

The Regents of the University of California

**COMMITTEE ON EDUCATIONAL POLICY**

June 18, 1998

The Committee on Educational Policy met on the above date at UCSF-Laurel Heights, San Francisco.

Members present: Regents Atkinson, Chandler, Connerly, Hotchkis, Khachigian, Levin, McClymond, Montoya, and Soderquist; Advisory members Espinoza, Miura, and Willmon

In attendance: Regents Bagley, Davies, Johnson, Ochoa, Parsky, Preuss, and Sayles, Faculty Representatives Dorr and Weiss, Secretary Trivette, General Counsel Holst, Treasurer Small, Provost King, Senior Vice President Kennedy, Vice Presidents Broome, Darling, Gomes, Gurtner, Hershman, and Hopper, Chancellors Berdahl, Carnesale, Debas, Dynes, Greenwood, Orbach, Vanderhoef, Wilkening, and Yang, and Recording Secretary Nietfeld

The meeting convened at 9:20 a.m. with Committee Chair Connerly presiding.

1. **REPORT ON OUTREACH EFFORTS**

Senior Associate to the President Pister explained that today's presentation would continue the series of campus reports on their outreach efforts, and in particular the partnerships with schools in the surrounding community. He noted that while the press had focused on admissions issues, the University's commitment in the area of outreach had gone unnoticed. Mr. Pister recalled that when he arrived at the Santa Cruz campus seven years ago as Chancellor, he found a strong commitment to K-12 outreach on the part of students, faculty, and staff.

Chancellor Greenwood recalled that the Outreach Task Force Report had observed that outreach programs are an essential ingredient that make prospective students and their parents aware of the educational opportunities of the University. These programs ensure that students representing the diversity of California can enjoy the benefits of a University of California education in the face of the fact that educational opportunities across the state are not always equal. She introduced the following speakers and guests: Mr. Francisco Hernandez, Vice Chancellor for Student Affairs; Mr. Rafael Renteria, Director of Equity Programs at the Eastside Union High School District; Ms. Diane Siri, Superintendent of the Santa Cruz County Office of Education; and Ms. Katy Stonebloom, a fourth grade teacher at Aromas School.

Chancellor Greenwood reported that the Santa Cruz campus is excited about its new programs which will offer students of all backgrounds the opportunity to become eligible for the University. The Monterey Bay Educational Consortium (MBEC), a legacy of former

Chancellor Pister, brings together key stakeholders in California education, from kindergarten teachers to University chancellors. MBEC joins the counties of Monterey, San Benito, and Santa Cruz, four community colleges, California State University--Monterey Bay, and UC Santa Cruz in an effort to leverage their resources and improve student achievement. Starting with broad goals, MBEC has enjoyed a number of tangible accomplishments. Initial efforts to improve literacy have yielded a broadly used teacher preparation program that includes a newly developed course syllabus with an accompanying manual and videotape. The Santa Cruz campus has taken the position that improving K-14 education is everyone's responsibility; one result is the formation of the Chancellor's Educational Partnerships Advisory Council. This Council, which is unique to UCSC, involves all segments of the campus community. The Council intends to mount a pilot charter virtual high school which will help to democratize education across the state.

Vice Chancellor Hernandez explained that the Santa Cruz campus' outreach activities include teacher preparation, curriculum innovation, and other services that are not always considered to be outreach. The campus' communications and technology services have connected the regional county offices of education to develop the infrastructure necessary for the schools to have access to the Internet. Mr. Hernandez stated his intention to focus on one of the campus' more recent outreach efforts, its partnership with seven high schools and their feeder schools. These partnerships include the following key factors, all of which were identified by the Outreach Task Force:

- Academic development, such as that provided by programs like MESA and the Early Academic Outreach Program;
- Informational outreach targeted at families to involve them more deeply in their children's planning and preparation for college;
- Teacher development in order to increase the teaching skills and subject-matter mastery of participating teachers; and
- University research and evaluation expertise to identify the root causes of educational disparity and to evaluate the effectiveness of UC's outreach efforts so that the programs may be continuously improved.

Mr. Hernandez explained that the students in the East Side Union High School District have the potential to be the first in their families to attend college. The campus chose to establish a partnership with the East Side schools because they are located in the Silicon Valley and because the San Jose area is one of the fastest growing regions in the state. The services that the campus offers to the schools in the East Side District include the following:

- Faculty-to-faculty communication, in which English and mathematics professors from the Santa Cruz campus meet with their counterparts in the East Side schools to exchange ideas;
- Intensive tutoring for students, with the cooperation of the San Jose State University and Cal-SOAP (California Student Opportunity and Access Program);
- A seven-week academic enrichment program, known as “Saturday College,” that emphasizes instruction in mathematics and English;
- Parent advisory boards to facilitate parent involvement throughout the partnership;
- Counseling services for students during the college application period; and
- Informational sessions to ensure that students are enrolled in the right courses.

Mr. Hernandez reported that this summer the campus will host the East Side Union High School District Summer Leadership Conference for two hundred ninth- and tenth-grade students from the district. These students will live on campus and develop a plan for attending college. In addition, UCSC is tailoring programs and services to meet the individual needs of schools. These services included scholarship-search training for career counselors, assistance in the analysis of standardized test results, access to libraries and public events, and assistance with field trips to different universities. The campus hopes that, when additional funds are made available, these outreach efforts can be expanded to other schools in the San Jose area. The campus has held planning meetings with schools in the Merced area and hopes to work with teachers to develop the charter class for the new Merced campus.

Chancellor Greenwood stressed that the campus’ outreach efforts were directed at improving the education received by all students. The campus is developing a “passport to education” in the form of both a hand-held passport and a Web page for each child in the MBEC district to track milestones reached on the path toward college. The Chancellor then invited three fifth-grade students from the Aromas School to describe the creation of **Kids Around the University** or **Niños alrededor de la Universidad**.

Mr. Cory Stone related the history of the book, beginning with his first visit to the Santa Cruz campus in the second grade. The class found that there were no books about colleges for children their age and decided to write a book. In preparation, the students watched movies and read books. They also visited the **Santa Cruz Sentinel** in order to learn about publishing. They visited the Santa Cruz campus on several occasions to conduct interviews and worked with a campus book designer.

Miss Ana Hernandez observed that high school is too late for students to learn about college. Before writing the book, the children did not know about such things as applications and financial aid. Knowing about college makes students think about and plan for the future.

Miss Araceli Furtado believed that writing the book changed the lives of the students who participated as well as those of their families. She discussed her hopes for the future, which include attending the University and becoming a teacher.

Chancellor Greenwood reported that Mr. Stone, Miss Hernandez, and Miss Furtado had been accepted at the Santa Cruz campus for 2005, contingent upon their meeting the entrance requirements. In order to assist teachers in using **Kids Around the University**, the campus developed **Introducing Kids to College**, which is a curriculum guide for intermediate-grade teachers. The campus intends to develop similar guides for grades six, eight, and ten, and for community colleges to accompany the "passport to education" project. The Chancellor then announced that the campus has received \$178,000 from the Kellogg Foundation and the Bank of America Foundation to further the initiatives begun by the children of Aromas School. This support will ensure that the campus can reach every fourth-grade teacher in the service area. She added that Ms. Stonebloom will lead this effort.

Superintendent Siri noted that the involvement of the Santa Cruz campus is forcing the district to look at the challenges which it faces in preparing its students to enter the University of California.

Director Renteria explained that the district understands that, in order to prepare more students to enter college, it needs to establish partnerships such as the one described in the presentation.

In response to a question from Regent Khachigan regarding the demand for outreach in the area, Vice Chancellor Hernandez stated that the campus looks forward to additional funding in order to expand to other school districts. He noted that the partnership results in a leveraging of resources due to the involvement of San Jose State University and the local community colleges.

Regent Khachigan reported that she had met with several legislators on the previous day to talk about the University's outreach programs. She wished that it had been possible for those legislators to be present for the campus' presentation, which illustrated so well the campus' commitment to outreach. Regent Khachigan mentioned the important contributions which students on each of the University's nine campuses make to their surrounding communities.

Chancellor Greenwood noted that, due to the brevity of the presentation, the campus had chosen not to emphasize other aspects of campus outreach activities. She reported that several years ago the campus established an educational minor which has been very successful. Students enrolled in the education minor spend up to eight hours each week in

local schools, which provides a mechanism whereby students who are thinking about becoming teachers have an opportunity to explore this option while maintaining their subject-matter major. Regent Khachigian commented that one of the most effective methods of inspiring students to attend the University is through communication with current students.

Regent Ochoa observed that one of the results of the State-mandated reduction in class size was the need to hire more teachers, many of whom are not fully credentialed. He asked that the Santa Cruz campus provide more detail on how it is addressing the issue of preparing Master Teachers for the schools with which it has established partnerships. Chancellor Greenwood explained that the campus' new teacher project in the Department of Education has been successful in establishing support mechanisms for new teachers. The program has a retention rate of 90 percent after five years of teaching, which is unusually high. Next year, the campus' University Extension program will offer credentialing opportunities which will be funded by the local school districts.

In response to a question from Regent Ochoa regarding intersegmental cooperation in the region, the Chancellor noted that such cooperation takes a certain amount of effort and good will to succeed. The campus is fortunate in spite of its relative isolation due to the fact that there are a California State University campus and four community colleges in the area. Superintendent Siri, a co-chair of MBEC, emphasized that cooperation among the segments requires a great deal of time and effort. K-12 comes to the Council with the knowledge that the status quo is not an option and that change cannot be achieved by one segment alone. She added that the Council's work is already showing benefits for the K-12 system.

President Atkinson referred to the intention of MBEC to charter a pilot virtual high school and recalled that the Santa Cruz campus had recently hosted a conference to discuss the development of courses that would be available through the Internet to support teachers and to provide educational opportunities for students.

Regent Chandler asked about future plans for outreach in the San Joaquin Valley. Vice Chancellor Hernandez explained that the Santa Cruz campus had felt that it could be helpful in sharing its experiences in the development of a new campus during the ongoing planning for UC Merced. With respect to teacher development, the campus hosts Valley teachers during the summer; in addition, Ms. Stonebloom will be working with teachers at the fourth- and fifth-grade levels in the Merced schools to develop books on achieving UC eligibility. The campus also plans to work with high school students in the area to attract them to the University.

In response to a request from Regent Johnson, Vice Chancellor Hernandez explained that Barrios Unidos is a community agency directed at at-risk youths. The campus serves to inform these youths about options that may be available to them. In addition, Santa Cruz students provide tutoring to third- and fourth-grade students who come to the agency after school, while the UC Links program brings these children to the campus on a weekly basis.

Chancellor Greenwood added that a unique program on the campus is the charter Delta School, a project established three years ago by business leaders in the community who wanted to help high-risk students. The charter school was begun following consultation with the local school district, and it is housed on the Santa Cruz campus. Students participate in tutoring in the school, which is funded by the business community.

Regent Connerly observed that profound changes were taking place involving outreach which the University has been unable to convey to the larger society. He stressed that the University was involved with promoting greater preparation on the part of high school students. Regent Connerly added that there was a need for outreach personnel to ensure that tracking is not taking place in K-12 which would undermine these efforts.

In response to Regent Connerly's comments, Mr. Renteria reported that the Equity 2000 project strives to create access to a quality curriculum for all students in the district. One result has been a rise in the number of students who complete the University's (a)-(f) requirements. The College Board has provided significant support to this program.

Senior Associate Pister stressed that in its outreach programs the University is doing more than reaching out; it is engaging itself with K-12 in ways that have never existed before. Chancellor Greenwood added that the University is in a unique position to point out to the schools the criticality of community involvement. The passport project evaluates each community based on its effectiveness in supporting the educational climate for students. The University can play a helpful role in guiding these communities to make informed decisions.

## 2. **REPORT ON LAW SCHOOL ADMISSIONS**

Provost King explained that the purpose of the presentation would be to review law school admissions for the period 1993 to 1997, during which SP-1 and Proposition 209 took effect. In prefacing reports by Dean Wolk of King Hall at Davis and Dean Kay of Boalt Hall at Berkeley, Provost King presented data on applications, admissions, and first-year enrollments for the University's three law schools. While there was a steady decline in overall applications between 1993 and 1997, applications for fall 1998 are up by almost 1,000 for each law school. Applications nationwide were also in a steady decline from 1993 to 1997. Provost King noted that, while the increase in applications for fall 1998 was especially pronounced for white and Asian-American students, applications from underrepresented minority students have continued to fall. Underrepresented minority students constituted about 20 percent of all applications from 1993 to 1996. This proportion dropped to 16 percent in 1997 and to 13 percent in 1998. Nationwide, the proportion of underrepresented minority applicants has risen slightly since 1998 and now totals about 20 percent.

Turning to admissions, Provost King reported that from the early 1990s through the 1996 admissions cycle, underrepresented minority students comprised between 18 and 22 percent of those admitted to the University's three law schools. In fall 1997 the figure decreased to

9 percent. There was no similar decline nationwide. In 1997, underrepresented minorities constituted 8 percent of students admitted to Berkeley's Boalt Hall and 10 percent at Davis and Los Angeles. Admissions statistics for 1998 show that underrepresented minorities make up just under 10 percent of all those admitted, with 11 percent at Berkeley, 9 percent at Davis, and 8 percent at UCLA.

While overall enrollment increased from 1993 to 1997, the number of underrepresented minority students enrolled at UC has varied over the years, falling in 1997 from about 20 percent in 1996 to just under 10 percent in 1997. Nationally, new enrollments of minority students have remained steady at about 14 percent. Provost King pointed out that many of the students admitted to the University's law schools have also been admitted to other prestigious law schools around the country. Typically Berkeley and UCLA have been able to enroll about one-third of those students they admit, regardless of ethnicity. The proportion has been somewhat lower for the Davis campus. The Provost then called upon Deans Wolk and Kay for their remarks.

Dean Wolk observed that an important criterion for admission to law school is evidence of strong academic achievement, as indicated by the undergraduate grade point average (GPA) and the Law School Admission Test (LSAT) score. At Davis these are combined into an index, which statistical analysis has shown is a better predictor of law school performance than either the GPA or the LSAT taken alone. The current formula weights the LSAT 62 percent and the GPA 38 percent. There are other factors that bear on the applicant's suitability for the study and practice of law that are considered in the admissions process. Prior to the adoption of SP-1 and Proposition 209, one of these factors was an applicant's racial or ethnic minority status. The faculty felt that a diverse student body would bring the widest possible perspectives to the classroom and would make it more likely that all sectors of society would be served by the legal profession. After the Regents' resolution was adopted, racial and ethnic minority status were removed from the criteria and are no longer a factor in the admissions decision. The applicant's race and ethnicity are no longer made available to the admissions committee.

Dean Wolk continued that the school's admissions criteria continue to state that "one important goal of the admissions process is a student body with a considerable diversity of backgrounds, interests, and skills." As part of its revision of the criteria in response to SP-1, the faculty added the following sentence: "Experience or background that enables an applicant to bring a unique perspective to the study of law or contribute to serving the diverse population of California may be taken into account." Although the former criteria contained language regarding economic disadvantage, the faculty also expanded the language by adding the following:

“Consideration shall be given to individuals who, despite having suffered disadvantage economically or in terms of their social environment, have nonetheless demonstrated

sufficient character and determination in overcoming obstacles to warrant confidence that the applicant can pursue a course of study to successful completion.”

Some of the other factors to be considered include extra-curricular activities, community activities and employment experience, advanced degrees or studies, the applicant's personal statement, achievements for oneself or others, despite social, economic, or physical handicap, and unusual accomplishments, abilities, or skills that would be relevant to the study of law. These factors are somewhat subjective, as compared with the academic indicators. The campus uses no formula to quantify any factor beyond the GPA and the LSAT score.

Dean Wolk explained that the admissions procedure begins with the admissions director reading the applications. The director classifies each file as a proposed admit, a proposed deny, or "to committee." The committee members are given a list of the proposed admits and proposed denials, and any member of the committee may review these files and send one or more of them to the committee. The committee consists of four faculty and two student members appointed by the dean. The committee sits in two panels of three members each. Each panel acts independently of the other. It requires a unanimous vote of the panel to admit or deny an applicant. If a panel cannot agree on an applicant, the file is sent to the other panel. In rare cases when both panels cannot agree, the full committee meets to review the file. For fall 1998, out of 2,288 applicants, approximately 425 applicants were admitted as proposed admits and around 370 were admitted after committee review. Dean Wolk noted that the process is quite subjective, especially with respect to files in the middle range. Some committee members might attach a greater weight to GPA than LSAT, while others may give greater weight to the applicant's undergraduate school or some of the other less objective factors. Eventually, consensus is reached.

The end result has usually been a diverse class. In 1997, however, the racial and ethnic diversity of the entering class was somewhat lower than in recent years. Although removing race and ethnicity from the criteria contributed to this result, they were only one of the many factors under the prior criteria. The campus did not employ a quota system or separately evaluate the files of any racial or ethnic group. One major contributing factor was a dramatic decline in the number of minority applicants, which dropped by more than 30 percent.

The law school's yield rate in 1997 for underrepresented minority students was also low, at 18 percent. Because the overall yield had been declining in recent years as well, the school decided to expand its outreach activities. During the past year the effort was primarily targeted at admitted students, with the goal of increasing personal contact between them and the law school. The most significant effort was the program "CARES" (Committed to Assist Recruitment & Enrollment of Students). The school recruited more than one hundred alumni, over fifty students, and more than a dozen faculty. The alumni wrote letters, telephoned, and e-mailed applicants to encourage them to attend UC Davis. Students did the same. The tour guide program, in which students provide one-on-one tours of the law school for prospective and admitted students, was expanded. The faculty volunteers allowed

individual and group visits to their classes and met with prospective and admitted applicants to discuss their specialty areas.

The school also held its first open house for admitted students. This was a major event in which two professors taught demonstration classes and another coordinated a demonstration trial with the help of law students. Almost all of the student organizations participated. The school held three receptions for admitted students and alumni in Los Angeles, Oakland, and Washington, D.C. The goal was to promote personal contact between the applicants and the various segments of the King Hall community, especially the dean, the alumni, and the faculty. The school provides an easy means for applicants to connect with some of the student organizations. The law school catalog includes a student organization release form that lists participating student organizations. Applicants interested in contacting or being contacted by these student organizations simply check the appropriate box and return the form to the admissions office. The student then receives a letter from the organization and frequent follow-up phone calls, e-mail, and invitations to events sponsored by the particular group. The groups that participated this year included Advocates for the Rights of Children, the Asian Law Students Association, the Black Law Students Association, the Environmental Law Society, the Lambda Law Students Association, La Raza Law Students Association, Phi Delta Phi, and the Tax Law Society.

Dean Wolk reported that the school's admissions director and her staff have expanded their fall recruitment efforts, visiting 26 undergraduate schools and a variety of recruitment events. The Davis campus has established K-12 outreach as one of its priorities. Getting high school students to think of law as a possible career has the potential to broaden the pool of future law school applicants. Toward this end, the campus engaged in the following high school outreach activities:

- Conducted a "Street Law" program in local high schools in which law students taught classes on legal rights and responsibilities;
- With the help of a grant from the Law School Admission Council, presented a career segment on law as part of UC Davis' Upward Bound Program;
- Arranged a visit to the law school by Hiram Johnson High School students from Sacramento, including actual law school classes and small-group sessions with law students;
- Arranged a visit to the law school by a group of migrant students, which also included class visits and small group sessions with law students.

The school intends to continue these programs. In addition, funds have been allocated for an outreach brochure that will highlight the diversity of the King Hall community and convey to

potential applicants that Davis is a welcoming and supportive place for students from every background.

Dean Kay observed that, like the Board of Regents, the faculty at Boalt Hall believe “California’s diversity to be an asset,” and they are committed to admitting a diverse class of law students each year who are trained to function as outstanding members of the legal profession in California’s multicultural society. Prior to The Regents’ resolutions of 1995, Boalt, like other major law schools, acted in compliance with the U.S. Supreme Court’s decision in *Bakke v. Board of Regents* by using affirmative action as one of the means of attaining diversity in the student body. Effective with the entering class of 1997, however, in compliance with SP-1, race and ethnicity were eliminated as criteria in admissions decisions. The school’s offers of admission to underrepresented minority applicants plunged dramatically in 1997, and the yield rate of enrolled students from that pool was exceptionally poor. As a result, there were only seven underrepresented minority students in the entering class who were admitted under the new race-neutral rules of SP-1.

Dean Kay reported that this outcome was dismaying to everyone who understands that legal education serves as the gateway to the legal profession and that law students cannot be trained adequately to represent clients in a multicultural environment like California without being educated in a diverse law school setting. Moreover, the lack of underrepresented students at Boalt was widely publicized, and the media coverage itself had the potential of driving away future applicants who prefer to be educated in a setting that presents many perspectives shaped by different life experiences.

During fall semester 1997, the faculty and the administration, with the aid of students and alumni, undertook to reexamine the school’s admissions policies and practices in light of SP-1 and Proposition 209, with the aim of finding race-neutral means of maintaining an adequate level of diversity to sustain the academic program.

The Law School Admissions Process. The American Bar Association (ABA) accredits law schools acting through its Council on Legal Education and Admissions to the Bar. Standard 503 of the Standards for Approval of Law Schools states that a law school “shall require all applicants to take an acceptable test for the purpose of assessing the applicants’ capability of satisfactorily completing its education program.” All accredited law schools currently use the Law School Admission Test to satisfy this requirement. In addition, all accredited law schools use applicants’ undergraduate grade point average in their admissions decisions.

Dean Kay noted that these two numerical factors do not constitute the only measure of academic promise, nor are they uniformly combined to produce a standard measurement of academic merit. While many schools combine the LSAT and the GPA to produce an index number that can be used to rank applicants, schools also rely on an array of additional academic indicators. These include undergraduate major, post-graduate study, rigor of

academic program undertaken, and direction of grades throughout an academic career. Other non-numerical factors are frequently considered, such as work experience, letters of recommendation, community activities, indicators of leadership both in high school and college, and special efforts made to overcome disadvantage. Moreover, not all law schools use an index number in their admissions process, and those that do use index numbers vary the amount of weight given to the two variables that constitute the measure. The Law School Admission Council (LSAC), which administers the LSAT, reported that for the application year 1997-98, of the 179 ABA-approved law schools, 106 used a formula based on LSAC correlation study results, 46 used a different formula representing alternative weightings of LSAT and GPA, and 27 used no index formula produced by the LSAC.

Of the 168 ABA-approved schools that participated in the 1997 LSAT correlation study, most weighted the LSAT between 55 and 65 percent and the GPA between 35 and 45 percent in the formula. These relative weightings can make an important difference in how a law school applicant's credentials will be evaluated and considered by different schools. For example, an applicant with a 3.75 GPA and a 145 LSAT score will rank much better under an index calculation which weighs GPA and LSAT equally than one which weighs the LSAT at 70 percent of the index value. At Boalt, the LSAT and the GPA are weighted equally in the index formula.

Because there is no single quantitative measure of "merit" that can be used to select applicants for admission, Boalt, like other schools, looks at a mix of factors to produce a class of students who will contribute to the educational process rather than being relatively passive consumers of legal training. The factors which the school has considered in its admissions decisions include letters of recommendation, graduate training, special academic distinctions or honors, difficulty of the academic program successfully completed, work experience, and significant achievement in non-academic activities or public service. If it appears that an applicant has experienced disadvantages that adversely affected his or her past performance, this will be considered in assessing the applicant's potential to distinguish himself or herself in the study and practice of law.

Boalt Hall Admissions After SP-1. In reexamining admission policies and practices, Boalt Hall faculty found that there is no easy answer to the question of how to admit a diverse class without using race or ethnicity as factors. Many people have suggested that one approach is for schools to substitute socio-economic class for race. To the extent that a focus on socio-economic status enables a school to give weight to applicants who have encountered the disadvantages of poverty, broken homes, and impoverished schools and neighborhoods, some diversity will be produced by this method. It will not, however, produce racial or ethnic diversity. UCLA's admission figures for 1997, which relied heavily on socio-economic status measures, were not substantially different from those for Boalt Hall, although their yield, particularly among African Americans, was higher. The reason socio-economic status does not function as a substitute for race or ethnicity is because, in general, white and Asian

applicants of low socio-economic status outnumber underrepresented minority applicants of low socio-economic status across the range of index scores.

Changes in Faculty Admissions Policy. In 1996, the Boalt faculty modified its admissions policy by reducing the relative weight placed on numerical indicators as compared to the non-numerical factors mentioned above. During November and December 1997, the faculty made the following changes, which were implemented in the 1998 admissions cycle:

- Discontinued the use of a formula used to weight GPAs at undergraduate institutions. The director of admissions and members of the admissions committee now evaluate undergraduate GPAs based on data provided by the Law School Data Assembly Service (LSDAS) regarding grade inflation and the competitiveness of the student body at undergraduate institutions as well as the applicant's program of study.
- Enlarged the pool of applicants considered by the admissions committee. Each year there are between 4,000 and 5,000 applicants for the 270 places in the first-year class. The practice is to admit approximately 850 applicants to yield 270 enrolled students. The director of admissions and his staff review all of the files, and he admits roughly 500 applicants while the admissions committee admits the rest. Because the director admits those students with the strongest academic indicators who are also sought after by many other schools, his yield is relatively low. In 1998, the faculty instructed the director to send the committee more files, and as a result he sent nearly 1,400 files to the admissions committee to be considered. In addition, one committee member read a set of 150 files chosen by the use of a formula based on socio-economic status. This broadened the pool somewhat.
- Began reporting LSAT scores in bands showing the standard margin of error on either side. The Law School Admission Services (LSAS) has grown concerned that schools are placing undue weight on a student's score in the admissions process. This year, the LSAS reported an applicant's score accompanied by the standard error of measurement that surrounds it. Thus, a score of 159 was reported as falling in a band of three points lower and three points higher. The LSAS hopes that this way of reporting the score will alert readers that small point differences between students are not significant.
- Stopped grouping applicant files in ranges labeled "A," "B," "C," and "D," according to their index scores. Once the files were no longer sorted into groups, there were no sharp cut off-points between applicants, and their files were read with greater attention to individual accomplishments.
- Paid special attention to applicants whose standardized test scores, such as the SAT, did not accurately predict their academic potential, as measured by GPA. If such an applicant also had a weak LSAT but a strong GPA, the faculty treated the LSAT score as a weaker predictor.

While the faculty did not expect that any single one of these changes would produce a significant difference in the make-up of the 1998 entering class, taken together they accomplished several positive results:

- They helped to dispel the negative and false public impression that Boalt Hall is hostile to minority candidates. Applicants from 196 different undergraduate institutions were admitted this year compared to 148 last year, an increase of 32 percent.
- They permitted the director of admissions to exercise wider discretion in admitting applicants than he had done in prior years. These changes facilitated the school's search for the best applicants. In particular, he sought out applicants who had both strong academic potential as measured by their numerical predictors and who had a potential "voice" to contribute to classroom dialogue, as indicated by their background and experiences.
- These changes allowed the admissions committee file-reading teams to focus more than in prior years on non-numerical factors as well as numerical indicators. All of the files they read had been pre-screened by the director of admissions, and all were from applicants fully qualified to study law at Boalt. The nearly 1,400 files were randomly distributed among six teams composed of one faculty member and two non-voting student members. Their choices were based on the material in the files and the faculty member's experience as a professor at Boalt Hall. The composition of the committee changes over time. This procedure permits the faculty a significant measure of discretion, which produces an intellectually stimulating, creative and resourceful student body.

Dean Kay stated that the faculty are proud of the 1998 admitted class. It was chosen from one of the strongest applicant pools the school has ever had, and that strength holds true for both minority and non-minority applicants. By using a more holistic approach, the 1998 admitted class shows more diversity than it did in 1997. Neither the director of admissions nor the admissions committee reading teams used race or ethnicity as criteria for admission, nor did they grant any racial preferences. The school is thus fully in compliance with the directives of The Regents and with Proposition 209.

The Dean cautioned, however, that there will be variations in admissions and enrollment statistics over the next several years. In 1997, for example, the school admitted fifteen African-American students, but none enrolled. At this point, seven African-American students of the 32 admitted have indicated their intention to enroll. The school is engaged in an aggressive effort to recruit admitted students, including minorities. These efforts include the following:

- Faculty are joining with alumni to host receptions for admitted students around the country. Most of these events have been held at law firms.
- Students sponsored a visit to Boalt in the spring for 29 admitted minority students. Following their visit, alumnus Warren Widener, the former mayor of Berkeley, hosted a dinner and discussion for them at his home.
- Instead of holding a single "Spring Visit Day" as was done in prior years, the school invited individual students to come to Boalt at their convenience to be greeted by current students, given tours of Boalt Hall, taken to classes, and meet faculty members. About two hundred students took advantage of this opportunity.
- The school made and distributed a video entitled "Welcome to Boalt Hall" to all admitted students who had not yet made a decision to enroll. It describes why Boalt is an excellent place to study law. The video was funded by a private gift of \$10,000 from Sun Micro Systems and a one-time recruitment allowance of \$20,000 from the Office of the President.
- Faculty, students, staff, and the law school administration made individual telephone calls to many admitted students, both minority and non-minority.
- The school is in the process of hiring an associate director of admissions for outreach and recruitment to help to expand outreach efforts both in attracting outstanding applicants and in persuading those who are admitted to accept the offer to enroll at Boalt.

Dean Kay summarized her presentation by recalling that over the past two years the Boalt Hall School of Law has proceeded in good faith to implement SP-1 and Proposition 209. The school is working its way through a process that is still evolving. The University has, first and foremost, an educational mission to achieve. At Boalt Hall, the faculty are doing their best to provide the best legal education to the best students in the best public university law school in the world, in compliance with the directives of the Board of Regents and with both State and federal law.

Regent Connerly recalled that at Davis an applicant's race is not provided to the reader and asked about the practice at Berkeley. Dean Kay explained that the school instructs the LSDAS not to provide information on race and ethnicity; in addition, the optional sheet required by the federal government which allows an applicant to identify his or her race is not included with the admissions materials. Race may be identified, however, in the applicant's personal statement, in letters of recommendation, or by membership in a student organization.

Regent Connerly noted that at Davis the admissions process takes into account the extent to which an applicant has overcome obstacles and asked how this is done. Dean Wolk explained that this information is primarily found in the applicant's personal statement. In response to a further question from Regent Connerly, Dean Wolk responded that obstacles could include poverty, physical handicap, and other dramatic, life-changing events. He confirmed for Regent Connerly that being African American would not be considered an obstacle.

Regent Connerly recalled that the number of Black law school applicants declined by 20 percent between 1997 and 1998 while the number admitted grew by 78 percent. At the same time, the number of Asian-American applicants increased, while the number admitted decreased by 11 percent. He asked Dean Kay to comment on this phenomenon.

Dean Kay explained that the report of the 51 percent increase in Asian-American applicants was inaccurate; the actual increase was 11 percent. She believed that the change for African-American students resulted from a stronger pool being considered for 1998. It may be that the people who are not applying believe that, in the absence of affirmative action, they will not be competitive. In response to a further comment from Regent Connerly, Dean Kay explained that it appears from data provided by the LSDAS that the majority of the decline-to-state pool consists of whites and Asian Americans.

At the request of Regent McClymond, Dean Kay discussed the use of socio-economic status (SES) in the law school admissions process. She recalled that in implementing SP-1 and Proposition 209, the three law schools took somewhat different approaches, with Berkeley and Davis seeking to widen the applicant pool. UCLA, on the other hand, used an SES formula to admit most of the class of 1997. Because some faculty members at Boalt believed that the school should try this approach for 1998, the school asked applicants who had been neither accepted nor denied admission to supply supplemental data on a voluntary basis. This information was used to construct an SES index using factors such as address during high school, family income, and parents' educational achievement. The law school then set aside the 150 most-disadvantaged applicants for review by a faculty member, who was instructed to admit no more than 30 applicants from this pool. He admitted 18 of these applicants. Dean Kay added that there were no African-American applicants in the pool of 150; of the people who were admitted from that pool, three were underrepresented minorities.

In response to a question from Regent Ochoa regarding the faculty's commitment to diversity at the law schools, Dean Wolk noted that while the faculty have different viewpoints, because the majority of the faculty support diversity, the admissions criteria have been adjusted in order to attempt to maintain the diverse student body that the law school once had. Dean Kay added that Boalt Hall was one of the first law schools to encourage voluntary outreach efforts, beginning in the late 1960s.

Regent Khachigian referred to the need for racial and ethnic information in order to comply with federal law. Dean Kay explained that there are reporting requirements because Boalt

Hall is prohibited from discrimination by federal law. Statistics bearing on applications and admissions which would confirm that no discrimination is taking place must be available to the federal government. She added that the University is being investigated by the Office for Civil Rights on the assumption that the University, through its elimination of affirmative action and in the absence of other selection criteria, is in violation of Title VI.

Regent Khachigian pointed out that some applicants may falsify their race, while others come from more than one racial background. She asked how these circumstances are factored in to what the federal government is requiring. General Counsel Holst stated his understanding that the University is required to provide information on enrolled students. Dean Kay was referring to the University's legal interest being served by having data on the racial and ethnic identity of applicants. With respect to applicants who may provide inaccurate information, the government must accept the data that are available to the University as being in compliance with its reporting requirements.

Regent Montoya asked whether Berkeley and Davis were developing early admissions procedures for their most attractive candidates. Dean Kay responded that while Boalt Hall does not have an early admissions program, letters of admission are sent out beginning early in January. Dean Wolk confirmed that the situation is the same at King Hall.

Regent-designate Willmon referred to the issue of alumni participation in recruitment and asked what role they play. He also wanted to know whether the law schools work through their campus alumni associations.

Dean Kay reported that the Boalt Hall alumni association is active in the school's recruitment efforts. In a recent fundraising appeal to the alumni, she asked for volunteers to recruit applicants and received over four hundred responses from alumni all over the country. Alumni names will be posted on the school's website once it receives permission to do so.

In response to a question from Regent Sayles regarding applicants who choose to go elsewhere, Dean Kay explained that they are asked to inform the school of their decision and why it was made. Last year, the school made an effort to follow up with the 15 admitted African-Americans students who were featured in the media. Of the 15, four went to Harvard, two went to Yale, and two went to Stanford. It is not unusual for highly-qualified students to be offered admission at many law schools.

Regent Davies expressed his concern that the law schools would attempt to craft criteria that would assist them in maintaining a diverse student body until they are able to construct criteria which serve as proxies for race. When socio-economic status did not produce the desired results, its use was discontinued. He urged the schools to put more effort into attracting students who at present are choosing Harvard or Yale.

President Atkinson referred to media reports that certain law firms that were concerned about diversity were planning to set up scholarship funds that would be targeted at underrepresented minority students. He asked the General Counsel to comment on whether the University would be permitted to provide to these law firms the names of underrepresented students who had been admitted to the University. Deputy General Counsel Morrison reported that the University is preparing to circulate a policy which would attempt to define what would be prohibited preference under Proposition 209 and what would be "routine administrative assistance" which could be provided to any outside group. Lists of underrepresented minority students could be provided to law firms under this policy if they were also available to any other group.

Regent-designate Espinoza asked whether King Hall had been able to measure the success of its high school outreach activities and whether Boalt Hall had similar programs. Dean Wolk explained that because the program was so young, the school had not attempted to evaluate its success. He agreed that an attempt to follow up with students who had participated in the programs would be of value. Dean Kay added that Boalt Hall also had a "Street Law" project, with two- to three- week summer workshops on the campus.

### 3. **STATUS OF ETHNIC COMMENCEMENT CELEBRATIONS**

Regent Connerly reported that he had requested an update of the report on ethnic commencement celebrations that was submitted to the Committee at its July 1996 meeting. In particular, he was interested in knowing what funding was being provided to student groups for these celebrations. At the time the report was presented in 1996, student registration fees were being at used some campuses. He noted that that is no longer the case.

Regent Connerly referred to an address by President Clinton in which he stated the need to welcome immigrants because of what they contribute to the nation. On the other hand, immigrants have an obligation to learn the language and embrace the culture. Regent Connerly believed that many practices at the University of California do not contribute to the goal of becoming one America. He suggested that graduation ceremonies give campus communities a unique opportunity to come together. Alternative ceremonies amount to a separatism of society. Regent Connerly stated that he did not object to the University making its facilities available for these ceremonies. He did object, however, to the University's providing public funds for graduation events based upon race, ethnicity, or sexual orientation. He asked Provost King to explain to what extent the University is providing public funds to finance these graduation ceremonies.

Provost King explained that the majority of the funding for student events comes from a variety of sources, including admission fees and student fundraising efforts. The pool of funds which the campus allocates, either through the vice chancellor or student government, is used to cover the remaining costs. Those funds come from a variety of sources, including departmental funds, allocations from student government, and central campus funds.

In response to a request from Regent Connerly, General Counsel Holst recalled that in a letter to the Regents he had expressed the opinion that funding as described by Provost King is permissible as long as it is done without regard to race or ethnicity. In his letter, he states: "In the making of such allocations for events of this type, organizations with a racial or ethnic focus can neither be favored nor can they be discriminated against, with the result that an organization with a racial or ethnic focus may be funded, but only on the basis of the general funding standards that are unrelated to race or ethnicity."

Regent Johnson supported multiculturalism when it is used to bring many cultures into the mainstream of American society. She objected to separations which are formalized along ethnic lines. While she found the graduation ceremonies to be relatively harmless, she was concerned about the formation of such things as alumni associations and Chambers of Commerce based on the ethnicity of their members. Regent Johnson believed that the University should be working as an institution to create a sense of community and shared conviction. It was her hope that the University, through its outreach programs, would be able to create self-confident individuals who would not need to group together by race.

Regent Bagley suggested that the Board of Regents subjects itself to derision when it considers such matters as ethnic graduation ceremonies. He was concerned that such discussions would continue the perceived message that the University does not welcome underrepresented minority students. Regent Bagley believed that, by engaging in these discussions, the Regents were breaching their fiduciary duty, which includes the duty to build trust in the University. He urged the Regents to permit its administration to administer the University.

Regent Parsky observed that the subject raised by Regent Connerly was whether or not public funds were being used for an improper purpose. He asked for an explanation of how funds are allocated in general. Provost King noted that the campus requires student groups to be registered in order to obtain funding. The criteria for registration include nondiscrimination. Funds are allocated to these groups depending upon availability. Regent Parsky suggested that if funds are being expended in an inappropriate or potentially illegal manner, the Board must be aware of this fact. The Regent have been informed of the legal position of the University by the General Counsel, and thus the matter becomes an administrative one.

Regent Davies agreed with Regent Parsky's analysis, stating that it was not the business of the Regents to decide on what basis people get together.

Regent McClymond addressed the concerns raised by Regent Johnson, noting that for some students there is a difference between being forced to identify their ethnicity and coming together on a voluntary basis for a celebration once in their four-year college experience. She added that students participate in many multicultural activities throughout their college years.

Regent-designate Espinoza informed the Committee that he had distributed an article which appeared in the **Daily Bruin** which discusses why students choose to participate in ethnic graduation ceremonies. The article notes that these ceremonies serve as a motivating factor for students in achieving their degrees.

4. **INTRODUCTION OF CHANCELLOR-DESIGNATE CICERONE**

Chancellor Wilkening introduced Chancellor-designate Ralph J. Cicerone, who presently serves as the Daniel G. Aldrich Professor in the Department of Earth System Science. Previous to joining the Irvine campus faculty, Mr. Cicerone served as Senior Scientist and Director of the Atmospheric Chemistry Division of the National Center for Atmospheric Research in Boulder, Colorado. He is a member of the National Academy of Sciences and the American Academy of Arts and Sciences.

Professor Cicerone assured the Regents that he was enthusiastic about the opportunity to serve as chancellor and expressed his appreciation to the Regents for his appointment.

The meeting adjourned at 11:55 a.m.

Attest:

Secretary