

AMENDED IN SENATE APRIL 13, 2016

Senate Constitutional Amendment

No. 12

**Introduced by ~~Senator Runner~~ *Senators Runner and Huff*
(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 amended, Runner. University of California: ~~students.~~ *California residents.*

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 act in the best interests of the people of California and to honor a their* 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. California by ensuring that priority in admissions is given to applicants who are California residents.~~

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 that legislative
12 control as may be necessary to ensure the security of its funds and
13 compliance with the terms of the endowments of the university
14 and competitive bidding procedures as may be made applicable
15 to the university by statute for the letting of construction contracts,
16 sales of real property, and purchasing of materials, goods, and
17 services. The corporation shall be in form a board composed of
18 seven ex officio members, which shall be: the Governor, the
19 Lieutenant Governor, the Speaker of the Assembly, the
20 Superintendent of Public Instruction, the president and the vice
21 president of the alumni association of the university, and the acting
22 president of the university, and 18 appointive members appointed
23 by the Governor and approved by the Senate, a majority of the
24 membership concurring.

25 (b) (1) The terms of the members appointed prior to November
26 5, 1974, shall be 16 years; the terms of two appointive members
27 to expire as heretofore on March 1 of every even-numbered
28 calendar year, and two members shall be appointed for terms
29 commencing on March 1, 1976, and on March 1 of each year
30 thereafter; provided that no such appointments shall be made for

1 terms to commence on March 1, 1979, or on March 1 of each
2 fourth year thereafter, to the end that no appointment to the regents
3 for a newly commencing term shall be made during the first year
4 of any gubernatorial term of office. The terms of the members
5 appointed for terms commencing on and after March 1, 1976, shall
6 be 12 years.

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

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

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

26 (e) In the selection of the regents, the Governor shall consult
27 an advisory committee composed as follows: The Speaker of the
28 Assembly and two public members appointed by the Speaker, the
29 President pro Tempore of the Senate and two public members
30 appointed by the Senate Committee on Rules, two public members
31 appointed by the Governor, the chairperson of the regents of the
32 university, an alumnus of the university chosen by the alumni
33 association of the university, a student of the university chosen by
34 the Council of Student Body Presidents, and a member of the
35 faculty of the university chosen by the academic senate of the
36 university. Public members shall serve for four years, except that
37 one each of the initially appointed members selected by the Speaker
38 of the Assembly, the President pro Tempore of the Senate, and the
39 Governor shall be appointed to serve for two years; student, alumni,
40 and faculty members shall serve for one year and may not be

1 regents of the university at the time of their service on the advisory
2 committee.

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

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

27 (h) ~~(4) As administrators of a public trust, the regents shall act~~
28 ~~in the best interests of the people of California, and California.~~
29 ~~The regents shall honor a their fiduciary duty to California residents~~
30 ~~who aspire to take advantage of the University of California's~~
31 ~~promise of a high-quality college education. education by ensuring~~
32 ~~that priority in admissions is given to applicants who are California~~
33 ~~residents.~~

34 ~~(2) No later than July 1, 2017, the regents shall ensure that all~~
35 ~~campuses of the University of California report, on their Internet~~
36 ~~Web sites, or report using a successor technology, uniform~~
37 ~~application, admission, and freshman class profiles including, but~~
38 ~~not necessarily limited to, all standardized test scores and~~
39 ~~grade-point averages presented in the same statistical format~~
40 ~~employed pursuant to the Common Data Set Initiative or a~~

1 ~~successor database. Separate uniform statistical profiles shall be~~
2 ~~reported for California students, out-of-state students, and~~
3 ~~international students enrolled at each campus.~~

4 ~~(3) The average statistical profile of out-of-state and~~
5 ~~international freshman students enrolled at each campus of the~~
6 ~~University of California shall be no lower than the average~~
7 ~~statistical profile of in-state freshman students at that campus.~~

8 ~~(4) The information required to be reported under paragraph~~
9 ~~(2) shall be updated on at least an annual basis.~~

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