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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

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<b>Bill No:</b>	SCA 5	<b>Hearing Date:</b>	6/9/2021
<b>Author:</b>	Glazer		
<b>Version:</b>	April 15, 2021		
<b>Urgency:</b>		<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** University of California: regents: student members

**NOTE:** This measure has been referred to the Committees on Education and Elections and Constitutional Amendments. A "do pass" motion should include referral to the Elections and Constitutional Amendments Committee.

### SUMMARY

This measure proposes to modify Article IX of the State Constitution to require, rather than authorize, the members of the University of California (UC) Board of Regents to appoint two students enrolled at a UC campus, thereby increasing its voting membership from 18 to 20.

### BACKGROUND

The California Constitution establishes the UC, a public trust to be administered by the Regents of the UC and grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution)

The California Constitution establishes the requirements for appointment and terms to be served by a member of the Regents of the UC. The Constitution specifically requires that members of the board be composed of 7 ex officio member of which include; 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. The Constitution also provides that the Senate, a majority of the membership concurring, approve any Regent appointee made by the Governor. (Article IX, Section (9)(a) and (b)(1) of the California Constitution)

The California Constitution authorizes the UC Regents to appoint student or faculty and establishes procedures for their appointment. Specifically it, authorizes the members of the board to appoint either a member of the faculty at a campus of the university or of another institution of higher education, or a person enrolled as a student at a campus of the university, or both, as members of the board serving for no less than one year with all rights of participation. The Constitution also provides that the board appointed student or faculty serve for not less than one year commencing on July 1. (Article IX, Section (9)(c) of the California Constitution)

## ANALYSIS

This constitutional amendment proposes to place before the voters a change to the California Constitution to modify the membership of the Board of Regents of the University of California. It:

- 1) Requires, rather than authorizes, the UC Regents to appoint two students enrolled at a UC campus to serve as members of the UC Board of Regents, thereby increasing its voting membership from 25 to 27.
- 2) Continues to require student or faculty representatives appointed as members of the board to serve for no less than one year with all rights of participation.
- 3) Makes other technical and non-substantive changes.

## STAFF COMMENTS

- 1) *Need for the bill.* According to the author, “Currently, the Board of Regents have 8 standing committees and two special committees. However, students only have representation on half of the Regents’ decision making bodies. Because the Board of Regents is divided into multiple committees that meet concurrently, it is impossible for only one voting member to represent students on all committees. Each committee makes decisions that are incredibly impactful to student communities, forcing the single voting student member to prioritize between more than two already high priority discussions regularly.

“In addition, since the passage of Prop 4 in 1974, the University of California has added an additional campus, UC Merced, as well as nearly 150,000 more students, but student voting eligibility has remained the same on the Board of Regents.

“The student population is much more diverse now, and that diversity requires the opportunity to have differing perspectives represented through a vote of the Regents. Without the right to vote, the non-voting student regent cannot participate in a functional way on the committees of the board of regents.”

This measure seeks to increase and formalize in the California Constitution student representation on the UC Board of Regents.

- 2) *Student Regents.* Under the Constitution, the UC Regents have the option of appointing a student to serve as member on the Board. The student Regent and Regent-designate positions are established and affirmed by regental policy. The two student members of the UC Regents serve staggered two-year terms, with the first year of a student’s membership, known as a regent-designate, limited to participation but voting. This bill requires the appointment of two student representatives, each with voting privileges.
- 3) *Effect on existing Regents.* This bill adds two voting members to the UC Board of Regents. The California Constitution provides for 18 Regents to be appointed by

the Governor, and approved by the Senate. In addition, the Constitution provides for seven ex officio members that include publicly elected officials. Traditionally, two faculty members, the chair and vice chair of the Academic Council, sit on the board as non-voting members. If the bill's provisions were enacted, the number of UC Regents could total 29 members.

- 4) *Parity with California State University (CSU).* In 2019, the Legislature adopted AB 514 (Medina, Chapter 61, Statutes of 2019) which granted the non-voting student member of the CSU Board of Trustees voting privileges, thereby giving two students voting rights. However, CSU Trustee appointments are established via statute. Additionally, AB 337 (Medina, 2021) which is being considered in this committee, proposes to add a student member position with voting right on the Board of Governors of the California Community Colleges. Changes made to the Board Governors also do not require a constitutional amendment.
- 5) *Constitutional amendment requirements.* As a proposed Constitutional amendment, this measure would not go into effect unless approved by the majority of voters at a statewide election. This proposal requires a 2/3 vote of each house of the Legislature in order to be submitted to the voters. It does not require approval by the Governor.
- 6) *Prior and related legislation.* AB 337 (Medina, 2021) would eliminate the prohibition against a student member voting during the student member's first year on the Board of the Governors (BOG) of the California Community Colleges (CCC), thereby giving both students voting rights. AB 337 is set to be heard in the Senate Education Committee on June 9.

AB 2190 (Medina, 2020) was identical to AB 337, and was not set for a hearing in the Senate Education Committee.

AB 514 (Medina, Chapter 61, Statutes of 2019,) increases the voting rights of the student members of the CSU Board of Trustees by removing the non-voting status of one of the two student members, thereby giving both students voting rights.

AB 1290 (Lee, 2021) would expand the California Student Aid Commission to include two additional student members. This bill is pending hearing in the Senate Education Committee.

AB 2766 (López, 2016), which was similar to AB 1290, was vetoed by Governor Brown with the following message:

***“This bill adds two additional student members to the California Student Aid Commission, bringing the total student membership to four, and the total commission membership to 17. The current participation of the two student members should be sufficient to advancing the interests of students and protecting the public interest.”***

SCA 1 (Lara, 2016) proposed to modify Article IX of the State Constitution to reduce the term of an appointment as a Regent of the University of California from 12 years to 10 years for terms commencing on or after the effective date of this measure and prohibits these members from serving more than two terms. SCA 1 was placed on the inactive file in the Senate Floor by the author.

**SUPPORT**

University of California Student Association

**OPPOSITION**

None received.

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