latinos are on pace to
115. hold a bachelor's degree by that date.
116. (e) As the growth in the number of college-educated
117. workers slows, the supply of workers with a high school diploma or
118. less education is projected to exceed economic demand, resulting in
119. lower wages and fewer job opportunities for those workers, and
120. resulting in higher wages for college-educated workers as demand for
121. their skills increases.
122. (f) The lack of an educated workforce will deny the state the
123. ability to draw upon the critical resources that are necessary to
124. assist with the state's current economic crisis and to support future
125. economic growth.
126. (g) The current budget proposals will jeopardize the enrollment of
127. 10,000 students into the California State University system.
128. SEC. 2. It is the intent of the Legislature that this act provide
129. additional sources of higher education funding in order to keep up
130. with the growing demand for a skilled labor force.
131. SEC. 3. Chapter 8 (commencing with Section 99500) is added to Part
132. 65 of Division 14 of Title 3 of the Education Code, to read:
133. CHAPTER 8. THE CALIFORNIA HIGHER EDUCATION ENDOWMENT
134. CORPORATION
135.
136.
137.
As used in this chapter, the following terms have the following meanings:

(a) "Board" means the oversight board described in subdivision (a) of Section 99505.

(b) "Corporation" means the California Higher Education Endowment Corporation established pursuant to Section 99502.

(c) "Director" means the chief executive officer of the corporation appointed pursuant to Section 99506.

(d) "Fund" means the California Higher Education Fund established pursuant to Section 42147 of the Revenue and Taxation Code.

(e) "Green collar job" means a job in the renewable energy field, including a job in the renewable energy manufacturing, construction, installation, maintenance, or operation sectors.

(f) "Public postsecondary education institution" means the California Community Colleges, the California State University, and the University of California.

99502. The California Higher Education Endowment Corporation is hereby established for purposes of implementing this chapter.

Article 2. Oversight Board

99505. (a) (1) The corporation shall be governed by an oversight board, which shall be composed of the following voting members:

(A) Two members appointed by the Board of Trustees of the California State University.

(B) Two members appointed by the Regents of the University of California.

(C) Two members appointed by the Senate Committee on Rules.

(D) Two members appointed by the Speaker of the Assembly.

(E) One member appointed by the Treasurer.

(2) (A) At least one member appointed pursuant to paragraph (1) shall be a student enrolled in a public postsecondary educational institution at the time of the appointment, and shall be a student enrolled in a public postsecondary educational institution for the duration of his or her term, which shall be two years.

(B) At least one member appointed pursuant to paragraph (1) shall be a nonmanagement employee of the California State University.

(C) At least one member appointed pursuant to paragraph (1) shall be a nonmanagement employee of the University of California.

(b) The oversight board shall also include the following ex officio, nonvoting members:

(1) The Chancellor of the California State University.

(2) The President of the University of California.

(3) The Chancellor of the California Community Colleges.

(c) The Legislature requests that the Regents of the
University of California and the President of the University of California to comply with the membership requirements in subparagraph (B) of paragraph (1) of subdivision (a) and paragraph (2) of subdivision (b).

(d) Except as specified in subparagraph (A) of paragraph (2) of subdivision (a), each of the members identified in subdivisions (a) and (b) shall be appointed to serve a term of four years.

(e) The members of the board shall annually select a member to serve as the chairperson of the board.

99506. (a) The board shall appoint a director, who shall be the chief executive officer of the corporation. This position is designated as a confidential position and is exempt from civil service under subdivision (e) of Section 4 of Article VII of the California Constitution.

(b) The director shall serve at the pleasure of the board.

(c) The board may delegate to the director any power, duty, purpose, function, or jurisdiction that the board may lawfully delegate, including the authority to enter into and sign contracts on behalf of the corporation.

(d) The director may delegate to his or her designee any power, duty, purpose, or jurisdiction that may be lawfully delegated.

99508. The board may adopt regulations necessary to implement its powers and duties under this chapter.

Article 3. Powers and Duties of the California Higher Education Endowment Corporation

99510. The corporation may hire employees as it deems necessary to implement this chapter.

99512. (a) The corporation shall annually allocate the moneys in the California Higher Education Fund as follows:

(1) An amount not to exceed ______ percent of the moneys in the fund to the California Community Colleges for all of the following purposes:

(A) Curriculum supporting California's leadership in the development of renewable energy technologies and the creation of green collar jobs.

(B) Career technical education and advancement programs in renewable energy manufacturing, construction, installation, maintenance, and operation.

(2) Moneys remaining in the fund after the allocation pursuant to paragraph (1) shall be annually allocated as follows:

(A) ______ percent to the California State University.

(B) ______ percent to the University of California.

(b) Nothing in this section shall cause state expenditures for postsecondary education from all other sources to be reduced below the expenditures provided from those sources prior to the establishment of the fund.

99514. (1) Sixty percent to the California State University.

(2) Thirty percent to the University of California.

(3) Ten percent to the California Community Colleges.

(b) Nothing in this section shall cause appropriations for
255. postsecondary education to be reduced below the amount appropriated
256. by the Legislature during the fiscal year immediately preceding the
257. establishment of the fund.
258. 99514. (a) The board has exclusive control of the investment of
259. the fund. Except as otherwise restricted by the California
260. Constitution and by law, the board may, in its discretion, invest the
261. assets of the fund through the purchase, holding, or sale of any
262. investment, financial instrument, or financial transaction, if the
263. investment, financial instrument, or financial transaction is prudent
264. in the informed opinion of the board.
265. (b) The board may itself make any investment authorized by law or
266. sell any security, obligation, or real property in which moneys in
267. the fund are invested, by affirmative vote of a majority of the
268. board, or by the same affirmative vote, may from time to time adopt
269. an investment resolution that shall contain detailed guidelines by
270. which to designate the securities and real property that are
271. acceptable for purchase or sale. While the resolution is in effect,
272. securities and real property may be purchased for investment by an
273. officer or employee of the board designated by it for that purpose,
274. and sales of securities may be consummated by the officer or employee
275. under the conditions prescribed. Purchases and sales of securities
276. shall be reported to the board, on a monthly basis, at its next
277. regular meeting.
278. (c) Any investment transaction decisions made during a closed
279. session pursuant to paragraph (16) of subdivision (c) of Section
280. 11126 of the Government Code shall be by rollcall vote entered into
281. the minutes of that meeting. The board, within 12 months of the close
282. of an investment transaction or the transfer of system assets for an
283. investment transaction, whichever occurs first, shall disclose and
284. report the investment transaction at a public meeting.
285. (d) In addition to the other investments authorized by this
286. article, the board may invest in real estate, leases of real estate,
287. and improvements on real estate for business or residential purposes
288. as an investment for the production of income.
289. SEC. 4. Part 21 (commencing with Section 42001) is added to
290. Division 2 of the Revenue and Taxation Code, to read:
291.
292. PART 21. Oil And Gas Severance Tax Law
293.
294.
295. 42001. This part shall be known, and may be cited, as the Oil and
296. Gas Severance Tax Law.
297. 42002. For purposes of this part, the following definitions shall
298. apply:
299. (a) "Board" means the State Board of Equalization.
300. (b) "California Higher Education Fund" or "CHEF" means the account
301. that is created by Section 42147 for purposes of depositing proceeds
302. generated from the taxes levied pursuant to this part to fund
303. instruction for higher education.
304. (c) "Gas" means all natural gas, including casing head gas, and
305. all other hydrocarbons not defined as oil in subdivision (g).
306. (d) "Green collar jobs" means jobs in the renewable energy field,
307. including within California's renewable energy manufacturing,
308. construction, installation, maintenance, and operation sectors.
309. (e) "Gross value" means the sale price at the mouth of the well,
310. including any bonus, premium, or other thing of value, paid for the
311. oil or gas, as determined by a rolling 30-day average daily value
as established by the market price of the product. The board shall determine the base indexes from which the average shall be calculated. If the oil or gas is exchanged for something other than cash, if there is no sale at the time of severance, or if the relationship between the buyer and the seller is such that the consideration paid, if any, is not indicative of the true value or market price, then the board shall determine the value of the oil or gas subject to the tax based on the cash price paid to the producer for like quality oil or gas in the vicinity of the well.

(f) "Higher education" means the California Community Colleges, the California State University, and the University of California.

(g) "Oil" means petroleum, or other crude oil, condensate, casing head gasoline, or other mineral oil that is mined, produced, or withdrawn from below the surface of the soil or water in this state.

(h) "Producer" means any person who takes oil or gas from the earth or water in this state in any manner; any person who owns, controls, manages, or leases any oil or gas well in the earth or water of this state; any person who produces or extracts in any manner any oil or gas by taking it from the earth or water in this state; any person who acquires the severed oil or gas from a person or agency exempt from property taxation under the United States Constitution or other laws of the United States or under the California Constitution or other laws of the State of California; and any person who owns an interest, including a royalty interest, in oil or gas or its value, whether the oil or gas is produced by the person owning the interest or by another on his, her, or its behalf by lease, contract, or other arrangement.

(i) "Product" means either a barrel of oil, which means 42 United States gallons of 231 cubic inches per gallon computed at a temperature of 60 degrees Fahrenheit or gas, as measured per thousand cubic feet (Mfc) at a base pressure of 15.025 pounds per square inch absolute and at a temperature base of 60 degrees Fahrenheit.

(j) "Production" means the total gross amount of oil or gas produced, including the gross amount thereof attributable to a royalty or other interest.

(k) "Severed" or "severing" means the extraction or withdrawing from below the surface of the earth or water of any oil or gas, regardless of whether the extraction or withdrawal shall be by natural flow, mechanical flow, forced flow, pumping, or any other means employed to get the oil or gas from below the surface of the earth or water, and shall include the extraction or withdrawal by any means whatsoever of oil or gas upon which the tax has not been paid, from any surface reservoir, natural or artificial, or from a water surface.

(l) "Stripper well" means a well that has been certified by the board as an oil well incapable of producing an average of more than 10 barrels of oil per day during the entire taxable month. Once a well has been certified as a stripper well, that stripper well shall remain certified as a stripper well until the well produces an average of more than 10 barrels of oil per day during an entire taxable month.

42010. On and after January 1, 2010, there is hereby imposed an oil and gas severance tax upon any producer for the privilege of severing oil or gas from the earth or water in this state for sale, transport, consumption, storage, profit, or use. The tax shall be applied equally to all portions of the gross value of the product and shall be imposed at the rate of 9.9%.
369. percent of the gross product.
370. 42011. Except as otherwise provided in this part, the tax shall
371. be upon the entire production in this state, regardless of the place
372. of sale or to whom sold or by whom used, or the fact that the
delivery may be made to points outside the state.
374. 42012. (a) The tax imposed by this part
375. shall be in addition to any other tax that may be imposed with
376. respect to the severing of oil or gas or transactions related
thereto, including, without limitation, any ad valorem taxes imposed
by the state, or any political subdivision of the state, or any local
business license taxes that may be incurred as a privilege of
severing oil or gas from the earth or water or doing business in that
locality. There shall be no exemption from payment of an ad valorem
tax related to equipment, material, or property by reason of the
payment of the gross severance tax pursuant to this part.
375. (b) For purposes of this section, "political subdivision of the
state" includes any local public entity, as defined in Section 900.4
378. 42013. The tax imposed by this part shall not be passed through
to consumers by way of higher prices for oil, natural gas, gasoline,
diesel, or other oil or gas consumable byproducts, such as propane
and heating oil. The board shall monitor and, if necessary,
investigate any instance where producers or purchasers of the oil or
gas have attempted to gouge consumers by using the tax as a pretext
to materially raise the price of oil, natural gas, gasoline, diesel,
or other oil or gas consumable byproducts, such as propane and
heating oil.
379. 42014. Two or more producers that are corporations and are owned
or controlled directly or indirectly, as defined in Section 25105, by
the same interests shall be considered as a single producer for
purposes of application of the tax prescribed in this part.
380. 42015. There shall be exempted from the imposition of the oil and
gas severance tax imposed pursuant to this part, oil or gas produced
by a stripper well in which the average value of oil or gas is less
than three-quarters of the average gross value of the product as of
January 1 of the prior year.
381. 42016. There shall be exempted from the imposition of the oil or
gas severance tax imposed pursuant to this part, all oil or gas owned
or produced by any political subdivision of this state, including
that political subdivision's proprietary share of oil or gas produced
under any unit, cooperative, or other pooling agreement. For
purposes of this section, "political subdivision of the state"
includes any local public entity, as defined in Section 900.4 of
the Government Code.
384. 42020. The tax imposed by this part is due and payable to the
board quarterly on or before the last day of the month next
succeeding each calendar quarter.
385. 42022. The board may prescribe those forms and reporting
requirements as are necessary to implement the tax, including, but
not limited to, information regarding the location of the well by
county, the gross amount of oil or gas produced, the price paid
therefor, the prevailing market price of oil or gas, and the amount
tax due.
386. 42112. In all proceedings under this part, the board may act on
behalf of the people of the State of California.
387. 42145. The board shall administer and collect the tax imposed by
426. this part pursuant to the Fee Collection Procedures Law (Part 30
427. (commencing with Section 55001) of Division 2). For purposes of this
428. part, the references in the Fee Collection Procedures Law to "fee"
429. shall include the tax imposed by this part and to "feepayer" shall
430. include a person required to pay the oil and gas severance tax.
431. 42146. The board shall, upon appropriation, be reimbursed for
432. expenses incurred in the administration and collection of the tax
433. imposed by this part.
434. 42147. The California Higher Education Fund is hereby created
435. in the General Fund. Moneys in
436. the fund are continuously appropriated to the California Higher
437. Education Endowment Corporation.
438. 42168. With the exception of payments of refunds and
439. reimbursement to the board for expenses incurred in the
440. administration and collection of the tax imposed by this part, all
441. taxes, interest, penalties, and other amounts collected pursuant to
442. this part shall be deposited into the California Higher Education
443. Fund.
444. SEC. 5. No reimbursement is required by this act pursuant to
445. Section 6 of Article XIII B of the California Constitution because
446. the only costs that may be incurred by a local agency or school
447. district will be incurred because this act creates a new crime or
448. infraction, eliminates a crime or infraction, or changes the penalty
449. for a crime or infraction, within the meaning of Section 17556 of the
450. Government Code, or changes the definition of a crime within the
451. meaning of Section 6 of Article XIII B of the California
452. Constitution.
453. SEC. 6. This act provides for a tax levy within
454. the meaning of Article IV of the Constitution and shall go into
455. immediate effect.
456. SEC. 6. This act is an urgency statute necessary
457. for the immediate preservation of the public peace, health, or safety
458. within the meaning of Article IV of the Constitution and shall go
459. into immediate effect. The facts constituting the necessity are:
460. In order to quickly mitigate the impacts of funding reductions to
461. institutions of higher education, it is necessary that this act take
462. effect immediately.

7.4.8 2009 – ACA 17 – severance COI

464. BILL NUMBER: ACA 17 INTRODUCED
465. BILL TEXT
466.
467.
468. INTRODUCED BY Assembly Member Nestande
469.
470. MARCH 25, 2009
471.
472. A resolution to propose to the people of the State of California
473. an amendment to the Constitution of the State, by amending Section 9
474. of Article IX thereof, relating to the University of California.
LEGISLATIVE COUNSEL'S DIGEST

ACA 17, as introduced, Nestande. University of California:

severance and early retirement incentives.

The California Constitution constitutes the University of

California as a public trust to be administered by the Regents of the

University of California with full powers of organization and
government, subject only to specified legislative control. Existing
law requires the meetings of the regents to be public with exceptions
and notice requirements as may be provided by statute. Existing law
states the intent of the Legislature that any proposal relating to
the salary, benefits, perquisites, severance payments, as specified,
or retirement benefits, or any other form of compensation paid to an
officer of the University of California shall not become effective
unless notice of the meeting at which the proposal is to be
considered has been given to each regent and information and
materials regarding the proposal, including a full disclosure of the
fiscal impact, have been made available to each regent in advance.

This measure would prohibit any employee of the University of
California who receives any financial benefit with a value in excess
of $50,000 as part of a temporary voluntary separation program, as
defined, from the University of California from thereafter being
employed by, or contracting for personal services with, the
university, in any compensated capacity, unless the person returns
the entire financial benefit.


State-mandated local program: no.

Resolved by the Assembly, the Senate concurring, That the
Legislature of the State of California at its 2009-10 Regular Session
commencing on the first day of December 2008, two-thirds of the
membership of each house concurring, hereby proposes to the people of
the State of California that the Constitution of the State be
amended as follows:

That Section 9 of Article IX thereof 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 the security of its funds and
compliance with the terms of the endowments of the university and
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. Said corporation shall be in form a board composed of seven
ex officio members, which shall be: the Governor, the Lieutenant
Governor, the Speaker of the Assembly, the Superintendent of Public
Instruction, the president and the vice president of the alumni
association of the university and the acting president of the
university, and 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 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 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 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, shall be for the balance of the term 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 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 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 race, religion, ethnic heritage, or sex.

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

(h) Any employee of the University of California who receives any financial benefit with a value in excess of fifty thousand dollars ($50,000) as part of a temporary voluntary separation program from the University of California shall not thereafter be employed by, or enter into a personal services contract with, the university, in any compensated capacity, unless that person returns the entire financial benefit to the university. For the purposes of this subdivision:

(1) "Temporary voluntary separation program" means any program that is offered for not more than three years, and that is not part of the employee's regular compensation or retirement benefits, under which an employee receives a financial benefit as an inducement to retire or end employment with the university.

(2) "Financial benefit" means anything of value, including, but not limited to, money or increased retirement benefits.

7.4.9 2009 – SB 86 Executive Pay Freeze

BILL NUMBER: SB 217 AMENDED
BILL TEXT

AMENDED IN SENATE MAY 6, 2009
AMENDED IN SENATE APRIL 20, 2009

INTRODUCED BY Senators Yee and Romero
(Coauthors: Senators DeSaulnier and Denham)

FEBRUARY 23, 2009

An act to add Sections 71090.3 and Section 89500.5 to, and to add Article 2 (commencing with Section 92010) to Chapter 1 of Part 57 of Division 9 of Title 3 of, the Education Code, relating to public postsecondary education.

Existing law establishes the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges, as the 3 segments of public postsecondary education in this state. Existing law authorizes the regents, the trustees, and the board to employ officers and other employees.

This bill would prohibit the trustees and the board from increasing the monetary compensation, as defined, or approving a monetary bonus for, any executive officer, as defined, of their respective segments the California State University in any fiscal year in which the General Fund appropriation to the respective segment California State University in the annual Budget Act is less than, or equal to, the General Fund appropriation to the University of California in the annual Budget Act for the immediately preceding fiscal year.


The people of the State of California do enact as follows:

SECTION 1. Section 71090.3 is added to the Education Code, to read:

71090.3. (a) The board of governors shall not increase the monetary compensation of, or approve payment of a monetary bonus to, any executive officer in any fiscal year in which the amount of General Fund moneys appropriated to the California Community Colleges in the annual Budget Act is less than, or equal to, the amount of the General Fund moneys appropriated to the California Community Colleges in the annual Budget Act for the immediately preceding fiscal year.

(b) As used in this section, the following terms have the following meanings:

(1) "Executive officer" includes, but is not limited to, the Chancellor of the California Community Colleges, an executive vice chancellor, a senior vice chancellor, the general counsel of the colleges.

(2) "Monetary compensation" includes, but is not limited to, a salary, a vehicle allowance, and a housing allowance.

(c) Subdivision (a) shall apply only to executive officers that enter into or renew a contract for employment with the California Community Colleges on or after January 1, 2010.
SEC. 2.  SECTION 1.  Section 89500.5 is added to the Education Code, to read:

89500.5.  (a) The trustees shall not increase the monetary compensation of, or approve payment of a monetary bonus to, any executive officer in any fiscal year in which the amount of General Fund moneys appropriated to the California State University in the annual Budget Act is less than, or equal to, the amount of General Fund moneys appropriated to the California State University in the annual Budget Act for the immediately preceding fiscal year.

(b) As used in this section, the following terms have the following meanings:

(1) "Executive officer" includes, but is not limited to, the Chancellor of the California State University, a vice chancellor of the university, an executive vice chancellor of the university, the general counsel of the university, the trustees' secretary, a president of a campus, and a managerial employee as defined in Section 3562 of the Government Code.

(2) "Monetary compensation" includes, but is not limited to, a salary, a vehicle allowance, and a housing allowance.

(c) Subdivision (a) shall apply only to executive officers that enter into or renew a contract for employment with the California State University on or after January 1, 2010.

SEC. 3.  Article 2.  Article 2.  Executive Compensation

92010.  (a) The Regents of the University of California are requested to not increase the monetary compensation of, or approve payment of a monetary bonus to, any executive officer in any fiscal year in which the amount of General Fund moneys appropriated to the University of California in the annual Budget Act is less than, or equal to, the amount of General Fund moneys appropriated to the University of California in the immediately preceding fiscal year.

(b) As used in this section, the following terms have the following meanings:

(1) "Executive officer" includes, but is not limited to, the President of the University of California, the chancellor of an individual campus, a vice president of the university, the treasurer of the university, the assistant treasurer of the university, the general counsel of the university, the regents' secretary, and a managerial employee as defined in Section 3562 of the Government Code.

(2) "Monetary compensation" includes, but is not limited to, a salary, a vehicle allowance, and a housing allowance.

(c) Subdivision (a) shall apply only to executive officers that enter into or renew a contract for employment with the University of California on or after January 1, 2010.

7.4.10  2009 SB 219 UC Whistle Blower Protection

BILL NUMBER: SB 219  ENROLLED
BILL TEXT
PASSED THE SENATE  AUGUST 24, 2009
PASSED THE ASSEMBLY  JULY 13, 2009
AMENDED IN ASSEMBLY  JUNE 26, 2009
AMENDED IN SENATE  MAY 13, 2009

INTRODUCED BY  Senator Yee
(Coauthor: Assembly Member Portantino)

FEBRUARY 23, 2009

An act to amend Section 8547.10 of the Government Code, relating to improper governmental activities.

LEGISLATIVE COUNSEL'S DIGEST

SB 219, Yee. Disclosure of improper governmental activities:
University of California: damages.

Existing law, the California Whistleblower Protection Act, authorizes a University of California employee or applicant for employment to have an available action for damages caused by intentional acts of reprisal, retaliation, threats, or coercion only if the university failed to reach a decision regarding a complaint filed with a specified university officer by the injured party within the time limits established for that purpose by the Regents of the University of California.

This bill would also authorize an available action for damages if the university reached a decision regarding the complaint filed with the specified university officer and state that these provisions are not intended to prohibit an injured party from seeking a remedy if the university has not satisfactorily addressed the complaint within 18 months.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8547.10 of the Government Code is amended to read:

8547.10. (a) A University of California employee, including an officer or faculty member, or applicant for employment may file a written complaint with his or her supervisor or manager, or with any other university officer designated for that purpose by the regents, alleging actual or attempted acts of reprisal, retaliation, threats, coercion, or similar improper acts for having made a protected disclosure, together with a sworn statement that the contents of the written complaint are true, or are believed by the affiant to be true, under penalty of perjury. The complaint shall be filed within 12 months of the most recent act of reprisal complained about.

(b) Any person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a University of California employee, including an officer or faculty member, or applicant for employment for having made a protected disclosure, is subject to a fine not to exceed ten thousand dollars ($10,000) and imprisonment in the county jail for up to a period of one year. Any university employee, including an officer or faculty member, who
intentionally engages in that conduct shall also be subject to discipline by the university.

(c) In addition to all other penalties provided by law, any person who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against a university employee, including an officer or faculty member, or applicant for employment for having made a protected disclosure shall be liable in an action for damages brought against him or her by the injured party. Punitive damages may be awarded by the court where the acts of the offending party are proven to be malicious. Where liability has been established, the injured party shall also be entitled to reasonable attorney's fees as provided by law. An action for damages shall be available to the injured party only if the injured party has first filed a complaint with the university officer identified pursuant to subdivision (a), and the university has either reached a decision regarding the complaint, or failed, within the time limits established by the regents, to reach a decision regarding the complaint. Nothing in this section is intended to prohibit the injured party from seeking a remedy if the university has not satisfactorily addressed the complaint within 18 months.

(d) This section is not intended to prevent a manager or supervisor from taking, directing others to take, recommending, or approving any personnel action or from taking or failing to take a personnel action with respect to any university employee, including an officer or faculty member, or applicant for employment if the manager or supervisor reasonably believes any action or inaction is justified on the basis of evidence separate and apart from the fact that the person has made a protected disclosure.

(e) In any civil action or administrative proceeding, once it has been demonstrated by a preponderance of the evidence that an activity protected by this article was a contributing factor in the alleged retaliation against a former, current, or prospective employee, the burden of proof shall be on the supervisor, manager, or appointing power to demonstrate by clear and convincing evidence that the alleged action would have occurred for legitimate, independent reasons even if the employee had not engaged in protected disclosures or refused an illegal order. If the supervisor, manager, or appointing power fails to meet this burden of proof in an adverse action against the employee in any administrative review, challenge, or adjudication in which retaliation has been demonstrated to be a contributing factor, the employee shall have a complete affirmative defense in the adverse action.

(f) Nothing in this article shall be deemed to diminish the rights, privileges, or remedies of any employee under any other federal or state law or under any employment contract or collective bargaining agreement.

7.4.11 2009 - SCA 21 Legislature & Autonomy

BILL NUMBER: SCA 21  INTRODUCED
BILL TEXT

INTRODUCED BY  Senators Yee and Ashburn
(Principal coauthors: Assembly Members Nestande and Portantino)
(Coauthor: Senator Romero)

MAY 26, 2009

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Section 9 of Article IX thereof, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

SCA 21, as introduced, Yee. University of California.

Existing provisions of the California Constitution provide that the University of California constitutes a public trust and requires the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. These provisions require that corporation to have all powers necessary or convenient for the effective administration of its trust.

This measure would repeal on January 1, 2011, the constitutional provisions relating to the university and the regents and would require the university and the regents to be continued in existence subject to legislative control as may be provided by statute. The measure would require the Legislature to enact legislation to implement these provisions.


Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 2009-10 Regular Session commencing on the first day of December 2008, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

First-- That Section 9 of Article IX thereof 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 that 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 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. Said The corporation shall be in form a board composed of seven ex officio members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 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 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 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 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, shall be for the balance of the term 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 or her 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, the Committee on Rules, 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 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 competitive bidding procedures as may be provided by statute. The 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
demn 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 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 race, religion, ethnic heritage, or sex.

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

(h) This section shall become inoperative on January 1, 2011, and as of
that date is repealed.

Second-- That Section 9 is added to Article IX thereof, to read:
SEC. 9. (a) The University of California is hereby continued in existence in
the state government, and is subject to legislative control as may be
provided by statute.

(b) The University of California shall be administered by the existing
corporation known as "The Regents of the University of California," which is
hereby continued in existence in the state government, and is subject to
legislative control as may be provided by statute.

(c) The Legislature shall enact legislation to implement this section.
(d) This section shall become operative on January 1, 2011.
The Honorable Tom Bates
Members, Berkeley City Council
2180 Milvia Street
Berkeley, California 94704

Dear Mayor Bates and Berkeley City Council Members:

I understand that the Berkeley City Council will be considering its position on Senate Constitutional Amendment 21 by Senator Leland Yee on July 14, 2009. I am writing to inform you that the University of California opposes SCA 21, which seeks to repeal the historic constitutional status of the University and place it under the direct control of the Legislature. Not only is this legislation unnecessary, it would also impose costs that would exacerbate the fiscal crisis already facing UC and the State. Finally, and of greatest concern, SCA 21 could jeopardize the principle of academic freedom that underpins the University’s teaching and research missions—the very essence of the University’s contribution to California’s economy. For these reasons, the University must oppose SCA 21, and we would respectfully request that the City join us, the UC Academic Assembly, the California Healthcare Institute, and a growing list of civic organizations in opposition to SCA 21.

SCA 21 Is Unnecessary

We believe that SCA 21 is not necessary given that the University is already subject to legislative oversight in a number of non-academic areas, including anti-discrimination statutes, environmental laws, disability rights laws, public records laws, medical malpractice statutes, construction and procurement requirements, general contract law, and others. Furthermore, the Legislature exercises substantial oversight of UC through the annual budget process, which gives it nearly exclusive power to determine the State-funded portion of UC’s budget. The Legislature also has the ability to conduct legislative hearings on the effectiveness of State institutions of higher education, and to mandate reporting requirements through Budget Act language. Even with its constitutional status, UC must still respect the Legislature’s authority in these key areas.

In addition, the University remains committed to public accountability and transparency in all that we do. As a longstanding proponent of accountability in higher education, I have launched a comprehensive accountability framework that sets forth measures of performance in many areas of the University, including access and
affordability, student success, research impact and funding, and faculty, staff, and student diversity, to name but a few. Furthermore, UC has made extensive reforms to its compensation practices and provides full disclosure of all compensation decisions made by the Board of Regents. The University remains committed to working with the Legislature on these and other issues of common interest.

SCA 21 Imposes Excessive and Burdensome Costs

SCA 21 could have far-reaching financial impacts that would increase costs in a time of fiscal crisis for both UC and the state:

- **Bond Ratings:** UC’s bonds are rated Aa1/AA, among the highest of all public entities in California. Compared to the State, UC has relatively low-cost access to the financial markets for both long-term bonds and short-term borrowing. If the University’s constitutional status were repealed, it would become much more expensive to fund campus and medical center projects through the issuance of University bonds.

- **Private Donations:** Repeal of UC's constitutional status could have a potentially devastating impact on private donations to the University at a time when private giving is more important than ever in the face of shrinking public resources. Many donors would undoubtedly be deterred from supporting UC for fear that their gifts—intended to support the University—would somehow be redirected to another State agency or function, or that the Legislature would assess a “fee” or “tax” on gifts.

UC’s Constitutional Status Promotes Academic Excellence that Benefits California

The University’s constitutional status fosters world-class educational and research programs that attract top-quality faculty, benefit students, deliver the most advanced health care available, train future generations of innovators, doctors, engineers, and other leaders, conduct top-notch agricultural research to ensure safe, affordable, and nutritious food, and touch the lives of Californians throughout the state.

- **Top-Quality Faculty:** UC’s constitutional status provides UC faculty with the academic freedom necessary to determine course content, establish academic criteria for admission, set degree requirements, and conduct research free from external pressures. Indeed, this explicit guarantee of independence from political pressure enables UC to compete with elite private universities to recruit and retain faculty of the highest caliber. The quality of our faculty attracts highly qualified graduate and professional students to California, while providing excellent educational opportunities for undergraduates.

- **Educational Access and Excellence:** UC is consistently ranked in the top echelon of public universities in America. Our constitutional status ensures UC has the flexibility to engage in long-term program planning, rather than be
driven by the year-to-year issues that dominate the political process. It also contributes to our academic excellence, by attracting top-quality faculty, health care professionals, researchers, administrators, and leaders to our ten campuses and five medical centers. These exceptional individuals enable UC to attract and maintain access for high-achieving students, including enrolling more low-income students than any major research university. We graduate more than 55,000 highly qualified students into the workforce each year, many of whom remain in California to contribute to our state’s economic vitality and quality of life. UC is an engine of opportunity and progress, for both our students and California as a whole.

- **Research and Innovation:** The academic freedom of the faculty and the constitutional status of the University allow for the ability to decide what research is done, how it is conducted, and how the results are published—all of which helps us formulate innovative new solutions for society’s pressing needs. UC research improves the quality of people’s lives, attracts businesses to California, and helps the state maintain its competitiveness in the high-technology industries that contribute to the state’s well-being, health, and prosperity—now and into the future.

Let me conclude by reiterating that the University is committed to being accountable and transparent to both the Legislature and to the people of the State of California. Unfortunately SCA 21 does nothing to advance these goals. In fact, SCA 21 threatens the core principles that make UC the top public university in the nation, and arguably the world.

For the record, the University treasures its relationship with the City of Berkeley, and we believe that our mutual interests are at stake in defeating this legislation. Accordingly, we would respectfully request that should the City desire to take action, that it adopt a resolution to oppose SCA 21.

Thank you for your consideration of the University’s views.

With best wishes, I am,

Sincerely yours,

Mark G. Yudof
President

cc: Chancellor Birgeonneau
Interim Provost Pitts
Executive Vice President Lapp
Senior Vice President Dooley
Vice President Lenz
Associate Vice President Juarez
7.4.11.2 UC Statement Opposing SCA 21

Putting UC under Legislature's control is a non-starter
Date: 2009-05-27
Contact: University of California Office of the President
Phone: (510) 987-9200

Below is a statement from the University of California regarding Assembly Constitutional Amendment 24, legislation sponsored by state Sen. Leland Yee and several of his colleagues that would repeal the university's autonomy.

It is absurd that Senator Yee and his co-sponsors want to rewrite the California Constitution to strip the university of its historic autonomy and place it under direct control of the state Legislature.

Given the current $25 billion hole in the state budget and the political paralysis that chronically plagues Sacramento, tossing a 10-campus public research university that is the pride of California and the envy of the world into the Sacramento mix should be a non-starter.

Let's be clear: UC is working. At a time when it has become popular to mock California, the university survives as one of the state's great success stories. It has thrived under the system of autonomous governance, led by the Regents, that was so wisely written into the Constitution by our pioneers.

California might have trouble marketing its bonds in the current fiscal crisis, but UC has a AA1/AA rating. The state budget may have fallen over a cliff, but UC has managed its resources prudently in a tough environment. It has been able to preserve its world class status -- a throbbing engine of educational opportunity, scientific advance and economic stimulus -- even as it has absorbed a steady onslaught of cuts dictated from Sacramento.

Even with pinched budgets, UC still can attract top leaders to its 10 campuses and five medical centers, and can do so despite the easily verified fact that we compensate them well below the national average for comparable institutions.

By contrast, consider what state control has meant for California's once world class, but now declining, K-12 public education effort. As Arne Duncan, secretary of the U.S. Department of Education, observed during a recent visit: "Honestly, I think California has lost its way, and I think the long-term consequences of that are very troubling."

Indeed, the university's biggest problem rests with what the state has been doing to us already, even without this attempted power grab. State support for public higher education has eroded at an accelerating pace. Our appropriation from Sacramento, which covers the core costs of educating 225,000 students, has fallen from $3.3 billion in fiscal 2007-08 to $2.5 billion, as now proposed for fiscal 2009-10. To put it another way, in the last 20 years, state spending per student has dropped by 40 percent.
This has made it necessary to slash budgets, freeze salaries, reduce staffs and raise fees. Meanwhile, the cost of the education we provide has remained fairly constant: According to one recent study, it rose roughly 1 percent over the last five years combined. So, the cost of delivery of the product has not gone up, but the portion students must pay to attend has gone up as a direct result of constant cuts to higher education made by Sacramento.

UC is fully aware that California is in dire straits, and that the UC must do its part. But distractions of this kind do not help.

7.4.11.3 Letter Opposing SCA 21

Letter from Californians for an Independent UC
June 18, 2009

Dear Honorable Sir or Madam:

We are writing to express our strongest opposition to an extremely troubling proposal that would irreparably harm one of California’s greatest academic, scientific, cultural and economic assets, and our state in general. We are referring to Senate Constitutional Amendment 21 (SCA21), authored by state Senators Leland Yee of San Francisco, Roy Ashburn of Bakersfield and Gloria Romero of Los Angeles. SCA21 proposes to undo more than 140 years of successful, independent governance by the University of California, placing it under direct control of the state Legislature. A similar and equally harmful companion bill (ACA24) has been introduced in the state Assembly by Assemblymembers Brian Nestande of Palm Desert and Anthony Portantino of La Canada/Flintridge.

We write to you as both graduates and longtime supporters of the University of California and as California employers and business owners who believe that SCA21 and ACA24 represent a misguided and over-reaching attack on UC under the false guise of reform. Framing SCA21 around his accusatory rhetoric of scandal and secrecy, Sen. Yee has unfairly distorted UC’s record, maligned its leadership and conveniently failed to recognize that UC:

- receives a relatively small and steadily declining subsidy from the state;
- faculty and staff are, in fact, underpaid on average when compared to peer universities;
- has instituted meaningful and substantive reforms to improve accountability and transparency in its governance;
- has significantly reduced administrative and institutional costs; and,
- continues to hold student tuition below the average of what comparable universities charge, even as state support has dwindled.

The direct and indirect harm that we believe Sen. Yee’s proposed legislation would cause to the University of California cannot be understated. Among the deleterious effects that we can anticipate from Sen. Yee’s SCA21 are:
diminishing UC’s ability to attract and retain the best and brightest leaders, academics and researchers;
- exposing UC governance to the corrosive influence of partisan politics;
- subjecting decisions regarding academic and scientific research to political calculation;
- devaluing UC’s hard-earned and well-deserved international reputation as an institution of integrity, innovation and independence;
- reducing educational quality and the quality of scientific research; and,
- increasing UC’s vulnerability to the state’s own budget instability.

We also harbor grave concerns about the many unintended consequences that could stem from Sen. Yee’s ill-conceived bill. For example, would the state Legislature’s direct governance role create a chilling effect on private funding of scientific research? Would philanthropists be willing to donate money to an institution controlled by politicians? Would UC’s overall budget, including the 84 percent of total operating expenditures that don’t come from the state, be subject to control by the state Legislature, and what might that mean for UC’s future financial sustainability?

It’s hard to imagine the justification for such a drastic and sweeping proposal. Would anyone argue that over the past 140 years the University of California under the independent leadership of the Board of Regents – along with the state Legislature’s strong oversight role – has not grown into one of the most accomplished and respected public university systems in the world? Many of its 10 undergraduate universities consistently rank among the best in the nation, if not the world. Its 32 Nobel laureates are the most of any university or university system in the world. Its many other academic awards and honors are too many to list here.

It's unlikely that any of the revolutionary advances in sustainable energy, medicine, agriculture and other sciences developed at UC – including breakthroughs in the treatment of infectious diseases, commercially viable biofuels, and food and product safety – could have been achieved if the University were subject to the political contention, gridlock and inaction prevalent in California's legislative process.

The University’s success for students, faculty and California has come against a backdrop of increasing demand on the institution, including enrollment growth and declining financial support from state government. Over the past almost 20 years, state government’s share of UC’s core spending has declined by 40 percent. Even with recent and proposed increases in student fees to help offset lower state support, UC’s undergraduate fees are an average of 20 percent lower than those charged at comparable universities. We believe it is important to note that UC has worked hard to insulate students against the full brunt of declining state revenue, drawing on public and private research funding and revenue from its own internal enterprises to blunt the financial impact on students.

Much attention has been focused in recent years on management and compensation issues at UC. Sen. Yee has been among the shrillest critics of UC and the Board of Regents over these issues. Like all Californians, we agree that UC must be accountable and transparent in its operations and governance. And we believe that UC and the Board of Regents have taken tangible and effective actions to ensure that the University honors and upholds the public’s trust. In 2007, the
University began implementing of number substantive reforms to increase accountability and efficiency, including reducing overall administrative costs. These actions and many others were taken in direct response to and in consultation with the state Legislature.

Senator Yee simply refuses to acknowledge the substantial changes the University has made and is continuing to make in improving accountability and transparency. Moreover, that a member of the California Senate is calling for more transparency from UC when the Legislature's own budget process revolves around closed-door meetings of four legislative leaders and the governor is incongruous at best. We can’t help but wonder why Senator Yee is not directing a similar fervor to cleaning up his own house, whose failings are currently pushing our great state to the brink of insolvency.

Above all, we believe that the University of California must remain true to its mission, which is firmly and historically rooted in its independence. UC must continue to compete to maintain its position as a world-class academic and research institution. This is truer now than ever before as we work to restore California to economic health. UC has always been one of California’s primary economic drivers, pushing innovation, creating thousands of jobs, spinning off hundreds of new businesses and educating our future work force. We should not take lightly any attempt to weaken UC’s ability to compete and succeed and, in turn, weaken California’s future. Sen. Yee’s misguided proposal would do just that.

Please help us keep an independent University of California healthy and strong. Please withdraw SCA21 and ACA24.

Sincerely,

Warren Hellman - Co-founder & Chairman, Hellman & Friedman LLC

Arthur Rock - Principal, Arthur Rock & Co.

William K. Coblentz - Attorney and former Chairman, UC Board of Regents


Walter J. Haas - Co-Chair, Evelyn & Walter Hass, Jr. Fund; former Chairman & CEO, Oakland A’s

Gordon Moore - Co-founder and Chairman Emeritus, Intel

George Shultz - Thomas W. and Susan B. Ford Distinguished Fellow, Hoover Institution, Stanford University; Former U.S. Secretary of State

Donald Fisher - Founder of Gap Inc.

Frank E. Baxter - U.S. Ambassador to Uruguay; former Chairman and CEO, Jefferies & Co.
Richard Rosenberg - Chairman, University of California San Francisco Foundation; former Chairman & CEO, BankAmerica

Michael D. Goldberg - General Partner, Mohr Davidow Ventures

Douglas Shorenstein - Chairman & CEO, Shorenstein Properties LLC

William F. Cronk - Former President, Dreyer's Grand Ice Cream

Theodore Geballe - Class of ’41, UC Berkeley; Professor Emeritus, Applied Physics, Stanford University

Gerson Bakar - Gerson Bakar & Associates

Edward E. Penhoet - President, The Gordon and Betty Moore Foundation

T. Gary Rogers - Chairman, Levi Strauss & Co.; former Chairman & CEO, Dreyer’s Grand Ice Cream, Inc.

Arthur Kern - Director, Yahoo!

Charlotte Shultz - Chief of Protocol, State of California

Janet McKinley - Board Chair, Oxfam

Warren E. “Ned” Spieker, Jr. - Chairman, Continuing Life Communities; Managing Partner, Spieker Realty Investments


Georgia Lee - Managing Director, Hellman & Friedman LLC

7.4.11.3 CUCFA Letter on SCA 21

June 29, 2009

Senator Leland Yee
State Capitol, Room 4074
Sacramento, CA 95814
Fax: (916) 327-2186

Re: SCA 21 and ACA 24
Dear Senator Yee,

The Council of UC Faculty Associations (CUCFA) believes that UC should be fully accountable to the public, and disagrees with recent comments by UC’s leaders suggesting that accountability must decrease as state support declines. Like you, we think that UC’s growing reliance on the private sector should be of concern to the legislature, insofar as this diverts the university from its traditional priorities and public mission.

Our position is different from yours, however, on the issue of regental autonomy, which we support because on rare, but memorable, occasions, it has protected the faculty’s academic freedom from political interference. More recent threats come from the private sector influence on UC’s administration, and the tendency to hide this influence from public view. Here, greater legislative oversight might advance academic freedom by promoting openness and debate about UC’s institutional interest in much the way that shared governance is designed to do. The academic freedom that regental autonomy protects is also protected by administrative accountability, and is thus consistent with the responsibility of UC’s administration to serve the public good through policies that are open and transparent.

We, thus, believe that there is a shared interest between the faculty and the legislature in holding UC accountable. Your whistleblower legislation is important in this regard, and we believe that further legislation will soon be necessary to protect faculty from reprisals for demanding UC accountability and publicly questioning its policies. We are concerned however that the current debate over regental autonomy is distracting both the legislature and the UC administration from the policy debate that the state should be having over the values of quality, access, and affordability articulated in the Master Plan and the future of UC as a public institution.

These are urgent concerns of the UC faculty represented by CUCFA, and we request a meeting to discuss legislative approaches to addressing them.

Cordially,
Robert Meister,
President, Council of UC Faculty Associations

cc: Senators Ashburn and Romero
    Assemblymembers Nestande and Portantino
    UC President Mark Yudof
Dear Mark:

At its meeting on June 17, the Academic Assembly unanimously passed a resolution opposing ACA 24 and SCA 21, which would authorize an amendment to the state constitution to strip the Regents of their constitutional autonomy. The Academic Assembly resolved:

That the existing provisions of Article IX, Section 9 of the Constitution of the State of California provide for sufficient oversight by the legislature and elected officials of the University; and

That preservation of Regental autonomy is essential to ensuring that the University is “independent of all political or sectarian influence,” which is critical to maintenance of the University’s excellence in teaching, research, and service; and

That the Assembly of the Academic Senate strongly opposes any legislative action to strip The Regents of their Constitutional autonomy.

We request that you communicate the faculty’s strong opposition to the Regents, to the public, and to state legislators. The full text of the resolution is enclosed. Please do not hesitate to contact me if you have any questions regarding the Assembly’s resolution.

Sincerely,
Mary Croughan
Chair, Academic Council

Copy: John Sandbrook, Interim Chief of Staff
Academic Assembly
Martha Winnacker, Academic Senate Executive Director
Dan Dooley, Vice President, External Relations
Steve Juarez, Associate Vice President and Director, State Governmental Relations
Encl (1)

RESOLUTION OF THE ASSEMBLY OF THE ACADEMIC SENATE
OF THE UNIVERSITY OF CALIFORNIA

WHEREAS:

Article IX, Section 9 of the Constitution of the State of California provides that “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 such competitive bidding procedures as may be made applicable to the university by statute . . .”; and

WHEREAS:

Article IX, Section 9 of the Constitution of the State of California also provides that specified elected officials shall serve as Regents and that the Governor shall appoint and the Senate must confirm a specified number of additional members of the Board of Regents; and

WHEREAS:

Article IX, Section 9 of the Constitution of the State of California further provides that “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

WHEREAS:

Under the leadership of The Regents, the University has developed into the world’s premiere research university; and

WHEREAS:
The Regents have a well established pattern of complying with legislative requests to the University; and

WHEREAS:

Members of the California legislature have introduced ACA 24 and SCA 21, which would place before the voters a constitutional amendment repealing the historic autonomy of The Regents of the University of California; and

WHEREAS:

Direct legislative control over the University of California would politicize decisions that directly affect academic freedom and the teaching, research, and service missions of the University;

BE IT THEREFORE RESOLVED BY THE ASSEMBLY OF THE ACADEMIC SENATE OF THE UNIVERSITY OF CALIFORNIA:

That the existing provisions of Article IX, Section 9 of the Constitution of the State of California provide for sufficient oversight by the legislature and elected officials of the University; and

That preservation of Regental autonomy is essential to ensuring that the University is “independent of all political or sectarian influence,” which is critical to maintenance of the University’s excellence in teaching, research, and service; and

That the Assembly of the Academic Senate strongly opposes any legislative action to strip The Regents of their Constitutional autonomy.
### 7.5 Selected News Articles

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<td>UC Changes Are Needed</td>
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<td>1969 Jan 17</td>
<td>UC Student President Attacks Regents’ Investment Policies</td>
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<td>1969 June 3</td>
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<td>1970 Feb 21</td>
<td>UC Tuition OK’d, Regents’ Vote Ends 101-Year Policy</td>
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<td>J Dreyfuss</td>
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<td>LAT</td>
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<td>California Regents Drop Communist from Faculty</td>
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** NB: The archives of the SF Chronicle could not be accessed electronically, but they undoubtedly also have many revealing insights.
UC Board Confirmation by State Senate Urged

The measure was introduced by Assemblyman Alan Pattee (R) Salinas, who said he did so at the request of Gov. Knight to provide more widespread geographical representation on the board.

It already has drawn the opposition of Edwin W. Paulley of Los Angeles, chairman of the Board of Regents, who notified Pattee through James Corley, vice-president in charge of business affairs and legislative representative for UC, that he would register his opposition when the Legislature considers the proposal.

Atom Sub Skate Sails for France

PORTLAND, Eng., March 10 (AP) — The American nuclear-powered submarine Skate ended a five-day submarine run at this British naval base today and sailed for France.
UC Changes Are Needed

CARTER EDWARDS

The difficulty with the University of California seems to be an absentee management. I note that four members of the Board of Regents, for some inexplicable reason, are residents of Washington, D.C.

I note further that both the president of the University and the chancellor of UCLA have indicated that the outside demands on their time require that they be absent from their campuses over 50% of the time.

Are we as taxpayers getting our money's worth from this situation? I suggest not. I suggest that those members of the Board of Regents who have chosen to seek their fortunes in Washington, D.C., resign from the board and that the president and the chancellor so rearrange their lives so that they can give full attention to the jobs to which they have been entrusted. The high standing of the university, now questioned, must be restored.

CARTER EDWARDS,
Los Angeles.
BERKELEY—Investment policies and financial record-keeping practices of the University of California were attacked Thursday by UC Berkeley's student body president.

The charges were made at a regents' meeting here. Regent Edwin W. Pauley of Los Angeles, chairman of the Regents Investments Committee, said he "disagreed" with the accusations.

They were called "irresponsible" by Owlsley B. Hammond, the regents’ treasurer.

Emphasizing that there were "no clear cases of conflict of interest," student body president Charles Palmer said there were "heavy expenditures made in stocks from companies in which the regents had a personal concern . . ."

Statement by Carter

Regent Edward W. Carter of Los Angeles, president of Broadway-Hale Stores Inc., and a member of the Investments Committee, told The Times: "I happen to direct many major companies. It would be strange if the university didn't invest in some of them."

UC has $12.6 million invested in companies of which Carter is or was president or a director.

Three other Investments Committee members are or were presidents or directors of companies in which the university has sizeable investments.

They are John E. Canaday of Los Angeles, $2.3 million; William M. Roth of Washington, D.C., $1.7 million, and Pauley, $1.3 million.

UC has $2 million invested in a company run by Norton Simon of Fullerton, a former member of the Investments Committee.

Knowledgeable independent observers maintained that there appears to be nothing wrong with the relationship between regents and university investments.

In every case the regent connected with a company under consideration by the Investments Committee abstained from voting on whether UC should invest in the stock, Hammond said.

Many of the stocks and bonds concerned were gifts to UC, in some cases from regents involved with the companies.

The investments in question are financially sound. They total $10.9 million of the $28.8 million in long term investments held by UC. The university has another $133.2 million in short term investments.

'Naive and Irresponsible'

Canaday called the students charges "naive and irresponsible."

Palmer charged that the regents should invest money in urban self-help projects, noting that they have many times given verbal support to such projects.

But Pauley observed that the goal of the investments committee was to make a profit for the university.

"We have no obligation to go into urban development," he said after the meeting. "If urban development paid as much as other real estate

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UC Financial Policies Hit by Student Leader

Continued from Third Page

mortgages do, we would undoubtedly invest."

Palmer also said UC refused to release its investment portfolios from before 1967.

The student body president noted that although portfolios for the last two years are available, the earlier one does not show the purchase price of stocks, thereby "thwarting any analysis of that year's performance."

Before 1967, UC investment portfolios were kept confidential to avoid numerous phone calls from brokers wanting to buy or sell stocks, Hammond said.

He added that pressure from brokers was the principal reason for changing the policy two years ago, and noted that it was changed only after a UC survey of comparable institutions showed that most of them published their portfolios.

Palmer also criticized UC investments in war-related industries, and voiced concern that "average" returns on investments would lead to higher taxes or tuition at the university.

"On the information available and with our lack of expertise, we would not attempt to offer any deep analysis of the portfolio," Palmer said. "But we believe that the people of California deserve and should have both the facts and analysis."

In other business, Roger W. Heyns, chancellor at UC Berkeley, assured the regents' Educational Policy Committee that credit for a course in which Black Panther Eldridge Cleaver lectured could not be gained through other courses.

A Berkeley professor this week indicated he would grant such credit through independent study courses in which instructors can give credit for special projects.

Regents in September banned credit for the Cleaver course if the Black Panther lectured more than once, which he did.

Heyns also emphasized that no credit is involved in a lecture series in which Tom Hayden, founder of the leftist Students for a Democratic Society, is scheduled to speak nine times and Dr. Herbert Marcuse, left-wing philosopher and a professor at UC San Diego, is slated for one appearance.

UC President Charles J. Hitch presented a 10-year academic plan to the Educational Policy Committee. He said it indicated that skyrocketing enrollment projections "will be quite a serious problem."

Hitch said it appeared that the university might have to accept more students at existing campuses, build new campuses or limit enrollments.

State Department of Finance projections show undergraduate enrollments increasing from 66,430 this year to 97,538 in 1978.
UCLA DISRUPTION
JOHN DREYFUSS; WILLIAM J DRUMMOND
Los Angeles Times (1886-Current File); May 17, 1969;
ProQuest Historical Newspapers Los Angeles Times (1881 - 1986)
pg. 1

UCLA DISRUPTION
Students Halt Regents Meeting

Police Called to Put Down Disturbance

BY JOHN DREYFUSS and WILLIAM J. DRUMMOND
Times Staff Writers

Students disrupted a University of California regents meeting Friday at UCLA, forcing a half-hour recess and the calling of 100 city policemen and about 40 highway patrolmen to help clear students from the area.

Five plate glass windows were smashed on the north side of the Faculty Center where the regents met, a section of redwood wall was kicked in and several patio tables were overturned by angry members of a crowd of several hundred students.

Two arrests were made during the disturbance.

Los Angeles police identified the arrested pair as David Paul Rabovsky, 22, booked on suspicion of assaulting a police officer, and James Mackey, 23, booked on suspicion of trespassing and resisting arrest. They identified themselves as UCLA students but reportedly declined to give officers their addresses.

Photographer Injured

Times photographer George R. Fry suffered a slight scalp wound when he was struck by a rock thrown during a scuffle outside the regents meeting. No serious injuries were reported, UCLA police said.

About half a dozen automobiles were damaged by persons in the crowd who clambered atop the cars to get a better view of the action.

The off-campus police and about 40 campus officers cleared a crowd of 500 to 600 students from the front of the Faculty Center about 4:30 p.m.

The trouble began when students were denied permission to speak in the regents meeting. A student spokesman later said they would demand:

Removal of ROTC from all UC campuses; an end to all war-related projects at UC; barring of off-campus police for the suppression of student political demonstrations; that the regents surrender to campus officials the right to hire and fire professors, and that the regents meet in larger rooms.

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Continued from First Page

The demands were to be made by the Coalition, a group of radical student organizations at UCLA. An emergency faculty meeting, to which students are invited, was called for noon Monday at UCLA's Pauley Pavilion by Chancellor Charles E. Young and Dr. Lowell Page, chairman of the campus Academic Senate division.

"We want to discuss in the Coalition," the 22-year-old junior from Los Angeles told the regents. Immediately, there were mingled shouts from students of, "Sit down, pig," and "Let him speak." About two-thirds of the students present participated in interrupting the meeting. The other third insisted on order.

DeWitt A. Higgs, a San Diego attorney and chairman of the regents, observed that Donaldson had not made a required written request to speak at the meeting. Regent Frederick G. Dutton of Sausalito urged a waiver of the rules to let Donaldson have a required five-minute recess during which UCLA Chancellor Young asked radical students to sit through the meeting and perhaps be heard at the end.

"No it isn't," shouted a member of the Coalition. "We want to speak!" Higgs then called a five-minute recess during which UCLA Chancellor Young asked radical students to sit through the meeting and perhaps be heard at the end. The meeting resumed with Higgs saying, "The first item of business is the president's report.

"We want to speak!" shouted a member of the Coalition. "The shout was followed by more chants of, "We want to speak." Higgs then announced he had asked Young to have persons cleared from the room if they disturbed the meeting. Rabovsky was hustled out.

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UCLA STUDENTS

Continued from 10th Page

out by three plainclothes

Then Young, his expres-

He ordered all persons

He ordered all persons

Outs, crowds of stu-

Outs, crowds of stu-

After some 20 minutes of

After some 20 minutes of

Young walked through

Young walked through

But he said the way to

But he said the way to

Police were called, he

Police were called, he

The students sur-

The students sur-

At a press confer-

At a press confer-

UCLA STUDENTS

Continued from 10th Page

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Assembly OKs Bill to Allow Balloting on Regents Meetings

SACRAMENTO (AP) — The Assembly overwhelmingly approved legislation Monday giving voters a chance to decide whether the University of California regents should be required to hold open meetings.

The proposed constitutional amendment, which passed 66 to 1, would go on the 1970 ballot if approved by two-thirds of the Senate.

Similar legislation was approved by the Assembly last year but died in the Senate. Assemblyman William Bagley (R-San Anselmo), author of the measure, said it might have a better chance this year because of changes in Senate leadership.

Under the state's open meeting law, public agencies and boards including the State College Board of Trustees are required to hold open meetings.

Bagley said the legislative counsel's office has ruled the requirement applies to the regents also—but "their own attorney has given them a contrary opinion."

Closed committee meetings are allowed, as are executive session on certain matters—including personnel, legal actions, matters of national defense or anonymous gifts.

Bagley said the proposed amendment has "broad support" from liberals and conservatives alike. He predicted it would win support from an overwhelming majority of voters.
MEETING OF UC REGENTS

Continued from First Page

and entertainment expenses for "wining and dining" should stop.

However, many regents and UC President Charles J. Hitch, attending his last regents meeting before retiring June 30, disagreed.

"The idea of housing the president and vice president and chancellors in some kind of aristocratic fashion may have been all right when the university (was more separated) from society," Brown said. But, he added, no longer.

The homes, Brown said, are "a symbol of the past" and "not reflective of a democracy."

Several regents told Brown that the president's and chancellors' homes were needed as places where students, faculty members, dignitaries and potential and past donors to the university could be entertained.

"Don't overlook the fact," retorted Brown, who was to find no allies Friday in his ascetic cause, "that the university has alumni buildings, student unions and faculty clubs . . . where people can gather to discuss the university."

Heller, long a political supporter of the governor, said she understood 

"Brown's philosophy very well . . . but if you call them (the homes) mansions you are going very far."

(Interestingly, a similar view was offered by the new student regent at a press conference after the meeting.

"I think he (Brown) has a point that the university should not be apart from society, but calling the homes lavish mansions is something of an exaggeration," said Mock.)

Brown said the university should set an example of how to get along with less. "We need more conspicuous austerity at the university rather than consumption," he said.

"The governor says we are living in today's world," countered regent DeWitt A. Higgs, "but a part of today's world is competition." UC cannot compete with other institutions, Higgs indicated, for top administrators without good salaries and attractive fringe benefits.

"I'm just suggesting," Brown said, "that adjustments (to this type of thinking) are coming . . . and I would rather see the university at the forefront (of this trend) and not in the rear."

The unanimous selection of Mock, 22, brings to an end a student-led campaign for a student regent which began last fall after California voters passed Proposition 4. That ballot measure authorized the regents to name a student to the board.

In February, after four months of debate, the regents, with the strong urging of Brown, agreed to add the student member.

A native of Ben Lomond in Santa Cruz County, Mock will be a voting member of the board and will serve a one-year term.

Mock plans to enter UC Berkeley this fall as a graduate student in political science.

At the press conference following her appointment, the new regent listed her priorities as "instructional improvement" at UC and involving more students in the university's policy-making and planning processes.

She described herself as politically "left of center" and said her primary goal was to "make sure I'm not the last student regent."

Following her year's term, regents will have the option of either appointing another student or abolishing the student post.

In another action, Donald C. Swain, vice chancellor for academic affairs at UC Davis, was named to the new post of UC academic vice president.
S. D. S. and Reagan's Regents -- Two of a Kind?
by FRED HECHINGER

The Chicago convention of the Students for a Democratic Society and the Berkeley meeting of the Regents of the University of California demonstrated why the administration of universities has become so frustrating. The irrationality of the student revolutionaries as well as of the adult counter-revolutionaries places many university presidents under a state of permanent siege.

The S.D.S. convention proved what most observers, except for incurable romantics of the youth rebellion, have long known: that the radicals are an antidemocratic force, unwilling to uphold freedom of either press or speech and not interested in honoring any social contract including their own. They are now split between the "moderate" wing, which appears to range from utopian Communism to Maoism, and the radical Worker-Student Alliance of the Progressive Labor party, which even reviles Ho Chi Minh for going to the negotiating table rather than fighting to ultimate victory.

The views of either wing of the S.D.S. are rejected by the overwhelming majority of Americans, including the "working classes" and including, too, the bulk of those who want the war in Vietnam to be brought to a speedy end. Moreover, the S.D.S. has shown little concern for real and much-needed academic changes.

While the S.D.S. was putting on its demonstration of unreason, the University of California Regents played out a similar script in Berkeley. They turned down by vote of 16 to 7 a sensible compromise advanced jointly by Charles J. Hitch, president of the entire university system, and Dr. Roger W. Heyns, chancellor of the Berkeley campus.

The details of the Hitch-Heyns plan are of little importance. Suffice it to say that it would have provided facilities for a "user-run" park on a section of that off-campus plot of university-owned land which had led to the earlier battle over the so-called People's Park.

The Autonomy Issue

But it was not the park issue that was now at stake. On trial instead was the theory that able and responsible campus administrators should operate with maximum autonomy. The Regents' vote, under Governor Ronald Reagan's law-and-order whip, gave notice that the Hitch-Heyns role has been reduced to that of proconsuls serving at the pleasure of the Reagan-dominated, politically oriented board.

The implications of this development become clear when it is remembered that, in a similar showdown in 1965 when the Regents tried to dictate to Dr. Clark Kerr (then in Mr. Hitch's post) how he was to deal with student violators, Dr. Kerr resigned. He did so, not because he did not think the students should be disciplined, but because he refused to accept the Regents' interference with campus independence. The Regents rescinded their demand and Dr. Kerr withdrew his resignation. (He was subsequently dismissed during the first board meeting under the Reagan regime for his unwillingness to accept what he considered a budget inadequate to maintain academic excellence.)

Why could not a Hitch-Heyns resignation today have the same effect? The answer is simply that in the pre-Reagan days of Clark Kerr the Regents, despite occasional political lapses, were predominantly concerned with the goal of making the state's university system the pride of American higher education. Berkeley was then being named in virtually the same breath with Harvard, and to sacrifice the university president who had brought this about seemed inconceivable to the majority of Regents, even when they were angry at him.

Threat of Political Control

Dr. Heyns, who said after last week's meeting that he was "sick and tired of being hemmed in," may indeed resign before these battles are over, but both he and Mr. Hitch are realistically aware that Reagan's Regents -- the majority whom the Governor controls -- could not care less. They would probably consider it a victory.

Not unlike the S.D.S., some of these politically oriented men seem to see the independence and nonpolitical autonomy of the university as a liberal myth, not as a principle to be defended. Unless the university voluntarily buckles under, it must be brought to heel. In the long run, however, the power plays of Reagan's Regents are harder to arrest than those of the S.D.S.

Fortunately, at this point, the California Regents as well as the S.D.S. constitute a minority in their respective spheres of academic interest. The danger is in the contagion of their victories. Each of their successes emboldens others who want to undermine the self-governing campus community. Unwillingness on the part of the majority of students and faculty members -- and the voting public -- to meet this danger has made shaky and frustrating the position of university administrators who recognize the dangers all too clearly.

The test, in dealing with student revolutionaries, has in recent weeks begun to be met with a variety of disciplinary and legal actions. The test whether such counter-revolutionary actions as in Berkeley can be successfully opposed, may, in the end, require another form of escalation. If the resignation by a responsible chief executive will gain nothing, and may actually lose much, will only mass resignations eventually alert the public to the question whether political or academic leaders are better able to give the people the universities they need?

FRED HECHINGER is Education Editor of The Times.

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Court Blocks UC Red Firings

BY KENNETH REICH

The UC Board of Regents' 29-year-old policy against employing Communists at the University of California was declared unconstitutional yesterday in Los Angeles Superior Court.

"Judge Jerry Pacht, in a strong verbal opinion left the impression that he will issue an order, probably today, that would invalidate the regents' policy," said the regents' policy against employing Communists at the University of California was declared unconstitutional yesterday in Los Angeles Superior Court.

But it was learned that the judge would probably today that would leave the impression that he will issue an order, probably today, that would invalidate the regents' policy.

In a strong verbal opinion, Pacht enjoined the regents from spending any more tax revenues for the dismissal proceedings against Miss Davis, a philosophy professor at UCLA, for teaching in a free society.

The policy, adopted in 1940 and reaffirmed in 1949, 1950 and this year, was declared unconstitutional by the judge, who said the regents could not "judge" the constitutional rights of Miss Davis.

"It was a possibility that the regents would be relieved from a higher court, and one decided whose views are acceptable in a free society," Pacht said.

Proceedings against Miss Davis, he said, would be "unconstitutional," and would be "unconstitutional" to the Regents.

The policy, adopted in 1940 and reaffirmed in 1949, 1950 and this year, was declared unconstitutional by the judge, who said the regents could not "judge" the constitutional rights of Miss Davis.

To uphold it, the judge said, "It was a possibility that the regents would be relieved from a higher court, and one decided whose views are acceptable in a free society," Pacht said.

Proceedings against Miss Davis, he said, would be "unconstitutional," and would be "unconstitutional" to the Regents.
Courts Bars Dismissal of Reds by Regents

Continued from First Page and constituted one of Miss Davis' administrative remedies against the dismissal proceedings which have now been invalidated.

Judge Pacht's verbal opinion came after a three-hour hearing in his court on a UCLA faculty-sponsored taxpayers' suit against the regents' actions in the Davis case.

Judge Pacht was assigned the case after the regents' attorneys had filed an affidavit of prejudice on the originally assigned judge, Robert W. Kenny.

Pacht, who has a liberal reputation on the bench, repeated into the arguments of two of the regents' attorneys, Donald L. Redlhaar and Warren S. Levin.

At one point, he described as "torturing" arguments by Redlhaar that the mere fact that Miss Davis was a Communist Party member disqualified her from teaching at UCLA.

If the argument were carried through to its logical extension, the judge said, it would mean that the regents would have the power to decide that membership in other organizations could—without reference to any unlawful acts committed—disqualify a person from employment.

This, he said, could be done to members of any party out of power.

One by one, the judge rejected the arguments and motions of Redlhaar and Levin.

He denied their motion for a change of venue to Alameda County. He rejected their contention that the plaintiffs should have appealed to the regents before coming to court.

And, after ascertaining that they could cite no court decisions to back their point of view, Pacht denied their request that they be allowed to submit additional briefs before he ruled.

In his verbal opinion, Pacht said that he believed that if the courts failed to enjoin the regents in the Davis case it would be tantamount to determining that they had a right to make political tests in employing faculty members.

He cited the regents' resolution of June 30 that approved Miss Davis' constitutional right to teach, relayed word that he would make no statement.

But UCLA Philosophy Department Chairman Donald Kalish, who was instrumental in hiring Miss Davis last spring called the Pacht decision "terrific." Miss Davis, who showed up about 15 minutes late to lecture her 3 p.m. noncredit class, first declined to make any statement because she said she was uncertain exactly what the judge had ruled.

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REGENTS RULING

Continued from 20th Page

But later, as she walked back to her office after class with some friends, the 25-year-old black professor told them:

"It was obvious all the time that it (the regents' ban on Communists) was unconstitutional. Everyone, I think even the regents, knew it."

UC Regent John E. Con- nedy, who was among those who had sought Miss Davis' ouster, declared:

"Certainly this is not a final judicial determination in the case. I assume that no matter what the verdict had been in the lower court, that it would be carried by whichever side lost to the next higher court, and all the way to the U.S. Supreme Court."

The two regents who had voted to oppose the regental majority in seeking to dismiss Miss Davis Sept. 19 — Frederick C. Dutton and William M. Roth—both said they had expected the court decision.

Monday in court, the regents' attorneys took basically the same position they had taken before the hearing of the faculty committee, the Academic Senate's Privilege and Tenure committee, Friday.

They asked that they be permitted to bring in expert testimony to the effect that membership in the Communist Party committed a person to party discipline and rendered them unable to teach in a free way in the classroom.

But Judge Pacht said that this question had already been taken up many times in the courts and that previous court decisions barred the type of political inquiry the regents' attorneys were requesting.

Pacht said, "I am really concerned as to the nature of a r g u m e n t that you would go into here ... It appears to the court to fly squarely in the face of the Keyishian case* and other court decisions.

After the judge had ruled, UC General Counsel Thomas J. Cunningham who had not attended the hearing, issued a statement that the ruling had "denied the regents the opportunity to present evidence why an admitted member of the Communist Party is unable to teach objectively."

Cunningham added, "The Board of Regents policy, precluding members of the Communist Party from serving on the faculty, is based solely on fitness to teach in an educational system dedicated to the principle of r a t i o n a l and objective search for the truth. It is not based on testing the individual's loyalty, personal political convictions or affiliations.

"We feel that there should be a complete trial of the important constitutional issues raised by this case," he said.

"Because today's decision precludes such a trial, my office will take all appropriate steps to bring about a reversal of that decision."

Cunningham's office has 30 days to appeal the Pacht decision to the State Court of Appeal, the first step of a long process which is likely to end eventually with the case going to the U.S. Supreme Court.

The taxpayers suit acted upon by Pacht involves three faculty and two student plaintiffs. It is officially sponsored by the UCLA faculty, which voted recently to condemn the regents' actions against Miss Davis and to rescind their endorsement of the ban on Communists.

The attorneys for the plaintiffs, Charles H. Phillips and Richard J. Borow of Century City, had filed a motion for summary judgment. It was this motion that was granted by Pacht Monday.

In the afternoon conference, the judge also indicated readiness to grant a motion for further specifics by Miss Davis' attorney, John T. McTernan, but the wording of this order may not be finally settled for a few days, it was indicated.

The UCLA Academic Senate voted unanimously Monday afternoon to express "deep appreciation" to Phillips and Borow for taking their suit without regular fee. The faculty, however, will pay the attorneys their out-of-pocket costs.
Tuition Rise at U. of California Fails First Test Before Regents

LOS ANGELES, Jan. 16—A proposal to raise tuition at the University of California failed today to gain the necessary support at a meeting of the Board of Regents and was put over for consideration at their next meeting Feb. 19 and 20 in San Francisco.

The plan submitted by the university president, Charles J. Hitch, recommended $480 in tuition next year and $660 in 1971-72 for California residents. He also urged raising nonresident fees to $1,860 in two years.

The plan ran into opposition from Gov. Ronald Reagan and the minority leader of the Assembly, Jesse Unruh. Mr. Reagan said he believed that there should be further study of fund-raising measures before making any decision. Mr. Unruh earlier told a student audience at U.C.L.A. that the tuition fee "would shut the doors on education to the sons and daughters of thousands of middle-income families."

Governor Reagan's proposal today urged raising fees $60 a quarter, or $180 a year for undergraduates, and $75 a quarter, or $225 a year for graduate students, beginning in 1970-71.

In the second year these fees would go to $120 a quarter, or $360 a year for undergraduates, and $150 a quarter, or $750 a year for graduate students. Mr. Reagan said he hoped that these fees would be used to meet in part the related support costs of students.

Regent Frederick G. Dutton said that he would offer other proposals at the next meeting but he also believed that parents of students making less than $13,500 a year should not be charged additional fees.

Students already pay $300 in fees plus other expenses and passage of a tuition plan would almost surely be imposed upon the 19-campus state college system.

Mr. Hitch had hoped that of the $18.6-million of tuition revenue generated the first year, half would go for new buildings to accommodate increased enrollment. Failure of the 1968 construction bond issue, as well as the inability to sell bonds already authorized, has severely curtailed campus construction. A number of campuses have been forced to deny entrance to qualified students.

Mr. Unruh favors withholding state income taxes as an obvious method of raising money and keeping the university open to all students.
In The Nation: Punishing the University
By TOM WICKER

In The Nation: Punishing the University

By TOM WICKER
WASHINGTON—As a target for the Nation's anger at the rest of the nation, and thus at the nation itself, the University of California often has been the state in which significant social developments first took form. That is why the rest of the country ought to watch this moment, when the showdown expected this week on California's "tuition issue." With education bearing the brunt of the nation's wealth this year, and with public interest in college rising, the University of California students and at any of the nine units of the state university do not pay tuition (a charge, for instruction or use of classrooms) but only a $300 annual fee for health services, laboratory costs, student activities and the like. The University of California is unique, in this regard, among great American educational institutions.

On Feb. 20, however, as the climax of a long struggle, it appears most likely that Gov. Ronald Reagan will muster a majority of the Board of Regents for levying an annual per-pupil tuition charge of $360, the money to be collected in a manner which will not even be earmarked for the university, but which will be paid into the California general fund. University President Charles Hitch is supporting a compromise plan that would dedicate the tuition funds to university building projects and to student aid.

But since neither Mr. Hitch nor Fred Dutton, a Regent who is opposed to any tuition charge, can put together a majority of the board, some of those who have backed Mr. Hitch are expected to switch to Governor Reagan's support this week. They want to settle the tuition issue before the Governor can inject it into his campaign for re-election.

With education burdens everywhere going out of sight, one might have thought Californians would forget the tuition and fang to hang on to free higher education for their children. But that is not happening.

Public Disappointment

There appear to be a number of reasons why, Hard-pressed real estate and income tax payers believe the rising cost of higher education is a major part of their burden. Student disorders—for which the campus at Berkeley is almost a symbol—coming on top of the tax burden have spread the notion that students themselves should pay for the full cost of their education. If students have to work to pay tuition, many Californians seem to believe, they won't have time to smoke pot, make love or demonstrate. Above all, however, sensitive observers in California sense a certain public dissatisfaction with the Land-Grant College Act passed during the Civil War. Now there seems to have developed and found expression in the California tuition issue the fear and suspicion that the university is an alien and undemocratic place that stirs up trouble, fosters unwelcome social change, and functions less as an institution of sound practical instruction in earning a living (what Chancellor Charles E. Young of the University of Los Angeles calls a "high-level trade school") than as a center of intellectualism, ideology and snobbery. This seems not so much anti-intellectualism in the usual sense as a sort of antiequality, which—since it is surface in the harbinger state of California—may be something of a new American phenomenon. And the excruciating irony is that the low-to-middle income groups that in California seem the most angered by the university will in the long run suffer the worst consequences of their own attitude.

Burdening Students

Just when a majority of the children of such groups are, for the first time, beginning to seek higher education, not only California but a number of other states are seeking to put more of the cost burden directly on the student and his family. In California, already, no knowledgeable politician doubts that when the Regents impose tuition on the university, the Legislature will impose it on the state and community colleges. Even if Mr. Hitch's plan to use some of the tuition funds for student aid were approved, the new charge would increase, not reduce, the over-all need for such aid. And about two-thirds of the university's present students are already working to pay part or all of their education and living costs.

Thus, higher tuition will most likely mean more middle-to-upper-income students in the university, and fewer lower-income students (and it happens to be the former who do most of the demonstrating, as every study shows). If California, which ranks only thirtieth among the states in per-capita support of public higher education, is any example, there's not even much of a tax break involved. Mr. Dutton argues that the average California taxpaying family contributes about $4 monthly for this purpose, and might be relieved of perhaps fifteen cents of that sum by tuition.

In fact, imposing tuition in California, or sharply raising it at other state universities, will only shift to the students and his family a greater proportion of the educational cost burden now paid by corporate and business taxes as well as by individual taxes. That is not a high price to pay for the pleasure of punishing the university.

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The Assembly

Legends — Adds two students, two faculty members and one alumnus to University of California Regents, extends term of ten years to nine years; ACA28, Vasconcellos (D-San Jose).

Districts — Extends term of state college trustees from eight years to nine years; ACA27, Vasconcellos.

Bills Introduced

Trustees — Adds student and faculty representatives to state college board of trustees; AB 492, Vasconcellos.

Pollution — Extends Bay Area Air Pollution Control District to Napa, Santa Clara and Sonoma counties; AB 479, Knox (D-Richmond). Authority to Bay Area Air Pollution Control District to register and collect fees on nonvehicular sources of air pollution; AB 477, Knox. Eliminates ceiling on assessments Bay Area Air Pollution Control District charges to counties in district; AB 478, Knox.

Radar — Appropriates $10,000 for trial radar program by California Highway Patrol; AB 474, Ketchum (D-Paso Robles).

Citus — Extends March 1, 1970, deadline for compensation for citrus trees infected with "quick decline" to March 1, 1972; AB 483, Duffy (R-Hanford).

Consumers — Gives purchasers three days to cancel home solicitation sales contracts; AB 482, Fenten (D-Montebello).

Billboards — Prohibits outdoor advertising signs advertising products to landscape highways; AB 481, Schabarum (R-Covina).

Cotton — Extends Cotton Adjustment District Act until 1974; AB 495, Velez (R-Brawley).

Defender — Creates office of state public defender; AB 497, Hayes (R-Long Beach).

Drugs — Excludes persons convicted of misdemeanor possession of marijuana from requirement to register as narcotics offender; AB 515, Sieroty, (D-Beverly Hills), makes possession of marijuana a misdemeanor in certain conditions; AB 514, Sieroty. Exemptions of街船 carries to report drug injuries; AB 516, Sieroty.

Resolutions Introduced

Impeachment — Calls for the impeachment of Superior Court Judge Gerald Garnier of San Jose; HR 25, Garcia (D-Los Angeles).

Salton Sea — Asks federal government to make feasible-level studies of Salton Sea; AJR 10, Velez.

Suflkur — Asks the President to permit continued importation of low sulphur fuel oil without high tariff; AJR 41.

The Senate

Bills Introduced

Reeling — Increases support for the Miller-Unruh Basic Reading Program by $24 million; SB 201, Rodda (D-San Francisco).

Licenses — Allows state to issue personalized license plates with additional fees used for an environmental protection fund; SB 202, Marks (R-San Francisco).

Testing — Prohibits students from being required to take part in classes where they may be required to explain or defend parents' beliefs or practices in regard to sex, morality or religion; SB 261, Schuch-Farrell.

Floods — Directs State Reclamation Board to set and enforce standards for flood control structures and requires the board to give full consideration in such standards to fish, wildlife, plant and environmental factors; SB 265, College (R-Indianapolis).

Bill — Allows counties to levy tax on use of ad flets where tourists increase snow removal and road maintenance costs; SB 271, Teute (D-West Point).

Warrant — Stills out obligations of manufacturer and a dealer in consummation goods in carrying out warrants; SB 272, Song (D-Monterey Park).

Bridge — Prohibits California Toll Bridge Authority from building a southern crossing of San Francisco Bay prior to statutory authorization for such construction; SB 273, Delwig (R-Atherton).

Conflict — Changes existing laws regulating conflict of interest and financial disclosures of public office holders and candidates; SB 574, Way (D-Eastlake).

Delta — Requires the state to operate the proposed Peripheral Canal so it will maintain the same environment in the delta as would, have existed in the absence of any pumping of water from the delta; SB 274, Nogdly (R-Walnut Creek).

Resolution Introduced

Camps — Asks Congress to repeal the National Security Act of 1950 relating to creation of detention camps; AJR 4, Danielson (D-Los Angeles).

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UC TUITION OK'D
Regents' Vote Ends 101-Year Policy

Fees Will Begin With Fall Term

BY JOHN DREYFUSS
Time Education Writer

SAN FRANCISCO—Shattering a 101-year-old tradition, the University of California Regents Friday imposed tuition for all students except those in medical, dental and pharmacy schools.

In addition to existing charges, undergraduates will begin paying $120 per academic year next fall and graduate student tuition will be $10. The new charges will double the following fall.

UC students already are assessed approximately $300 annually. There are individual campus fees ranging from $15 to $55.

Total annual student assessments by 1971-72, therefore, will be between $150 and $55 for undergraduates, with graduate student fees being $60 higher.

Imposition of tuition has been an objective of Gov. Reagan since his first year in office.

Among arguments various regents have made supporting tuition are that students should be financially responsible for a share of their own education, that UC needs money quickly and that failure of recent educational bond issues has caused a lack of expected funds.

Agree on Financial Need

The regents approved tuition by a vote of 16 to 6, with one abstention. They agreed that California residents with "demonstrated financial need" may defer payment of the charges in a manner similar to deferrals permitted for existing National Defense Student loans and regents' loans.

To qualify for those loans, a family may have no more than $2,150 available for educational purposes. Students must begin paying regents' loans within six months after graduation, and liquidate them within five years. NDS loans must be repaid within 10 years. Both plans call for a 3% interest charge.

Although the regents agreed to call the new charges an "educational fee," they are equivalent to tuition since there appears to be no intent to use the income for noneducational student services.

All existing student fees are applied to such services, including health centers and student government.

Reagan's campaign for tuition was most vocally opposed Friday by Regent Frederick G. Dutton of Sausalito.

When Reagan proposed a successful motion to lower an earlier tuition plan by $10 per academic year, Dutton accused him of hypocrisy and of playing a "shill game."

The governor had known before the meeting what figures would be proposed, and his motion to lower

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Tuition
Continued from First Page

Rodda told the regents they raised the question of the "validity of the democratic process" by approving tuition too quickly.

Later in the meeting, Reagan, clearly angered by a long series of proposed amendments, most of which were being proposed by regents opposing tuition, accused the board of "pure stalling."

He said there had been at least two years of discussion about tuition. Other regents, however, noted that while various forms of tuition had been discussed over the years, the proposal before the board was new.

Student representatives spoke against the increased charges, urging postponement of a decision until the issue could be put before the people, perhaps through public hearings throughout the state.

About 20 students demonstrated peacefully against tuition before the meeting began at UC Extension Center. Some 75 of the 180 persons attending the session were students. They made no attempt to disrupt the meeting.

UC President Charles J. Hitch voted against tuition, stating that the plan, eventually adopted made no commitment for student aid to those who "could not afford the new charges."

Hitch last month proposed a tuition plan with charges similar to those approved, but designating half the money for student aid and half for construction.

Assembly Speaker Robert Monagan (R-Tra-cy), who is an ex officio regent, proposed a successful amendment directing Hitch to present a plan at the March regents' meeting for securing student aid funds "from whatever sources are deemed advisable."

The regents are expected to discuss the possibility of tuition for the schools of medicine, dentistry and pharmacy at a future meeting. Those schools were excluded from the new plan because their students already pay tuition ranging from $250 to $250.

Besides Reagan, the following regents voted in favor of tuition:


Regents voting no, besides Hitch, were William K. Cohlenst, Dutton, William E. Forbes, William M. Roth and Norton Simon.

Mrs. Edward H. Heller abstained and State Superintendent of Public Instruction Max Rafferty was absent.
SACRAMENTO — A proposed constitutional amendment asking voters to approve shortening University of California regents terms from 16 to 12 years was rejected Monday by the Senate.

A 25-8 vote fell two short of the required two-thirds majority required on the ballot measure, authored by Sen. H. L. Richardson (R-Arcadia), who said he may seek reconsideration later.

The amendment also would have instituted Senate confirmation for regent appointments, which are made by the governor.

Bill Approved

Richardson claimed that reducing the length of the term and requiring confirmation would make UC regents more responsive to the wishes of the public.

Opponents argued that the present system has worked well in spite of campus unrest problems.

In other action, the Senate by a 29-0 vote approved a bill by Sen. James E. Whetmore (R-Fullerton) designed to help prevent some of the vote-counting difficulties experienced in the June primary election.

Whetmore's measure provides voting officials would have 59 rather than 44 days in which to get the sample ballots and actual ballots ready.

In Los Angeles County, with its almost 3 million ballots, he said arrangement of voting booklets in proper order is virtually impossible in the time presently allowed.

This legislation now goes to the Assembly for further consideration.
The Regents Fiddle While UC Burns

BY ROWLAND EVANS and ROBERT NOVAK

SAN FRANCISCO — At the moment that student vigilantes were trampling on academic freedom at the famous Berkeley campus of the University of California, the university's regents were engaging in a political charade which vividly demonstrated the crisis of liberal education in America.

The 24-member Board of Regents was meeting in San Francisco in an atmosphere of crisis. Like other major colleges, the giant University of California had been in turmoil since the Kent State killings. Hence, the chancellors of the university's nine campuses were asked to report publicly at the regents' meeting.

Roger W. Heyns, the Berkeley chancellor, delivered a glowing report of a new spirit at his troubled campus. He described students chanting anti-Cambodian protests into constructive means with academic principles safeguarded. In fact, neither Heyns' account nor similarly euphoric reports from the other eight chancellors bore any resemblance to what we had observed at Berkeley and described in an earlier column: the academic program being transformed into a radical political forum, classrooms invaded by student hooligans, students and teachers being coerced by radicals into abandoning regular classes.

Nevertheless, neither Gov. Ronald Reagan (ex-officio president of the regents) nor the conservative majority of the regents took issue with the chancellors during the public session. One conservative regent, Dean A. Watkins of Palo Alto, did ask Heyns to specify "modifications" in regular classwork at Berkeley. When Heyns replied he could not give a precise answer, Watkins did not press the point.

However, when the regents moved into closed-door session, the chancellor was subjected to closer interrogation. "I think we've been getting a whitewash," regent Watkins snapped.

Once again, Heyns and the other chancellors assured the regents that all was well. Watkins and other conservative regents replied that they had gotten first-hand reports of the educational process being disrupted, particularly at Berkeley. When university officials then asked for names, places, and dates, the regents were — not surprisingly — unable to immediately provide such an investigative dossier. Unsatisfied though they were, the conservative regents said no more.

The immediate explanation for the paper-overing of this crisis is that the conservatives have their minds on other things, namely, whether avowed Communist Angela Davis should be rehired on the university's Los Angeles faculty. In closed-door session that day marked by table-pounding and shouting, the Reagan majority of regents voted to seize responsibility for the Davis case from the UCLA administration.

That the regents should give priority to such a headline-catching but essentially trivial issue while their university is being destroyed poses doubts about the fiscal institution can be in saving higher education.

Moreover, even though conservative regents say they will press during their June meeting to find out what's really happening on the campus, they themselves are skeptical whether it will do much good. "We depend on information from the administration," one conservative regent told us. "What are we supposed to do? Station our own investigators on campus?"

Thus, when the administration decides to give the regents a laundered version of the facts, the regents are immobilized. Beyond that, some of the minority of faculty members fighting the radical assault on the university suspect that Reagan and his regents, hard-liners against violence, are considerably less concerned about the present non-violent attack on academic freedom by the radicals.

In California, particularly, the regents have become so entwined in political controversy during the Reagan Administration that they are ill-equipped to defend higher education. The board's liberal minority is unable to stand up for academic freedom because of its inflexible "pro-student" position.

Accordingly, liberal regent Frederick G. Dutton, the ex-Kennedy political operative, at that meeting endorsed the student demand for a free week in the autumn to do political campaigning — another step in totally politicizing the university.

With the administration unwilling and the regents unable to defend academic freedom, few faculty members here seem committed enough to educational traditions to fight for them. That suggests non-politicized education will henceforth be limited to those few small private colleges with self-confident faculties and that great state universities such as California's will be instruments of political agitation, a tragedy of unfathomable implications for the nation.
California Regents Drop Communist From Faculty

By WALLACE TURNER Special to The New York Times

LOS ANGELES, June 19—The University of California's Board of Regents dismissed a Negro assistant professor of philosophy from the Los Angeles faculty today. The board said it moved because of statements she had made in four off-campus speeches.

Supporters of the teacher argued that Angela Davis, 26 years old, was dismissed because she acknowledged that she was a member of the Communist party. Miss Davis has argued that she was let go because of her race. One regent who voted to retain her on the faculty said he expected Miss Davis to file suit against the board.

The speeches used by the regents as their reason for acting were made last fall when Miss Davis reacted after she had told that she had been discharged from her $10,000-a-year post at U.C.L.A. She sued and the state courts set aside the first dismissal.

The regents said they accepted an investigating committee's findings that Miss Davis had not attempted to indoctrinate students with her Communist beliefs and that her off-school commitments had not interfered with her teaching duties.

"Inflammatory Rhetoric"

The committee's report focused on statements she had made in the four off-campus speeches, which the regents said were characterized by "inflammatory rhetoric."

"We deem particularly offensive," the report said, "such utterances as her statement that the regents 'killed, brutalized [and] murdered' the People's Park demonstrators, and her repeated characterization of the police as 'pigs.'"

The committee said that Miss Davis seemed to see academic freedom as "an empty concept which professors used to guarantee their right to work undisturbed by the real world."

The committee said that Miss Davis had not hesitated to attack the motives, methods and conclusions of those with whom she disagreed and accused her of being "less than fair in her characterization of the views of fellow scholars." Miss Davis was not available for comment.

The action taken in the 15-to-6 vote was to refuse to rehire Miss Davis. The regents thus overruled the U.C.L.A. Chancellor, Charles E. Young, who had planned to rehire her on the strong recommendation of faculty committees who had praised her work.

History of the Case

The Davis case erupted last fall when an undercover agent on the Los Angeles campus wrote in The Daily Bruin, the campus newspaper, his justification for reporting on campus affairs to the Federal Bureau of Investigation. Among other things, he said that one faculty member was a Communist. Miss Davis subsequently identified herself as a member of the Communist party.

The regents then dismissed her, effective Sept. 30, denying that any racial reason was involved. They said the only reason was Miss Davis's Communist affiliation.

In October, a Superior Court judge in Los Angeles ruled that Miss Davis could not be discharged for being a Communist. She went back to the classroom. In May, Chancellor Young indicated to the regents that he intended to rehire Miss Davis for next year.

A special committee of regents has met privately for the last three weeks to draw up the specifications voted today for removing Miss Davis from the faculty.

The issue is particularly vola-
Political Interference by the Regents

ISSUE: Can the implicit threat involved in the vote to delay promotions of two teachers be justified by law or precedent?

Last week the UC Board of Regents voted to delay the promotions of two professors associated with left-wing causes. Reasons for this action were left unstated. But given the fact that the two men are rated highly as teachers and scholars by their superiors and colleagues, there can be no doubt that political considerations were paramount in the regents' move.

By their vote the conservative majority of the regents apparently intended to warn university radicals and other dissidents that punitive steps could and would be taken if they follow unpopular political courses.

A little more than a year ago the regents took back into their own hands the authority over tenure appointments and promotions they had earlier delegated to the chancellors of the various campuses. They had, legally, every right to do so and they have the right to exercise the authority they have reclaimed. But in exercising this authority they also have the obligation to act only on the basis of recognized and stated cause.

Political belief is not an acceptable basis for denying employment or promotion, a fundamental principle reaffirmed only last year by the regents themselves. It is, in fact, more than a principle; it is also law. The California Constitution prohibits the application of political influence in the administration of the university's affairs. This prohibition is echoed in the by-laws of the university which the regents are pledged to follow.

The regents' action so far constitutes a threat rather than a final action. Even so the crude if still implicit violation of the principle involved is serious enough to cause alarm among all who believe in a university independent of political interference.

Its impact on the campuses is predictable if not yet measurable.

At the very least it threatens to undercut the important efforts by responsible groups, such as UCLA's Committee for the University of the Future, to rally the moderate faculty majority against radical elements. In seemingly confirming the worst fears of political interference that have often been voiced, it plays directly into the hands of the militant radicals.

The shortsighted action by the regents can only be seen as a clumsy attempt to pacify the campuses by coercion. Its result may well prove to be the opposite. Far worse for the moment, however, is the arrogant abuse of power inherent in what the regents did: the scorn for law, for precedent, and for a basic sensitivity to what their action portends.
Regent Denies Politics Delays UC Promotions

BY WILLIAM TROMBLEY
Times Education Writer

One member of the University of California Board of Regents responsible for blocking the promotions of two liberal-to-left UC professors at last week's board meeting denied Thursday that he acted for political reasons.

"I requested that they (the promotions) be held up for perfectly good reasons," Dr. W. Glenn Campbell, director of the Hoover Institution at Stanford University, said in an interview.

"I want to see the professors' scholarly achievements and I want to see the evaluations," said Campbell, who was appointed to the board in 1968 by Gov. Reagan.

The professors whose promotions were deferred are David B. Kaplan, 36, associate professor of philosophy at UCLA, and Reginald E. Zelnik, 34, assistant professor of history at UC Berkeley. Both have been active in liberal or radical political causes.

Explains His Position

Asked why he picked these two professors out of a list of more than 20 names, Campbell replied: "I have a public trust to fulfill. I have an obligation to satisfy myself as to the worth of every person proposed ... I simply want to find out---do they measure up?"

Campbell said the "big "to-do" about the deferrals confirms in my own mind what I have long suspected---namely, that the University of California system is already highly politicized."

He said it was "extremely regrettable that certain regents ... rushed out of the meeting and told all this to the press ... and caused all the embarrassment they have to the two professors in question."

According to reliable accounts of the closed-door discussions, Campbell was joined in his request for postponement by Dr. John H. Lawrence, a retired member of the Berkeley faculty, and Mrs. Catherine Hearst.

These regents first asked for a two-month delay on Kaplan and Zelnik, but a compromise engineered by regents Edward W. Carter and William French Smith---presiding over his first meeting as newly elected board chairman---gave them 15 days.

If four or more regents ask for a further delay within the 15-day period, both promotions will be put over for a discussion at the September regents' meeting. (The board does not meet in August.)

Otherwise, when the 15-day period ends on Aug. 6, UC President Charles J. Hitch will inform the chancellors of the Berkeley and UCLA campuses that the promotions are approved.

Dr. Angus Taylor, vice president for academic affairs, said "curriculum vitae" on Kaplan and Zelnik were mailed to all 24 regents Tuesday.

Personnel Records

These include educational history, employment record, honors and recognitions, a list of published articles and books, a record of university service and the names of scholars in other universities who were asked to comment on the work of the two, Taylor said.

Whether this listing of largely biographical material will satisfy Campbell's request for "evaluations" remains to be seen.

Although Campbell insisted he did not act out of political motives in the Kaplan and Zelnik cases, he said he has long thought there was a need for "balancing the faculty" by bringing in more professors with conservative points of view.

Lawrence also has complained that left wingers control important faculty committees and, therefore, hiring policies at UC Berkeley.
THE GOVERNOR
Bill Signed
Water—Specifies that no person shall be excused from testifying before the State Water Resources Control Board on grounds that his testimony may tend to incriminate him or subject him to any penalty, specifies that no person shall be criminally prosecuted or be subject to any criminal penalty because of testimony before the board; AB 1242, Porter (D-Compton).

THE ASSEMBLY
Bills Passed
Smog—Provides $82.3 million for smog research; SB 848, Cologne (R-Indio).
Population—Provides $50,000 for study of effects of population growth on environmental quality; SB 15, Nejedly (R-Walnut Creek).
Picket—Makes it misdemeanor to picket or in any other manner to influence judge, jury or witnesses; SB 1416, Grunsky (R-Watsonville).
Sex—Orders University California Regents to review hiring and promotion policies to eliminate discrimination on basis of sex; SB 1260, Dymally (D-Los Angeles).
Indians—Creates American Indian Education Council and an Indian education bureau in State Education Department; SB 872, Rodda (D-Sacramento).
Open space—Specifies state may pay local governments for lost revenue from property tax breaks for agricultural land put under open space act; AB 626, Stier (D-Bakersfield).

Highways—Revises the formula for splitting Highway Fund expenditures between northern counties and southern counties from present 45% for the north and 55% for the south to 45% and 55% respectively; SB 68, Mills (D-San Diego).

THE SENATE
Bills Passed
Petasus—Makes it murder to intentionally cause the death of an unborn human fetus, except for medical or emergency reasons; AB 816, Biddle (R-Riverside).

Discrimination—Forbids job discrimination against women in California based on sex; AB 22, Warren (D-Los Angeles).

Welfare—Increases basic grant to welfare families with dependent children for the first time since 1971, pays an estimated Social Security, added benefits for home aged, blind and disabled, and makes other changes regarding welfare abuses and cuts in certain health and dental services; AB 1360, Duffy (R-Hanford).

Bill Defeated
Defendants would have created the appointive post of statewide public defender to provide legal assistance on appeals to persons convicted of crimes; to be appointed by the Judicial Council, an arm of the California Bar; AB 497, Hayes (R-Long Beach).

THE LEGISLATURE
Sent to the Governor
Smog—Fines auto manufacturers $5,000 for every new car sold in state after Jan. 1, 1972, which doesn't meet state smog control standards; AB 1, Biddle (R-Riverside).

Dropouts—Creates school dropout prevention program; SB 992, Teale (D-West Point).

Watches—Increases witness fees and mileage fees for witnesses before courts and state boards and commissions; SB 602, Lagomarsino (D-Yreka).

Crescent City—Excuses Crescent City from paying $1 million state loan for tidal wave damage after Alaskan earthquake; SB 383, Collier (D-Yreka).

Colleges—Requires Senate two-thirds vote to confirm gubernatorial appointments to the board of trustees of the state colleges; SB 723, Richardson (R-Arcata).

Savings—Creates industry-financed insurance fund to guarantee savings certificates of industrail loan companies; SB 1290, Sherman (R-Berkeley).

Sen—Orders state college trustees to eliminate hiring and promotion policies which discriminate against women; SB 967, Dymally (D-Los Angeles).
Reagan Denounces 2 Regents as Liars After Angry Debate

SAN FRANCISCO, Oct. 16 (UPI)—Gov. Ronald Reagan got into a shouting match with two members of the University of California Board of Regents today and called one of them "a lying son of a bitch."

The exchange at the close of a board meeting followed a decision to put over until next month a discussion of a controversial proposal for the enlargement of a planned city near the Irvine campus of the state university system.

One regent, Norton Simon, had asserted that the proposed action would enrich the Irvine Company, owner of the land, by tens of millions of dollars.

After the vote, Frederick G. Dutton, a Democratic regent and critic of the Governor, said that the delay would smother discussion "until after the election so nobody is embarrassed."

A few minutes later the regents adjourned. Governor Reagan walked around the table to Mr. Dutton.

Shaking his finger, he said, "You are trying to use this board for politics."

"But you've been doing it, Governor," said Mr. Simon and Mr. Dutton, almost in unison, as dozens of spectators and regents gathered around.

"You are a lying son of a bitch," Governor Reagan said, looking toward Mr. Dutton.

"You've been doing it and you've been caught with your pants down on this one," retorted Mr. Simon.

At a news conference later, the Governor called Mr. Dutton and Mr. Simon "outright liars."
An investigation into business dealings between the University of California and its regents has so far raised more questions than answers. The first results of the investigation were presented to the University of California's Education Committee at a hearing last week in San Jose.

"The question," Greene said, "is that indeed has happened. A top university spokesman argued that it hasn't. Most attention is focused on $10.7 million of university dealings between regent Edwin W. Pauley of Los Angeles and five top UC officials, including President Charles J. Hitch.

"The university had indeed benefited at the individual regents' expense," Greene argued that it was the first instance of a nonprofit corporation deferring tax benefits to the individual regents. The arrangement gave Pauley $1 million in gift for the university's spokesman at the Irvine Co.

The auditor general's report suggested that:

- A loophole in the law allowed the university to evade the limit under the tax law on gifts.
- The arrangement gave Pauley's corporation $1 million in gift for the university's spokesman.
- The auditor general's report, presented to the state auditor general's office, contained ample evidence of a "can-out." where the oil company to evade the limit under the tax law on gifts.
- In effect, the Pauley arrangement also delved into the tax loophole, allowing the university to receive a modest cash gift from the deal, may actually have benefited the individual regents more than the university.
- The auditor general's report suggested that:
  - The university, which was supposed to receive the gift, may have actually received a gift of no value.
  - Millions in university funds that were invested in a Chicago bank were not a profit.
  - The five UC officials set up a nonprofit corporation to keep records of the arrangement. .
  - The auditor general's report suggested that:
    - The sale of stock in the middleman for a $10.7 million oil company to avoid the limit under the tax law on gifts.
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The investigation is also delving into the joint purchase of a house and Japanese style garden near UCLA by regent Edward W. Carter of Los Angeles and the university, and the involvement of Carter and regent William French Smith with the Ivirte Co.

In effect, the Pauley arrangement had its origins in federal tax laws that set a limit on the amount of tax deductions an oil company could take before it filed its tax return.

"After careful investigation and discussion," he said, "it was decided that the university would be remiss in its duty in not forming (the nonprofit corporation) and thus allowing gift proceeds to go elsewhere rather than to the benefit of the university.

But Assemblyman Stull insisted the arrangement was unusual because it was the first instance of a public university in California being involved—and with one of its own regents.

The auditor general's report, presented to the state auditor general's office, contained ample evidence of a "can-out." where the oil company to evade the limit under the tax law on gifts.

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Continued from Third Page

Quinn said that although the bank had raised the interest rate on the loan, he would not oppose the decision. The bank official told the university that it would be able to maintain its financial stability, and Quinn agreed. However, Pauzely, representing the university, insisted that the interest rate should be reduced to 8.5%.

Hammond, in his testimony, claimed that the university had not been adequately informed about the financial implications of the deal. He said that the bank had not been transparent about the conditions of the loan.

Conflict Possible

"The possibility of conflict of interest is always a concern," Hammond said. "We are looking into it to ensure that there is no conflict of interest in the handling of the funds."
Keep Politics Out of Education

The Speaker of the Assembly is, under the constitution, an ex-officio member of the Board of Regents of the University of California. By statutory law, he also sits with the State Board of College Trustees. But he is not permitted to vote or otherwise participate in formal proceedings of the trustees.

Proposition 7 would amend the constitution to give the Speaker the same right to a voice and vote on the college board that he now enjoys as an ex-officio regent.

The lieutenant governor, who is presiding officer of the Senate, has voting rights on both boards, thus proponents contend the measure is necessary to achieve equity for the presiding officer of the Assembly.

Proposition 7 is, however, a step in the wrong direction. The thrust should be toward reducing, rather than increasing, the number of ex-officio political members on both boards.

A Constitution Revision Commission staff report early in 1969 pointed to the danger of political interference in having elected state officials (governor, lieutenant governor, Assembly speaker and superintendent of public instruction) on the board of regents. The commission report warned of the danger that the best interests of the university might become subordinate to political interests.

Later that year the education committee of the commission voted to eliminate all ex-officio regents except the president of the university. The Times observed editorially then that "some ex-officio members have used board meetings as political platforms—to the detriment of a great institution."

Unfortunately, the whole commission's final recommendation called only for elimination of two non-office-holding ex-officio regents.

The Times believes the 1971 Legislature should reduce the number of elected officials on both the Board of Regents and the Board of College Trustees.

Consonant with that view, we recommend a NO vote on Proposition 7.
A strenuous effort by University of California student leaders to obtain a greater student voice in UC decision-making began to pay off at a Board of Regents meeting here Thursday.

The regents' educational policy committee, meeting at the Downtown Extension Center at 11th and Grand, recommended that the full Board of Regents approve a change in standing orders to permit student participation in decision-making at the departmental level.

Present standing orders theoretically prevent students from voting on departmental issues. However, as a practical matter some departments on some UC campuses encourage student participation in decisions about curriculum. A few even permit students to vote on crucial personnel questions such as hiring, promotion and the granting of tenure.

Called Necessary Step
But Keith Schwier, undergraduate student body president at UCLA, said the change in standing orders was "a necessary first step" toward achieving widespread student voting participation in the academic departments.

More student involvement is needed, Schwier said in an interview, because the present system rewards research and ignores teaching.

"The amount of attention the faculty pays to teaching ability in making tenure decisions is almost nil," Schwier said. "It's so obviously apparent that people with good teaching skills are not being given tenure."

As examples, he cited the recent cases of UCLA assistant professors Edward Graham, chemistry, and Jules Zentner, Scandinavian languages, who are "excellent teachers," Schwier said, but were not granted tenure "because they didn't publish enough."

Pete Bouvier, graduate student body president at UCLA, said there is a glut of unimportant published research material in some fields because professors must publish in order to be promoted.

"Our point is that it is important to have research that is important, not just published."

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STUDENTS' ROLE

Continued from Third Page

for a professor to keep up with his field but not necessarily to publish," Bouvier said.

Bouvier, Schiller and other student leaders carried this message up and down the state in recent weeks, visiting 18 of the 24 regents.

Included was a Tuesday visit to Gov. Reagan, who, Schiller said, was "sympathetic to our concerns about teaching."

However, the UCLA student leader said there were "some differences" between student criticisms of the tenure system and the governor's.

"He seems to think that tenure protects a lot of left-wing professors and all that, while we're concerned about tenure because it protects incompetent teachers," he said.

All the student lobbying paid off Thursday when Regent John E. Canaday introduced a resolution to the educational policy committee, urging the full board to adopt the change in standing orders.

If the regents approve this change next month it will be up to UC President Charles J. Hitch and the nine campus chancellors to decide who can vote in departmental meetings.

Tuition Increase

In another action, the regents' finance committee voted to increase non-resident tuition from $1,200 to $1,500 per year and also to increase the non-refundable application fee from $10 to $20.

Discussion of Gov. Reagan's proposed 1971-72 university budget was postponed until today.

There were indications that Hitch will not seek regents authority to ask the Legislature to supplement the governor's budget because he is not sure a resolution along these lines would be approved by the board, now dominated by Reagan appointees.
The Day in Sacramento

By Associated Press

A Summary of Major Action
Monday, June 14

THE ASSEMBLY

Bills Passed

Retirement — Would increase retirement benefits for some persons under the Public Employees Retirement System; SB 249, Grunsky (R-Watsonville).

Sex — Would forbid public institutions of higher learning from refusing admission to graduate programs on the basis of sex alone; AB 722, Brathwaite (D-Los Angeles).

Land — Would authorize the state to offer surplus land to local governments for park purposes at no less than half its fair market value; AB 2241, Russell (R-Tujunga).

Subdivision — Would require subdivision developers to set aside land for schools; AB 1032, Bee (D-Hayward).

Athletics — Would authorize a legislative inquiry into the California Interscholastic Federation rules regarding athletic competition; HR 79, Chappie (R-Cool).

THE SENATE

Sent to the Governor

Racing — Would increase the number of quarter horse racing days allotted the Imperial, Oregon, Riverside and San Diego counties from the present 15 days to 22 in 1972, scaling up to a top of 25 in 1974; AB 217, Ralph (D-Los Angeles).

Retirement — Would cut the compulsory retirement age from 70 to 67 for state employees and revises the retirement benefit formula; SB 249, Grunsky (R-Watsonville).

Constitutional Amendment Passed

Regents — Would require Senate approval of the governor’s appointments to the University of California Board of Regents; SB 154, Nejedly (R-Walnut Creek).

Bills Passed

Bonds — Would provide for a vote of the people at the November 1972 election on a ballot proposition to provide $155 million in bonds to finance junior college construction; SB 168, Rodda (D-Sacramento).

Felonies — Would allow the State Department of Corrections or the California Youth Authority to employ qualified rehabilitated ex-offenders as parole officers; SB 973, Hamner (R-Glendale).
Conduct Code for UC Regents, Students Urged

BY WILLIAM TROMBLEY

Now that University of California faculty members have developed a code of conduct and responsibility, the students, administrators and regents of the university should do likewise, a UC Berkeley anthropologist professor believes.

Laura Nader, a Berkeley delegate to the UC faculty's statewide Academic Assembly, has proposed that other segments of the university community join the faculty in a "reassessment of rights and responsibilities."

Dr. Nader's proposal will be voted on when the Assembly meets at UCLA next Tuesday.

In an interview Dr. Nader-Ralph Nader's older sister-said what happens if a regent does something detrimental to the university, like missing public funds.

"What happens when an administrator takes action that triggers a riot—is he responsible?"

As an example of regental misconduct she cited the board's recent support of the General Motors management in a proxy fight against "Campaign GM" proposals advanced by her brother.

Calls It Determinal

"That's not criminal but it's certainly detrimental to the public interest," Dr. Nader said.

The anthropologist said the yearlong faculty search for a suitable conduct code has been "healthy" but she added, "the fact that they (regents and administrators) would ask us to do it and not think of themselves as part of the same enterprise is surprising."

Dr. Nader said it would be "educational, for the people of the state, as well as the various components of the university," for regents, administrators and students to define their rights and responsibilities.

Another reason for her proposal is "to get the faculty off the defensive," she said.

"The faculty is so busy backing up, defending their jobs and academic freedom and so on, that they have forgotten that the best defense is to take the offense."

Dr. Nader said she would not mind being told how to behave by regents and administrators "if they had all had track records. I don't mind a guy with a track record telling me to shape up."

She proposed her conduct code at the last meeting of the Academic Assembly but it was not discussed.

A Colleague's Defense

After the meeting another UC professor said she thought the proposal was a bad idea because "we should get our own house in order first."

To which Dr. Nader replied, "Look, sweetie, it's the same house. There's no point in cleaning up a puddle on the floor when the pipes are leaking upstairs."

The Berkeley professor said she thought her resolution would be approved by the Assembly because "it's a motherhood thing-how can they say no?"

However, other faculty members said they thought the proposal would encounter stiff opposition and might not pass.

Dr. Nader has been an anthropologist professor at UC Berkeley since 1960. Her field is comparative law and comparative society.

She is married to Norman Nader and they have three children.

Laura Nader has been a Berkeley delegate to the UC faculty's statewide Academic Assembly. She is vice chairman of the anthropology department and is a member of several national scholarly committees.

She is married to Norman Miller, a physicist at the Lawrence Radiation Laboratory at UC Berkeley. They have three children.
Regents' Group OKs Interest-Conflict Plan

Provisions Would Call for Disclosures, Bar Salaries and Allow Some Gifts to UC

SAN FRANCISCO — A conflict-of-interest policy aimed at preventing members of the University of California Board of Regents from making personal gain out of university transactions was approved Thursday by the Regents' Finance Committee.

The policy grew out of charges by the Assembly Education Committee and the state auditor's general's office that "improprieties may have been involved" in transactions involving Regents Edward W. Carter and Edwin W. Pauley.

UC President Charles J. Hitch said he disagreed that there was any wrongdoing but then proposed these policy guidelines, which were accepted by the committee:

1. Regents will be considered to have "a personal financial interest" in a matter being discussed if a transaction involves purchase or sale of property or services for use or benefit of the regent or his immediate family.
2. Regents shall receive no salary for their services on the board but may be paid for expenses involved in attending meetings.
3. Regents do not bar regents from making gifts to the university or from having "recognized the naming of facilities or other appropriate tributes to donors."

The Assembly Education Committee questioned $10.7 million business arrangement involving Pauley and five UC officials, including Hitch, that enabled Pauley's oil company to obtain a loan from a Chicago bank.

The committee also criticized the joint purchase of a Bel-Air home and Japanese style garden for the university fire protection policy and a complete list of unsafe buildings in time for the next regents' meeting in September.

The Regents' Finance Committee turned down a recommendation that a UC San Diego student-faculty group known as the "Learning Community" be permitted to operate an experimental elementary school in an unused storage building on the UCSD campus.

Deadline Set

The committee asked the university to develop a conflict-of-interest policy "promptly." Hitch said the policy guidelines adopted Thursday would not necessarily prevent similar deals in the future but would require the regent involved to disclose his interest in advance and would prohibit him from voting on the issues when they come before the board.

Regents' chairman William French Smith called the guidelines "a tougher conflict-of-interest policy than we've had."
Don't Alter Master Plan for Education, UC Regents Urge

BY WILLIAM TROMBLEY

San Francisco -- California's 12-year-old Master Plan for Higher Education is working well and should not be changed, University of California regents, administrators and faculty spokesmen agreed Friday. A 20-minute discussion at the monthly UC Board of Regents meeting here was marked by overwhelming support for the master plan, now under study by a joint legislative committee, and also by a select committee of the Coordinating Council for Higher Education.

UC President Charles J. Hitch said: "No major changes" should be made in the plan, which assigned different academic tasks to the university, state colleges and the community colleges and also established a Voluntary Coordinating Council for Higher Education as a voluntary coordinating agency.

Critics have charged that UC has not benefited from the master plan at the expense of other educational segments, but Friday's session produced no evidence that the university agrees with this criticism.

Close to Unanimous Agreement

Prof. Sally Sperling of UC Riverside, vice chairman of the faculty's statewide Academic Council, said: "We think there is close to unanimous agreement (among UC faculty members) that there should be no fundamental changes in the present tripartite system..."

No student opposition was expressed, Regent Frederick G. Dutton was the only dissenter.

Dutton, who served on former Gov. Edmund G. Brown's staff when the master plan was drawn up, said: "There were a lot of political compromises... tied to personalities of the time... The master plan is not sacrosanct. It should be opened up and looked at."

Please turn to back page, Col. 4.
Master Plan

Continued from First Page

Veteran Regents John E. Canaday and Edward W. Carter strongly backed the present 16-year term for regents, although Hitch said "That is a very hard point to put across" with legislators.

If regents' terms are shortened, nominees should be picked by the governor from a list of names selected by a blue-ribbon screening panel, Hitch suggested.

Different Views

At a press conference after the meeting Smith said he thought the board was representative of the state's population, even though it contains only one member of a minority race, only two women and few members who are under 50 years of age.

The present board contains "a very broad spectrum" of educational and political views and issues are "debated extensively," Smith said.

Future regents should be "well qualified people representing diverse viewpoints" but should not represent "particular segments" of the population, he added.

Eight of the 16 appointed regents now on the board are businessmen and four are attorneys. Several are millionaires, all are white.

Wilson C. Riles, California's superintendent of public instruction, and a Negro, is one of eight ex-officio board members.

Regent Edwin W. Pauley completed 32 years on the board with Friday's meeting, receiving a citation of praise and a standing ovation from his colleagues and others in the UC Extension Center auditorium.

In farewell remarks Pauley said he had many "misgivings" during his years as a regent "but in the meantime the university has grown great."

16-Year Term

"My service on this board has been by far the most rewarding of my public life," the Los Angeles oilman added.

No replacement has been named for Pauley, but Gov. Reagan announced he would nominate Dr. John H. Lawrence, 68, to a full 16-year term.

Lawrence, a professor of medical physics and former director of the Donner Laboratory at UC Berkeley, was appointed a regent by Reagan in 1970 to fill out an uncompleted term. He has voted consistently with the board's conservatives.

Earlier in the day the regents tabled until next month a proposal by regent Glenn Campbell to charge UC medical and dental students an additional tuition fee of $84 per quarter.

The vote to table was 11 to 10, with Pauley, casting his final vote, joining the majority.
NEW ORLEANS. May 5 (AP) — The American Association of University Professors censured the board of regents of the University of California today for its handling of what was called the "regrettable case" of Angela Davis.

By a vote of the membership at its annual meeting here, the AAUP called down the regents for attempting to dismiss Miss Davis "by invoking an improper rule," moving to withdraw academic credit from her courses, and vetoing the chancellor and refusing to re-hire her.

Miss Davis, whose case centered on her statements that she was a Communist, is currently on trial in San Jose, Calif., for murder, kidnapping and conspiracy.

Censure, while carrying no actual punitive effects, is the way the association of professors votes a school into disrepect.
YES on Regent Appointments

The regents of the University of California control a vast educational system with an annual budget of more than $337 million, nine campuses and more than 110,000 students. Eight members are ex-officio and 16 hold gubernatorial appointments for 16-year terms.

Proposition 5 on the June ballot would make the appointive members subject to confirmation by a simple majority of the State Senate. Confirmation is now required for appointees to the Board of Trustees of the State College System and many lesser bodies having far smaller impact on the state.

Proponents emphasize that the interests of the people can best be protected by legislative approval of regental appointees as is the case for nearly every other gubernatorial nomination. Opponents insist that such a course would inject substantially more politics into appointment of the UC regents.

We do not see it that way for a number of reasons. Any appointment by any elected official is political in nature. Confirmation by the Senate would tend to make them less, not more, political. More consensus on such appointments might serve to ease tensions in the academic community and allay the doubts of some concerned citizens about the governance of a great educational institution.

Unfortunately, the measure does not go far enough. It does not reduce the number of ex-officio regents, thus doing nothing to reduce the danger of political interference from that area. And, regrettably, it does not shorten the unrealistically long terms of the appointive regents.

Nonetheless, Prop. 5 is a step in the right direction and should be given a Yes vote on June 6.
The U.S. Supreme Court Tuesday let stand California court rulings that Angela Davis could not constitutionally be fired from the UCLA faculty because she was a member of the Communist Party.

The Supreme Court refused to act on a UC Board of Regents petition to review the lower court ruling but gave no reasons.

The Regents ordered Miss Davis dismissed from her post as an acting assistant professor of philosophy at UCLA in September, 1969, because she acknowledged membership in the Communist Party. The Regents have had a policy against employing Communists since 1940.

However, Los Angeles Superior Court Judge Jerry Pacht ruled that it was unconstitutional to fire a professor because of membership in the Communist Party, in a lawsuit brought by a UCLA faculty group. Pacht later was upheld by the California Court of Appeal and the State Supreme Court declined to review the case.

The Regents then appealed to the U.S. Supreme Court, contending in a petition for review that "members of the Communist Party have assumed a commitment which precludes open-mindedness and free inquiry" and are thus "disqualified from serving on the university's faculty."

However the Supreme Court was now denied the petition, bringing this aspect of the case to a close. In the meantime the Regents, after Judge Pacht's ruling, shifted grounds and moved against Miss Davis not because of her Communist party membership but because she had made "extreme" and "deliberately false" statements in public speeches.

Reinstatement Advised

The board dismissed her for a second time in June, 1970. A few months later, the militant black woman was charged with murder, kidnapping and conspiracy after a shootout at the Marin County Courthouse which left a judge and three others dead. However, she was acquitted last spring after a lengthy trial.

Shortly after the acquittal the, UCLA philosophy department recommended to the faculty that Miss Davis be reappointed her this time for a second year of her original appointment.

But the Regents said last month they did not wish to reconsider their 1970 decision.

UCLA Chancellor Charles E. Young, who supported Miss Davis' right to remain on the faculty two years ago, said he would not have reappointed her this time if the Regents had left the decision to him because she "has indicated by a variety of public statements that her commitment is to something other than an academic career."

In the Supreme Court appeal Regents counsel Thomas J. Cunningham argued to obtain a reversal of previous court rulings that Communist Party members cannot be fired from public positions for reasons of party membership alone.

However, the present court, whatever its views on the party membership issue may turn out to be, declined to state them in this case.
UC Campaigns Against Cut in Regents' Terms

BY WILLIAM TRONSBLEY
Times Education Writer

The University of California has mounted an intensive campaign to head off a proposed constitutional amendment that would shorten the length of UC regents' terms and change the process by which they are selected.

Assembly Constitutional Amendment 83, which has cleared two Assembly committees and soon will be before the full body, would make these important changes:

- Regents' terms would be shortened from 16 to 8 years.
- The governor would continue to appoint 16 of the 24 regents but would have to make each choice from a list of five candidates selected by a new Higher Education Nominating Committee.
- This nominating committee would be headed by the state superintendent of public instruction and would include the Speaker of the Assembly, the president pro tem of the Senate, opposition leaders in both legislative houses, the chairmen of the Board of Regents and representatives of UC students, faculty members and alumni.

- The governor, Assembly Speaker and state superintendent of public instruction would remain ex-officio members of the board but the regent governor would be replaced by the Senate president pro tem.
- Two other ex-officio members—president of the San Francisco Mechanics' Institute and the president of the state Board of Agriculture—would be removed, to be replaced by nonvoting representatives of the students and the faculty.

The proposed constitutional changes stem from a two-year study of California's Master Plan for Higher Education by a joint legislative committee headed by Assemblyman John Vasconcellos (D-San Jose).

The committee came to believe that "the board does not reflect the state's population and is not in keeping with the times," Vasconcellos said in an interview last week.

ACA 83 states that the regents should be "broadly representative of the general public, including ethnic minorities and women," and requires both the governor and the Higher Education Nominating Committee to make these important changes.

UC opposes the entire amendment but has concentrated its fire on the provisions that would shorten regents' terms, replace the entire board in four years' time and set up the new screening procedure.

In recent weeks regents of both political parties have made personal appeals to legislators and have called on influential friends throughout the state to do likewise.

UC alumni groups have been urged to call or write their representatives in opposition to the amendment.

In a Dec. 21 letter written with a "sense of urgency" to about 1,200 "friends of the university," UC President Charles J. Hitch said "there is every reason to believe the university will be inextricably involved in an unnecessary upheaval in its governing structure."

Regent William E. Forbes called the amendment "most unfortunate" because "it seems to change a basic part of a university system that is one of the really valuable assets of the state and has proved itself nationally and internationally."

Regents' chairman Dean A. Watkins said "the most objectionable part of ACA 83 is that the appointment process would completely politicize the appointment of regents."

Watkins said the proposed Higher Education Nominating Committee would be dominated by "a bunch of politicians" and added: "It's pretty clear that to get by that committee you'd have to be a nonentity. Anybody who had ever taken a strong stand on anything would be eliminated."

Vasconcellos disagreed.

"That's silly," he said. "Now you've got one person, the governor, who is partisan and unscreened, making all the selections. Our proposal balances out the politics. It calls for the pluralistic politics the state needs instead of the kind of isolated politics now practiced by the board."

In his Dec. 21 letter, Hitch contended that the 16-year regents term "is designed to insulate the regents, and thus the university itself, from day-to-day shifts in public opinion and political power."

However, in a position paper, the UC Student Lobby argued that 16-year terms "serve to insulate the board from political influence to the difficult to document."

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REGENTS' TERMS

Continued from Third Page

The students' said regents' decisions in recent years to dismiss former UC president Clark Kerr, to impose tuition, to fire Angela Davis from the UCLA faculty and to deny credit for an Eldridge Cleaver lecture series at UC Berkeley "were made on political grounds and not on the grounds of sound educational policy."

Several regents who were interviewed, including Watkins and former board chairman William French Smith, said 16 years might be too long for regents to serve, but they were strongly opposed to the eight-year terms proposed in ACA 83 because one governor, serving two terms, could name all 16 appointed regents.

Regents were even opposed to the stipulation that would permit California's next governor to shuffle the entire board.

Vasconcellos said he might be willing to compromise on the length of term.

"At some point I might be willing to do that," he said. "I've got an idealistic position on this but I'm also realistic. I can move on that if I believe it will help me get the votes."

The assemblyman also indicated willingness to change the provision calling for a complete board turnover by 1978.

"That is the weakest part of ACA 83," Vasconcellos said. "It's the part I'm most willing to reconsider."

Most regents conceded there is little present-day justification for the Mechanics Institute and the state Board of Agriculture to be represented on the Board of Regents, though they added that many of those representatives have been excellent regents.

Most regents were opposed to adding nonvoting student and faculty representatives to the board on the grounds that student and faculty representatives now are permitted to speak at board meetings.

There was general disapproval of the amendment's attempt to diversify board membership, especially a provision that the Higher Education Nominating Committee should put forward candidates "of different backgrounds, abilities, interests and opinions about education."

Watkins asked, "Does that mean we have to have an idiot for every genius on the board?"

Said Forbes, "Sure, the board ought to be broadly representative and I think essentially it has been, with certain things taken into consideration."

"We lack youth because youth lacks experience and judgement at times. There are none of the less fortunate, economically speaking, but one needs to devote quite a bit of time to it and practical considerations prevent that for the less wealthy,"

Forbes added, "We've had three women on the board since I've been serving and I think future governors will appoint more. Women's Lib is here to stay.

"Recently, the board has had the benefit of one black (state Schools Superintendent Wilson Riles) and this hastens the day when we will have more."

The only regent to voice general approval of ACA 83 was Frederick G. Dutton, who said the changes "would make the university much more responsive to the last part of the 20th century."

Dutton dismissed the claim that the new Board of Regents would be more politically partisan than the present group.

"I think it would be much less political," the Washington, D.C., attorney said. "The group that's on the board now is the most political of all, representing only 2% or 3% of the wealthy individuals and established corporations of the state."

Regents William M. Roth, a candidate for the Democratic gubernatorial nomination, said he favored 10- or 12-year terms but he opposed the nominating committee idea.

"I basically don't approve of a screening committee that would include appointees from the legislative leadership," Roth said.

"If I were governor, I would appoint a screening committee myself, with representation from various parts of the university and the general public as well. But there ought to be a separation of powers, with the governor nominating and the Legislature approving."

Vasconcellos claimed Hitch himself had supported the idea of a screening committee for regent appointees when he testified before the Assembly Education Committee in May, 1971.

Last week, he mailed to each assemblyman an elaborate chart that showed apparent discrepancies between Hitch's 1971 testimony and his recent letter to the "friends of the university" attacking ACA 83.

Hitch was out of the country last week but other UC officials said the president consistently has supported the 16-year term and only suggested the screening committee device in case the term should be shortened.

The Hitch nominating group would have been less political than the group proposed in ACA 83, these officials said, because it would have been headed by the chief justice of the California Supreme Court, it would have contained only two elected officials instead of five and it would have included four members of the general public.

However, it is apparent that key regents, Watkins, Smith and Edward W. Carter, differed with Hitch on the screening committee approach. The president has not mentioned the idea in recent months.

Vasconcellos said he plans to introduce ACA 83 in the Assembly the week of Jan. 21 or 28 and thinks its chances are "pretty good, though I'm not sure _I haven't worked the members yet."

He conceded it would be more difficult to push the measure through the Senate because "senators tend to be more traditional," but he said Assembly par-
Gov. Reagan confirmed he has been looking at ranch property in the Santa Barbara area and is considering selling all or part of undeveloped ranchland he holds in Riverside County. He told reporters it has taken longer than he expected to get water and power to the 778 acres he owns near Temecula. "So we have been looking at some ranches that are already under way where you could move in and start enjoying and using them," Reagan said. The Riverside County assessor appraised Reagan's holdings there at $417,000, a jump from the $240,500 figure reported when he bought the land in 1967.

Terms of the contract of the state's highest paid employee should remain secret, a lawyer for the University of California Board of Regents told a Sacramento County Superior Court. He was speaking in behalf of UC President Charles J. Hitch, respondent in a lawsuit filed by newspaper columnist Earl G. Waters who is seeking to have the contract revealed. Waters contends there may be benefits in the contract financed by taxpayers who are not permitted to know about them. Hitch's attorney said the contract is a confidential personal record protected from scrutiny by the 1968 California Public Records Act. Hitch's basic salary is reported as $53,500 annually, compared to Gov. Reagan's $49,100.

A Mendocino County judge sentenced two Santa Barbara commercial fishermen to 10 months in jail on a rare felony conviction of conspiring to take abalone illegally. Most violations of abalone regulations are misdemeanors. Officials who had been holding 89 abalone as evidence in the trial said the illegal catch now would become a meal for the jail's prisoners. Curtis Randall Hager, 24, and Michael Harvey Robinson, 23, were arrested last October and accused of using illegal sophisticated underwater gear to dive for abalone.
Seven of 24 members of the University of California Board of Regents compiled perfect attendance records during the last 13 months, according to a report issued by Marjorie J. Woolman, secretary of the regents.

Board members who did not miss a meeting between January, 1972, and February, 1973, were Edward A. Carter, Allan Grant, Mrs. Edward H. Heller, DeWitt A. Higgs, Robert O. Reynolds, William French Smith and UC President Charles J. Hitch.

In addition, Regent William A. Wilson has been present for every meeting since he was named to the board in May, 1972.

Regents who attended 10 out of 11 meetings in that 13-month period were John E. Canaday, William K. Coblentz, William E. Forbes, Joseph A. Moore Jr. and board chairman Dean A. Watkins.

Two meetings were missed by Mrs. Randolph A. Hearst, John H. Lawrence and William M. Roth.

State Supt. of Public Instruction Wilson Riles attended six of the 11 meetings, while Norton Simon was present for only five.

The worst attendance record was compiled by Assembly Speaker Bob Moretti (D-Van Nuys), who was present for only three meetings.
Vast Changes Urged in State Higher Education

Recommendations From 2-Year Study Will Be Submitted to Legislature in Form of Bills

BY NOEL GREENWOOD
Times Education Writer

SACRAMENTO—A joint legislative committee has wrapped up its two-year study of California higher education by recommending a long list of changes that range from student membership on the UC Board of Regents to creation of a new California Cooperative University.

The recommendations, some of which require constitutional amendments, will now be submitted to the Legislature in a bill for some perhaps as early as this week.

"They're all going in," said Assemblyman John Vasconcellos, the San Jose Democrat who was chairman of the Joint Committee on the Master Plan for Higher Education.

How many of the recommendations will actually be enacted into law is unknown's guess.

But the substance of one of the most important ones, to abolish the Coordinating Council for Higher Education and replace it with a new, more powerful Postsecondary Education Commission, already is moving through the Legislature in a bill authored by Assemblyman Frank Lanterman (R-La Canada).

Good Chance of Passage

The Lanterman bill has cleared the Assembly Education Committee without a dissenting vote, and seems a good prospect for passage by the Legislature and approval by Gov. Reagan.

When the Vasconcellos committee began its work, there was an inclination in higher education circles not to take it seriously. Joint committees have studied higher education in the past and not much has come of those studies.

But as the committee wound up its study last week with a final series of votes on its recommendations, the higher education establishment was taking it seriously.

UC regents and state university trustees are opposing some of the committee's most important recommendations and can be expected to mount a lobbying effort against them in the Legislature.

In the past, higher education lobbyists would have had a fairly easy time shooting down such recommendations. But the mood of many legislators, especially toward the University of California, has changed noticeably, and the lobbyists have a harder job ahead of them this year.

Vasconcellos, looking back last week on his committee's work, showed a "terrible lack of faith in the people of California and the Legislature" by its actions.

The California Community College system, he said, was "generally cooperative (but) not especially impressive" in its relations with the committee.

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appointment over the reaction of the higher education establishment to the two-year study.

He reserved his praise mainly for the State University and Colleges and "their seeming willingness to trust us and cooperate with us fully."

Said Vasconcellos: "I don't always agree with (Chancellor) Glenn Dumke, but I surely appreciate his lack of paranoia when it comes to me and my staff."

The University of California was "another story," said Vasconcellos. He characterized UC's attitude toward the committee as "not very welcoming, initially not very willing to cooperate, not very direct—I guess, disappointing."

Vasconcellos said the university showed a "terrible lack of faith in the people of California and the Legislature" by its actions.

The California Community College system, he said, was "generally cooperative (but) not especially impressive" in its relations with the committee.
...after student fees on each campus, prohibiting the legislature from making any additions to the UC Board of Regents, which also has the authority to impose tuition on state residents. The board could create a graduate student program for students at UC campuses that were not approved by the state legislature.

The committee also dropped a recommendation that there be a single student employee from each UC school selected to serve on the UC Student Association, raising concerns about the impact of this change.

The committee also recommended that the legislature should not be able to divide state financial aid among UC and other public institutions, which would allow the legislature to give more to UC. If the legislation were to pass, the committee would still be able to recommend changes to the decision-making process at UC, including changing the composition of the UC Board of Regents.

In proposing this legislation, the committee did not consider the impact of the proposals on the work of the UC Board of Regents, which has a significant role in setting tuition levels and other policies. The committee's proposals would also change the way that the legislature interacts with the UC system, potentially creating tensions between the two bodies. The committee's proposals would also limit the legislature's ability to respond to changes in the UC system, including in response to budget cuts or other financial issues. The committee's proposals would also reduce the role of the UC Board of Regents in decision-making, potentially creating concerns about the impact of this change on the university's mission and priorities.

In conclusion, the committee's proposals would significantly change the relationship between the legislature and the UC system, potentially creating tensions and limiting the legislature's ability to respond to changes in the university. The committee's proposals would also reduce the role of the UC Board of Regents in decision-making, potentially creating concerns about the impact of this change on the university's mission and priorities. The committee's proposals would also limit the legislature's ability to respond to changes in the UC system, including in response to budget cuts or other financial issues. The committee's proposals would also reduce the role of the UC Board of Regents in decision-making, potentially creating tensions between the two bodies. The committee's proposals would also change the way that the legislature interacts with the UC system, including in response to changes in the university's mission and priorities.

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...
Revamping the Regents

The governing of the University of California has come under scrutiny from various groups in recent years. The California Constitution Revision Commission recommended changes. In 1971 the Select Committee on the Master Plan on Higher Education proposed revisions. Last year the Legislature’s own Joint Committee on the Master Plan, after extensive study and public hearings, advocated sweeping changes.

Its proposal, contained in Assembly Constitutional Amendment 83, is based on the theory that the governing structure was designed in the late 19th century and sufficed for an era in which higher education served a smaller, more homogeneous population and utilized fewer public resources. In the committee view, "New times call for new approaches."

There is merit in ACA 83, but two of its provisos are bad, and should be changed.

The two unacceptable proposals would give to the state’s next governor the power to name all the regents in his first term, and to any governor after him the power to appoint all the regents if the governor served two terms.

This would make possible a dangerous political interference in the affairs of the university. The regents’ relative freedom from political influence has given the university stability and continuity. Those conditions must be preserved if the university is to keep on being the great school it is.

Under ACA 83, the term of the 16 appointed regents would be reduced from 16 to 8 years. The regents now sitting would be removed, and the governor elected this year would name all 16.

We agree that the regents' current 16-year term is too long. But we strongly oppose shortening the term to eight years or less, for that way a two-term governor could name them all. The Constitution Revision Commission recommended 12 years. That—or, say, 10 years—would be suitable and safe.

ACA 83 would also eliminate Senate confirmation of regents, a requirement approved by the voters in 1972, and provide instead for a select nominating committee to submit a list of five qualified persons from which the governor would select a nominee for each appointment. Such a change is reasonable, because Senate ratification of gubernatorial appointees has traditionally been almost always routine.

Another plus is the proposed elimination of the president of the Mechanics Institute of San Francisco and the president of the California Board of Agriculture as ex-officio regents. Since the board is to be broadly representative of the public at large, there is no justification for such special-interest representation.

And since there are available channels of communication, we have some doubts about the advisability of placing a peer-selected student and a peer-selected faculty member on the board as nonvoting members.

But it seems to us that there are two imperatives: Before submitting ACA 83 to the voters, the Legislature should lengthen the regents' terms and eliminate the clause that gives the next governor the power to sweep out the entire board, and his two-term successors the power to appoint all the regents.
UC Regents Accused of Using Tax Funds for Own Lobbying

BY WILLIAM TROMBLEY

Times Education Writer

UC Regent Frederick G. Dutton charged Friday that UC regents and officials are using tax funds to lobby against Assembly Constitutional Amendment 83, which would shorten the length of regents' terms and change the procedure by which they are chosen.

During one of the angriest regents' sessions in recent years, Dutton accused his fellow regents board members of "trying to protect their power against the people of the state, against the faculty and the students."

He said public money is being used to prepare mailings and to engage in other lobbying activities against ACA 83, sponsored by Assemblyman John Vasconcellos (D-San Jose).

"The people are entitled to know what lobbying is going on," said Dutton, who supports the amendment.

ACA would shorten regents' terms from 16 to 8 years, enable the state's next governor to appoint an entirely new board and require that future regents be picked from lists screened by a Higher Education Nominating Committee, among other changes.

Most regents oppose the measure but board Chairman Dean A. Watkins told Friday's meeting at the Los Angeles Convention Center, "I don't think anything has been done sub rosa."

Watkins said UC President Charles J. Hitch has mailed a letter to about 1,200 "friends of the university" opposing ACA 83 and that several regents "on their own time and with their own resources," are lobbying against the amendment.

Watkins said the regents voted to appoint a committee to advise President Hitch on possible changes in UC operations stemming from a two-year study of the California Master Plan for Higher Education, conducted by a joint legislative committee headed by Assemblyman Vasconcellos.

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UC BOARD OF REGENTS

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The lobbying campaign against ACA 83 is an outgrowth of that committee's work, the chairman said.

UC Vice President Chester O. McCorkle later told a press conference, "we've been meticulous to fund any such materials-mailings and so on—from non state money, mostly gift money."

But Dutton insisted that "public tax funds are being used to protect the privileged positions of a few appointed members of this board."

As an example, he said a UC vice president paid by taxpayers used university time to prepare Hitch's letter to the "friends of the university," a lengthy document containing detailed criticisms of ACA 83.

Regent Norton Simon said earlier it did not matter whether regents serve four years or 20 because regents meetings have become "dog and pony shows" at which nothing of substance is discussed.

Simon objected to the fact that a UC vice president spent 30 minutes at Friday's meeting reading a presentation that already was available to the regents in printed form.

Simon said more regents would attend meetings "if we had fewer dog and pony shows and more genuine discussion."

Watkins later told reporters, "I don't know how he would know—he's attended so few of them."

Regents' records show that Simon has missed three of the last six board meetings, as have Regent Glenn Campbell and state Supt. of Public Instruction Wilson Riles. Gov. Reagan and Assembly Speaker Bob Moretti D-Van Nuys) have missed four of the last six meetings.

Earlier in the day, Dutton charged that Watkins was trying to keep him from speaking.

"The gagging on this board gets worse and worse under the present chairman," he charged.

Watkins replied, "Thank you—I appreciate your confidence."

"Zero!" Dutton shot back.

"Now I appreciate your compliment," Watkins said.

Altogether, it was the angriest regents' meeting in several years, reminiscent of the late 1960's, when board members were regularly at each others' throats over Gov. Reagan's budget cuts and other issues.
UC Regents Relax Opposition to Bill on Education Panel

BY WILLIAM TROMBLEY

Times Education Writer

University of California regents have relaxed their opposition to legislation which would create a California Postsecondary Education Commission, to oversee all of the state's educational activities beyond high school.

However, the regents and UC President Charles J. Hitch are still unhappy that the bill, authored by Assemblyman Frank Lanterman (R-La Canada), does not spell out precisely that the new commission is to be advisory and not regulatory.

Lanterman's bill, AB770, has passed the Assembly Education Committee and is to be heard in the Assembly Ways and Means Committee today.

The bill would create a 19-member commission to replace the Coordinating Council for Higher Education as the principal mechanism for planning and coordination of postsecondary education in the state.

The UC Board of Regents reaffirmed their opposition to the bill June 15, after several influential regents expressed concern that the commission would usurp regental powers.

However, Regents' Chairman Dean A. Watkins said Tuesday the regents "gained a better understanding of the legislative intent" during
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a meeting at UCLA last Friday with Lanterman and Assemblyman John Vasconcellos (D-Santa Clara), chairman of a joint legislative committee which has been studying the state's master plan for higher education.

"I really can't find anything in the bill as it now stands as far as regulatory language is concerned that's offensive," Watkins said. "I think Assemblyman Lanterman has gone a long way in making the kind of changes we need." Lanterman said he would eliminate provisions of the bill calling for the commission to meet at least 24 days a year and for commission members to be paid $10,080 annually.

He also said the chairman of the Board of Regents could designate another regent when he could not attend commission meetings himself. But, Lanterman insisted that a regent, not President Hitch, must represent UC on the commission. All educational segments are to be represented by laymen, not professional educators.

"They kept saying we need professional guidance and advice but I told them we have got too damned much of that already and we're not going to have any more of it," said the colorful legislative veteran.

Lanterman also refused to change the bill's language to make it more specific that the commission will be advisory, not regulatory.

The regents are "seeing feet under the bed," the assemblyman said. "We've taken every possible step to assure that this is an advisory board, advisory to the Legislature and the governor.

Lanterman blamed UC General Counsel Thomas J. Cunningham for arousing regents' suspicions that their powers would be diminished.

"He carried over apprehension than there needed to be," Lanterman said. "Why, he even started to give me a lecture on regulatory and permissive. I finally said, 'Hey, look Tom, Uncle Frank has been writing laws for 23 years—I don't think you need to tell Uncle Frank how to write a mandatory or a permissive clause.'"

Even though there is more agreement between Lanterman and the regents, UC still will oppose the bill in the Ways and Means hearing, as will the California State University and Colleges and the California Community Colleges.
A Good System for Picking Regents

Last year the Legislature's Joint Committee on the Master Plan for Higher Education proposed some constitutional changes in the governing of the University of California. The committee, like other groups before it, thought that the UC regents should serve shorter terms, and should be made more representative of the general population.

Though the intent of the proposed changes was constructive, some of them would have effects opposite to those intended, and would make the university more, not less, subject to political pressures.

Assemblyman John Vasconcellos (D-San Jose), chairman of the committee, is proposing one modification to his original proposal, contained in Assembly Constitutional Amendment 83. Originally he proposed to sweep out all the sitting regents at the beginning of the next governor's term, and to cut the regents' terms of office from the current 16 years to 8 years. That would have given the next governor and his successors too much potential political control over a body that, to be effective, must be set apart from politics and partisanship.

Vasconcellos' modification is a good one. He would set the regents' terms at 10 years, and provide a 10-year transition period from the current system to the revised one.

Another provision in ACA 83 seemed reasonable when we first wrote about it, but we have had second thoughts.

This provision would require the governor to choose regents from a list of nominees submitted by a select committee composed of the state superintendent of public instruction, the Speaker of the Assembly and the Senate president pro-tem and the leaders of the opposition in both houses, the chairman of the board of regents, and one representative each from the alumni, the faculty and the student body.

This looked like a way of making sure that the governor had a wide choice, but on reflection we have concluded that the compromises inevitable in such a committee, the political horse trading, could well lead to a list of nominees distinguished chiefly by their mediocrity.

Granted that some governors have made some poor choices for regents, the current system has served the state and the university well. We believe that the best way to keep the university and the regents as free as possible from partisan politics, to keep the quality of the regents high, is to give each governor in turn his head, subject, as at present, to confirmation of regents' nominations by the Senate.

Vasconcellos and his committee would do the university and the state good service by amending ACA 83 to keep the process of nominating UC regents as it is.
Riles Backs Measure to Cut Regents' Terms

Supports 12-Year Limit That Leaves Most Other Board Functions Unchanged

State Supt. of Public Instruction Wilson Riles Friday announced his support of a Senate constitutional amendment that would shorten terms of University of California Regents from 16 to 12 years but leave the board unchanged in most other ways.

Riles endorsed the measure sponsored by Sen. Albert Rodda (D-Sacramento) in a news conference at a state Board of Education meeting here.

Riles said he prefers the Rodda measure to a rival constitutional amendment sponsored by Assemblyman John Vasconcellos (D-San Jose) because it takes a more cautious approach to changing the Board of Regents.

The Vasconcellos proposal would trim regents' terms to 10 years and require the governor to appoint new regents from a group of candidates approved by a Higher Education Nominating Committee.

Riles said 10-year terms would enable a two-term governor to appoint a majority of the regents and "expose the institution to the fickle fortunes of politics."

He said the appointment power should remain with the governor, subject to confirmation by the Senate.

As state superintendent, Riles serves as an ex-officio member of the Board of Regents as well as the Board of Trustees of the California State University and Colleges.

The Rodda bill has passed the Senate but has yet to be considered by the Assembly. The Vasconcellos bill has passed two committees of the Assembly but has not been voted on by the full house.

If either measure is to be submitted for voter approval in November, it must pass the Legislature by June 28.

Meanwhile, at a meeting in San Francisco, the regents elected William French Smith as chairman of the board for the coming year.

Smith, Gov. Reagan's personal attorney and close friend, has been a regent since 1968. He served as board chairman from 1970 to 1972.

The regents also elected San Diego attorney DeWitt A. Higgs vice chairman. Regents Elinor Heller and William A. Wilson were selected as UC's representatives on the California Postsecondary Commission.
Softer Regent Amendment Seen Headed for Legislative Passage

The University of California apparently has managed to beat back the toughest of two proposed constitutional amendments that would shorten the terms of UC regents and change the way they are selected.

The survivor is SCA 45, introduced by Sen. Albert Rodda (D-Sacramento). It has passed the State Senate, cleared its first hurdle in the Assembly last week and now seems headed for final passage by the Legislature.

The loser is ACA 83, authored by Assemblyman John Vasconcellos (D-San Jose), which has yet to pass the Assembly and now seems to have no realistic chance of gaining legislative approval by the June 28 deadline to qualify for the November ballot.

Vasconcellos, significantly, is supporting the Rodda bill as it moves through the Assembly, and an aide last week said: "Right now, it looks like 45 is probably the best we can do in terms of getting something on the ballot in November."

Earlier, some observers had been predicting a standoff between the two bills, with neither gaining final passage.

"I realize the possibilities for a standoff but I'm a little bit smarter than that," said Vasconcellos at the time. "The regents would like nothing better than to have no change."

Vasconcellos said that "as little as 45 does, at least it is a statement that things should be changed. I was pleased to hear Sen. Rodda say that the university should be governed by someone other than rich, white men. If we've made the point that a diverse board reflective of the people of the state is important for the university, maybe we've gotten what we needed."

Here are the most-argued differences between the two bills:

--Vasconcellos would reduce the terms of regents from 16 to 10 years and provide for a complete transition to a new board over a 10-year period; Rodda would trim them from 16 to 12 years and would permit current members to complete their terms.
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—A blue-ribbon advisory committee would submit lists of regental candidates to the governor, who would be required to make his appointments from the lists under the Vasconcellos bill but would merely be required to consult with the committee under the Rodda bill.

—Vasconcellos would require new regental seats for voting representatives of UC students and faculty members; Rodda would permit the establishment of such seats but would not require them.

Both measures would make other changes in membership of the regents, though these are less controversial.

Vasconcellos would remove the president of the Mechanics' Institute of San Francisco and the president of the State Board of Agriculture and would replace the lieutenant governor with the Senate president pro tem.

Rodda would drop the Mechanics' Institute and State Board of Agriculture representatives and would increase the number of appointed regents from 16 to 18.

Both bills call for a board that is more representative of the state's population than the present group, which is largely composed of wealthy attorneys and business executives.

The regents, however, have supported SCA 45 as the lesser of two evils and worked closely with Rodda to develop the bill's details.
A SUMMARY OF MAJOR ACTION TAKEN ON TUESDAY, JAN. 16

THE GOVERNOR

THE ASSEMBLY
Catastrophe- Would create system of catastrophe control to cover personal injury and property damage: ACA 973; D-Dakakis.

Constitutional Amendment
Detractors
Now- Would require initial approval vote on new construction, or amendments: ACA 1421, 1426.

Bills Passed
Exelon- Would allow exelon to make more than one time of offense and never in state prison to take job as parole officers and state pri
er's: ACA 2213; 2412; Bierrey (D-

Bill defeated
Seat-Bill would require those winning cars seat belts. ACA 2164; 2834; MacCutchey (R-

Constitutional Amendment
Introduced
Budget- Would permit authority to court to commit mental patients: ACA 2164.

Bills Introduced
Budget- Would enact 1974-75 state budget: AB 2750.

Bills Sung
Review- Will require certain financial disclosures of profit or loss of bills to be avail-
able to regents of universities and trustees of public.

AB 2750; would require installation of energy-saving equipment.

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Smokillj(-Would establish ski area; ACR 148; Keysor.

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School financing — Would revise school financing system to ensure that districts receive a specific amount regardless of income from local property tax; SB 2380; Rodda (D-Sacramento).

Public Meetings — Would provide that University of California Regents may hold executive sessions only to consider appointment or employment of a person who is not performing services for or is not employed by university; SB 2692; Moscone (D-San Francisco).

Financial Data — Would open to the public the statements of personal worth or personal financial data required by a licensing agency and filed by an applicant to establish his personal qualifications for a license applied for; SB 2357; Moscone.

Privacy — Would delete provisions of Public Records Act which exempt from disclosure disclosure records that are personal or similar files where such disclosure would constitute an unwarranted invasion of personal privacy; SB 2355; Moscone.

THE ASSEMBLY

Bill Passed

Welfare — Would make cost-of-living adjustments for welfare recipients who are blind, aged or disabled go into effect Jan. 1, 1975, instead of July 1, 1976; AB 3234; Foran (D-San Francisco); 44-19, passage.

Sale signs — Would set minimum sizes for sale signs for houses at 18- by 24-inch wide; would bar cities from passing ordinances allowing smaller signs but would permit ordinances allowing larger signs; AB 3091; Bannai (R-Gardena); 44-15, passage blocked by reconsideration request.

Schools — Would authorize issuance of $150 million bonds for growth districts in the state school system and for money to meet earthquake safety requirements; AB 3235; McAllister (D-San Jose); 36-0, to Senate.

Flip tops — Would ban flip-top cans in California; AB 3159; Zueck (D-Sacramento); 48-10, to Senate.

Resolution Passed

Insurance — Would urge insurers to reduce automobile insurance premiums in direct proportion to decrease in accidents; ACR 198; Arnett, Redwood City; Voice vote adoption; to Senate.

A Summary of Major Action Thursday, May 2

THE SENATE

Bill Introduced

School financing — Would revise school financing system to ensure that districts receive a specific amount regardless of income from local property tax; SB 2380; Rodda (D-Sacramento).

Public Meetings — Would provide that University of California Regents may hold executive sessions only to consider appointment or employment of a person who is not performing services for or is not employed by university; SB 2692; Moscone (D-San Francisco).

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Welfare — Would make cost-of-living adjustments for welfare recipients who are blind, aged or disabled go into effect Jan. 1, 1975, instead of July 1, 1976; AB 3234; Foran (D-San Francisco); 44-19, passage.

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Reagan has made eight recent appointments and, having been re-elected, will make no cuts before the second term ends in December.

Reagan's appointments have been Republican and men and nearly absolute conservative according to Assembly Speaker Jesse Unruh, a Democrat, who asked the governor on such crucial matters to oppose Reagan's strategy during a recent campaign in which he lost his re-election bid. The governor was re-elected in November by a margin of 136,000, to a full 4-year term.

Reagan was accustomed to the office of the chief executive in a world of rational people, he said, when he was re-elected in November by a margin of 136,000, to a full 4-year term. But the election of Ronald Reagan was not the only change that has taken place in California's government. In May 1969, when you mustn't bring some of those things to a vote until they're ready for a vote.

Adopted to describe that philosophy, Wilson replied, "I propose there is a group of people who have the same philosophy encouraging the rest of the unimpeachable."

"People's Park" land in Berkeley was a conflict over campus expansion. When the governor was asked to explain his philosophy concerning the universe of rational people, he said, "You can't have the dramatic evasive answer." Wilson flailed his arms when he left the board in 1973, at the beginning of his second term, and the board had as late as 1972, when he was elected president of the University of California, the skimpiest the university had ever been. He is the people's party member of the House of Representatives.

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Continued from 7th Page

off, few new programs are being started and budgets are increasing little if at all.

"We've really got to come to grips with where our campuses are going and specify certain roles for certain campuses," said Mrs. Heller. "An important part of that is to realize that we are not going to continue our graduate schools on all campuses the way we once thought we would."

The university's relations with the Legislature also present a serious problem.

A few years ago UC was pitted against Gov. Reagan and his Department of Finance but in recent years, while the governor has grown more generous with the university budget, new criticisms have been voiced by liberal Democrats in the Legislature.

They do not think UC has done enough for low-income students, especially those from minority races, and they are troubled by the university's elitism.

"From the state's point of view this should be maintained as the quality research entity. The state requires it," said Roth. "But there is a group in the Legislature which, in the name of ersatz democracy, wants to level everything out. The regents must oppose this strongly."

But the board is hesitant about battling too vigorously while the Legislature is considering measures that would shorten regents' terms and change the way they are selected.

UC's political clout has been weakened in the last decade by the rapid growth of the California State University and Colleges system, which now has twice as many campuses and more than twice as many students as UC and can thus bring local political pressure to bear on more legislators.

"The University of California will play much less of a dominant role than it did," Campbell said. "The State University and Colleges have come of age and the community colleges are much more important than they were. This was inevitable in an age of mass higher education but it doesn't make our adjustment to it any easier."

Another important task facing the board is the selection of a new president to replace Hitch, who is 64 and has worked at a somewhat reduced pace since a mild heart attack three years ago.

Behind many of these issues lies a fundamental, unanswered question — should the regents decide important policy questions and order top administrators to implement their decisions, or should the board hire the best administrators possible, let them make the policy decisions and fire them if things go wrong?

There are strong advocates of each position and in recent years the board has done a little of both.

In all probability neither this nor any other vital question will be decided in the near future, however, for the regents are too pleased with the new serenity that has settled over the board and with the gradual return of their prestige and status to tackle any problems that might lead to acrimony.
The Day in Sacramento

A Summary of Major Action
Thursday, June 27

THE SENATE

Constitutional Amendments

Passed

Tuition—Would give the Legislature authority to set tuition and fees for campuses of the University of California rather than the Regents; SCA 85; Vasconcellos (D-San Jose); 31-8; to ballot.

Regents—Would cut the terms of regents of the University of California from 16 to 12 years and allow one faculty member and one student to become voting members of the board; SCA 45; Rodda (D-Sacramento); 27-1; to ballot.

Bills passed

Sparks—Would prohibit the sale of gas appliances in the state after Jan. 1, 1977, with pilot lights and would require all such appliances to have intermittent ignition devices; SB 1321; Alquist (D-San Jose); 27-3; to Assembly.

The ASSEMBLY

Constitutional Amendment

Passed

Residency—Would bar local government employees from requiring their employees to reside in a specified town; ACA 103; 63-0; Herman, (D-Los Angeles); to ballot.

Bills Passed

Acupuncture—Would legalize acupuncture by unlicensed persons in specified situations; AB 1691; 65-0; Torres (D-Los Angeles) to conference committee for report Duffy (R-Hanford) to governor.

RTO—Would double monthly attendance fees paid to board of directors of the Southern California Rapid Transit District; AB 3660; 64-0; Sieroty, (D-Santa Ana); to Senate.

Housing—Would create state housing finance corporation capable of issuing up to $500 million in state bonds; SB 1521; Alquist (D-San Jose); 31-5; to Assembly.

Smoking—Would permit school districts to authorize smoking on high school campuses except by pupils whose parents object; SB 71; 41-34; Gregorio (D-San Mateo) to Senate for concurrence in amendments.

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Rape—Would prohibit, in rape trial, instruction to jury that it may be inferred that victim who previously consented to sex with other persons would be more likely to consent again, and that sexual conduct may be considered in judging character of victim for truth and veracity; AB 3660; 64-4; Sieroty (D-Beverly Hills) to Senate.

Transit—Would authorize, if approved by voters, Orange County to create Transit District to impose 1½% sales tax for rapid transit; AB 3601; 63-3; Briggs (R-Valencia) to Senate.

Bill Defeated

Bonds—Would permit issuance of revenue bonds by public agencies for purposes of attracting industry into the state; AB 4363; 26-39; Russell (R-Tujunga).
Sweeping Changes in UC Operations Urged by Regent

BY WILLIAM TROMBLEY
Times Education Writer

University of California Regent Norton Simon called for sweeping changes in UC operations Wednesday, and said UC officials are guilty of inefficiencies and mismanagement.

In a wide-ranging interview in his Los Angeles office, the multimillionaire investor and art collector, a regent since 1958, proposed these changes for the UC system:

—UC Berkeley, UCLA and probably UC Davis and UC San Diego should be retained as comprehensive campuses, with extensive Ph.D. and research programs, but several other campuses—probably Irvine, Riverside, Santa Barbara and Santa Cruz—should confine themselves largely to undergraduate instruction.

They would become, in effect, state colleges.

"I think there would be a big saving," Simon said. "That's the way you save money and beat inflation."

—At least one large campus, probably UCLA, should be converted to year-round operation, "so the enormous investment in physical plant and libraries is not wasted in the summer months."

—Tuition fees should be varied to build up enrollment at UC Riverside while discouraging attendance at overcrowded campuses like UC Davis.

—Television should be used widely throughout the university, to cut instructional costs.

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The office of university treasurer should be expanded and upgraded to improve the handling of UC investments, especially its bond portfolio.

UC should not buy more property, nor build additional facilities at existing campuses, until these efficiencies have been achieved.

Simon, 67, said the practices of UC officials were contributing to the nation's inflation problem.

"The reason I'm raising these issues now is inflation, more than education," he said.

"The basic problem is bureaucrats in conflict, stifling creative thinking opening in government, in the universities, in half the companies in America. Everybody's fighting for their own ego and status. They refuse to look at new solutions that would upset the status quo. There is no creativity, no imagination."

Simon's proposals came on the eve of the first regents' meeting of the new academic year, a meeting at which the regents will get their first look at the budget UC administrators are suggesting for the 1975-76 academic year.

Reports are circulating that the request will be substantially higher than the $564 million operating budget the university sought from the state a year ago.

Simon believes the new budget reflects "the same old bureaucratic thinking," without careful consideration of alternative policies.

He said limiting Ph.D. training and large-scale research to three or four UC campuses would save money, but also would acknowledge the oversupply of Ph.D.s in some academic areas and the shortfalls in other fields of outside research money.

However, the proposal runs counter to UC's present plan to develop eight general campus areas, though some of the newer, smaller campuses are to be developed more slowly than originally planned.

Simon has been urging year-round operation of UC campuses for several years.

The university started to change to year-round in the mid-1960s, first switching from the semester system to the quarter system and then introducing summer quarters at Berkeley and UCLA.

When budgets tightened and enrollment showed signs of dropping off in the late 1960s, however, officials abandoned the plan.

"It seemed a marginal program to carry on in light of the changing enrollment situation," said Loren Furtado, UC director of the budget.

UC officials also claim that reducing campus increases in teaching costs required for year-round operation would be greater than the long-range savings in new building costs.

But Simon insisted that year-round would be efficient and financially wise at a large urban campus like UCLA, where many students are commuters and where there is a large potential adult enrollment in the summer.

Simon also would like lower tuition at UC Riversides to "whenever it takes" to attract enough students to the inland campus to solve its chronic low-enrollment problem.

Tuition would rise on average about $850 on the nine UC campuses.

"Instead of building more facilities to get the enrollment up at Riverside and use UCLA all year," Simon stated.

He criticized the handling of UC's investment funds, which have dropped sharply in value in recent months.

"Someone's second-guessing," Simon conceded. "Everybody's had things go down lately, but they handled these funds like kids. I can guarantee you I haven't had any such losses on my personal investments."

Much of the problem can be traced to the cautious understaffed office of UC Treasurer Owlsley B. Hammond, according to Simon.

He said Hammond is forced to hold more than $1 billion annually in investments, real estate holdings and other financial connections with a staff of only 44, while other institutions, most of them underfunded.

"We need more visits to companies, closer to the ground," Simon said, in order to make intelligent investment decisions in today's troubled market.

He especially criticized the failure to buy and sell bonds in time to take advantage of good opportunities.
Reforming the Regents: Yes on Prop. 4

Proposition 4 on the November ballot offers an opportunity to reform and make more responsive the Board of Regents of the University of California.

Under its provisions, terms of the regents would be shortened from 16 to 12 years, and the composition of the board would be changed.

Supported by the university and by Wilson Riles, state superintendent of public instruction, the measure is designed to preserve the independence of the university but make it more responsive to the needs of Californians.

At present, there are 24 regents, 16 appointed by the governor and 8 exofficio members—the governor, the lieutenant governor, the Speaker of the Assembly, the superintendent of public instruction and the presidents of the university, the alumni association, the California Board of Agriculture and the Mechanics Institute of San Francisco.

Proposition 4 would eliminate the seats reserved for the Board of Agriculture and Mechanics Institute and give the governor two additional public appointments. It also would add the vice president of the alumni association as an exofficio member, and would permit the regents to add a member of the faculty and a student at their discretion and under guidelines that they might establish.

An advisory committee would be created to help the governor select nominees, but his appointments would continue to be subject to Senate confirmation. The regents are defined as "persons broadly reflective of the economic, cultural and social diversity of the state, including ethnic minorities and women," but the proposition also states that formulas or specific ratios in the selection of regents are not intended.

Opponents have protested the removal of the president of the agriculture board and the addition of the alumni vice president and faculty and student members. Proponents argue, we think correctly, that the new formulation better represents the whole state. The addition of the alumni vice president recognizes the phenomenal growth of the various campuses. The faculty and student members could add valuable perspective for deliberations of the regents.

Proposition 4 was drawn by Sen. Albert S. Rodda (D-Sacramento), chairman of the Senate Education Committee, following a year-long battle over governance of the university. We believe it provides an acceptable compromise and merits a Yes vote Nov 5.
Tuition: Yes on Prop. 16

Proposition 16 on the ballot next Tuesday would take the power to set tuition at the University of California away from the UC Regents and give it to the Legislature—subject, of course, to the governor's veto. We support the proposition.

Whether to have UC tuition at all—and, if so, how much—are intimately bound with other aspects of public policy and university financing over which the Legislature has control. We believe, therefore, that the matter of tuition is properly the responsibility of the elected representatives of the people, not of the appointed regents.

The regents do not as a body oppose this proposition. We recommend a Yes vote on Proposition 16.
Voters Approve Changes in UC Regents Board

California voters decided Tuesday to reduce the terms of 12 university regents from 16 to 12 years and to alter the makeup of the board.

They did it by approving Proposition 4 by a 32,465-vote margin. It was the only one of four higher education propositions in past.

Voters turned down proposals to let the Legislature rewrite the regents act titution at 11, to add the Senate President pro tempore to the Board of Trustees of the California State University and California colleges, and to exempt from Civil Service their top staff jobs on the state's new Pre-Secondary Education Commission.

But the regents' measure won easily.

It removes Allan Grant, president of the state Board of Agriculture, and David J. McDaniel, president of the San Francisco Music Hum Institute, from the board immediately.

They will be replaced by 12 additional public members to be appointed by Gov-elect Edmund G. Brown Jr. in 1977.

Proposition 4 also adds a second UC Alumni representative to the board and permits the regents to name student and faculty members if they wish.

The new alumni representative will be Edward A. Michael, a San Francisco attorney and a graduate of UC Santa Barbara, the first member of that campus to serve on the Board of Regents.

For the present, the proposition reduces the board from 24 to 22 members. But it will grow to at least 25 in 1977 and to 27 if the regents and faculty representatives have been added by then.

The new board is expected to be more liberal, with Brown and Lt. Gov. Marvin P. Tamarack, challenging conservatives Ronald Reagan and John L. Hamner.

With the addition of more public members and board vacancies due in existing terms, Brown will be able to make regent appointments in 1977, term in 1977 and in 1974—appointments with which he intends to "renew the whole membership of the board.

The question of adding the student and faculty members remains in doubt.

In the past the Academic Council, representing faculty members on all nine UC campuses, has opposed faculty representation on the board that the faculty already has adequate access to the regent decision-making process and that the board should not have "special interest" representation.

However, Alesei A. Marafin, professor of physics at UC Irvine and chairman of the Academic Council, said Wednesday the faculty group is "in studying the matter rather carefully."

UC student leaders definitely want representation.

They will propose a selection process which involves screening of candidates on all nine campuses, with the final choice to be made by the UC Student Regent Council.

UC President Charles C. Hitch said he would ask the regents' reorganization committee to study whether there should be student and faculty representation.

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members on the board and, if so, how they should be selected.

Hitch said he favors the idea but does not want student and faculty members who represent only the narrow interests of their constituencies.

"I like the trustee concept," Hitch said. "I think a regent should be a trustee for the whole university, voting his conscience as to what's best for the university, not for a particular interest."

Voters turned down Proposition 14, which would have added the Senate president pro tem to the California State University and Colleges governing board, by a 51%-49% margin.

They also refused, 58% to 42%, to let legislators set tuition levels at the University of California, as they do for the California State University and Colleges system.

UC took no position on this measure and President Hitch said "the arguments pro and con were very close." However, he added, "on balance, I'm pleased it was defeated. I think it is a useful precedent for the voters to decide they don't want to transfer authority from the university to the Legislature."

Proposition 3, which would have exempted from Civil Service the top three staff jobs on the new California Postsecondary Education Commission, also was soundly beaten, 57% to 43%.

Several commission members said they feared this would make it difficult to obtain a first-rate director for the new agency, which is supposed to plan and coordinate all of the state's education beyond high school.

"This really puts us into a second-echelon position," said commission member Roger Pettitt, a Los Angeles attorney. "We might just as well stop looking for the equivalent of a top university president."

The $30,000-a-year directorship has been vacant since the commission was established seven months ago.

Hitch said he thought Proposition 3 failed because "people remember their high school civics courses, which taught them that civil servants are splendid and political appointees are bad. These really weren't political appointments but they looked a little like it."

Another election development with ramifications for education was the defeat of Assemblyman Ray Gonzales (D-Bakersfield), who was in line to be chairman of the Assembly Education Committee.

Sacramento sources speculated that the chairmanship now might go to Joseph B. Montoya (D-Los Angeles).
Students Want Seat, UC Regents Learn

BY WILLIAM TROMBLEY

University of California students want a seat on the UC Board of Regents but the university's faculty attitudes are undecided.

These views were expressed Monday as the regents' committee on reorganization, meeting in Los Angeles, considered adding a student and/or faculty member to the board.

Such action was authorized, though not required by Proposition 4, which was approved by voters last month.

The regents present had tough questions when representatives of UC's 190,000 students said they definitely want a voting seat on the board.

Larry Allies, undergraduate student body president at UCLA and chairman of the university-wide Student Body Presidents' Council, said that "by being at the meetings and having access to the materials, the same privileges as the regents, student members would contribute to the due deliberations of this body."

Regent William A. Vilifl said that, "But you are saying you want to see a bigger piece of the executive (closed-door) sessions. That's what it amounts to, doesn't it?"

 Allies denied this, saying the "student perspective could be valuable to the board."

"Just submitting perspective is not the job of a member of operation," he added. "What can students contribute?"

The regents are responsible for more than $100 million in revenue bonds, a billion and a quarter dollars in investments and the quality of instruction in the university.

"It takes more than perspective to manage that magnitude of operation," he said. "What can students contribute?"

The regents may have "every student can't be an expert in every sector," but that a student regent could contribute "invaluable information and opinions about such issues as student finance and the quality of instruction in the university."

He also pointed out that several campus student body officers now deal with large amounts of student fee money.

Regent DeWitt A. Higgs asked for "evidence of real interest on the part of students" for a seat on the board.

David A. Wilson, UCLA political scientist and reports chairman, reported that "the Academic Council, representing 7,000 members of the faculty's Academic Senate and UC campuses, has taken no position yet on a faculty seat."

But Maradudin told the regents that the Academic Council was in favor of inviting the council chairman to sit with the regents "when academic issues arise" but he had no objection "to the regent to cast a vote. Maradudin said.

A third possibility, posed by some local campus leaders, is to name a past council chairman to a faculty seat."

Outside the meeting room, UC President Charles J. Hitch said he would oppose naming the Academic Council chair, academy members, to a seat because the regents should be "not a representative of a particular viewpoint. Hitch's opposition might well foreshadow the defeat of that idea."

During the meeting, several council members raised possible conflicts of interest if someone were appointed. Please Turn to Pg. 9, Col. 1
Student Representation on UC Board Sought

The committee will meet again Jan. 15 and probably will send a recommendation to the full board by February because the new regents, if named, are to take their seats July 1, 1975, and the students have proposed a lengthy selection process for their representative if the general idea is approved.

However, committee and board action on the faculty regent may not come for several months.

In addition to permitting the regents to add a student or faculty member if they wish, Proposition 4 also reduced regents' terms from 16 to 12 years and removed two exofficio members from the board—the president of the state Board of Agriculture and the president of the Mechanics Institute of San Francisco.

Two more appointed regents were added, raising the total from 16 to 18, and the vice president of the UC Alumni Assn. was added as an exofficio member, joining the alumni president.

Because of the changes, the board now has 23 members and will increase gradually to 29 by 1985-1987. If student and faculty regents are added, the total eventually will reach 31.
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Student Representation on UC Board Sought

Continued from 8th Page

should vote on such matters as tuition or financial aid or if faculty regents should vote on faculty salaries or cutbacks caused by tight budgets or declining enrollments.

UC General Counsel Donald L. Reidhaar said he would look into the matter.

After the meeting both student and faculty representatives said present members of the Board of Regents have not always refrained from discussing issues involving possible personal conflicts of interest or abstained on votes on such matters even though such abstention is required by their own policies.

While committee members said their "tough cross-examination" of Miles and other student spokesman did not necessarily mean they would vote against the student regent idea, after the meeting student leaders said they were pessimistic.

"I don't think we'll get it this year," one said, "but I predict that within three years there will be a student regent."

The students' cause was weakened when their chief supporters on the committee, Regents William K. Coblentz and William Matson Roth, failed to attend the meeting.

The committee will meet again Jan. 15 and probably will send a recommendation to the full board by February because the new regents, if named, are to take their seats July 1, 1975, and the students have proposed a lengthy selection process for their representative if the general idea is approved.

However, committee and board action on the faculty regent may not come for several months.

In addition to permitting the regents to add a student or faculty member if they wish, Proposition 4 also reduced regents' terms from 16 to 12 years and removed two ex officio members from the board—the president of the state Board of Agriculture and the president of the Mechanics Institute of San Francisco.

Two more appointed regents were added, raising the total from 16 to 18, and the vice president of the UC Alumni Assn. was added as an ex officio member, joining the alumni president.

Because of the changes, the board now has 23 members and will increase gradually to 29 by 1985-1987. If student and faculty regents are added, the total eventually will reach 31.

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University of California students want a seat on the UC Board of Regents but the university's faculty members are undecided.

These views were expressed Tuesday as the regents' committee on reorganization, meeting in Los Angeles, considered adding a student and/or faculty member to the board.

Such action was authorized, though not required, by Proposition 4, which was approved by voters last month.

The five regents present had tough questions when representatives of UC's 120,000 students said they definitely want a voting seat on the board.

Larry Miles, undergraduate student body president at UCLA and chairman of the university wide Student Body Presidents Council, said that "by being at the meetings and having access to the materials, the same privileges as the regents" a student member "could contribute to the due deliberations of this body."

Regent William A. Wilson said, "What you're saying is you want to see a student in the executive (closed-door) sessions. That's what it amounts to, doesn't it?"

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UC Students Seek Regent Seat

Continued from First Page

Miles denied this, saying the "student perspective could be valuable to the Regents." Wilson countered. "Just submitting a perspective is not the job of a student," Miles said.

The Regents are responsible for more than $100 million in revenue bonds, a billion and a quarter dollars in investments and other endowments and $1.6 billion in university assets.

It takes more than perspective to manage that magnitude of operation," he added. "What can students contribute?"

Miles replied that "every student can be an expert on all matters" but that a student regent could contribute valuable information and opinion about such issues as student financial aid and the quality of instruction in the university.

He also pointed out that several campus student body officers now deal with large amounts of student fee money.

Regent DeWitt A. Higgs asked for "evidence of real interest in the part of students" for a seat on the board.

Higgs said he raised the question recently in meetings with students at UC Santa Barbara and UC San Diego and found few who knew about the passage of Proposition 4 or cared about the issue.

Miles said he would supply the committee with results of student votes and other evidence that a significant percentage of UC students favors the idea.

In the past UC faculty leaders have opposed the "faculty regent" idea, chiefly on grounds that they already have adequate access to decision-making through consultations with the UC president and presentations before the regents.

However, faculty spokesman Alexei A. Maradudin explained to reporters Tuesday that faculty attitudes are shifting.

"The passage of Proposition 4, with the support of the university administration, has created a new situation," said Maradudin, a professor of physics at UC Irvine. "Now that the possibility of a faculty regent exists, faculty members are saying, 'Let's discuss it. It doesn't sound unreasonable.'"

The Academic Council, representing 7,800 members of faculty academic senators on nine UC campuses, has taken no position on a faculty seat.

But Maradudin told the reorganization committee that "there seems to be little reluctance to see a faculty regent appointed." Most of the discussion has focused on who that person should be.

At its last meeting a majority of council members favored naming the council chairman (Maradudin this year, to be replaced by UCLA political scientist David A. Wilson next year) to the faculty seat.

A council minority was in favor of inviting the council chairman to sit with the regents "when academic issues arise" but not permitting the chairman to cast a vote, Maradudin reported.

A third possibility, proposed by some local campus leaders, is to name a past council chairman to a term of more than one year.

Outside the meeting room, UC President Charles J. Hitch said he would oppose naming the Academic Council chairman to the board on grounds that a regent should be a "trustee for the entire university" and not a representative of a particular vested interest.

Hitch's opposition might cause the defeat of that idea.

During the meeting several questions were asked about possible conflicts of interest if student regents should vote on such matters as tuition or financial aid or if faculty regents should vote on faculty salaries or cuts made by tight budgets or declining enrollments.

UC General Counsel Donald L. Reidhaar said he would look into the matter.

After the meeting both student and faculty representatives said present members of the Board of Regents have not always refrained from discussing issues involving possible personal conflicts of inter-

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Students representing all campuses of the University of California have advanced a persuasive argument for exercising the option of having a student sit on the university's board of regents. We think the regents should act immediately to implement the proposal.

In the election last November, Proposition 4 was approved. It provided for a restructuring of the board, and made additional provision, at the discretion of the regents themselves, for a faculty and a student member.

Faculty members are not yet in agreement on whether to support a plan for a faculty member.

But the students have developed a sound and reasonable plan for taking advantage of the opportunity to have a student member, and they have supported their proposal with a survey of how well this has worked in other states.

The premise of the student leaders is that the student regent should not be considered a student representative. To this end, they have suggested that elected student leaders be excluded from consideration. Rather, they propose that the student leaders canvass all UC campuses for the students best qualified to contribute to the Board of Regents. A statewide selection committee would nominate three students each year. The regents themselves would choose from the three.

As the students themselves have argued, a student regent could bring a dimension and a perspective to the board that do not now exist. It seems to us that these could be important and useful additions to a body that already brings together a group with diverse backgrounds in the professions, politics, cultural life and other communities within the state.

The screening procedures suggested by the student leaders demonstrate the responsible way in which the proposal has been developed. But, for anyone who remains dubious, there is a safeguard: The plan is subject to annual renewal, and therefore annual reappraisal, as the regents consider the nominees for each year.

The committee of the regents responsible for this matter meets today. We urge the committee to give the proposal full support so that the regents can include a student member for the next academic year.
Move On to Lessen Student Regent Role

Board Control of Screening Panel May Be Proposed

BY DON SPEICH
Times Education Writer

A group of conservative University of California regents is staging a quiet move to significantly lessen—if not eliminate—the influence of UC students in the selection of a student regent.

If successful, the net result may well be that student leaders—who have fought long and hard for the appointment of a student regent—will boycott the selection process.

At a meeting of the Regents Committee on Reorganization Wednesday in San Francisco, a recommendation is expected to be made that candidates for student regent be screened by a panel made up of five regents and four students. The panel's recommendation then would be sent to the full board for approval.

If adopted, this would give regents control over the selection process from beginning to end. This is vastly different from any selection process of a voice—ever seriously discussed in public by regents.

The move has caught students, as well as many regents and university officials, by surprise. And it appears likely that the proposal will touch off a fight pitting conservative regents who are behind the move against students and liberal regents at Wednesday's committee meeting and at a meeting of the full board Friday.

William Coblenz, a liberal member of the reorganization committee and a leader in the move for a student regent, said he knew nothing of the proposal until he received the committee meeting agenda late last week. He said he would oppose it.

Exactly which conservative regents on the 10-member committee are pushing the proposal is not certain.

One liberal regent, Frederick G. Dutton, said the move is clearly an example of "manipulation by older regents."

DeWitt A. Higgs, a moderate-to-conservative regent who is chairman of the committee, declined comment on the issue.

Larry Miles, undergraduate student body president at UCLA and chairman of the universitywide Student Body Presidents Council, said his group, which has led the campaign for a student regent, voted Friday to "completely reject" the proposal. If approved by the regents, he said, "there will be no student regent."

The regents reorganization committee for the last two months has been considering two issues: whether to add a student to the board (as authorized by California voters last November) and, if so, what procedure should be used to select that student.

Until a few days ago sources close to the committee felt it was a virtual certainty that the committee would vote to add a student to the board—and would authorize a selection procedure which, by all indications, would be agreeable to students and most regents.

Under that procedure, two panels—composed of students from UC campuses in Northern and Southern California—would select a total of three students as candidates for the board seat. From these, the regents would select the student regent.

Many sources still feel that in the end it is this proposal that will be adopted by the full board.

However, about midweek rumors began to spread that the committee, or at least some of its conservative members, secretly had decided to push for a new procedure.

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STUDENT REGENT

Continued from Third Page

The rumors were confirmed Thursday when agenda materials were received by the regents. Included were two proposals for the selection of a student regent. One called for the student panel screening process. The other recommended the regent-dominated panel. Neither proposal was included in the agenda packets sent to the press.

Miles, chairman of the student presidents council, said he first received an inkling that something was in the works during a conversation with UC President Charles J. Hitch on Wednesday. Miles said Hitch, a member of the reorganization committee, asked him what he would think of a regent-student panel screening process.

"I told him I was quite confident that the presidents (council) would oppose it and that personally I found it unbelievable," Miles said.

Up until Thursday, Miles' biggest problem was trying to hold together a compromise between students and regents over the issue.

The compromise was the proposal for two student panels to submit a list of three candidates to regents, who would make their final selection from that list.

Originally, the students wanted sole responsibility for selection of a student regent. But when student leaders encountered some regental opposition to that, they fell back to the compromise plan, which appeared to have regental support.

Then came word of the new proposal to give regents total control over the selection process. Student leaders voted to reject that proposal and for a time seemed angry enough to forget the whole thing. In the end, though, they agreed to continue supporting the compromise plan.

Miles indicated he supported the students' position.

"I originally said I think it is terrible because we don't interfere with the selection process," he said. "It certainly is my intention to allow the students to pick their own (regent) as long as it is done in a democratic way."

Besides, quipped Coblentz, "we get enough nuts appointed (to the board) by the governor, Why not let the students appoint one?"

There seems to be no doubt that a majority of regents favors appointment of a student regent, despite the disagreement over how that student should be chosen.

At last month's board meeting, Gov. Brown, who supports the appointment of a student regent, attempted to get the regents to commit themselves on the question.

The vote was never taken because most regents felt it would be improper before the reorganization committee had completed its work.

Nevertheless, Brown, in effect, won his point. By the time the discussion was over, about 11 regents said they would vote to create a student seat on the board.

When the voters of other regents known to favor a student seat are added, the total is more than a majority of the 23-member board.
Regents Should Stick to Their Bargain

The frustration of University of California student leaders is understandable. They had entered into a constructive and appropriate compromise on the means for selecting a student member of the university's Board of Regents, and now that compromise is in jeopardy.

It may be in jeopardy because some regents want to play a larger role in the selection process.

Under the agreement with the students, the students would provide three nominations for student regent. The final choice would have been left to the regents. Furthermore, the presentation of three names was to be undergirded by a rigorous search procedure designed to bring from all of the campuses of the university the names of the students best qualified to make a real contribution to the regents.

In other words, the students had prepared a plan with the likelihood of choosing outstanding young people to fill that one seat on a one-year basis, a process that in many ways is more thorough and better organized than the search-and-nomination procedure for regular members of the board.

Student leaders have excluded themselves from consideration to avoid any implication that the student regent is intended to represent or speak for students. They wisely concluded that the student regent should be, like other regents, qualified in the person's own right. The student would bring the perspective of being a student, just as a lawyer or a businessman brings that background to the board.

The movement to undo this agreement now is a manifestation of unwarranted suspicion of the student leadership. Those who press for further restrictions on the student role in the selection process must know that the consequence of their move would almost certainly be no student at all on the Board of Regents. That would be a serious mistake.
Inclusion of Student on UC Board of Regents Advances

Key Committee Spurns Attempts to Defeat Plan; Full Group Slated to Ballot on Proposal Friday

BY DON SPEICH
Times Education Writer

SAN FRANCISCO—A key committee of the UC Board of Regents voted 4 to 3 Wednesday to add a student regent to the board, defeating attempts by some conservative regents to prevent or delay the move.

The action, which must be ratified by the full board at a meeting Friday, would seat a student regent with full voting powers, selected through a process proposed earlier by UC student leaders.

In a related move, the same committee voted 5 to 2 to seat a nonvoting faculty member on the board. Faculty members indicated at a meeting last month that they did not want a vote for their representative.

Under the selection procedure adopted, two panels—composed of students from UC campuses in Northern and Southern California—would nominate a total of three students as candidates for the board seat. From these, regents would make the final selection.

A counterproposal, which would have given regents the upper hand in the selection process by creating, in effect, a screening panel of five regents and four students, was barely discussed at Wednesday's meeting of the regents reorganization committee.

Two other proposals that did surface were beaten down, but narrowly.

The first, from conservative Regent Dean Watkins, would have blocked the formal seating of either a student or faculty regent, but it would have allowed student and faculty leaders to participate informally in such regental matters as closed sessions of the board, something which students cannot now do.

The second from Regent William Wilson, another conservative, would have established a nonvoting student regent.

Wilson objected that the student regent would represent a special interest group and therefore would

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Hitch dismissed reports that the proposal was instigated by a group of conservative regents and was intended to weaken the influence of students in the selection of a student regent.

"No one is responsible for this (proposal) except me," said Hitch, who added he was quite taken aback by the furor which resulted from news reports of the proposal. Proposition 4 passed by California voters last November authorized the appointment of faculty and student regents.

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STUDENT REGENT
DON SPEICH
Los Angeles Times (1886-Current File); Feb 15, 1975;
ProQuest Historical Newspapers Los Angeles Times (1881 - 1986)
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STUDENT REGENT

Move by UC Shatters Tradition

BY DON SPEICH
Times Education Writer

SAN FRANCISCO—The University of California Board of Regents broke with tradition Friday and voted 15 to 5 to seat a student on the board for the first time.

Liberal and moderate regents, including Gov. Brown, supported the student appointment and only the board's hard-line conservatives opposed it.

The student regent will have a vote in all board matters and will be selected through a process proposed by UC student leaders. Under law, the student cannot be seated on the board before July 1.

In a related move, the board approved establishment of a faculty representative to the board. But, at the recommendation of the UC faculty Academic Council, the representative will not have a vote nor be designated as a regent.

Liberals and Moderates on Board OK Proposal 15-5

"I want to be on record as against a student regent," said Dean Watkins, a leading board conservative. "I have heard no persuasive argument for it."

He said the concept of a student regent amounted to "bad government."

His sentiments appeared to be shared to one degree or another by Regents Glenn Campbell, Dr. John Lawrence and William Wilson, all of whom voted against the proposal.

Board Chairman William French Smith, who also voted against it, said he was not necessarily opposed to the idea of a student regent, but disagreed with the proposed selection procedure.

Regent DeWitt Higgs said he had reservations at the outset, but he changed his mind because he was particularly impressed with the argument.

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UC Regent Brown Stirs Up the Board

Governor's Inquisitive Style, Attitude Irk Some Other Members

BY DON SPEICH
Times Education Writer

Gov. Brown leans back in his chair looks out at the audience and runs his hand impatiently through his hair, a veil of beard framing his clearly clouding his usually animated dark brown eyes. And, if only half-heartedly, California's governor lists.

Speaking this blustery and rainy March day in San Francisco is University of California Vice President C.O. McCorkle Jr. He is attempting to explain the proposed UC 1974-78 academic plan, a somewhat obtuse and equivocal document.

"I find the plan difficult to read and too abstract," interrupts Brown, his eyes now clear and excited, glancing at notes he has hastily made to himself on a yellow legal notepad. "I would like to focus on something more concrete and come down from the clouds!"

McCorkle, as well as other top UC administrators attending this special UC Regents' committee meeting, squirm in their chairs and become visibly agitated.

They, like others in the room, know that Brown—the relentless and impatient inquisitor who mixes pomposity and sanctimony—with charm in his self-appointed role as academic iconoclast—"is at it again."

When Brown became governor in January he also became a UC regent and a trustee of the California State University and College system. His unorthodox performance during deliberations of these two groups has higher education officials pondering why Brown is a restless intellectual with a deep commitment to higher education. Why is it better to have small numbers of students in a class? Why does UC need more money from the state? Why is it worse to have too many students? Why is it better to have small numbers of students in a class? Why does a UC regent and a trustee of the University of California and State University officials with what some other members of the board are calling a" holier-than-thou" attitude.

A few statements and then the questions, this is the Brown style. He will ask anything and everyone, regents and trustees and state university system officials, expressed views ranging from approval to anger about Brown's performance thus far in higher education. No one had no opinion. One trustee, appointed by Brown's predecessor, Ronald Reagan, found it difficult to say the same for the governor, his impatient and quick mind indulging in intellectual mind games with any and all comers, appears to be having a very good time.

In interviews with The Times, UC and state university system officials, all of whom asked not to be identified, expressed views ranging from ambivalence to anger about Brown's performance thus far in higher education. No one had no opinion. One trustee, appointed by Brown's predecessor, Ronald Reagan, found it particularly irksome that Brown arrives at a meeting in a small compact car and then treated trustees of state university officials with what that trustee regarded as a holier-than-thou style. Attitude Irk Some Other Members

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Regent Brown Making Waves

Continued from First Page

thoushau arrogance. He

I think he has some apologetic humility but very little personal hu-

mility as demonstrated by the way he has very little patience with any­

tone's position but his own," said the trustee who drives a luxury car.

So he won't be told about it, and

I knew his old (Democratic) Gov. Ed­­

minister B. Gilman and I know Regent

... he's entirely different," the trust­

ee said.

And indeed he is. He not only at­

tends more meetings of the regents and trustees than they ever did, but

when he is there he participates and

participates, extending meetings—

which prior to his arrival on the two

boards would have ended in the mid-afternoon—to the early evening

hours. Reagan used to end and said

little: anything he wanted un­

answered. He challenged the regents or trustees to do, he accomplished be­

hind closed doors, out of the public

eye. Not so Brown, who rarely (as an

agenda item slip by, however inno­

tuous) would bring a question off at least one

question.

The governor's prodlng of meet­

ings is getting so bad, one regent

said, that a group of regents planning to

meet within the next few weeks for a

discussion of the complicated medical school situation is not invit­

ting Brown.

"If Jerry were there, we wouldn't set

down, do anything else," the regent said.

So he won't be told about it, and

when it is all over, a delegation from the

committee will travel to Sac­­

ramento to tell the governor what

happened.

Why is Brown spending so much

time with higher education in gener­

al and the UC Board of Regents in

particular?

"He feels comfortable there," one

UC official said. "He's spent most of

his life at school," the official added, to

the fact that Brown went to UC Berkeley to a Jesuit

seminary for four years and then to

the University of Santa Clara.

If, as has been said, Brown doesn't feel

at home in higher education, it seems

perhaps the home theme should be

titled up. Most particularly he

thinks the household members are

going to have to learn to live with the

current, bleak economic facts of

life. They must forget the total

reconstruction they had in mind for

the campus—be it educational, in a

good neighborhood and have a solid

roof over their heads.

"I have a feeling that in life we will

always have to live with less than we

need, otherwise it would be harmful
to our personal psychology," Brown

said in a recent meeting.

Brown the spartan bachelor ex­

ounding the value of self-regula­tion to the wealthy corpor­

ate executives and conglomerate

executives on the Board of Regents—this, too, is part of his style. An impertinent laying on

of the hands, a feigned left jab to the

solar plexus.

"To me," said one of the board's

more affluent and conservative mem­

bers, "he is kind of a puzzling mixture of liberal degree and common sense. He is liberal in up the point of

spending money. And listening to

him when he talks at the meeting I

find counted through the heapwash

that comes out of his mouth a few

years of wisdom.

When he says, "We have to stop

spending automobiles and start spending

people that's nonsense, but when he

aays people earn always have every­

thing they want, that's common

sense."

And then there is Brown the moral

policer, telling UC administrators they

are getting paid too much, and

that during times of economic hard­

ship people in high positions should

be exemplary models of having

little. Leaders, after all, should set an

example for those they lead.

For instance, Brown told the regents

the $47,000 annual salary to be

paid to the new director of the UC

Davis hospitals and clinics was much

too much. So is the $59,500 a year to

be paid to

the Board of Regents—this, too, is part of

his style, An impertinent laying on

of the hands, a feigned left jab to the

solar plexus.

Brown the provocateur, (prh'ate)

hospital

and make a

东西．

money," or

health care delivery; if the university is on the cutting edge of new ideas, it

better find out what to do.

"I'd like some nonacademic re­

gents on this board so there will be

someone to represent the people—

not just those from this rarified at­

mosphere."

On the use by UC of untold tons of

paper for reports and records, the

governor, pointed to the fact that he makes only $40,000

and the state director of health is

paid $40,000.

"Certainly the director of health has

more responsibilities than the direc­

tor of a hospital in one city. That'

an anormou.s," Brown said.

I know quite a few regents contin­

ued, he said, some "rather cheaper"

opportunities come to that individual."

"I think there is some advantage to

positions other than chancellor of a

university that far transcends dol­

lars," he said.

"Jerry doesn't really understand (fi­

nancial) compensation," said one

liberal regent. "He went into that job

for power. He talks about people who

will receive more money once they

retire from public service. What he
doesn't understand is that for people

who become president of a univer­sity,

or chancellor of a campus, this is

their biggest and best thing and they

are going to stay there."

On the other hand, the regent con­

firmed, "if you go in the Health De­

partment (the director) is good enough he will eventually go to a

private hospital and make a lot of

money."

"His transformed needing at re­

meetings indicates that he doesn't

know what the university is all about and what its fundamental

purposes are," argued one UC official.

"And yet his kinky style is refresh­

ing... and he does make a

and railing at raceme."

When it comes to nothing, Brown

is a master. And in fortunate the needles are on larger in dimension because they are aimed at the jugular and they home in like a heat-seeking

missile."

A man of many questions, as has been

said, Brown does feel

at home in higher education, it seems

perhaps the home theme should be

titled up. Most particularly he

thinks the household members are

going to have to learn to live with the

current, bleak economic facts of

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reconstruction they had in mind for

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When he says, "We have to stop

spending automobiles and start spending

people that's nonsense, but when he

aays people earn always have every­

thing they want, that's common

sense."

And then there is Brown the moral

policer, telling UC administrators they

are getting paid too much, and

that during times of economic hard­

ship people in high positions should

be exemplary models of having

little. Leaders, after all, should set an

example for those they lead.

For instance, Brown told the regents

the $47,000 annual salary to be

paid to the new director of the UC

Davis hospitals and clinics was much

too much. So is the $59,500 a year to
BROWN AS UC REGENT

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about everything the trustees, the regents or, most particularly, administrators do.

- Some people think they own words and lawyers are among the group. (Directed at the many lawyers on the Board of Regents.)

- He has more wit than I thought he had," said one liberal regent. "I have a years on the Board of Regents.)

- We have a complicated society that is difficult to cope with in a bureaucracy-

- Brown is extremely skeptical of any institution that simplification

- But it does help to focus on an issue - but it does help to focus on an issue

- The questioner better be concise and considered and well-worded.

- This public accessibility is deceiving, pay some education officials.

- For that matter UC and the state university system also would like to know what Brown's priorities are for higher education.

- Then there is the case of the new director of the state Postsecondary Education Commission, Donald McNeil, who has been trying to see Brown since January.

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BERKELEY (AP)—Three students have been nominated for the new student seat on the University of California Board of Regents. The regents are expected to select one later this week. The university student presidents council nominated Kenneth Levy, a law student at Davis, Carol Mock, a senior at Santa Barbara, and Vincent Cohen, a law student at Berkeley.
Brown Attacks 'Mansions' for UC Officials

BY DON SPEICH
Times Education Writer

Gov. Brown sharply criticized University of California regents Friday for providing top UC administrators with rent-free "mansions," entertainment expense accounts and high salaries during a time of economic austerity.

Such emoluments, the governor said, "create a kind of aristocratic aura" that "smacks of elitism."

Brown's comments came at the close of a two-day regents meeting in Los Angeles, during which Carol Lynn Mock, a UC Santa Barbara senior, was selected as the first student regent and Elinor Heller was selected as chairman of the board, the first woman to hold that post in university history.

It has long been UC policy to provide homes for the university president, vice president and chancellors at the nine campuses.

Until a few years ago, the money to maintain the homes came in part from the state, explained UC Asst. Vice President Loren M. Furtado during an interview. However, he said, the homes and the expense accounts now are paid for from unrestricted endowment funds which are controlled by the regents.

The cost of maintaining the homes next year is estimated at about $260,000.

Regardless of where the money comes from, the governor made it clear Friday that he thinks the practice of providing rent-free homes, which he characterized as mansions,

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