



# THE 21<sup>st</sup> CENTURY STRONG PUBLIC UNIVERSITY

## *A Proposal for the Reform of the Structure of the Board of Regents of the University of California*

### Summary

This report presents specific rationales, proposals and avenues for reforming the Board of Regents of the University of California to make the Board more democratic, and more representative of accountable to the people of California, including constituents of the University (students, faculty, and staff). The existing 26-member Board – composed of 18 appointees by the Governor, 1 student, and 7 ex-officio members – is structurally unable to meet today’s challenges of public higher education. The UC system is encountering dramatic inequality, declining support for public services, rapid technological change, and political stalemates, and yet the response by successive Boards has been woefully inadequate. In contrast, new approaches to tackling UC’s challenges require a new, hybrid Board structure that integrates appointees by the Governor and Legislature, ex-officio members, and Regents elected by faculty, staff, and students. This more diverse, accountable array of Regents will provide the skills, energy, insight and responsiveness needed for a world-class, public UC system to flourish in the 21<sup>st</sup> Century in excellence, access and public service.

Reforms are direly needed as the existing, out-dated structure of the Board of Regents was last updated over 33 years ago when California and its challenges were dramatically different.

About every 50 years, concerned reformers have adapted the state’s constitutional provisions on UC Regents’ structure to suit new contexts and new challenges.

Without updates, the UC Board would still have meetings in secret, would have Regents serving 16-year terms, would have no alumni and student members nor faculty representatives, would have fewer women and ethnic minorities, and would still have one obligatory Regent from the Mechanics Institute of San Francisco. Through cutting edge reforms to its Board, UC can be a leader, beyond even the four state university systems that currently publically elect most or all of their Boards of Regents.

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*“This report is a working draft to facilitate – and be enriched by – serious analysis and discussion of how to improve the governance structure of the UC Board of Regents”*

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### *Rationale for Reform*

Widespread concerns about public higher education in the University of California system often focus on disparate symptoms – rising fees, low wages, imperiled pension plans, re-segregation, and management scandals – that nearly all ultimately share common roots in the inappropriate structure and dynamics of the UC Board of Regents.

There are at least six key structural flaws in the current design of the Board of Regents that prevent the University of California from achieving its goals of access, excellence and public benefit. There is insufficient representation of UC students, staff and associate and tenured faculty, who are key stakeholders with valuable insight, skills and experience to contribute. The Regents lack clear overarching responsibilities and roles. There are inadequate incentives for Regents to engage with the public and to ensure public views and concerns influence the practices and decisions of the BoR. And excessive term lengths for appointees hinder the ability to ensure that the Board is composed of responsive, competent, engaged, responsible Regents. In addition to these problems in the design of the BoR, there are also flaws in the practices of the Regents, and in the associated processes of selecting Regents. These flaws in practice include a lack of educational experience by Regents, poor attendance,

insufficient oversight (on administration, compensation, public engagement, lab management, and environmental impacts), conflicts of interest.

### *Proposed Structure*

The strongest way to address the current deficiencies in principle and practice of the UC Board of Regents is through a new hybrid structure, which integrates appointees by the Governor and Legislature, ex-officio members, and Regents elected specifically by citizens and by UC faculty, staff, and students. In addition, new rules will define clear roles, responsibilities, and requirements for UC Regents, and allow for recall of elected Regents serving 6-year terms who fail to meet their obligations.

This report also describes specific alternatives, options, risks, and ways to mitigate concerns, such as the influence of money in politics, institutional memory, and/or requisite skill bases. Students, staff, and faculty can elect Regents through slight modifications of the standard, spending-restricted student government elections held annually on all 10 UC campuses. General public elections of several of the 26 Regents can be organized through specific districts, on a non-partisan, ranked-choice basis with limited public financing available to qualified candidates. Staggered terms and required training would preserve institutional memory and ensure new Regents have sufficient insight required for their duties. As faculty, staff, students and the public participate in the selection of Regents they will gain a greater interest in and appreciation of the complex process of governing the UC system. Likewise, Regents will form closer relationships with these groups, as well as obtaining deeper understandings of California's challenges and priorities and how they can be met.

### *Next Steps: Process for Reform*

To reform the structure of the Board of Regents requires a constitutional amendment, which can be achieved through one of three avenues: a ballot proposition, a constitutional convention, or a state initiative. Before fully pursuing these avenues, a wide process of deliberation is needed by key stakeholders, such as faculty associations, administrators, legislators, student associations, and citizen groups. Deliberations are needed to discuss various options, modifications and their tradeoffs. Through such deliberation, reformers can develop a broad commitment to a specific, proposed new structure.

Each of the three avenues for reform – a proposition, convention or initiative – as it's own distinct characteristics and tradeoffs, which must be carefully considered. To see if a ballot proposition is feasible, polling may help. A ballot proposition would likely require large amounts of volunteering and financial support for public awareness and for collecting the approximately one million signatures needed to place a measure on the ballot. Momentum is growing for the second possible avenue, a constitutional convention, which would aim to reduce the frequent political stalemates in the state legislature. Achieving reform of the Board through a constitutional convention would require the support of those people convening the convention and defining the scope, as well as the delegates, all

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of which are uncertain at the moment. The third avenue is for the California Legislature to approve putting a constitutional amendment up for vote in a general election. This third avenue would require skillful lobbying of legislators and engagement with their key political, financial, and electoral supporters.

Reform of the UC Board of Regents cannot solve all of the UC system's problems, but is essential for the UC to flourish as one of the world's top public higher education systems. Because the past, present and future of the UC and California are so tightly interwoven, improving the UC Board will also be complementary to broader processes of reforming California's society, economy and political institutions.