

The Regents of the University of California

COMMITTEE ON EDUCATIONAL POLICY

September 20, 2006

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

Members present: Regents Bustamante, Coombs, Dynes, Gould, Johnson, Kozberg, Lansing, Ledesma, Marcus, Parsky, Ruiz, and Schreiner; Advisory members Brewer and Brown; Staff Advisors Brewer and Miller

In attendance: Regents Blum, De La Peña, Hopkinson, Island, Moores, Pattiz, Preuss, Varner, and Wachter, Regents-designate Allen and Bugay, Faculty Representative Oakley, Acting Secretary Shaw, Acting General Counsel Blair, Chief Investment Officer Berggren, Provost Hume, Executive Vice President Darling, Vice Presidents Broome and Gomes, Chancellors Birgeneau, Bishop, Córdova, Drake, Fox, Vanderhoef, and Yang, Acting Chancellors Abrams and Blumenthal, Executive Vice Chancellor Alley representing UC Merced, and Recording Secretary Nietfeld

The meeting convened at 9:50 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 July 19, 2006 were approved.

2. **RATIFICATION OF TRUSTEES, JULES STEIN EYE INSTITUTE, LOS ANGELES CAMPUS**

The President recommended that the appointment of Nelson C. Rising to the Board of Trustees of the Jules Stein Eye Institute, Los Angeles campus, be ratified, and that the appointment of Andrea Rich to the Board of Trustees of the Jules Stein Eye Institute, Los Angeles campus, be approved.

It was recalled that the Jules Stein Eye Institute (JSEI) is an Organized Research Unit of the School of Medicine, Los Angeles campus, established in 1961. At the September 1977 meeting, The Regents approved an agreement with the late Dr. Jules Stein, founder of MCA, Inc., that established a Board of Trustees for the Institute and authorized the Board of Trustees to oversee the management of the Institute, including approval of the annual budget of the non-State funding available to JSEI, subject to the approval by the University. This authority extends only to the programs of JSEI and not the Department of Ophthalmology or any instructional program of the School of Medicine.

Six individuals were initially appointed to the JSEI Board of Trustees in 1977. Under the

terms of the agreement between Dr. Stein and The Regents, Dr. Stein was to be succeeded, upon his death, by his wife, Doris Stein. The agreement also authorized the Trustees to appoint their respective successors so long as the board is comprised of at least six but no more than nine members, one of whom is to be a member of the Stein family. Such appointments, other than the appointment of the Stein family members to serve following Mrs. Stein, are subject to the concurring approval of The Regents.

Dr. Stein died in 1980 and Mrs. Stein died in 1984. Ms. Katrina vanden Heuvel, granddaughter of Dr. and Mrs. Stein, was appointed in 1984 to the Board of Trustees as the Stein family member and continues to serve on the Board.

In April 1992, Trustee David May died. In September 1992, three new Trustees were approved by the Board of Trustees and The Regents: Robert H. Ahmanson, Gerald H. Oppenheimer, and George A. Smith, Esq. In January 1994, Dr. Bartly Mondino replaced Dr. Bradley Straatsma as Director of JSEI and as an ex-officio member and Chairman of the Board of Trustees. In June 1994, Trustee Franklin Murphy died. In July 1995, Mr. Ronald Olson, Esq. was appointed as Trustee as approved by the Board of Trustees and The Regents. In March 1998, Casey Wasserman was appointed Trustee as approved by the Board of Trustees and The Regents. The current membership of the Board of Trustees is as follows:

Robert Ahmanson
Bartly J. Mondino
Ronald Olson
Gerald Oppenheimer
Nelson C. Rising
George Smith
Katrina vanden Heuvel
Casey Wasserman

On November 20, 2003, the JSEI unanimously approved the appointment of Nelson C. Rising as a Trustee of the Institute's Board of Trustees. On February 23, 2004, this appointment received approval from Chancellor Carnesale, but the appointment was not forwarded to The Regents for its approval at that time. Pursuant to the Agreement between Jules C. Stein and The Regents of the University of California, such Trustee appointments are subject to the approval of The Regents. The leadership of the JSEI has been notified of this requirement to ensure that all future JSEI Board of Trustee appointments receive Regental approval. Given that it was recently discovered that the 2003 appointment of Nelson C. Rising was not approved by The Regents, ratification of this appointment is now being sought.

Mr. Rising is Co-Vice Chairman of the Grand Avenue Committee, which recently unveiled a design by Frank Gehry for a mixed-use neighborhood in downtown Los Angeles. Previously, he served as the Chairman and CEO of Catellus Development and is currently

a member of the ProLogis Board of Trustees (which acquired Catellus in 2005). Mr. Rising is a former Senior Partner of Maguire Thomas Partners where he was in charge of major development projects in the Los Angeles area, including restoration of the main branch of the Los Angeles Public Library and Library Tower. The JSEI Trustees acted by unanimous action to appoint Nelson C. Rising as a Trustee of the Jules Stein Eye Institute on November 20, 2003.

Andrea Rich served as President, Chief Executive Officer, and Director of the Los Angeles County Museum of Art (LACMA) from 1999 to 2005 and as President and Chief Executive Officer of LACMA from 1995 to 1999. Previously, she served as Executive Vice Chancellor and Chief Operating Officer of the University of California, Los Angeles from 1991 to 1995 and was a founding director of the Private Bank of California. The JSEI Trustees acted by unanimous action to appoint Andrea Rich as a Trustee of the Jules Stein Eye Institute on June 15, 2006.

Upon motion duly made and seconded, the Committee approved the President's recommendation and voted to present it to the Board.

3. **STUDENT MENTAL HEALTH COMMITTEE FINAL REPORT**

President Dynes observed that the report from the Student Mental Health Committee was the most comprehensive review by any university of the needs and challenges in safeguarding its students' mental health. This is a national issue that all universities must face. The committee's report provides a full assessment of services in place and efforts that must be undertaken to improve those services. Provost Hume then introduced Professor Joel Dimsdale and Vice Chancellor Michael Young, the co-chairs of the committee, and invited them to present the report.

Professor Dimsdale recalled that the committee, which was created in December 2005, was given the following charge:

- Assess trends in student mental health
- Review services at UC campuses
- Determine the level of services needed
- Assess available campus resources

Professor Dimsdale noted that adjustment and developmental issues facing students include homesickness, problems with roommates, anxieties over achievement, and adjusting to new independence. There are also crises that face students such as suicide, sexual assault, psychosis, eating disorders, and drug and alcohol abuse. These crises are increasing in numbers and magnitude, both at UC and across the nation. Nearly half of all college students have been so depressed that they have trouble functioning. These students are seeking counseling in greater numbers: Columbia University reported a 40 percent increase since 1995; the Massachusetts Institute of Technology and the University of Cincinnati report

comparable data. In addition to the increase in demand for services, these students have a heightened severity of problems. One in four UC students seeking services is already receiving psychotropic medication. Prescribed medications, in combination with counseling, are allowing more young people to function normally and pursue higher education. Some students chose to discontinue their medication. The resulting behavior can have lasting effects on the learning environment.

Professor Dimsdale presented data on trends in student mental health at the San Diego campus from 2001-02 to 2004-05, calling attention to the fact that psychiatric admissions have more than doubled in that time frame. Suicidal behaviors which required a visit to the emergency room or psychiatric hospitalizations are also on the rise. Enrollment growth does not account for the increase. Data from a survey of graduate student mental health at the Berkeley campus reveal that, in the prior 12 months, 54 percent had felt so depressed that it had been difficult to function, and 9.9 percent reported that they had considered suicide. Mental health visits to the Health Center at the Santa Barbara campus increased by 100 percent between 1994 and 2005. Systemwide, the committee found that the number of students using campus counseling had increased 25 percent in the last five years, which is higher than enrollment growth over the same period. The growth in demand may be an underestimate of actual needs as students may chose not to seek counseling because the University's health centers have reached their capacity to respond in a timely manner.

Vice Chancellor Young noted that the University's academic communities are increasingly residential, with 50,000 students living on UC campuses and tens of thousands more residing in adjacent and nearby communities. The committee heard testimony about the specific challenges facing international students, lesbian, gay, bisexual, and transgender students, and racially and ethnically underrepresented students. The stress level of graduate students is magnified by their relative isolation, the academic pressure of their studies, and increased family and financial obligations.

While the demand for student mental health services is increasing, funding is not. The University Registration Fee was established as the primary funding source for campus programs and services that support student life and campus health. Over the period 1987-88 through 2005-06, the Registration Fee has remained flat, increasing by \$171. The *2006-07 Budget for Current Operations* refers to the fact that student services programs had been adversely affected by severe budget cuts in the early 1990s. Those cuts have not been restored. In 2002-03, student services programs were reduced by \$6.3 million, which grew to \$25.3 million by 2003-04. In order to evaluate the University's ability to respond to students' mental health needs, the committee identified three markers:

- The ratio of psychologist to students is 1:2,300. The International Association of Counseling Services recommends that campuses have a psychologist for every 1,000 to 1,500 students.

- Students in need of crisis counseling face a wait list time of three to six weeks for appointments.
- The access to psychologists and psychiatrists is insufficient.

This diminished capacity to serve students results from a number of factors which include uncompetitive salaries, limited referrals off campus, and legal considerations.

Vice Chancellor Young provided an overview of the committee's recommendations, which envision action organized into three tiers to provide a comprehensive framework for meeting the mental health needs of students. In Tier 1, the committee addressed the actions that are needed to respond to the critical mental health shortfalls on the campuses. Highlights in Tier 1 include an increase in staffing, competitive salaries, and case management strategies. In Tier 2, the campuses will redouble their education, support, and prevention programs and restore key services. Tier 2 enacts a comprehensive prevention program, including training for faculty and staff who work closely with students and targeted interventions for students who demonstrate evidence of a possible mental health decline. It also emphasizes targeted outreach to parents, focusing on available resources and services. Tier 3 is a comprehensive approach to creating healthier learning environments. This will require the enhancement of the full spectrum of student life services and programs. Tier 3 recommends that the University expand key academic and learning services to assist students in managing academically related stress. It encourages the formation of partnerships with the Academic Senate to encourage faculty mentorships. The comprehensive, three-tier plan of action will allow the University to respond appropriately to students in crisis, provide targeted resources to those who are most vulnerable to mental health problems, and create a healthier environment for all students.

Regent Coombs agreed with the need to find every possible way to support the committee's recommendations and asked for further discussion of what the cost implications would be. He asked if there were any interim measures that would better leverage the existing resources of the five medical centers to assist the students who seek counseling services.

Provost Hume believed that aligning the recommendations with available resources was key. State and Regental policies require student services to be funded by the Registration Fee, which has remained constant for the past 11 years. It may be necessary to propose to The Regents an increase in this fee.

Professor Dimsdale continued that, although the committee made approximately 30 recommendations, their cost implications vary. The challenge with the academic medical centers lies in access and coordination. One recommendation would involve linking the medical centers more directly with the student counseling centers.

In response to a question from Regent Ledesma, Provost Hume recalled that the University Registration fee is intended to cover student health services, child care services, cultural and recreation programs, and capital improvements that provide direct benefits to students for extracurricular activities. He believed that the Registration Fee had been kept level in order to keep costs as low as possible. The University is seeing the consequences of that decision.

In response to a further question from Regent Ledesma, Vice Chancellor Young explained that when data for the San Francisco campus were included in the study, the nature of the campus skewed the rest of the data. Merced was not included for similar reasons.

Regent Gould observed that there are aspects involved with mental health that are unique to universities. He encouraged the administration to come back quickly to The Regents with proposals for funding the report's recommendations. There needs to be a methodology established to monitor the success of the program.

Faculty Representative Oakley observed that one of the most troubling findings of the University Committee on Planning and Budget of the Academic Senate, included as Appendix G of the report, had been that budget cuts and uncompetitive salaries had meant that even students who self-identify mental health problems are being inadequately served in a way that is causing a crisis. He agreed with the need to move with all deliberate speed in addressing funding issues; the Academic Senate is anxious to contribute as outlined in Tier 3.

Referring to Tier 3, Regent-designate Brewer suggested that the University consider the idea of alumni mentors for students with mental health problems.

Committee Chair Marcus reminisced about the experiences of a friend who had lost a daughter to suicide at the Riverside campus, and he praised Chancellor Córdova for the caring way in which she had responded. He urged the President and the Provost to begin to issue guidelines to the campuses on how to initiate the low-cost recommendations of the Student Mental Health Committee. President Dynes agreed, and he urged the Provost to begin the process of seeking review of the report by the campuses in order to expedite the formulation of a recommendation for funding.

4. **PROGRESS ON ENROLLMENT GROWTH IN THE HEALTH SCIENCES**

Provost Hume recalled that he and Regent Lansing had co-chaired the Advisory Council on Future Growth in the Health Professions, which was charged by President Dynes with developing a comprehensive, multi-year enrollment plan for growth in the health professions, taking the University to 2020. He noted his intention to provide a brief update on the activities and progress made by the Council, in anticipation of a full presentation at the November meeting. California faces enormous shortages of nurses, nursing faculty, physicians, public health professionals, pharmacists, and veterinarians. In addition, some segments of society have limited access to dentists and optometrists. California's population has doubled over the past three decades, but during this period there has been virtually no growth in UC's health professional programs.

In November, the presentation will focus on recommendations for enrollment growth in nursing, medicine, public health, pharmacy, and veterinary medicine. For nursing, the Council will recommend substantial enrollment growth, with an emphasis on graduate nursing education and the preparation of future nursing faculty. The Council will also recommend that new programs be developed at the undergraduate level to help build the pool of students who will progress to graduate education. For medicine, the Council will recommend growth in a step-wise fashion, beginning with enrollment growth in the five schools of medicine, with a focus on the needs of medically underserved groups. The Council will recommend additional phases of growth beyond the prime initiative. Because the growth needed in medicine to address state needs substantially exceeds the capacity of the University's five medical schools, at the November meeting the Council will recommend that planning leading to the possible establishment of at least one new school of medicine proceed. The Council reviewed preliminary proposals to establish new medical schools submitted by the Merced and Riverside campuses. The Council is also aware of the interest of the Charles R. Drew University of Medicine and Science to develop a free-standing medical school. The Council's report will include a recommendation that The Regents endorse the Riverside campus' moving to a major phase of its planning efforts, which would include the development and submission of a final proposal and business plan for a new medical center. Such an endorsement would enable the campus to recruit a founding dean to lead the planning efforts.

In response to a question from Regent Ruiz, Provost Hume anticipated that, with respect to UC Merced, the Council would recommend that it proceed to develop its infrastructure in the biomedical sciences in order to establish programs in the health sciences over time. He believed that acquiring sufficient infrastructure would require a one- to two-decade time frame.

Regent Kozberg asked about the University's relationship with Drew University. Provost Hume recalled that its medical program works in partnership with the Los Angeles campus. Drew students spend their first two years at UCLA in the basic sciences and then work at

King Hospital for their clinical years. It is a successful program that is enthusiastically supported by the Los Angeles campus.

5. **PROPOSED SCHOOL OF LAW, IRVINE CAMPUS**

Provost Hume reported that the Office of the President had received proposals for a new law school from the Irvine and Riverside campuses in response to inquiries initiated through the Planning Committee for Doctoral and Professional Education. After initial review of the proposals, they were referred to the Coordinating Committee for Graduate Affairs of the Academic Senate, which approved both of the proposals. The University is conscious of the fact that the California Postsecondary Education Commission (CPEC) had not endorsed the proposals submitted by the two campuses in the early 1990s, both of which had been endorsed by the Academic Senate. At that time, the President decided not to take any further action. In order to evaluate the new proposals, the University commissioned a task-specific subcommittee, co-chaired by Chris Edley, Dean of the Boalt Hall School of Law, and Pam Jester, Director of the Continuing Education of the Bar. After a thorough analysis, the subcommittee recommended approval of the Irvine proposal. It referred the Riverside proposal back for further consideration, primarily on the grounds that the Riverside campus may need to balance the timing for a law school with that of the proposed school of medicine. The subcommittee's report was submitted to the Planning Committee, which recommended that the President approve the Irvine law school proposal. It is now under consideration by CPEC.

Chancellor Drake began his presentation by outlining the goals of the proposed School of Law:

- Establish one of California's most attractive law schools by becoming a leader in inter-professional education and clinical programs
- Support the campus' academic mission by providing a setting for outstanding legal scholarship
- Provide the region with a talented and uniquely trained work force
- Provide legal services to vulnerable segments of society

The areas of special focus include a JD/MBA program and JD/MA or MS programs in areas such as engineering, computer sciences, or public health. The school would focus on administrative law, family and immigration law, patent and intellectual property law, environmental law, and international law. There would be active legal clinical programs to serve the Orange County community in parallel with programs that the campus has pioneered in the health sciences.

Chancellor Drake observed that UC's value to students is well known: it offers a high-quality educational experience, both in and outside the classroom, at an attractive price. For the faculty, the University of California offers a stimulating and supportive environment that

nurtures academic growth. Faculty who come to UC have the benefit of world-class colleagues and a committed and diverse student body.

One of the missing pieces in the academic plan for the Irvine campus is a school of law. There are at present professional schools in medicine, engineering, and business, as well as 1,000 students who are majoring in Criminology, Law, and Society. The new school will drive business growth, support vulnerable segments of society, and increase access to quality legal education. As noted by Provost Hume, the proposal has been endorsed by the Academic Senate. The campus submitted its proposal to CPEC in June, and CPEC issued a draft report in August that expressed concerns over need, the number of existing law schools in the state, and costs. The campus continues to work actively with CPEC on the proposal.

Chancellor Drake discussed the funding model for the law school, which will be based on projected enrollment growth, professional fees and other law-related revenues, and private gifts. This model will allow the law school to meet its costs without any special augmentations. To date, sufficient funds have been raised from private sources to fund the founding dean and the initial faculty. The Chancellor displayed a list of community supporters that included law firms, elected officials, businesses, and not-for-profit organizations. The list illustrates the fact that the law school has received support for segments of the community that have no particular association with the Irvine campus.

Regent Hopkinson stated that, while she was inclined to support the proposal, she was concerned that campuses proceed with projects before they are presented to the Regents. She believed that it would be detrimental to the campus to have mobilized community support for a program that is not endorsed by the Board. Chancellor Drake appreciated the point expressed by Regent Hopkinson, noting that a year ago the campus had worked for three months with the community and had been overwhelmed by the support, at which time all fund raising and other activities were suspended. Regent Hopkinson hoped that there may be an opportunity in the future for the Regents to discuss strategic issues such as these. President Dynes noted that the establishment of the Long Range Guidance Team had been in response to the need for a vision for the future of the University and the state.

Faculty Representative Oakley explained that the Academic Senate had endorsed the proposals for two new law schools because, in spite of the impression that California already has too many lawyers, the mission of a law school at a research university is to provide an educational context for the creation of public citizens and to diversify the general campus atmosphere through attention to governance. The creation of a law school at Irvine will contribute to its greatness.

Regent Kozberg referred to recent growth in the judiciary in southern California and asked where these new judges received their law degrees. Chancellor Drake noted that in Orange County the administrative law judges and attorneys general have tended to be educated at private law schools. In response to a further question, he estimated that there are 14 ABA-

accredited law schools in California. The only public accredited law school in southern California is UCLA.

Regent Johnson observed that when students are not accepted at a public law school, they tend to choose a private one. She suggested it would be helpful to have a comparison of costs between UC law schools and private institutions.

Regent-designate Allen encouraged Chancellor Drake to consider loan-forgiveness programs similar to those that are in place at Boalt Hall. In response to Regent Johnson's comments, he observed that the price gap between public and private law schools has been narrowing. As a result, many students are unable to pursue lower-paying legal careers in areas such as public interest law. Provost Hume commented that the University is quite conscious of the public-service issues; the deans of two law schools have recently re-examined the level of support for loan forgiveness in order not to discourage anyone from public service. Chancellor Drake added that the campus is actively developing funds for scholarships in the belief that grants are preferable to loans. A core of the initial founding mission will be to work with students who are interested in serving vulnerable populations. He concurred with Professor Oakley's assessment that the role of a school of law at the University of California is to advance the field.

Regent Moores noted that California as a matter of policy depends on other states to educate many of its physicians and asked about policies with respect to importing or exporting lawyers. Chancellor Drake responded that a study by the RAND Corporation had looked at the projected growth of lawyers in the state and found a gap of about 1,000 per year between the number of ABA-certified graduates and the employment market. In response to a further question from Regent Moores, Dr. Drake did not believe that it was an either-or situation with respect to doctors and lawyers. He emphasized that the proposed school of law would embrace the campus' academic mission. The number of lawyers produced from this endeavor will not be large, but it will make a difference in Orange County.

Regent Preuss stressed that the decisions regarding the mixture of professional schools throughout the UC system should be top-down rather than bottom-up. The University needs a strategic plan for determining such things as the number of law schools and where they are located.

Regent Island believed that a high-quality research institution that is prepared to focus directly on public service addresses a core mission of the University. He observed that there are not enough lawyers who serve the poor and people who live at the margins of society. The state needs more lawyers who are prepared to work in areas such as immigration law and environmental law. Regent Island suggested that if a community comes forward with a perceived need, the University should respond positively by embracing the community's efforts.

Chairman Parsky noted that the proposal should be viewed within the context of the overall vision for the Irvine campus, which should then be evaluated as to how this fits into the vision for the University. He believed it would be important to understand the role of private support in the development of the school.

Committee Chair Marcus commented that an important issue for the University is the appropriate role of professional schools in a public research university. It is difficult for UC to compete with private law schools for outstanding faculty. He stressed that the Irvine law school must be first class.

Regent Blum was concerned that many presentations from UC administrators contain no hard figures relative to their proposals. He noted that financial projections would be helpful to the fundraising effort. Chancellor Drake noted that the campus has determined how much money it will need to raise in order to be able to support the school.

6. **IMPLEMENTATION OF THE “UC SCORE”**

Provost Hume recalled that in July 2006 the Regents were informed of a change to the format potential freshman applicants use when calculating the test score portion of the Eligibility Index in order to determine whether they meet the University’s scholarship requirement for statewide freshman eligibility. This new format, the UC Score, adopted by the Board of Admissions and Relations with Schools (BOARS), does not change either the University’s minimum eligibility requirements or the size or composition of the eligibility pool.

In order to become UC eligible via the “statewide path,” students must achieve a specific combination of grades in UC preparatory high school courses (GPA) and scores on the required admissions tests. This combination of grades and test scores is expressed in the UC Eligibility Index, which allows higher grades to compensate for lower test scores, and vice versa. Students may also become eligible by achieving grades that place them in the top four percent of their high school class – Eligibility in the Local Context – or by test scores alone.

In July 2003, following extensive discussions among both the Regents and the faculty, The Regents adopted the Academic Senate’s recommendations for a new testing policy to become effective for the fall 2006 entering class. This policy authorized the use of new admissions tests then under development by ACT, Inc. and the College Board. Because these new tests incorporated a writing examination that had previously been separate, the new testing policy reduced from three to two the number of additional subject examination scores that applicants must submit and specified that these examinations be taken in two different subject areas. The new testing requirement also changed the weights that individual tests carry in the Eligibility Index. Previously, scores from the subject tests had been more heavily weighted; the 2003 Regental policy specified that the five scores students submit be weighted equally.

Adopting a new pattern of tests and changing their relative weights required recalculation of the Eligibility Index, which was completed for the fall 2006 entering class. When constructing the new Eligibility Index, BOARS discussed alternatives for arithmetically converting test scores for calculating the Index, a process that is required because the ACT and SAT reasoning tests are not scored on the same scale and the ACT has four subscores while the SAT has only three. (Prior to creation of the UC Score, ACT scores were converted to the same scale as the SAT.) The UC Score was created as a tool to translate scores from both the ACT and the SAT reasoning tests onto a common scale to compute the test score portion of the Eligibility Index.

BOARS adopted the UC Score in April 2005 but delayed its implementation until the fall 2007 admission cycle in order to reduce the number of changes that fall 2006 applicants had to deal with at once. During the period between the faculty's approval of the UC Score and its implementation, the University also created and successfully tested an on-line eligibility calculator which converts students' scores for them and greatly simplifies the task of estimating eligibility. For students using the on-line eligibility calculator, the UC Score and the Eligibility Index are entirely invisible: the students simply enter all of their test scores and their GPA and the calculator provides a preliminary estimation of eligibility.

The UC Score in no way changes the test scores students must attain to become eligible. It is an arithmetic translation of those scores onto a single, common scale. The Regents was not asked to approve the UC Score because it does not represent a change to University eligibility or admissions requirements.

Regent Moores stressed the need for transparency in the admissions process; he urged BOARS to make information regarding the UC Score available on the internet.

7. **PRIVATE SUPPORT AT UC IRVINE**

Executive Vice President Darling noted that private giving to the University of California had more than doubled in the past decade, to a record \$1.3 billion in 2005-06. The goal is to increase the level of annual giving to \$2 billion over the course of the next seven years. A major focus will be increases in alumni and parent giving. The Office of the President has begun an incentive program that will provide funding to the campuses to stimulate their development efforts. The program will require matching funds from the campuses on a two-to-one basis to help launch this effort. Executive Vice Chancellor Darling observed that Chancellor Drake had brought focus, energy, and momentum to the Irvine campus' private giving programs; today's presentation will highlight the accomplishments during his first year as Chancellor.

Chancellor Drake commented that the Irvine campus had celebrated its 40th anniversary in 2005. The campus undertook a two-year strategic planning process that had involved hundreds of faculty, students, and staff. The planning process identified programs needed

to complete the campus, including law, nursing, public health, and pharmaceutical science. The planning process also involved the following goals:

- To achieve a 75:25 undergraduate to graduate student ratio
- To invest selectively in programs of excellence
- To celebrate the culture of the region through programs in the humanities and the arts
- To champion a values-based learning community that stresses respect, intellectual curiosity, integrity, passion and commitment, kindness, appreciation, and fun

Chancellor Drake displayed a chart which showed the levels of private giving for the period 1995-96 to 2005-06. A program was initiated with a new development director in 2002, and the goal was set to raise \$80 million in 2005-06. By the end of 2005-06, the campus had raised \$101.4 million, the best year in its history. The Irvine campus was the first entity in Orange County to raise more than \$100 million in private giving in a single year. The number of principal gifts of \$1 million or more has doubled between 2004-05 and 2005-06, to 26. The Chancellor then displayed the number of gifts received by the campus in the 1995-96 to 2005-06 time frame, drawing attention to the importance of broad support from the community. Alumni support is also important to the campus; because half of the 100,000 alumni are in their early 30s or younger, they may not be in a position to make significant contributions. The campus hopes that establishing connections with these young alumni will be a sound investment for the future. Alumni support went from \$4.3 million in 2004-05 to \$9.4 million in 2005-06. The endowment has experienced growth as well and is now valued at \$194.5 million.

Chancellor Drake drew attention to recent successes, which included \$30 million from Paul Merage for the School of Business, \$20 million from Donald Bren for the School of Information and Computer Sciences, and \$10 million from Sue and Bill Gross for the Stem Cell Research Center.

The campus looked at its strengths, weaknesses, opportunities, and threats (S.W.O.T) and drew the following conclusions:

Strengths

- New initiatives
- Principal gifts
- Stewardship
- Corporate development

Weaknesses

- Endowment size
- Depth of senior advancement team
- Youth of alumni
- Strategic communications

Opportunities

- Orange County economy
- Alumni base
- Community leadership engagement
- Industry partnerships

Threats

- Competition for philanthropy
- Competition for volunteer leadership
- Economic uncertainty
- Changing attitudes toward giving

In concluding his remarks, Chancellor Drake believed that the campus was off to a good start. There are plans for continued growth and development which will take the campus to a new level of excellence. To achieve its vision, the campus realizes that it must increase private gifts and grants. The campus foundation has committed to a ten-year effort focused on the strategic plan.

8. RESEARCH FUNDING: ACCEPTANCE OF FUNDING FROM CORPORATE SPONSORS ASSOCIATED WITH THE TOBACCO INDUSTRY

The Committee was informed that Regent Bustamante had requested a discussion of the University's policy on accepting funding from the tobacco industry to conduct research on second-hand smoke and the health effects of smoking.

Research at the University of California is funded by a variety of sources, including federal, State, foundation, and corporate/industry support. Under University policy, individual researchers are free to accept funding from any source, as long as the funds are otherwise in compliance with applicable University policy (for example, as long as the award does not give the sponsor the ability to control or restrict publication of research results).

Over the years, critics of tobacco and of the tobacco industry have raised concerns about the University's acceptance of funding from sponsors with ties to the tobacco industry. The amount of such funding is an extremely small portion of the University's total research funding. Since 1995, UC researchers have received approximately 100 awards totaling about \$29 million from tobacco-related companies for research, training, and public service. By comparison, the University received more than \$4 billion in total contracts and grants in FY2005 alone.

Currently, there are only four active grants at UC from sponsors with known ties to the tobacco industry. These grants were received by the Los Angeles, Berkeley, and Davis campuses, all from a single sponsor – Philip Morris – and total approximately \$1.9 million.

Some tobacco industry critics have suggested that because of the deleterious health effects of tobacco, and because of documented concerns about the corporate actions of some tobacco companies, the University should adopt a policy of declining to accept research funding from sponsors with ties to the tobacco industry. They also have suggested that even if the University as a whole does not adopt such a policy, individual UC campuses, schools, divisions, departments, or organized research units should be permitted to adopt policies restricting their own faculty from accepting funding from tobacco companies.

Proponents of a ban on acceptance of tobacco funding argue that the University (and, in particular, units of the University that focus on health, such as schools of Medicine, Nursing, and Public Health) should dissociate itself from an industry known to make a product harmful to human health and that is alleged to have a history of attempting to influence or misrepresent research results.

Opponents argue that an institutional policy prohibiting researchers from accepting tobacco funding would violate the freedom of inquiry of individual faculty members. They argue that the University should reject the idea that accepting funding from a corporate sponsor connotes an endorsement of the corporate sponsor's products or corporate actions. They note that it is a dangerous precedent to adopt a policy of rejecting funding from certain types of industry sponsors whose products or corporate behaviors are objectionable to some, and caution that there are a number of other industries that some would argue should fall under such a policy. While acknowledging the legitimacy of concerns about tobacco and about the corporate behavior of some companies, opponents of a funding ban point out that as long as a grant has no conditions that would prevent researchers from adhering to their obligation to engage in intellectually honest research and to release the results of such research through the normal processes of scientific review, the sponsor's motivations should not preclude acceptance of funding.

Past Action by the Academic Senate

In 2004 this matter came before the Academic Council of the University's Academic Senate, which expressed serious concerns that a ban on acceptance of funding from a particular industry source could impinge on academic freedom. On May 11, 2005, after further consideration and debate of the issue, the UC Assembly of the Academic Senate adopted the following resolution on research funding sources:

**Resolution of the Academic Senate
On Research Funding Sources
Adopted by the UC Assembly of the Academic Senate
May 11, 2005**

Preamble: This resolution states that no unit of the University, whether by faculty vote or administrative decision, has the authority to prevent a faculty member from accepting external research funding based solely on the source of the research funds. The authority to set such research policy rests with the UC Board of Regents. Nothing in this resolution would prevent individual faculty members from voluntarily eschewing a particular source of research funding. Agencies of the Academic Senate may, through their divisions, propose that the statewide Academic Senate request, through the President, that the Board of Regents adopt a policy to refuse funding from a particular source.

WHEREAS, Only the UC Board of Regents has the plenary authority to establish policies on the acceptance of research funding; and

WHEREAS, Agencies of the Academic Senate may, through their divisions, propose that the statewide Academic Senate request, through the President, that the Board of Regents adopt a policy to refuse funding from a particular source; and

WHEREAS, No Committee, Faculty, or Division of the Academic Senate of the University of California has the plenary authority either to set aside the principles of academic freedom or to establish policies on the acceptance of research funding; and

WHEREAS, Freedom of inquiry is a fundamental principle of the University of California; and

WHEREAS, The University of California faculty code of conduct requires that “[Professors] respect and defend the free inquiry of associates”; and

WHEREAS, The University of California policy on academic freedom requires that scholarship be judged solely by reference to professional standards, and that researchers “must form their point of view by applying professional standards of inquiry rather than by succumbing to external and illegitimate incentives such as monetary gain or political coercion”; and

WHEREAS, The University of California has existing policies that encourage the highest ethical standards in the conduct of research, require disclosure of conflicts of interest, guarantee the freedom of publication, and prevent misuse of the University’s name; and

WHEREAS, Restrictions on accepting research funding from particular sources on the basis of moral or political judgments about the fund source or the propriety of the research, or because of speculations about how the research results might be used, interfere with an individual faculty member’s freedom to define and carry out a research program; now, therefore, be it

Resolved by the University of California Academic Assembly, That the principles of academic freedom and the policies of the University of California require that individual faculty members be free to accept or refuse research support from any source consistent with their individual judgment and conscience and with University policy. Therefore, a unit of the University may not refuse to process, accept, or administer a research award based on the source of the funds; nor may such a unit encumber a faculty member’s ability to solicit or accept awards based on the source of the funds, except as directed by the UC Board of Regents.

Statement by President Dynes

On October 8, 2004, President Dynes wrote to the Regents expressing his endorsement of the Academic Senate’s resolution on this issue, noting that while people may differ in their views about the appropriateness of accepting research funding from the tobacco industry, his belief is that it is the fundamental right of faculty to accept such funding. President Dynes’ letter noted that it is the joint Administration and Senate view that individual campuses, schools, departments, and centers may not prohibit faculty from accepting research funding from a particular source, as long as the funding is otherwise in compliance with University policy.

Lieutenant Governor Bustamante observed that the reputation of the University of California is a valuable asset. In 2001, The Regents chose not to jeopardize UC’s credibility by voting to set in place a practice of not investing in tobacco-related stocks through its managed index funds and other investments actively managed by the Treasurer. This decision was both socially responsible and fiscally prudent. Today’s discussion will address whether the University should allow the direct funding of research by tobacco companies. Mr. Bustamante cited the example of a study conducted at UCLA that questioned the link between lung cancer and second-hand smoke. The findings of this study were used by the tobacco industry to defeat an anti-smoking ordinance in Missouri. State and national studies

have offered evidence that second-hand smoke can cause lung cancer. In a recent federal RICO case, a legal statute usually reserved against organized crime, the U.S. government alleged, and a federal district court found an unlawful conspiracy to deceive the American public about the health effects of smoking and cited the UCLA study as an example. Lieutenant Governor Bustamante did not believe that research should be funded by tobacco-industry dollars. If tobacco companies wish to study the effects of smoking, there are legitimate third-party entities. The University should stand with the American Heart and Lung Associations, which warn that the acceptance of tobacco funding for research taints scientific scholarship. The University of California should consider joining other universities, including Harvard and Columbia, which do not accept tobacco-industry funding. In fact, the University should embrace the policies adopted by the UC Berkeley School of Public Health and the UCSF Department of Medicine. Mr. Bustamante urged the Regents to consider supporting his position on this issue.

Regent Lansing stated that she would welcome an opportunity for the Principal Investigator on the UCLA study to describe his findings. It was her belief that while the University has a responsibility not to interfere with an investigator's source of funding, it must hold those investigators to the highest possible standards. She was concerned that the University could be led to prohibit more sources of funding.

Faculty Representative Oakley referred to the Resolution of the Academic Senate on Research Funding Sources that had been adopted by the UC Assembly of the Academic Senate on May 11, 2005. This resolution modified an action taken in October 2004 by acknowledging that there are serious academic freedom issues if colleagues or an academic unit inhibit a particular researcher's choice of funding choices, but it also acknowledges that it is the prerogative of The Regents to make a decision with respect to funding sources. Any division of the Academic Senate could request such action by The Regents. Professor Oakley recalled that an intervening event, as described by Lieutenant Governor Bustamante, had been the federal court ruling which found a civil conspiracy under RICO and the granting of prospective injunctive relieve. It might be useful to allow the Academic Senate to consider whether or not this is a sufficiently unique case that it would not fall under the "slippery slope" argument. He recalled that there had been a decision in the United States District Court for the District of Columbia that found a pattern of monopolistic conduct by Microsoft. That decision was reversed by the Court of Appeal, and the Supreme Court let that reversal stand. It is not known whether the RICO ruling will be affirmed or reversed on appeal. The University should hesitate to assign conclusive legal significance to the Court's finding.

While Regent Pattiz shared Regent Lansing's concerns, he saw tobacco-industry funding of research as a unique situation. The tobacco industry has a history of manipulating data and taking information out of context. He would be uncomfortable seeing information that resulted from a University research project used falsely by the tobacco industry.

Chairman Parsky believed that, at the very least, disclosure, transparency, and accountability need to be assured within the spirit of academic freedom. There should be assurances that faculty are conducting objective, honest research. A look at these issues will provide the Regents with an opportunity to make a decision with respect to tobacco-funded research. It was his understanding that University faculty continue to perform medical research on the effects of smoking, regardless of the funding source. The Regents will require more information before taking a position on this issue.

Regent Blum pointed out that the University has the right to turn down grants that are not suitable. He believed that the motivation of the tobacco industry was to associate itself with the University of California through its research funding.

Regent Lansing stressed that the issue was an important one. She asked that more information be provided on what other types of research the tobacco industry is funding and what conclusions had been reached.

Lieutenant Governor Bustamante stated that he welcomed a review of the issue by the Academic Senate. He emphasized that the Regents will need to decide whether or not the University should be affiliated with the tobacco industry.

President Dynes pointed out that this debate lies with the faculty. It will be important for them to come back to the Regents with their considered opinion based on new information that has come to light since they took the previous position. Faculty Representative Brown added that the question for the Regents should be the role of the tobacco industry in influencing the research process itself.

Regent Pattiz believed that if there is a potential for research that would promote the tobacco industry, the University of California should take a stand on this issue.

9. **UPDATE ON ESTABLISHMENT OF STUDY GROUP ON UNIVERSITY DIVERSITY**

Chairman Parsky recalled that at the July 2006 meeting, the Committee had discussed the proposal by Regents Ledesma and Ruiz that the Office of the President be asked to undertake a holistic study 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. The Regents agreed on the need for a study of actions the University can take to increase diversity in undergraduate and graduate enrollments and faculty hiring and foster a climate that is welcoming and inclusive.

In response, a Study Group on University Diversity has been appointed, with the following objectives:

- Review and report on recent trends with respect to diversity within the University's undergraduate, graduate, and faculty populations;
- Examine campus climate with respect to diversity and inclusion;
- Study the interactions among undergraduate, graduate, and faculty diversity and campus climate;
- Identify "best practices" in student preparation, recruitment, and admissions;
- Recommend actions that the University and its individual campuses can take, respecting federal and State laws, to increase diversity and inclusiveness at UC.

Chairman Parsky noted that he and Provost Hume would co-chair the Study Group. To date, Regents Island, Ledesma, and Ruiz, Regent-designate Brewer, and Faculty Representative Oakley have agreed to serve on the Study Group. There will be representation from the chancellors, the Office of the President, former faculty representatives, and former Regents.

At the invitation of President Dynes, Mr. Bill Shiebler, President of the University of California Student Association, explained that diversity in admissions is a top priority for UCSA in 2006-07. Students believe that the University of California faces a diversity crisis, as the demographics of enrollment do not match those of the state. For example, the 2006-07 entering class at UCLA has fewer African-American students that it had in 1973. Current admissions policies are not adequate to ensure access for underrepresented communities. These students feel that the University of California no longer welcomes them. Climate changes on the campuses are leading to a narrower experience for all students.

Mr. Shiebler reported that UCSA supports a Regental resolution that would publicly acknowledge the diversity crisis facing UC and express The Regents' commitment to addressing it. He expressed UCSA's appreciation to Regents Ledesma and Ruiz for their leadership in commissioning a study on the impacts of Proposition 209. The Study Group currently has a broad representation of constituencies, but there is only one student member. UCSA is asking that four more students be added to the Study Group who would be reflective of the population as a whole.

Turning to solutions, Mr. Shiebler stressed the need for a diverse strategy. Academic Preparation Programs are providing support to students who need assistance in reaching higher education. Over the past five years, State funding for these programs has been cut from \$82.24 million to \$19.3 million. Academic Preparation Programs enhance the economic prospects of the state by generating a college-going culture among underserved California communities. UCSA would like the Office of the President and the Regents to support increasing State funding to \$33 million for FY2007-08.

Chairman Parsky commented that the staff had established a UC diversity council that will undertake work that will mirror that of the Study Group. Staff Advisor Miller noted a standing committee had been addressing diversity issues over the past three years. The Study Group's work will be helpful to that Committee. He recommended that the charge to the Study Group be amended to include staff in its objectives.

EDUCATIONAL POLICY

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September 20, 2006

The meeting adjourned at 12:10 p.m.

Attest:

Acting Secretary