

**Introduced by Senator Runner
(Coauthor: Senator Cannella)**

February 19, 2016

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article IX thereof, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

SCA 12, as introduced, Runner. University of California: students.

Existing provisions of the California Constitution provide that the University of California constitutes a public trust, and require that the university 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 the powers necessary or convenient for the effective administration of its trust.

This measure would require the regents to honor a fiduciary duty to California residents who aspire to attend the University of California. The measure would require the regents to ensure that specified data about in-state students, out-of-state students, and international students is reported, as specified, no later than July 1, 2017, by all University of California campuses on their Internet Web sites or using a successor technology. The measure would require the average statistical profiles of out-of-state and international freshman students enrolled at each campus of the university to be no lower than the average statistical profiles of in-state freshman students. The measure would authorize statutory implementation of the duty of the regents to report information

to the public under this measure to maximize transparency and ensure compliance.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
 2 Legislature of the State of California at its 2015–16 Regular
 3 Session commencing on the first day of December 2014, two-thirds
 4 of the membership of each house concurring, hereby proposes to
 5 the people of the State of California, that the Constitution of the
 6 State be amended as follows:

7 That Section 9 of Article IX thereof is amended to read:

8 SEC. 9. (a) The University of California shall constitute a
 9 public trust, to be administered by the existing corporation known
 10 as “The Regents of the University of California,” with full powers
 11 of organization and government, subject only to ~~such that~~ *that*
 12 legislative control as may be necessary to ~~insure~~ *ensure* the security
 13 of its funds and compliance with the terms of the endowments of
 14 the university and ~~such~~ competitive bidding procedures as may be
 15 made applicable to the university by statute for the letting of
 16 construction contracts, sales of real property, and purchasing of
 17 materials, goods, and services. ~~Said~~ *The* corporation shall be in
 18 form a board composed of seven ex officio members, which shall
 19 be: the Governor, the Lieutenant Governor, the Speaker of the
 20 Assembly, the Superintendent of Public Instruction, the president
 21 and the vice president of the alumni association of the ~~university~~
 22 *university*, and the acting president of the university, and 18
 23 appointive members appointed by the Governor and approved by
 24 the Senate, a majority of the membership ~~concurring; provided,~~
 25 ~~however that the present appointive members shall hold office~~
 26 ~~until the expiration of their present terms.~~ *concurring.*

27 (b) (1) The terms of the members appointed prior to November
 28 5, 1974, shall be 16 years; the terms of two appointive members
 29 to expire as heretofore on March ~~1st~~ *1* of every even-numbered
 30 calendar year, and two members shall be appointed for terms
 31 commencing on March 1, 1976, and on March 1 of each year
 32 thereafter; provided that no such appointments shall be made for
 33 terms to commence on March 1, 1979, or on March 1 of each
 34 fourth year thereafter, to the end that no appointment to the regents
 35 for a newly commencing term shall be made during the first year

1 of any gubernatorial term of office. The terms of the members
2 appointed for terms commencing on and after March 1, 1976, shall
3 be 12 years. ~~During the period of transition until the time when~~
4 ~~the appointive membership is comprised exclusively of persons~~
5 ~~-serving for terms of 12 years, the total number of appointive~~
6 ~~members may exceed the numbers specified in the preceeding~~
7 ~~paragraph.~~

8 ~~In~~

9 (2) *In* case of any vacancy, the term of office of the appointee
10 to fill such vacancy, who shall be appointed by the Governor and
11 approved by the Senate, a majority of the membership concurring,
12 shall be for the balance of the term for which ~~such~~ *that* vacancy
13 exists.

14 (c) The members of the board may, in their discretion, following
15 procedures established by them and after consultation with
16 representatives of faculty and students of the university, including
17 appropriate officers of the academic senate and student
18 governments, appoint to the board either or both of the following
19 persons as members with all rights of participation: a member of
20 the faculty at a campus of the university or of another institution
21 of higher education; a person enrolled as a student at a campus of
22 the university for each regular academic term during his *or her*
23 service as a member of the board. Any person so appointed shall
24 serve for not less than one year commencing on July 1.

25 (d) Regents shall be able persons broadly reflective of the
26 economic, cultural, and social diversity of the State, including
27 ethnic minorities and women. However, it is not intended that
28 formulas or specific ratios be applied in the selection of regents.

29 (e) In the selection of the ~~Regents, regents~~, the Governor shall
30 consult an advisory committee composed as follows: The Speaker
31 of the Assembly and two public members appointed by the
32 Speaker, the President ~~Pro pro~~ *Tempore* of the Senate and two
33 public members appointed by ~~the Rules Committee of the Senate,~~
34 *Senate Committee on Rules*, two public members appointed by the
35 Governor, the ~~chairman~~ *chairperson* of the regents of the
36 university, an alumnus of the university chosen by the alumni
37 association of the university, a student of the university chosen by
38 the Council of Student Body Presidents, and a member of the
39 faculty of the university chosen by the academic senate of the
40 university. Public members shall serve for four years, except that

1 one each of the initially appointed members selected by the Speaker
2 of the Assembly, the President ~~Pro~~ *pro* Tempore of the Senate,
3 and the Governor shall be appointed to serve for two years; student,
4 alumni, and faculty members shall serve for one year and may not
5 be regents of the university at the time of their service on the
6 advisory committee.

7 (f) The Regents of the University of California shall be vested
8 with the legal title and the management and disposition of the
9 property of the university and of property held for its ~~benefit~~
10 *benefit*, and shall have the power to take and hold, either by
11 purchase or by donation, or gift, testamentary or otherwise, or in
12 any other manner, without restriction, all real and personal property
13 for the benefit of the university or incidentally to its ~~conduct~~;
14 ~~provided, however, that~~ *conduct. However*, sales of university real
15 property shall be subject to ~~such~~ competitive bidding procedures
16 ~~as that~~ may be provided by statute. ~~Said~~ *The* corporation shall also
17 have all the powers necessary or convenient for the effective
18 administration of its trust, including the power to sue and to be
19 sued, to use a seal, and to delegate to its committees or to the
20 faculty of the university, or to others, ~~such~~ *the* authority or
21 functions as it may deem wise. ~~The Regents~~ *regents* shall receive
22 all funds derived from the sale of lands pursuant to the act of
23 Congress of July 2, 1862, and any subsequent acts amendatory
24 thereof. The university shall be entirely independent of all political
25 or sectarian influence and kept free therefrom in the appointment
26 of its regents and in the administration of its affairs, and no person
27 shall be debarred admission to any department of the university
28 on account of race, religion, ethnic heritage, or sex.

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

32 (h) (1) *As administrators of a public trust, the regents shall act*
33 *in the best interests of the people of California, and shall honor a*
34 *fiduciary duty to California residents who aspire to take advantage*
35 *of the University of California's promise of a high-quality college*
36 *education.*

37 (2) *No later than July 1, 2017, the regents shall ensure that all*
38 *campuses of the University of California report, on their Internet*
39 *Web sites, or report using a successor technology, uniform*
40 *application, admission, and freshman class profiles including, but*

1 *not necessarily limited to, all standardized test scores and*
2 *grade-point averages presented in the same statistical format*
3 *employed pursuant to the Common Data Set Initiative or a*
4 *successor database. Separate uniform statistical profiles shall be*
5 *reported for California students, out-of-state students, and*
6 *international students enrolled at each campus.*

7 *(3) The average statistical profile of out-of-state and*
8 *international freshman students enrolled at each campus of the*
9 *University of California shall be no lower than the average*
10 *statistical profile of in-state freshman students at that campus.*

11 *(4) The information required to be reported under paragraph*
12 *(2) shall be updated on at least an annual basis.*

13 *(5) Notwithstanding subdivision (a), the duty of the regents to*
14 *report information to the public under this subdivision shall be*
15 *self-executing, but subject to statutory implementation and audit*
16 *requirements to maximize transparency and ensure compliance.*