

The Regents of the University of California

COMMITTEE ON EDUCATIONAL POLICY

July 19, 2006

The Committee on Educational Policy met on the above date at UCSF–Mission Bay, San Francisco.

Members present: Regents Bustamante, Coombs, Dynes, Gould, Johnson, Kozberg, Ledesma, Lozano, Marcus, Parsky, Ruiz, and Schreiner; Advisory member Brown, Staff Advisor Brewer

In attendance: Regents Hopkinson, Island, Moores, Pattiz, Schilling, and Wachter, Regents-designate Brewer and Bugay, Faculty Representative Oakley, Acting Secretary Shaw, Acting General Counsel Blair, Chief Investment Officer Berggren, Provost Hume, Senior Vice President Darling, Vice Presidents Broome, Gomes, Gurtner, and Hershman, Chancellors Birgeneau, Córdoba, Drake, Fox, Tomlinson-Keasey, Vanderhoef, and Yang, Acting Chancellor Blumenthal, University Auditor Reed, and Recording Secretary Nietfeld

The meeting convened at 10:20 a.m. with Committee Chair Marcus presiding.

1. **APPROVAL OF MINUTES OF PREVIOUS MEETING**

Upon motion duly made and seconded, the minutes of the meeting of May 18, 2006 were approved.

2. **QUARTERLY REPORT ON PRIVATE SUPPORT**

In accordance with the Schedule of Reports, the **Quarterly Report on Private Support** providing year-to-date figures for the period July 1, 2005 through March 31, 2006, was submitted for information.

[The report was mailed to all Regents in advance of the meeting, and a copy is on file in the Office of the Secretary.]

Senior Vice President Darling reported that for the first three quarters of FY2005-06, philanthropic giving to the University totaled a record \$958 million, which represents an increase of eight percent over the same three quarters in the prior fiscal year. These results underscore the work of University employees and volunteers and the confidence the donors have in the University's ability to reshape society through education and research. An aggressive effort has been launched to increase private giving, with a particular emphasis on alumni and parents.

3. **PRIVATE SUPPORT: REACHING FOR THE STARS: FUNDRAISING AT THE RIVERSIDE CAMPUS**

Senior Vice President Darling recalled that the campuses had been reporting to the Committee on their private fundraising efforts, and he called upon Chancellor Córdova for her remarks, noting that she was joined by Vice Chancellor Boldt, who has been instrumental in leading the growth in private support on the campus. Chancellor Córdova stated that her vision for UC Riverside was that it be a top-ranked, global research university that creates a nurturing environment for its students and a welcoming destination for alumni and friends. It also serves as a source of pride for the region and as a leader in its economic and cultural development. Achieving these goals requires a diverse and world-class faculty, dedicated students, and supportive staff, as well as a strong advancement program.

The Riverside campus is located in one of the fastest-growing regions in the country, the Inland Empire, which has over ten percent of the state's population. A recent report has shown that UCR has an economic impact of nearly \$1 billion statewide. The campus is growing along with the region, having doubled the student population in a recent eight-year period. The campus now ranks third in diversity nationwide among public research universities. In the same period, the campus hired nearly 400 faculty, among them members of the National Academies of Science and Engineering.

In fall 2005, the campus opened UCR Palm Desert, made possible by a \$6 million gift from Mr. Dick Heckmann. The Heckmann International Center for Entrepreneurial Management offers an MBA program with more than 80 participating CEOs.

Chancellor Córdova outlined the campus' academic goals, as follows:

- To enhance UCR's international ranking, building on academic strengths and developing a profile of an Association of American Universities member
- To build upon and enhance the diversity of the faculty and graduate students
- To increase student success by reshaping the curriculum, improving academic advising and mentoring, and increase research opportunities for all students
- To expand graduate and professional education, including the establishment of new professional schools that respond to state and regional needs
- To lead the expansion and development of the region

In April 2005, the campus completed its first "mini" campaign, which had a public period of two years. The campaign, which celebrated the campus' 50th anniversary, was completed eight months early and exceeded the goal of \$50 million. Nearly half of the 10,000 donors gave to the campus for the first time. The Chancellor displayed a chart

showing total gifts and pledges over the past four years, noting that they had doubled between FY2004-05 and FY2005-06. In the same time period, the endowment has grown from \$76 million to \$107 million. The campus has made major investments in its advancement program. These investments, combined with the momentum provided by the “mini” campaign, have had an impact on the campus. Students are benefitting due to the infusion of millions of dollars for scholarships and fellowships, including a scholarship for returning students who wish to finish their education. Recently, an anonymous donor gave \$1.5 million to create a chair in distinguished interdisciplinary teaching, while a \$4 million gift will strengthen the teacher training program. The Osher Lifelong Learning Institute, funded by a \$1 million endowment, offers seniors in the region an opportunity to participate in unique and intellectually stimulating programs.

Chancellor Córdoba continued that the campaign had led to the fulfillment of the dream for a downtown center of the arts, which includes three UCR museums: the California Museum of Photography, the Sweeney Art Gallery, and the Culver Center for the Arts. The center was funded in part by a \$5 million private donation and a rare \$2.25 million gift from the City of Riverside. Fundraising was also completed for the new Alumni and Visitors Center. The campus recently received \$1.5 million from the Keck Foundation to support the Center for Environmental Research and Technology and the Air Pollution Research Center. The money will be used to fund the only atmospheric chamber of its kind in the United States.

The campus has generated considerable support for its health sciences initiative, which consists of a health sciences research institute, a center for clinical medical education, and ultimately a school of medicine. Last month, the Counties of Riverside and San Bernardino each pledged \$100,000 in seed money to support this effort. The campus also received \$240,000 from California Wellness in support of FastStart, a five-week summer program designed for incoming freshmen, primarily disadvantaged students who aspire to medical and other science-based careers, and \$1.6 million in support of the medical scholars program.

Chancellor Córdoba announced the largest gift to the Riverside campus, a \$15.5 million planned gift from community leaders Bart Singleterry and Bill Austin and their wives. Half of the gift will be used for endowed professorships in medicine, and the remainder for professorships in the College of Humanities, Arts, and Social Sciences. Several major gifts are pending, including the following:

- Gifts of \$5.6 million, \$5 million, and \$2 million for the school of medicine
- \$2 million for the Medical Scholars Program
- \$2 million for the library
- \$250,000 for a new engineering building

The Chancellor reported that UCR had recently launched the silent phase of its first comprehensive fundraising campaign. The goal is to more than triple the level of annual support over the next five years.

4. CALIFORNIA INSTITUTES FOR SCIENCE AND INNOVATION

Provost Hume recalled that the California Institutes for Science and Innovation (Cal ISI) initiative is a unique partnership between the State, industry, and the University of California that was initiated in December 2000 and is completing its first phase of development, the construction of major new buildings and facilities. The four Cal ISIs engage UC's world-class research faculty and students directly with research and development companies in attacking large-scale issues critical to California's economy and its citizens' quality of life; health care, traffic congestion, environmental management, homeland security, and novel energy systems are among the areas of focus. He then invited Professor Larry Smarr, the Director of the California Institute for Telecommunications and Information Technologies (Calit2) to present his remarks.

Director Smarr recalled that in the first five years of the institutes, the facilities housing them were very basic, including a triple-wide trailer at the San Diego campus and office space at Irvine. The two new Calit2 buildings provide 340,000 gross square feet and new laboratories for "living in the future." Over 1,000 researchers in two buildings are linked via dedicated optical networks. He reported that the San Diego campus had chosen to name its Calit2 building in honor of former President Atkinson. On both the Irvine and the San Diego campuses, the buildings include state-of-the-art nanotechnology clean rooms which are being used for nanoscience, nanoengineering, and nanomedicine.

Calit2 works with over 300 faculty in more than two dozen departments per campus. Although faculty in engineering and computer science make up about half, the rest are widely spread over several dozen departments on each campus. The ability to create a collaborative framework within the University of California system works only if there are faculty willing to participate. These figures illustrate that success.

Director Smarr noted that summer research programs for undergraduates take place on both campuses. At UCSD, students are offered the opportunity to work with faculty members as mentors, while SURF-IT at Calit2 Irvine provides summer research opportunities across a broad range of departments.

Director Smarr recalled that the State had required that the \$100 million in capital funding it provided be matched two-to-one in non-State and corporate areas. Faculty affiliated with Calit2 have received over 300 federal grants over the past five years, 50 of which are over \$1 million. Federal agencies funding this research include the National Institutes of Health, the National Science Foundation, and the Department of Energy. Calit2 has attracted industrial partners from both southern California and the Bay Area; to date, \$72 million has

been received from industry, with the majority of the funding provided by Qualcomm and Ericsson.

Project RESCUE is a classic one-institute, two campus grant involving researchers and professors at Irvine and San Diego, along with faculty from several other universities and industrial partners. The five-year, \$12.5 million grant was the largest awarded by the National Science Foundation in 2003; its goal is to improve crisis response. The RESCUE Community Advisory Board is chaired by Ellis Stanley, the General Manager for the City of Los Angeles' Emergency Preparedness Department. It includes representatives from the San Diego Police Department, the City of Irvine, and the Space and Naval Warfare Systems Command. Because first responders to a crisis do not have research and development laboratories, it is natural for the University of California, as a land-grant institution, to assume that role. Researchers have participated in drills with the first responders to see how technologies that have been developed for academic reasons can be used to support the first responders.

Director Smarr observed that the institutes have a more national and international impact than was anticipated when they were founded. Calit2 has been able to create a prototype, the OptIPuter, which is a "SuperWeb" for science researchers. The project, now in its fourth year, received \$13.5 million in funding over five years from the National Science Foundation. The research involves a large number of industrial partners as well as countries from across the world. The OptIPuter creates high-resolution windows over dedicated optical channels to global science data. Scalable displays allow both global content and fine detail.

Mr. Smarr explained that the National Lambda Rail is a new superhighway for science. The University of California has been a leader in its creation; the rail links two dozen state and regional optical networks. He reported that, at the request of the Moore Foundation, he serves as the principal investigator for the CAMERA project: Community Cyberinfrastructure for Advanced Marie Microbial Ecology Research and Analysis. The project uses genome sequencing of ocean microbes to understand the biodiversity of life on the planet. CAMERA's data will double the number of proteins in the GenBank, which will have a profound effect for medicine and for energy. The National Science Foundation has funded \$300 million for a new set of ocean observatories. Calit2, working with the University of Washington, has put a high-definition camera on a robotic platform that will be capable of sending imagery from the ocean floor into the Calit2 auditorium.

Mr. Smarr concluded his presentation by noting the need to continue to provide funding for the four institutes' operating budgets.

In response to a question from Committee Chair Marcus, Director Smarr suggested that Calit2 represents a new scale of collaboration in a university. President Atkinson's original vision was for faculty at UCSD and UCI to come together on large projects; to date, the University has underutilized its collaborative capacity.

5. GRADUATE STUDENT FINANCIAL SUPPORT: FRAMING THE PROBLEM, FRAMING THE SOLUTIONS

Provost Hume recalled that concern about inadequate graduate student support is widespread in the University. In 2001, The Regents appointed a commission to investigate the problem; since then, support for graduate students has been a priority in The Regents' budget requests. Faculty members have expressed their concerns, while recently the Academic Senate approved a Memorial recommending the elimination of nonresident tuition for academic graduate students. In September 2005, Provost Greenwood established an advisory committee to address the current state of graduate student support and make recommendations to achieve the University's graduate goals. The committee's final report, which was mailed to all Regents in advance of the meeting, will form the basis of today's presentation, and the focus will be on academic graduate students.

Provost Hume observed that the quality of academic graduate students is key to faculty recruitment. The students are central to the University's research mission because of the research that they perform and, as teaching assistants, the help they provide in training undergraduates. As alumni, they are on the leading edge of scientific, cultural, and economic innovation. Because they are so valuable, these students are highly sought after by other institutions.

Under The Regents' financial aid policy, undergraduate aid is intended to ensure access for all academically eligible students, regardless of their financial resources. At the graduate level, the University competes worldwide for a talented and diverse student body by offering support packages that must be competitive with those offered by other schools. In 2004-05, awards to academic doctoral students averaged \$26,555, which covers tuition and fees, with \$15,000 for living expenses. The awards are a mixture of fellowships, research assistantships, and teaching assistantships. The University plays a major role in funding these awards and must find additional funds when fees are increased to cover these costs.

The University faces three major challenges related to graduate student support:

- Competing with other universities for the most talented students
- Ensuring that it can attract and enroll international students
- Meeting graduate enrollment goals

Provost Hume reported that in 2001 and 2004, the University surveyed students who had been admitted to UC's doctoral programs and asked them to compare the support they were offered by UC and other top-choice institutions. The survey found that, while UC's offers had improved between 2001 and 2004, they still lag those of the competitors by about \$2,000.

The University's ability to enroll international students has suffered between 2001-02 and 2005-06, with such enrollment decreasing from 1,487 students to 952. This decline

occurred for two main reasons: the events of September 11, 2001, which led to new restrictions by the Department of Homeland Security, and UC's increased tuition and fees. The campuses report that they are unable to remain competitive for international graduate students because of increased fees. There has been a similar but less drastic decline for all academic doctoral students. Departments have reported the need to deny admission to highly qualified California students due to inadequate funding for competitive offers.

Provost Hume noted that, as outlined in the advisory committee's report, the goal is to increase the enrollment of academic graduate students by 18 percent between 2004-05 and 2010-11. That goal can be met only if there are sufficient resources to cover students' costs and provide a competitive stipend for each new student. He outlined some of the steps that have been taken at the campus level to increase graduate support. Some departments have sacrificed support for masters students in order to remain as competitive as possible for doctoral students. Campuses have increased their funding of fellowships, using private gifts and endowments, as well as general funds. The increased use of general funds has often meant reallocating funds away from other needs. Campus fee and tuition remission policies allow researchers to pass along the cost of increases in fees, tuition, and health insurance to their research grants. Continued cost increases will reduce the number of research assistantships that can be funded, will make UC grant proposals less competitive, and may lead faculty to hire postdoctoral fellows rather than graduate students.

Turning to actions taken at a systemwide level, Provost Hume recalled that the return-to-aid on new fee revenue had been increased from 33 percent to 50 percent. The University has frozen nonresident tuition for graduate students since 2004. Beginning this year, campuses are expected to use a portion of their savings from strategic sourcing for graduate student support. Also beginning this year, the University will eliminate the 25 percent of nonresident tuition that is charged to academic doctoral students who have advanced to candidacy.

Provost Hume stressed that meeting the goals set by the advisory committee will be expensive. The committee estimates that, to achieve an 18 percent increase in graduate student enrollment by 2010, an additional \$244 million in funding will be required. If \$122 million is obtained from traditional sources, there will be a funding shortfall of another \$122 million. Mr. Hume outlined several potential approaches to addressing this estimated shortfall, noting that the advisory committee had reviewed over twenty proposals to improve graduate support. One set of approaches involves generating new funds, either through private support or the reallocation of internal funds. A different approach involves reducing the costs associated with supporting academic doctoral students. By freezing fees and tuition in 2006-07, the University is lowering the real cost of supporting those students. Provost Hume believed that the proposed elimination of nonresident tuition for nonresident doctoral students should be given serious consideration.

In deciding which strategies to adopt, the University will need to consider policy and fiscal implications. The State policy on nonresident tuition places some constraints on what it is

able to do, as it states that the University's nonresident tuition and fees must not fall below the marginal cost of instruction. Modifying that policy, which is embedded in statute, would require negotiations with the State and with the California State University, which is also covered by this law. Any proposal to eliminate nonresident tuition for out-of-state and foreign students may be difficult to explain to California taxpayers if they do not fully understand the value that these students bring to the state's economy.

Campuses differ in terms of their competitive position, their ability to raise private funds, and their expected rates of growth. These differences can influence the extent to which a systemwide or campus-based approach to the problem is more appropriate. Decisions will need to be made about whether efforts to provide graduate support relief should be targeted at specific populations, such as international students, or left to the discretion of campuses and departments for greater flexibility in meeting their own needs.

Provost Hume noted that there is widespread agreement that action is required to improve academic graduate student support. The Regents' budget for 2007-08 will take additional steps to address this problem, including a research initiative that provides additional funding for graduate research assistants. The Provost expressed his intention to consult with the Academic Senate and the advisory committee on the quickest and most effective way to reduce costs for foreign students. Trade-offs will be required, but they will be difficult due to the many competing priorities. Agreement will need to be reached about the balance between campus and systemwide action. The report that formed the basis for this presentation represents a step forward in understanding the problem and framing the potential solutions.

With respect to the issue of international students, Regent Ruiz pointed out that some countries are improving their institutions of higher education in order to encourage students to stay home and asked what effect that may have had on UC's enrollment. Provost Hume believed that it was important to keep attracting these students to California. Removal of the disincentives that were created by increased fees should restore some of the balance the University needs to maintain.

Regent Kozberg recalled that the advisory committee's report had stated that "if eliminating nonresident tuition proves impossible to achieve, then the Committee recommends a nonresident tuition return-to-aid that ensures an equivalent benefit to programs seeking to enroll nonresident students" and asked if this could be implemented now as an interim step. Provost Hume noted that the University is doing that to a degree, but there are trade-offs involved, as funding is also required for things such as salaries and infrastructure.

Regent Bustamante referred to UC's \$2,000 lag compared with peer institutions and asked whether students had been surveyed as to whether this fact had influenced students' choices about where to enroll. He also asked whether some campuses are more vulnerable than others. President Dynes referred to a survey which outlines the reasons for the choices that students make.

Committee Chair Marcus asked that an item be presented to the Committee for action at its September meeting to eliminate the marginal cost of graduate student tuition for nonresident students. Vice President Hershman stressed that the State does not fund instructional costs for nonresident students.

President Dynes believed that the issue of the drop in the enrollment of foreign graduate students was an urgent one, especially as these students are eager to study at the University of California. He noted that the options are either to change State law or to provide more funding to these students. The administration will inform the Regents once it has determined which course to pursue. Vice President Hershman continued that the budget presented in November would have several items pertaining to graduate student fees.

In response to a question from Regent Coombs regarding fee practices at public peer institutions, Faculty Representative Oakley pointed out that they waive fees and/or tuition for graduate students who serve as teaching assistants. Because California law does not permit such a waiver, the departments must find other ways to direct money to graduate students.

6. **LARGE-SCALE DIGITIZATION OF UC LIBRARY HOLDINGS: AN HISTORIC OPPORTUNITY**

Provost Hume informed the Committee that he intends to recommend to the President that he enter into an agreement with Google on behalf of the University of California to digitize millions of books in its libraries' collections and make them available online. Such digitization will provide greater innovation in UC research and teaching when faculty, staff, and students will enjoy privileged access to their libraries' online holdings and as such be able to apply to their analysis leading-edge discovery, visualization, and other tools. As a public university, there should be an open discussion of the project before the President takes any action.

University Librarian Greenstein recalled that in late 2004 Google had announced its library project, which involved the University of Michigan, Harvard University, Stanford University, Oxford University, and the New York Public Library, all of which have an agreement with Google to digitize some or all of their holdings. Once digitized, there will be two digital copies of each book, one owned by Google and one owned by the originating library. Subject to copyright law, Google makes its copies available from its book search website. For works that are in the public domain, the full text is freely available. The partner library uses its copy at its own discretion, subject to copyright law and constraints that protect Google's investment and limit its liability. The existence of the library project raised profound questions for the University of California about the role of libraries, publishers, and internet search companies. It ushers in a new and unsettling era, the dimensions of which are not clear. The library project has also raised questions about copyright and fair use. Many copyright owners, including authors and publishers, have asserted that the digitization of works that are protected by copyright is infringement that is

not allowed under fair-use principles. Others claim that the project lies at the heart of what fair use is intended to be and hope that it will serve to clarify and preserve a cardinal feature of copyright law.

Mr. Greenstein explained that, under the proposal, the University of California and Google would by mutual agreement determine what to scan. The number of volumes would also be determined by agreement. As with the original project, there would be two copies of each work scanned. The one belonging to Google would be available through booksearch. It is likely that UC will make available only the public domain works from the library website. The total cost to the University will depend on the number of books that are scanned. There are three cost components, the first being disc space to store the digital copy. This will require a one-time expenditure of between \$1 million and \$5 million. A second cost involves ongoing data management, which will average between \$300,000 and \$500,00 per year. There will also be the cost of the salaries of the staff who unshelve and reshelve the books. Mr. Greenstein noted that this cost is the most variable. The only way to achieve scale in a project such as this one is to scan non-selectively. With this approach, a single person can support a scanning effort of about 1,000 books a day. It would require three or four people to achieve the scale that Google is undertaking at the University of Michigan. With a more selective approach, a single person is able to move around 200 books per day. This approach works only when building highly selective collections.

The benefits to the University are scaled to the size of the enterprise. Working selectively, a few hundred thousand books would be added to its online holdings. Massive scanning will give competitive advantages to faculty and students, who will benefit from vastly improved means of finding the information they need for their work. There will be free access to the University's public-domain holdings, thus providing a genuine digital library for the state and the world. The libraries will achieve greater efficiencies in the way they build and manage their collections, and there is the potential to save millions of dollars annually in the cost of shelving redundant print materials as they become available online.

The works will be protected from catastrophic loss once they have been digitized. The University will occupy a commanding position in the second phase of this effort when, after the rush to digitize national holdings has subsided, it will turn its attention to building the next generation of information services. Mr. Greenstein stressed that the library project with Google represents a one-time opportunity for the University.

Faculty Representative Oakley stated that while the faculty had not been formally surveyed on this issue, he was confident that he spoke on behalf of all of the faculty in expressing great excitement at the prospect of digitizing UC's entire collection.

President Dynes, speaking as a physicist, noted that it is no longer necessary for him to visit a library in order to access the data that he needs. The digital library offers him a competitive advantage over colleagues in other parts of the world. He believed that the University must go forward with the project.

Regent Lozano recognized the spectacular opportunity for the University, but she was concerned about Google's motivations. Mr. Greenstein observed that the beauty of the relationship is that it provides two copies of the file, retaining to the University all rights and title to its copy. There is nothing in the contract that provides any specific limitation on what Google may do with its copy. The attribution statement ensures that the volumes supplied are always accredited to the University. The agreement will restrict the ways in which Google may use the name of the University of California and the unofficial seal.

Acting General Counsel Blair observed that, given the unprecedented scale and nature of the project and the substantial cutting-edge legal issues, he had undertaken a close review of the contract. The product of that was reflected in a letter to the Regents. Mr. Blair concluded that the University is sufficiently well protected such that if the University elects to enter the proposed agreement, the transaction presents an acceptable legal risk. Responding to Regent Lozano's question about the commercial abilities of Google in relation to this agreement and any limitations that the University has, he did not believe there are any limitations in the proposed agreement as it exists, but that is a central question with respect to one of the defenses to copyright infringement that Google would have if it were sued for displaying copyrighted information on its website. The more commercial in nature the use is, the more likely it is that the court will not find it to be subject to the fair-use exception to copyright. Mr. Blair noted that he had concluded that Google did not intend to market copyrighted books but will provide links to licensed publishers.

Regent Hopkinson asked whether the University was giving away its competitive advantage by making the data so universally available. Provost Hume pointed out that UC's scholars and students will have a different level of access to the digitized data than a member of the public.

Regent Pattiz pointed out that Google's intention with the library project is to generate profit for the company and asked how the University would benefit. Mr. Greenstein explained that, in the context of the Open Content Alliance, the cost to digitize a book is about \$38; with Google, the cost is driven down to less than \$2 per book. In response to a further comment by Regent Pattiz, Mr. Greenstein explained that the contract will require Google to use its copy in conformance with copyright law. The University is provided an opportunity to build valued-added services and therefore derive revenue.

Regent Parsky observed that similar issues have arisen with respect to the University's entering into an LLC to manage the Los Alamos National Laboratory. He believed the sense of the Regents was that the President should move forward with caution and be able to defend that the arrangement is fair to the University.

7. **THE UNIVERSITY OF CALIFORNIA AND PROPOSITION 209: TEN YEARS LATER**

Regent Ruiz and Regent Ledesma informed the Committee of their intention to request that the Office of the President be asked to undertake a holistic study, the results of which will be reported to the Committee on Educational Policy by May 2007, of the long-term impact of Proposition 209 on the University's ability to serve the State and fulfill its mission as the leading public university in one of the nation's most diverse states.

In November 1996, Californians adopted Proposition 209, which prohibits the consideration of race and ethnicity, as well as other factors, in the operation of State government. Proposition 209 eliminated the University's ability to consider race and other factors not only in graduate and undergraduate admissions but also in the administration of scholarships, the operation of academic support and other programs for K-12 students, and a vast array of other University-sponsored activities.

Regent Ruiz and Regent Ledesma suggested that The Regents commission a comprehensive report, to be undertaken by Office of the President staff and other members of the University community, to better understand what have been the long-term and far-reaching impacts of Proposition 209 and make recommendations about how UC can work within the legal parameters of Proposition 209 to enhance its excellence and diversity.

Regent Ledesma believed that the opportunity exists to think strategically about the University's future as it relates to improving access and academic excellence for qualified students across the state. She recalled that in March President Dynes had written a letter to the Regents which described a comprehensive systemwide academic planning process that builds upon existing campus activities. In that letter, the President reported that he had asked the chancellors to consider the following three themes:

- The steps they are taking or planning to help measure and ensure student success;
- How their academic programs will address the increasing diversity of California and how they are continuing to advance the diversity of their faculty and students; and
- How they will increase the alignment of research and scholarly programs with the changing needs and nature of local and regional communities and constituencies of special relevance to their campus.

Regent Ledesma stressed that, within the confines of Proposition 209, the University must fulfill its stated commitment to achieve excellence and diversity in the classroom, the research laboratory, and the workforce. The effects of Proposition 209 should also be examined in the context of students' application choices and enrollment decisions across the system over the past ten years and what these trends mean for the future of the University. Regent Ledesma acknowledged the need to reform K-12 education so that all students are provided quality opportunities to learn. While academic outreach programs are important, there may be additional, more effective strategies that have been overlooked. As stewards of the University, it is incumbent upon the Regents to understand the effects of

Proposition 209. A holistic study will take into account factors such as faculty recruitment and retention and campus climate. The findings and recommendations gleaned from the proposed study have the potential to make positive contributions to statewide and national discussions about access and excellence in higher education.

Regent Ruiz agreed with the need to understand the impact that Proposition 209 has had over the past ten years. Information derived from the proposed study should be used to improve the institution.

Regent Kozberg recalled that comprehensive review had been adopted three years ago. Chairman Parsky recently reconvened the Study Group on Eligibility and Admissions to gauge its effect on admissions.

Regent Johnson supported the proposal, in particular because it will demonstrate to the public that the Regents are concerned about diversity on the campuses. She noted that private universities, which are not governed by Proposition 209, are highly competitive for the most qualified underrepresented minority students.

Regent Marcus supported the proposal, but only if it results in positive action for the University to pursue.

In response to a question from Regent Schreiner, Regent Kozberg explained that the Study Group on Eligibility and Admissions was composed of Regents, chancellors, admissions officers, and executives. It formulated a series of recommendations that were presented to the Regents.

Regent Ledesma pointed out that the work of the study group has focused specifically on undergraduate admissions. Her proposal goes beyond that to encompass graduate and professional students, as well as faculty.

At the request of Regent Moores, Acting General Counsel Blair read the text of the State Constitution that had been adopted upon the passage of Proposition 209: "The State shall not discriminate against or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." The Oath of Office signed by all Regents requires them to "...support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, and to bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California."

Regent Moores observed that, based on his studies of admissions data, the University consistently discriminates against Asian Americans in its admissions decisions. He suggested that the study proposed by Regents Ledesma and Ruiz be performed independently rather than by members of the University community. He believed that the

Board on Admissions and Relations with Schools had deliberately designed admissions standards in a way that encourages admission of non-Asian minorities. Regent Moores recalled that The Regents had adopted Eligibility in the Local Context, which makes eligible the top four percent of students in all of California's high schools, and he asked whether there had been follow-up studies to determine the effects of the program.

Regent Hopkinson hoped that the study would analyze the changes that have taken place over the past ten years without focusing on Proposition 209. Rather, attention should be given to the University's admissions process and how it can be improved.

Regent Island disagreed that there should not be a focus on Proposition 209, because since its passage African Americans have been disappearing from the University's campuses at an alarming rate. If Proposition 209 brought about this result, that fact should be stated publicly. Regent Island believed that the University had reached the point of losing the critical mass of underrepresented minority students. Many African Americans report a palpable degree of hostility on some UC campuses. If that is the message of Proposition 209, then a statewide debate may be in order. He urged the study to move forward as quickly as possible. He wished UC to be a national leader, not only in scholarship but also in culture.

Regent Coombs believed that the proposed study was in keeping with the University's key mission as a research institution in service to the state. As leaders of the University of California, the Regents need to understand the effects of Proposition 209 at the ten-year mark. The state has a very diverse demographic, with a new generation poised to attend college. He agreed that there was a sense among underrepresented minority students that they are not welcome at the University of California. The Regents must demonstrate that they are committed to resolving this problem. Regent Coombs reported that he had consulted with Regent Ledesma about the possibility of including in the study participation rates of underrepresented minority alumni over the past ten years. He noted his intention to work with the Alumni Associations to gather any relevant data that would be of use to the study.

In response to a comment by Regent-designate Brewer, Committee Chair Marcus stated that the scope of the work would be deferred to Chairman Parsky, who will appoint the study group. He asked that the study be undertaken in recognition of the need to adhere to State law. It should look at where the University is today as compared with ten years ago and how its resources may be used to further diversify the faculty and the student body.

Lieutenant Governor Bustamante commented that the purpose of a holistic study would be to recognize the fact that a major problem still exists with respect to admissions. The study will also allow for a review of what effects the Eligibility in the Local Context program has had. He saw a need to understand the process by which Proposition 209 was implemented by the University and what constraints it has imposed. The study should determine if there is a way to meet the voters' intent while at the same time increasing diversity on the

campuses and whether there is a need to market the University in underrepresented communities in a completely different way. Mr. Bustamante concurred that the study should result in items for action.

Faculty Representative Brown urged that the study be performed in a scholarly way and that it include significant faculty involvement. He agreed with Regent Ledesma's assessment that the issues are broader than undergraduate admissions; they include faculty retention and leadership development.

Regent Hopkinson noted that the Regents had received a communication from President Dynes informing them of a change in the way test scores are calculated when determining eligibility for UC. She believed that the decision should have been presented to the Regents prior to implementation.

The meeting adjourned at 12:50 p.m.

Attest:

Acting Secretary