

The Regents of the University of California

**SPECIAL COMMITTEE ON STUDENT LIFE
AND ALUMNI AFFAIRS**

February 3, 2011

The Special Committee on Student Life and Alumni Affairs met on the above date by teleconference at the following locations: 1111 Franklin Street, Room 7409, Oakland; Student Center, Aliso Beach A Conference Room, Irvine Campus; University Center 401, EH&S Conference Room, San Diego Campus; 500 Parnassus Avenue, MU-232 East, San Francisco Campus; 1130 K Street, Suite 340, Sacramento; 2220 Lodgepole Circle, Modesto; and 501 S. Alta Avenue, Dinuba.

Members present: Regents Cheng, DeFreece, Hime, Johnson, Ruiz, Schilling, and Zettel; Advisory members Hallett, Mireles, and Pelliccioni

In attendance: Faculty Representative Anderson, Secretary and Chief of Staff Griffiths, Associate Secretary Shaw, General Counsel Robinson, Vice President Sakaki, and Recording Secretary Johns

The meeting convened at 10:00 a.m. with Special Committee Chair Hime presiding.

1. **PUBLIC COMMENT**

There were no speakers wishing to address the Special Committee.

2. **APPROVAL OF MINUTES OF PREVIOUS MEETING**

Upon motion duly made and seconded, the minutes of the meetings of January 21 and June 15, 2010 were approved, Regents Cheng, DeFreece, Hime, Johnson, Ruiz, Schilling, and Zettel (7) voting "aye."¹

3. **UPDATE ON STATUS OF FINANCIAL AID ELIGIBILITY OF UNDOCUMENTED STUDENTS**

[Background material was mailed to the Special Committee in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Vice President Sakaki recalled that she made a presentation to the Special Committee in June on the challenges faced by undocumented students attending UC.

Special Committee Chair Hime referred to a chart in the background materials which provided a range for the "total estimated enrollment" of undocumented students. He asked if the University does not know an exact number. Ms. Sakaki responded that UC

¹ Roll call vote required by the Bagley-Keene Open Meeting Act [Government Code §11123(b)(1)(D)] for all meetings held by teleconference.

does not have a precise number. It enrolls approximately 600 to 800 students who are potentially undocumented. She explained that she used the term “potentially” because the University has limited information about these students. In general, if the University does not know a student’s Social Security number, citizenship, or visa status, it considers the student to be “potentially undocumented.” Most of these students are from Latino or Asian backgrounds. Many come from low-income families. Most are undergraduates and have strong academic records when they enter the University. Undocumented students typically arrive in the U.S. when they are very young and grow up attending California schools. Some learn of their undocumented status only later, when they wish to apply for a driver license.

Special Committee Chair Hime remarked that, even with the definition “potentially undocumented,” this was an unknown number of students. He asked why the University cannot determine an accurate number. Associate Director of University Programs, Student Financial Support David Alcocer responded that the University does not require a birth certificate or a Social Security number from students as a condition of enrollment. Social Security numbers are required only for students who receive financial aid. The University generally does not have Social Security numbers for students, including undocumented students, who do not receive financial aid. The University examines information which may identify students’ status, including records it may have of citizenship or employment with the University. Based on this information, the University has arrived at an estimate of 600 to 800 undocumented students among its undergraduate body of 170,000.

Regent Cheng stated that the UC Student Association concurs with this estimate. The nature of these students’ situation makes it impossible to determine a precise number.

Ms. Sakaki continued her presentation by observing that the circumstances faced by undocumented students have changed over time. Undocumented students have always been able to enroll at UC. From 1985 to 1991, they were able to enroll as California residents and receive both State and UC financial aid. In 1991, the courts ruled that undocumented students could not establish California residency. At this point they were charged nonresident tuition, but were still eligible for State and UC financial aid. In 1996, a new federal law precluded undocumented students from receiving both State and UC financial aid. Consequently, they had to cover all costs, including nonresident tuition, with their own resources or with private scholarship funds. However, this law allowed states to override the prohibition on State-funded aid. In California, the State enacted Assembly Bill (AB) 540 in 2002. Consistent with this law, students who have attended a California high school for at least three years and have graduated are exempt from paying nonresident tuition at California public colleges and universities. As a result of this law, approximately 70 percent of undocumented students at UC pay in-state fees.

Special Committee Chair Hime asked how many undocumented students attended UC before 1991, and how many received financial aid without documentation. Mr. Alcocer responded that the University has not researched this question; he believed that the University does not have the records systems that could provide an answer. There has

been an increase in the number of undocumented students since the passage of AB 540, but he believed that there were not data available on the numbers of these students in the early 1990s.

Ms. Sakaki explained that undocumented students at UC who do not meet the requirements of AB 540 must pay nonresident tuition, currently about \$23,000 for undergraduates. She presented a chart that displayed growth in the estimated numbers of potentially undocumented students, recipients of the AB 540 exemption, over a number of years. The University estimates that between 494 and 632 undocumented students received this benefit in 2009-10. It is clear that AB 540 has been beneficial to undocumented students.

Regent Ruiz asked if the University has estimated future numbers of undocumented students. Ms. Sakaki responded that it assumes a growth trajectory. Mr. Alcocer added that growth in numbers was expected after implementation of AB 540. He anticipated that this growth may soon reach a plateau. Ms. Sakaki noted that fee increases cause hardships for these students, who receive no financial support. Faculty and staff systemwide are engaged in efforts to assist these students with food banks.

Regent Ruiz stated that he would expect fee increases to cause a reduction in the number of these students. He asked if AB 540 has helped to offset fee increases. Mr. Alcocer responded that AB 540 offsets increases in nonresident tuition, but in-state fees have increased for these students. Nevertheless, there has been no decline in the number of undocumented students at UC. He noted that this was remarkable, given that circumstances have become more challenging for them.

Special Committee Chair Hime asked why the University does not have accurate numbers for undocumented students. Deputy General Counsel Birnbaum clarified that the University knows the number of AB 540 students. The number of potentially undocumented students is a small subset of the total number of AB 540 students. There is sometimes confusion on this point.

In response to a question by Special Committee Chair Hime, Mr. Alcocer explained that some AB 540 students are documented students from other states who attend a boarding school in California for at least three years. He confirmed that AB 540 applies to all students who fulfill the law's requirements; it is not limited to undocumented students. International students are not covered by AB 540.

Regent DeFreece asked about the situation of students from families in which one or both parents are incarcerated. Mr. Alcocer responded that they would qualify for the exemption if they fulfilled the high school attendance requirements, even though they would be nonresidents.

Regent Zettel asked if some AB 540 students are children of military personnel from other states stationed in California. Director of Student Financial Support Kate Jeffery

responded that this was not likely. Those students would be able to establish California residency through another route, an exception in the residency code.

Regent Zettel referred to the estimate of between 600 and 800 undocumented students and asked about the uncertainty in that range. She asked who the unknown students were. Mr. Alcocer responded that these students are most likely undocumented.

In response to a question by Special Committee Chair Hime, Mr. Alcocer stated that the number of AB 540 students at UC in the previous year was slightly over 1,500. The University estimates that between 494 and 632 of these were undocumented students. General Counsel Robinson reiterated the fact that AB 540 applies to a larger group of students, not only to undocumented students. This was an important factor in the decision by the California State Supreme Court during the past year to uphold AB 540.

Regent Ruiz expressed concern about the opportunity for abuse in the AB 540 process. He asked about University measures to prevent abuse. Ms. Jeffery responded that the University does not believe there is abuse in the process. The University verifies that applicants have fulfilled the requirements for the AB 540 exemption.

Regent Ruiz stated that, in his view, some degree of abuse occurs when families move children to California high schools so that they can qualify for the exemption. Regent DeFreece observed that, if such abuse occurs, it occurs at the high school level, not at UC.

Regent Zettel stated that the University must address this issue and the issue of financial aid, if the California Development, Relief and Education for Alien Minors (DREAM) Act is enacted. Ms. Jeffery responded that documented AB 540 students receive financial aid and would receive financial aid regardless of AB 540. They are nonresidents but eligible for federal and University aid.

In response to a question by Special Committee Chair Hime, Ms. Jeffery confirmed that, of the 1,500 AB 540 students, about 900 are eligible for financial aid from sources other than the State, while the remaining 600 are not, but receive a waiver of nonresident tuition.

Regent Zettel asked if the University has considered waiving the return-to-aid component of fees for undocumented students. Regent DeFreece recalled that he raised this issue at the previous meeting. Mr. Robinson observed that such an action would be considered a benefit. By law, if an educational benefit is provided to a student based on residency, the same benefit must be provided to all U.S. citizens regardless of residency.

Ms. Sakaki continued her presentation by observing that despite AB 540, undocumented students in California face significant financial barriers. They are ineligible for federal, State, or UC financial aid and cannot receive private loans. By contrast, needy documented students received on average over \$16,000 in aid in the previous year.

In addition, undocumented students are legally restricted from formal employment, including work-study. Some of these students work at low-paying jobs. These typically informal types of employment include babysitting, lawn-mowing, and housekeeping. Other undocumented students must rely on scarce private scholarships that do not require a Social Security number or U.S. citizenship. Many rely on support from extended families and on donations from private individuals.

In recognition of these barriers, several efforts have been made at the federal and State levels to help undocumented students. The federal DREAM Act would have provided a path to permanent legal residency for a subset of undocumented persons who attend college or who serve in the U.S. armed services. It would have conferred immediate conditional legal status for this group, eliminating the risk of deportation. With this status, students could have established eligibility for federal loans and work-study, California residency, State and institutional aid, private loans, and employment. Not all undocumented students would have qualified for such benefits. Students would have to have been under age 16 when they entered the U.S. and would have to submit to a background check and provide information about other family members. Nevertheless, the federal DREAM Act would have dramatically improved conditions for many undocumented students and UC expressed support for the bill. The U.S. House of Representatives passed the DREAM Act in December 2010, but the bill stalled in the Senate.

Efforts at the State level have come closer to success. A number of versions of the California DREAM Act have been introduced since 2003. Although these bills varied in their details, all focused on extending assistance to AB 540 undocumented students. Past versions of the California DREAM Act would have made students eligible for Cal Grants, institutional aid, or both. UC has supported each version of the bill. The California DREAM Act passed both houses of the State Legislature four times since 2006, but was vetoed by the Governor each time.

In response to a question by Special Committee Chair Hime, Ms. Sakaki confirmed that passage of the California DREAM Act would have a positive effect on the circumstances of about 600 UC students.

Regent-designate Hallett asked about the Governor's rationale for vetoing the bill. Ms. Jeffery responded that budgetary concerns were the stated rationale. Implementation would have required an increase in the State's contribution to the Cal Grant program as well as an increase in UC institutional aid.

Special Committee Chair Hime asked what the budgetary impact of 600 students would be. Mr. Alcocer estimated that the budgetary impact on UC would be around \$2 million annually.

Regent Zettel asked about undocumented students who would be unable to secure employment after graduation and unable to pay back loans. Ms. Jeffery responded that the California DREAM Act only addresses grants; these students would continue to be

ineligible for student loans. She also noted that some students are able to establish residency.

Regent Ruiz asked if the University tracks information on students who are later able to establish residency. Ms. Sakaki responded in the negative.

Regent Ruiz asked when the California DREAM Act might be introduced again, and if it were passed, how quickly the University could implement its provisions.

Ms. Sakaki noted that UC continues to support these legislative efforts. The previous month the California DREAM Act was reintroduced as two separate bills, one that would extend eligibility for institutional aid, the other for Cal Grants. The impact of these bills on undocumented students at UC would be significant. Approximately 400 students would become eligible for UC grants and about 300 would become eligible for Cal Grants. The University estimates that, taken together, these bills would provide about \$6 million in financial aid to these students. Without action at the federal level, however, the students would still lack legal status in the U.S. and remain subject to deportation. They would not have access to federal grants or to federal or private student loans.

In response to a question by Special Committee Chair Hime, Mr. Alcocer responded that \$4 million would be provided in Cal Grants under this scenario.

Special Committee Chair Hime expressed confidence that the California DREAM Act would be reintroduced, passed, and signed by the Governor, perhaps becoming effective January 1, 2012. The University might wish to ensure that DREAM Act provisions become applicable to students beginning in fall 2012, so that budget plans can be made accordingly.

Regent Zettel asked if the University encourages students to apply for citizenship. She stressed that the University should protect the California workforce and retain individuals in the state who have been educated at UC.

Secretary and Chief of Staff Griffiths observed that AB 540 includes the requirement that students be on the path to legal residency eligibility.

Regent Cheng noted that many undocumented students are in the process of applying for citizenship. He stated that he knew one student who has been in this process for over 13 years. This student recently turned 21 and has had to begin the process again. Many undocumented students were born and raised in California and have no desire to go to any other country. The desire to contribute to the U.S. and California motivates their efforts for passage of the federal and California DREAM Acts.

Faculty Representative Anderson stated that he is a naturalized U.S. citizen. He expressed the view that influential citizens should be made aware of the unnecessary complexity of the application process for U.S. citizenship and should communicate with members of

Congress about this matter. He observed that the difficulty of the process undermines the interests of the U.S.

Ms. Sakaki noted that Governor Brown has indicated support for the California DREAM Act. Observers agree that the California DREAM Act is fully compliant with federal law and would withstand potential legal challenges in the courts. She noted that the Regents will have an important role to play if the bill is enacted. Due to the University's constitutional autonomy, the Regents would need to approve a parallel UC policy. In spite of past setbacks, the University believes that there is a positive outlook for changes in 2011.

Regent Ruiz asked about the financial impact to UC of the California DREAM Act. Ms. Jeffery responded that UC would have to change its policy in order to allow undocumented students to be eligible for institutional aid. She estimated the impact to be around \$2 million, but noted that the cost might vary, depending on how the University implements the new policy.

Regent Ruiz asked if making undocumented students eligible for institutional financial aid would take away such aid from qualified documented students. Ms. Jeffery responded that undocumented students are paying into the financial aid system and would receive aid from that system.

Regent Zettel asked if the Governor's proposed budget for the coming fiscal year includes full funding for Cal Grants. Ms. Jeffery responded in the affirmative.

Regent Zettel asked if the bill would provide increased funding for the newly eligible students so that financial aid for students would not decrease overall. Ms. Jeffery responded that it would require an increase in investment in the Cal Grant program. If there are more eligible students in this entitlement program, the State would need to provide funding for them.

In response to questions by Special Committee Chair Hime, Mr. Alcocer responded that the increased cost to the Cal Grant program for UC students would be about \$3 million to \$4 million. Ms. Jeffery confirmed that this is State funding within the purview of the Legislature.

Special Committee Chair Hime reiterated that the cost to UC would be an additional \$2 million in institutional aid. He asked about the total amount of UC's funding for institutional financial aid. Mr. Alcocer responded that it was slightly more than \$550 million.

Regent Cheng observed that President Yudof has expressed support for the DREAM Act at both the federal and State levels. He stated that this would be a good time for the Regents to express support for the California DREAM Act.

Regent Zettel asked about the bill's political viability. Special Committee Chair Hime anticipated that the California DREAM Act would have sufficient support in both houses of the State Legislature to pass, while the Governor has indicated that he would sign the bill. He asked about the University's position.

Associate Vice President and Director – State Governmental Relations Juarez responded that the University has consistently expressed support for DREAM Act bills and he expected that it would continue to do so. He recalled that the Regents have delegated responsibility to the President for adopting positions on legislation, although they can take a separate position if they so choose. The Regents would have a role to play in implementation of the DREAM Act at UC.

Special Committee Chair Hime noted that because the Regents have consistently supported this legislation through the President in the past, they should indicate to him their continuing support. He suggested that the University develop a process for implementation in advance, so that UC will be prepared to act immediately on passage of the law.

Regent Cheng concurred with this suggestion. He reiterated his view that it would be beneficial for the Regents to take a position in support of this legislation; it would be a significant step in the view of students and the public.

Regent-designate Mireles concurred that an expression of support by the Regents for students who often feel marginalized would be significant.

Secretary and Chief of Staff Griffiths pointed out that the current item was for discussion only and that this Special Committee could not take a position on legislation. This would appropriately be a matter for further discussion by a Standing Committee of the Board.

Regent Ruiz recalled that students had asked individual Regents to sign a letter of support for the DREAM Act at the January Regents meeting. Regent Cheng noted that several Regents signed the letter and that students planned to rally in Sacramento in two weeks for this cause.

4. **PRESENTATION ON SELECTION OF STUDENT REPRESENTATIVES TO ATTEND BOARD OF REGENTS MEETINGS**

[Background material was mailed to the Special Committee in advance of the meeting, and a copy is on file in the Office of the Secretary and Chief of Staff.]

Vice President Sakaki recalled that student representation at Regents meetings dates back to the mid-1960s, when it was proposed as a means of improving communication between students and Regents. The current process allows four student representatives to attend each day of a Regents meeting and includes reimbursement of their travel expenses. Hundreds of students have participated in this process, which has benefited students, administrators, and Regents by providing an informal opportunity for

interaction. Students have learned about the University's governance process and have encouraged other students to become involved in University issues.

Students who are interested in participating apply through the UC Student Association (UCSA). Prior to each Regents meeting, the application is distributed on campuses and is available online. All undergraduate, graduate, and professional students are eligible to apply. UCSA's University Affairs committee, with representatives from the campuses, selects the student participants. The committee takes into consideration the ratio of undergraduate to graduate students and the campuses represented. Applicants provide information on their reasons for wishing to attend. Students who are not selected are encouraged to re-apply. After attending a Regents meeting, student representatives meet with UCSA's University Affairs director. Ms. Sakaki noted that she and her staff meet with the students to respond to questions or provide assistance.

Ms. Sakaki presented a chart displaying student representatives' attendance at Regents meetings for the 2009-10 and 2010-11 academic years, with numbers of applicants and numbers selected by campus. Nearly all applicants are selected. The University is seeking ways to reach more students and to increase the number of applications. This is a successful program which allows students to interact with Regents and administrators directly. The students return to their campuses and communicate with other students about their experiences. Generations of students who have served as student representatives have benefited from this opportunity.

Regent DeFreece asked about the involvement of UC Davis. Ms. Sakaki responded that UC Davis had earlier decided not to be a member of UCSA; however, this does not preclude Davis students from participation. She felt that this last point could be better communicated.

Special Committee Chair Hime asked about the meals provided to student representatives. Ms. Sakaki replied that the students are invited to the lunch with Regents. Secretary and Chief of Staff Griffiths explained that an individual Regent may invite a student representative to dinner as a guest. In this case the cost of the meal would be covered.

Special Committee Chair Hime observed that the actual number of applicants might be smaller than stated on the chart because some students re-apply. He emphasized the importance of student representative attendance at Regents meetings and expressed concern that UC students are less aware of the Board when Regents meetings do not take place at various campuses. He stated that the Regents must maximize their visibility on the campuses. The number of student representatives who have attended Regents meetings is very small compared to the total size of the student body. He asked for better communication back to the campuses, through mainstream campus media, so that a broader base of students is aware of what occurs at Regents meetings. He suggested that at least four students, two from two different campuses, attend each meeting, with a rotation among the campuses so that all campuses will be represented, and that campus

media attend each meeting, so that a story or interview about the meeting will appear in a campus newspaper.

Ms. Sakaki reported that her office is working with UCSA on modifications to the application and to improve communications. She observed that student representatives serve on many committees throughout the UC system, and are concerned with issues such as information technology and financial aid. The University ensures that these committee positions are filled. The timing of meetings is not always convenient for students because of their academic schedules. As many as 12 student representatives can attend any Regents meeting over the three days.

Regent Ruiz expressed his view that Regents should interact more with students and develop a stronger relationship with them. He suggested that students invite Regents to visit the campuses and meet with student groups. Regents have asked the students to assist in advocating for the University and Regent Ruiz stated that he was proud of the work students have done in support of UC.

Special Committee Chair Hime concurred that it was important for the Regents as individuals to visit campuses as well as for students to attend Regents meetings. Referring to the chart presented earlier, he expressed concern about the uneven representation of the campuses by student participants; in some cases large campuses had relatively few student representatives attending. The University should make a concentrated effort to provide guidance to UCSA on this process to ensure that all campuses are represented and to ensure that a message is brought back to a broad base of students.

Ms. Sakaki expressed her commitment to this effort. The vice chancellors for student affairs are engaged as well. She stated that she and her staff would examine additional opportunities for Regents to interact with students.

Regent Cheng noted that the student Regent and student Regent-designate visit all the campuses. He invited other Regents to participate in these visits with chancellors, administrators, faculty, staff, and student groups. He praised the flexibility of the student representative process, noting that many students who have attended Regents meetings were not UCSA members or involved in student government.

Regent Hime requested that the proposal from UCSA and the administration on an updated student application process for attending Regents meetings be brought to his attention by the end of February 2011, including a proposal on how each campus would be represented on a regular basis. Ms. Sakaki responded that she would follow up on this request.

Regent Cheng stated that he and the student Regent-designate wished to participate in developing this proposal.

The meeting adjourned at 11:20 a.m.

Attest:

Secretary and Chief of Staff

Pending Approval