

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3011-11/FGA (Rev)
March 16-17, 2011

Support of SB 8 (Yee) Public Records: Auxiliary Organizations

RESOLVED: That the Academic Senate of the California State University (ASCSU) support SB 8, (Yee, D-San Francisco), Public Records: Auxiliary Organizations, which promotes accountability and transparency in public institutions of higher education by requiring auxiliaries affiliated with the California Community Colleges, the California State University and the University of California to comply with the California Public Records Act; and be it further

RESOLVED: That the ASCSU distribute this resolution to the Board of Trustees, the Chancellor, campus Presidents, campus Senate Chairs, California Faculty Association, and Senator Leland Yee.

RATIONALE: AS-2894-09/FGA supported (if amended to protect the donor records of those who request anonymity) SB 218 (Yee, D-San Francisco) Amendments to the California Public Records Act (CPRA), which would have amended the CPRA to include auxiliary organizations that receive public funds or perform a governmental function on behalf of the California Community Colleges (CCC), the California State University (CSU) or the University of California. SB 218 was passed by both houses of the California State Legislature. Governor Schwarzenegger vetoed the bill in October of 2009 out of concern that the bill would result in the loss of private donations and volunteer activities supporting California's public institutions of higher education. Senator Yee re-introduced the bill as SB 330, but Governor Schwarzenegger vetoed that legislation on the same grounds in July 2010.

SB 8 (Yee, D-San Francisco), introduced in December 2010, accomplishes the same goal as SB 218 and 330, to promote accountability and transparency in public institutions of higher education. SB 8 would amend the Education and Government Codes to require that specific entities affiliated with the CCC, the CSU and the UC to comply with the California Public Records Act. Addressing Governor Schwarzenegger's earlier concerns about the bill, SB 8 provides exemptions from disclosure, including (a) information obtained in the process of soliciting potential donors that has actual or potential independent economic value because it is not generally known to the public or because the individuals can obtain economic value from its disclosure or use; and (b) the names, addresses and telephone numbers of donors and volunteers requesting anonymity, unless the donor or volunteer meet specified conditions. Passing AS-3011-11/FGA would reaffirm the ASCSU commitment to transparency and accountability in the CSU and California's other public institutions of higher education.

Sources:

“2011 Legislation,” Website of Senator Leland Yee
(http://dist08.casen.govoffice.com/index.asp?Type=B_BASIC&SEC={A44EA5A4-AAA9-498C-AFAE-5C26FAAE50D9})

AS-2894-09/FGA Support of SB 218 (Yee, D-San Francisco) Amendment to California Public Records Act (<http://www.calstate.edu/AcadSen/Records/Resolutions/2008-2009/documents/2894.pdf>)

SB 8 (http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sca_8_bill_20110217_introduced.pdf)

SB 218 (http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0201-0250/sb_218_bill_20090910_enrolled.pdf)

SB 330 (http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0301-0350/sb_330_bill_20100819_enrolled.pdf)

Sasha Lekach, “Two bills to increase transparency and accountability at UCs, CSUs,” The California Aggie, January 12, 2010 (<http://theaggie.org/article/2010/01/12/two-bills-to-increase-transparency-and-accountability-at-ucs-csus>)

Approved – May 5-6, 2011