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Office of the President

TO THE MEMBERS OF THE SPECIAL COMMITTEE ON REGENTS' PROCEDURES:

ACTION ITEM

For Meeting of January 19, 2005

**PROPOSAL FOR ENHANCED COMMUNICATION BETWEEN THE REGENTS AND
UNIVERSITY OF CALIFORNIA STAFF AND NON-SENATE ACADEMIC
EMPLOYEES**

EXECUTIVE SUMMARY

Action: Approval to provide increased recognition of staff and non-Senate academic employees at Regents' Committee meetings through a pilot program that would allow two such employees to participate as advisors to certain Regents' Committees on relevant subjects.

RECOMMENDATION

The President recommends that the Special Committee on Regents' Procedures recommend to The Regents that a pilot program be implemented to appoint two individual staff and/or non-Senate academic employees to participate with two Regents' committees to provide the voice and perspective of such employees in deliberations on matters that come before the Committees and the Board.

BACKGROUND

This proposal represents a two-year pilot program. For the first year, 2005-06, the President proposes that the individuals so appointed be the two most recent past Chairs (2003-04 and 2004-05) of the Council of University of California Staff Assemblies (CUCSA). During the first year, the administration would develop a process to select two employees from among all eligible staff and non-Senate academic employees to be appointed to advise the selected committees for the second year of the pilot, 2006-07. The two committees for this pilot would be the Committee on Educational Policy and the Committee on Grounds and Buildings.

At the end of the second year of the pilot program, The Regents would evaluate the effectiveness and value of the program and the process used to select the individual employee advisors. The Regents would then determine whether to continue, modify, or cease the program.

The report **University of California Report on Communications between Staff and the Board of Regents** was presented to the Committee on Finance at its July 2004 meeting. The report, which was prepared by the Office of the President, analyzed the nature and effectiveness of communications between the staff of the University of California and The Regents and included the feasibility of establishing the position of Staff Representative to The Regents. The report suggested that such a position may be more appropriately called Staff Advisor, but it did not make a recommendation on the establishment of the position. The report outlined the opportunities for staff to communicate with The Regents, including the use of the public comment period, direct written communications, and the use of a new feature that allows staff to send email to President Dynes. In addition, the Chair and Chair-elect of the Council of the University of California Staff Assemblies (CUCSA) attend all Regents meetings, and CUCSA prepares an annual report of its activities and issues of interest to staff that is presented to the Board each July. The report suggested that The Regents may wish to consider the following options:

- The advisability of establishing a non-voting position of Staff Advisor to The Regents
- Providing staff with enhanced means of communication with The Regents

- Continuing the current process of communications but giving additional attention to providing opportunities for staff input on relevant issues coming before The Regents

The issue of a Staff Representative was first broached by CUCSA in 1997, at which time it asked that the Board consider allowing staff council leadership the same standing and participation at Regents meetings as the faculty leadership. The proposal noted that staff would be represented by the Chair and Chair-elect of CUCSA.

In 1997 the President revived the practice of having representatives of the University of California Student Association address pertinent issues on the Committees' agendas. The suggestion was made that the staff be afforded a similar opportunity, given in particular the legal requirements of complying with the Higher Education Employer Employee Relations Act (HEERA).

The issue of a Staff Advisor was reintroduced to the Special Committee at its January 2003 meeting by Regent Connerly, who requested that the President be directed to undertake a study to explore the feasibility of adding a Staff Representative to the Board of Regents. Because the Bylaws of The Regents prohibit a Regent from holding an appointment to any position in connection with the University for which a salary or other compensation is paid, it was assumed that the Staff Advisor would be a non-voting representative. In addition, if the Staff Advisor were a voting member of the Board, the California Constitution would need to be amended. Through discussions with The Regents, it has become clear that The Regents intend that any Staff Advisor position be a non-voting member.

As was summarized in the report on communications between staff and the Board of Regents, there remain a number of concerns and potential obstacles to the establishment of a Staff Advisor to The Regents as outlined below:

- Regents' interactions with a Staff Advisor must not violate the various prohibitions under HEERA, including the prohibitions against direct dealing between management and employees.
- It would be important to ensure that the role of the Staff Advisor would not interfere with the unions' exclusive right to represent employees in exclusively represented positions. Because of the significant concerns about the risks of dealing directly with exclusively represented employees, the Office of the General Counsel advised against allowing any such appointed person to be represented exclusively in a bargaining unit. However, if all represented employees are excluded, the Staff Advisor would be chosen from a limited number of staff and non-Senate academic employees and may not achieve the desire of many Regents to receive input that broadly reflects the concerns of the staff and non-Senate academic employees.

- The role of the Staff Advisor would be different from that of the Faculty Representatives, as the Academic Senate has a shared governance role which is uniquely protected under HEERA. Because of the special role played by the Academic Senate in the governance of the University, HEERA exempts the Academic Senate from the general prohibitions on direct dealing that otherwise apply when The Regents would interact directly with those employed by the University.
- The selection process for a Staff Advisor would need to be carefully developed in consideration of the concerns and issues under HEERA raised in the report.

In response to these ongoing concerns, the President is recommending that the position of Staff Advisor not be established by The Regents at this time, but rather that staff and non-Senate academic employees be given the opportunity to participate with the Board through its committees. During the first year, the administration would explore ways of selecting two employees to serve in the capacity of Committee advisors for the second year. These two employees would be selected from among the broad community of all staff and non-Senate academic employees. It is further suggested that The Regents review the situation at the end of first year of the two-year pilot, including the process to select the second year's employee participants. The Regents would then more formally evaluate the effectiveness and value of the program and the process used to select the individual employee advisors at the end of the second year. The Regents would then determine whether to continue, modify or cease the program.

The administration strongly supports obtaining the input of staff and non-Senate academic employees. During the first year of the pilot program, the administration would also strengthen notice regarding current opportunities for individuals or representatives of various groups to provide input to the Board and its Committees on issues of concern that are being addressed by The Regents at particular meetings. There are many employee organizations (unions), staff advisory groups, staff employee, and retiree/emeriti associations and other non-affiliated employees that often have differing views on issues.

In considering the advantages of selecting employees to participate with committees and providing stronger notice to various individual employees and representatives of groups about current opportunities to communicate with The Regents, the following present the approximate number of staff and non-Senate academic employees by personnel category and group to clarify the breadth of representatives that may have a strong interest in addressing The Regents directly through the pilot program or current communications opportunities.

**SPECIAL COMMITTEE ON
REGENTS' PROCEDURES
January 19, 2005**

<u>Employees by Personnel Category (not including DOE Labs)</u>	<u>Approximate Headcount</u>
Professional and Support Staff (PSS) (about 50 percent represented and 50 percent nonrepresented)	108,700
Management and Senior Professionals (MSP)	6,400
Senior Management Group (SMG)	320
Senate Faculty	10,800
Non-Senate Academics (including student employees)	46,600

The Faculty Representatives to The Regents represent only those academics who are members of the Academic Senate. As is indicated above, there are approximately 46,600 additional personnel in academic appointments who are not represented by the Faculty Representatives, including approximately 2,100 clinical faculty who are working in the University Medical Centers and Medical Schools who are not members of the Academic Senate, approximately 8,000 professional and post-doctorate researchers, and approximately 9,600 graduate student researchers.

Major Systemwide Staff Employee Unions (included within the PSS category noted above)

		<u>Approximate Headcount</u>
CUE	Clerical employees	15,800
CNA	Nurses	8,200
AFSCME	Patient care technical employees	9,700
AFSCME	Service employees	7,100
UPTe	Research support professionals	4,500
UPTe	Technical employees	4,000
UPTe	Residual patient care professionals	2,200

Academic Employee Unions (included within the Non-Senate Academics personnel category noted above)

		<u>Approximate Headcount</u>
AFT	Lecturers	2,500
UAW	Graduate student employees	10,500

In addition, the Santa Cruz faculty (Academic Senate members) are represented by the Santa Cruz Faculty Association (union).

Other Advisory Groups and Staff and Emeriti/Retiree Associations

There are many employee associations and advisory groups and emeriti/retiree associations that regularly interface with the Office of the President on matters of interest to employees and retirees that may be interested in participating in more direct communications with The Regents on certain items. The major groups are as follows:

- CUCSA - Systemwide council of staff employees (generally nonrepresented), along with local staff assemblies at each location
- UCLGBTIA - Systemwide lesbian, gay, bisexual and transgender association (includes faculty, staff and students)
- Various ethnic and special interest-based employee groups, both local and systemwide
- CUCRA - Systemwide Council of UC Retiree Associations, and local retiree groups
- CUCEA - Systemwide Council of UC Emeriti Associations, and local emeriti groups

Attachment I contains parameters and considerations that would be associated with the process to select staff and non-Senate academic employees to participate with Regents' committees.

Attachment II provides a summary of how this pilot proposal would be structured.

PARAMETERS AND CONSIDERATIONS - SECOND YEAR OF PILOT PROGRAM

PROCESS FOR SELECTING STAFF AND NON-SENATE ACADEMIC EMPLOYEES TO PARTICIPATE WITH REGENTS' COMMITTEES

- (1) **Goal:** To allow the Regents to benefit from hearing staff and non-Senate academic employee perspectives on relevant matters that come before Regents' Committees and the Board.
- (2) **Candidates would self nominate**
 - a. For the 2nd year of the pilot, staff would self nominate in response to broad systemwide notice.
 - b. To be eligible, staff member must be below the director level.
 - c. Distribution of call for nominations may follow that used for *Our University* newsletter from the President, UC systemwide electronic broadcasts, or a combination of both.
 - i. In order to reach staff who do not have access to computers, distribution would follow existing local processes for current systemwide notices.
 - ii. Call could also be addressed to unions and selected advisory groups.
- (3) **Final selection by President**
 - a. The administration would review all applications to ensure qualifications, subject matter expertise, variety, and diversity of locations, levels, unions, advisory groups, etc.
 - b. The short list would be presented to the President.
 - c. Final selection of two employee advisors to two Committees would be made by the President.
- (4) **Funding:** A process and source of funds in the Office of the President would be required to cover the amount of anticipated annual expenditures. Expenses likely would include selection processes (systemwide broadcast and posting), travel expenses for staff members, release time, replacement or backfill, and administrative time committed to briefing and review process.
- (5) **Guidelines** for staff interaction with The Regents would be developed and would clearly delineate HEERA compliance issues.
- (6) **A Sunset Clause** would allow The Regents to reassess the process at the end of each year of implementation, with final assessment at the end of the second year.
- (7) **Public Comment Period:** The opportunity for selected staff and non-Senate academic employees to advise committees of The Regents would not negatively impact or otherwise reduce the ability of other individuals, unions or other groups to speak during current public comment period.

SUMMARY OF TWO YEAR PILOT PROGRAM STRUCTURE

First Year (2005-06)

- The past two Chairs of CUCSA (2003-04 and 2004-05) would become advisors to committees of The Regents.
- Initially, two Committees would be involved, suggested to be the Committee on Educational Policy and the Committee on Grounds and Buildings
- Advisors would attend all Committee meetings, with the exception of Closed or Regents Only sessions.
- The administration would develop the process to select two advisors for the second year of the pilot from among all staff and non-Senate academic employees

Second Year (2006-07)

- The Regents would review the effectiveness of the first year of the pilot program and the process for selecting the advisors to the committees.
- Two staff and/or non-Senate academic employees would be selected as advisors to the Committee on Educational Policy and the Committee on Grounds and Buildings
- Advisors would attend all committee meetings, with the exception of Closed or Regents Only sessions
- The Regents would evaluate the effectiveness and value of the two-year pilot program and the process used to select the individual employee advisors. The Regents would then determine whether to continue, modify, or cease the program.