

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

March 19, 2020

The Regents of the University of California met on the above date by teleconference meeting conducted in accordance with Paragraph 3 of Governor Newsom's Executive Order N-29-20.

Members present: Regents Anguiano, Butler Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel

In attendance: Regents-designate Mart, Muwakkil, and Stegura, Faculty Representatives Bhavnani and Gauvain, Secretary and Chief of Staff Shaw, General Counsel Robinson, Provost Brown, Executive Vice President and Chief Operating Officer Nava, Interim Executive Vice President and Chief Financial Officer Jenny, Chancellors Block, Christ, Gillman, Hawgood, Khosla, and Yang, Interim Chancellor Brostrom, and Recording Secretary Li

The meeting convened at 8:35 a.m. with Chair Pérez presiding.

1. PUBLIC COMMENT

Chair Pérez explained that the public comment period permitted members of the public an opportunity to address University-related matters. The following persons addressed the Board concerning the items noted.

- A. Linda Vazquez, representative of the Campaign for College Opportunity, shared findings on faculty diversity from "Left Out: How Exclusion in California's Colleges and Universities Hurts Our Values, Our Students, and Our Economy." Nearly 70 percent of UC students were racially diverse while 26 percent of tenured faculty were racially diverse. She called on the Regents and chancellors to provide clear guidance on Proposition 209 compliance and recruiting diverse faculty. From 2012 to 2016, UC and the California State University awarded 150,000 master's and doctorate degrees, nearly 43 percent of which went to graduates of color who could compete for faculty positions.
- B. Audrey Dow, representative of the Campaign for College Opportunity, spoke in opposition to the use of the ACT and SAT in admissions decisions. These tests have only shown privilege and access to test preparation. Faculty from the Academic Council's Standardized Testing Task Force (STTF) have asked the University to act more urgently in an addendum to the STTF's report on standardized testing. Race-neutral policies addressing the negative effects of Proposition 209 have been insufficient given the weight of standardized tests in admissions decisions.
- C. Iyanna Waring, UCLA student, shared the impact of COVID-19 on UC campuses. Students, staff, and faculty have had difficulty keeping up with the changing situation. There were uncertainties regarding food, housing, and remote learning.

President Napolitano has granted 128 hours of paid administrative leave in response to COVID-19. Ms. Waring urged UC to keep student workers and older custodial staff in mind. She suggested paid leave and a layoff moratorium for those who do not qualify for the 128 hours of paid administrative leave.

- D. Salvador Martinez, UCLA student and representative from Beyond the Score, spoke in opposition to the use of standardized testing in admissions decisions. In light of the COVID-19 epidemic, the SAT has been cancelled and ACT has been postponed, and Governor Newsom has suspended all standardized testing. The STTF report did not reflect student concerns. Beyond the Score urged UC to eliminate the use of the SAT and ACT in admissions decisions and to place the University on a test-optional trial period at this time.
- E. Atziri Morales, UCLA student, spoke in opposition to UCLA Policy 133: Security Camera Systems. Student leaders expressed concern about the effect of increased surveillance on low-income students and students from marginalized groups, organizing town halls and meeting with campus administration. Due to student opposition, UCLA abandoned its plan to use facial recognition software. He called on the Regents to issue policy banning the use of facial recognition software systemwide.
- F. Bailey Henderson, UC Berkeley student, thanked the Regents for postponing the tuition vote and expressed his opposition to the proposed tuition increase. The financial aid generated from a cohort-based tuition model, while generous, would not benefit middle-class, undocumented, or out-of-state students, and a five-year tuition increase would be detrimental to student advocacy. Future students would not be able to afford a UC education.
- G. Christina Manzano King, UC Riverside scientist, spoke in opposition to the Thirty Meter Telescope (TMT) project. The project would be on conservation land in a fragile ecosystem without the consent of indigenous people. She compared the TMT on Mauna Kea to the Dakota Access Pipeline at Standing Rock Reservation. The telescope was not essential for advancing science. She urged divestment from the project and that the money be used for a cost of living adjustment for teaching assistants and staff.
- H. William Kidder, UCLA staff member, shared his views on the Academic Senate's report on standardized testing. According to Mr. Kidder, the report had omitted variable bias, and the fact that high school grade point average is a stronger predictor on most measures after controlling for demographics was only included in the appendix of the report. The report was produced under time pressure, combining incongruous ideas, and the Standardized Testing Task Force did not vote on the final document. The report also cited a testing advocate who mischaracterized *Brown v. Board of Education*.

- I. Puanani Apoliona-Brown, native Hawaiian, asked the Regents to withdraw support from the TMT project. She urged schools to champion native rights and noted the TMT's impact on native students' mental health. They did not feel heard and were tired of being told that their belief system was not as important as Western science.
- J. Jay Rosner, test preparation provider for low-income and underrepresented minority students, urged the Regents to remove the standardized testing requirement from admissions decisions. He was appalled by the lack of racial and ethnic diversity at more selective UC campuses and called attention to issues of access to test preparation. The College Board and ACT had a financial interest in keeping the requirement, and their involvement with faculty was troubling.
- K. Josh Lewis, UCB student and labor relations officer for the UC Student Association, spoke in opposition to any tuition increase, which he believed would harm the most vulnerable groups, middle-class students, and students who would not receive return-to-aid. No worker should lose a paycheck due to the COVID-19 crisis and all workers should have paid leave until normal levels of work could resume. UC had an obligation to ensure the well-being of every UC laborer.
- L. Alex Vermie, research analyst for Teamsters Local 2010, read a statement on behalf of Jason Rabinowitz. The union urged UC to expand the two weeks of paid administrative leave and provide every opportunity for employees to work safely. Those who could not work safely should not suffer layoffs or curtailment. Many workers lived paycheck-to-paycheck. UC, with continuing revenue and large reserves, had a responsibility to its workforce and the state.
- M. Catherine Cobb, president of Teamsters Local 2010, spoke about the effect of UC's COVID-19 response on its most at-risk members. UC has not issued guidance to address Governor Newsom's directive regarding those age 65 and over or with underlying health conditions. The union called for allowing at-risk workers to work remotely or be provided with paid leave for the duration of the crisis.
- N. Drew Scott, skilled trades director of Teamsters Local 2010, spoke on behalf of workers putting themselves at greater risk of contracting the coronavirus. The union called for UC to adopt a systemwide policy on remote work. UC should provide personal protective equipment to those who could not work remotely and adopt an emergency pay provision like the one at the California State University.
- O. Jenna Gotte, UC Irvine student, expressed her disappointment in UC's response to the COVID-19 pandemic. Paying full tuition, paying fees for unavailable resources, and disorganized campus messaging affected students' academic success and mental health. She called for lower tuition for remote instruction, the cancellation of fees that were no longer relevant, a universal disaster plan, and a task force with student input and involvement.

- P. Pablo Rodriguez, executive director of Communities for a New California (CNC), shared his concerns about the UC Merced Long Range Development Plan (LRDP). Fifteen years after the establishment of UCM, Merced residents had the lowest median earnings and the highest rate of multiple family households. CNC called for Interim Chancellor Brostrom to create a community task force that includes CNC in order to engage families regarding UCM-related development.
- Q. Rosa Inguanzo addressed the Board in Spanish. She expressed concern that the UCM LRDP did not adequately address community benefits. Since 2009, there has been net loss of housing in the community because population growth has outpaced housing expansion. Wages have remained stagnant, with only a \$5,000 increase in wages since 2005. Ms. Inguanzo called on the Regents to ensure that UCM engage with community organizations with regard to its LRDP.
- R. Tamika Bassman, UCB alumna, spoke in opposition to human tissue harvesting and testing at UCSF. She claimed that UCSF was taking advantage of the lack of legal restrictions on late-term abortions. UC must consider whether there is a moral contradiction to this practice.
- S. Laulani Teale, resident of Hawaii, spoke in opposition to the TMT project. Addressing Chair Pérez and Chancellor Yang, who was Chair of the TMT International Observatory, she stated that, while Regental discussion of the project has not yet happened, protesting Hawaiian elders continued to face the risk of State violence and of contracting COVID-19. She urged UC to seek a guarantee from the State of Hawaii that protesters would not be affected and that charges against 33 elders be dropped. She called on the University to withdraw from the TMT project.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

Upon motion duly made and seconded, the minutes of the meeting of January 23, 2020 were approved, Regents Anguiano, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel voting “aye.”¹

3. REMARKS FROM STUDENT ASSOCIATIONS

President Napolitano introduced UC Student Association (UCSA) President Varsha Sarveshwar, UC Berkeley student and External Affairs Vice President of the Associated Students of UC Berkeley.

Ms. Sarveshwar began her remarks by thanking President Napolitano, Chair Pérez, and Secretary and Chief of Staff Shaw and her staff for ensuring that students could participate

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

in this meeting. The COVID-19 pandemic has been very difficult for students and their families, and the University has acted to mitigate anxiety and uncertainty. She commended the campuses for keeping dormitories and dining halls open while providing relief from housing and meal plan fees to students going home. She contrasted this with curtailment at some private institutions. She also thanked the Regents for delaying the tuition vote. A tuition increase during the pandemic would have been painful for students and their families. UCSA has sent a letter to Regents outlining additional steps to mitigate anxiety and uncertainty. One example would be prioritizing financial well-being by providing paid administrative leave to on-campus student workers; on-campus housing and meal plans for resident assistants; and emergency loans and other financial support for students laid off from off-campus work. UCSA has asked campuses not to enforce late payment deadlines for course and housing fees. Another example would be addressing the difficulty of the abrupt shift to online learning. Accommodations must be made for students who do not have a laptop computer or reliable internet access, as well as students who struggle with online content. Home could be chaotic, stressful, or toxic for students. Family members might be at risk or students themselves might be immunocompromised. Students were struggling to grasp course content, and it was disproportionately difficult for marginalized students. UCSA suggested that students have the option to switch to a pass/no pass grading option until the end of the spring 2020 semester or quarter to ensure timely graduation. UCSA called for reducing homework and examinations, allowing deadline extensions, making final examinations optional, and grading on a lenient curve. This would show a commitment to the security, mental health, and well-being of students and their loved ones, as well as keep students on track to graduate without jeopardizing prospects for scholarships, career, and graduate school. UC should aim to be an educator of choice, showing prospective students how, during a crisis, UC made an effort to value students and their families.

President Napolitano introduced UC Graduate and Professional Council (UCGPC) President Connor Strobel, a Ph.D. candidate at UC Irvine.

Mr. Strobel began his remarks by relaying UCGPC's gratitude to the Board for tabling the tuition item. He thanked Secretary and Chief of Staff Shaw and her staff for making this meeting possible. He shared how the COVID-19 pandemic was affecting graduate students. He thanked UC personnel for helping the University meet the many challenges presented by the pandemic. UCGPC planned to provide a letter similar to that of UCSA after inventorying the concerns of graduate students from research and non-research programs. UC has gone to great lengths to salvage research, but many students could not access laboratories and specimens. In-person interaction is essential for graduate students in social sciences and the arts, but field work and human subject research have been cancelled. Many students did not expect to graduate on time and compete for jobs. Sending students into an uncertain economy without the normal amount of research and professional development would be harmful to students, the rankings of UC graduate programs, and UC's ability to support California's economic recovery. UCGPC called on UC to extend funding and housing guarantees for students who could demonstrate a prolonged impact on their research and ability to complete their degree. UC has once again taken the lead in combatting COVID-19, and graduate students were working hard to develop a vaccine and

a cure. UCGPC urged the Board to ensure that vaccine research teams were working symbiotically. UCGPC has been working with the Office of the President (UCOP) to secure funds for some of the University's most pressing and costly needs, such as the new market tax credit and low-income housing tax credit. UC campuses were the bedrock of their local economies, and these funds could help with deferred maintenance, shortage of affordable student housing, and community partnership. Many funds had social impact requirements that aligned with the University's mission. The ability of local economies to rebound would be tied to UC innovation. UCGPC looked forward to working with UCOP and its governmental relations teams to secure a UC budget and acquire the funding needed not to raise tuition. Even during these tumultuous times, UC could shrink a ten-year deficit, help economies rebound, and develop high-quality, low-income student housing.

4. **FINANCE AND CAPITAL STRATEGIES COMMITTEE ITEMS FORWARDED FOR BOARD ACTION**

Vice Chair Estolano noted that the Finance and Capital Strategies Committee had voted to defer some of the items on its agenda for consideration by the Board today. President Napolitano enumerated the items that had been deferred.

Regent Makarechian, Chair of the Finance and Capital Strategies Committee, reported that, after discussion with President Napolitano and some of the chancellors, those chancellors agreed to defer items that required significant cash expenditures. These chancellors and their campuses' chief financial officers also agreed to run financial stress tests of their cash use for student needs, food, faculty, hospitals, and other needs. Some of the items had been deferred while others had been revised to reduce the amount of funding.

General Counsel Robinson suggested that items be reviewed separately for the benefit of the Board members not in the Finance and Capital Strategies Committee. He also suggested voting on these items separately.

Interim Executive Vice President and Chief Financial Officer Jenny offered to review the items that had been revised and deferred for consideration at this meeting.

A. ***Consent Agenda:***

(1) ***Preliminary Plans Funding, People's Park Housing, Berkeley Campus***

The President of the University recommended that the 2019–20 Budget for Capital Improvements and the Capital Improvement Program be amended to include the following project:

Berkeley: People's Park Housing Project – preliminary plans – \$10,130,000 to be funded with campus funds.

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

Mr. Jenny reported that this item had not been changed since it was presented at the Finance and Capital Strategies Committee meeting.

Upon motion of President Napolitano, duly seconded, the recommendation of the President was approved, Regents Anguiano, Butler, Cohen, Elliott, Estolano, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Simmons, Sures, Um, Weddle, and Zettel voting “aye.”

(2) ***Preliminary Plans Funding, Irvine Campus Medical Complex, Irvine Campus***

The President of the University recommended that the 2019–20 Budget for Capital Improvements and the Capital Improvement Program be amended to include the following project:

Irvine: Irvine Campus Medical Complex – preliminary plans – \$15 million to be funded from hospital reserves.

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

Mr. Jenny reported that, in conversation with Regent Makarechian and Chancellor Gillman, planning funding for this project was changed from \$73,106,000 to \$15 million. All other aspects of the item were unchanged.

Upon motion of Regent Makarechian, duly seconded, the recommendation of the President was approved, Regents Anguiano, Butler, Cohen, Elliott, Estolano, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Simmons, Sures, Um, Weddle, and Zettel voting “aye.”

(3) ***Design Following Action Pursuant to the California Environmental Quality Act, East Campus Student Apartments Phase IV-B Project, Irvine Campus***

The President of the University recommended that, following review and consideration of the environmental consequences of East Campus Apartments Phase IV, including the East Campus Apartments Phase IV-B, as required by the California Environmental Quality Act (CEQA), including any written information addressing this item received by the Office of the Secretary and Chief of Staff to the Regents no less than 24 hours in advance of the beginning of this Regents meeting, testimony or written materials presented to the Regents during the scheduled public comment period, and the item presentation, the Regents:

- a. Following review and consideration of the previously adopted Initial Study-Mitigated Negative Declaration for the East Campus Student

Apartments Phase IV, of which the Project is a part, determine that no further environmental analysis pursuant to CEQA is required and adopt CEQA Findings for the Project.

- b. Make a condition of approval the implementation of applicable mitigation measures within the responsibility and jurisdiction of UC Irvine, as identified in the previously adopted East Campus Student Apartments Phase IV Mitigation Monitoring and Reporting Program.
- c. Approve the design of the East Campus Apartments Phase IV-B project, Irvine campus.

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

Chair Pérez recalled that this item had been votes on by the Committee the previous day; however, for clarity, he recommended that the Board vote separately on it.

Upon motion of Regent Makarechian, duly seconded, the recommendation of the President was approved, Regents Anguiano, Butler, Cohen, Estolano, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Sures, Um, and Weddle voting “aye.”

(4) ***Preliminary Plans Funding, Mission Bay East Campus Phase 2 (Block 34) Clinical Building, San Francisco Campus***

The President of the University recommended that the 2019–20 Budget for Capital Improvements and the Capital Improvement Program be amended to include the following project:

San Francisco: Mission Bay East Campus Phase 2 Clinical Building
preliminary plans – \$2 million funded from hospital
reserves.

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

Mr. Jenny reported that the amount requested that would be funded from hospital reserves had been adjusted from \$25.5 million to \$2 million.

Vice Chair Estolano asked whether this would keep the project on track through May 2020. Mr. Jenny responded in the affirmative.

Upon motion of Regent Makarechian, duly seconded, the recommendation of the President was approved, Regents Anguiano, Butler, Cohen, Elliott,

Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Sherman, Simmons, Sures, Um, Weddle, and Zettel voting “aye.”

- (5) ***Preliminary Plans and Working Drawings Funding and Scope, Mission Bay East Campus Phase 2 (Block 34) Parking Garage, San Francisco Campus***

This item was deferred.

- B. ***Preliminary Plans Funding, the New Hospital at UCSF Helen Diller Medical Center at Parnassus Heights, San Francisco Campus***

The President of the University recommended that the 2019–20 Budget for Capital Improvements and the Capital Improvement Program be amended to include the following project:

San Francisco: New Hospital at UCSF Helen Diller Medical Center at Parnassus Heights – preliminary plans – \$5 million funded from hospital reserves.

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

Mr. Jenny reported that the requested planning funding for this project was revised from \$181.8 million to \$5 million. All other aspects of the item remained unchanged.

Vice Chair Estolano stated that UCSF would not sign contracts until approval has been given at a future Regents meeting. The requested funding would cover current testing for hazardous materials, preparation work for demolition, shared costs for the environmental impact report, and legal fees for the contract preparation.

Regent Cohen asked whether increased costs were expected as a result of delaying some of the funding for these projects. Mr. Jenny replied that, in general, these delays in funding would not add costs. Campuses had funds to commit to existing project schedules and would return to the Regents in May for additional funding. In his view, only an additional approval for funding had been added.

Upon motion of Regent Makarechian, duly seconded, the recommendation of the President was approved, Regents Anguiano, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Sherman, Simmons, Sures, Um, Weddle, and Zettel voting “aye.”

C. ***Preliminary Plans Funding, Integrated Center for Design and Construction at Parnassus Heights, San Francisco Campus***

This item was deferred.

D. ***Preliminary Plans Funding, Mount Zion Main Hospital Buildings A and B Seventh Floor Renovations for Inpatient Psychiatric Services, San Francisco Campus***

The President of the University recommended that the 2019–20 Budget for Capital Improvements and the Capital Improvement Program be amended to include the following project:

San Francisco: Mount Zion Main Hospital Buildings A and B Seventh Floor Renovations for Inpatient Psychiatric Services – preliminary plans – \$4 million funded from hospital reserves.

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

Mr. Jenny reported that there were no changes to the item. The project was a crucial aspect of sequencing for the UCSF Helen Diller Medical Center and also part of a commitment UCSF has made to the City and County of San Francisco to expand inpatient psychiatric services.

Upon motion of President Napolitano, duly seconded, the recommendation of the President was approved, Regents Anguiano, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Napolitano, Ortiz Oakley, Sherman, Simmons, Um, Weddle, and Zettel voting “aye.”

E. ***Budget, Scope, External Financing, and Design Pursuant to the California Environmental Quality Act, Pepper Canyon West Student Housing, San Diego Campus***

This item was deferred.

F. ***Budget Amendment, Scope, External Financing, and Design Following Action Pursuant to the California Environmental Quality Act, Center for Child Health/Medical Office Building, Irvine Campus***

The President of the University recommended that:

- (1) The 2019–20 Budget for Capital Improvements and the Capital Improvement Program be amended as follows:

From: Irvine: UCI Center for Child Health – preliminary plans, working drawings, construction, and equipment – \$32,365,000 to be funded by \$3,120,465 of hospital reserves, \$29,116,414 of Children’s Hospital Program of 2008 Grant Funds (Proposition 3), and \$128,121 of Children’s Hospital Program of 2004 Grant Funds (Proposition 61).

To: Irvine: Center for Child Health/Medical Office Building – design, construction, and equipment – \$221,245,000 to be funded by \$21,000,465 of hospital reserves, \$29,116,414 of Children’s Hospital Program of 2008 Grant Funds (Proposition 3), \$128,121 of Children’s Hospital Program of 2004 Grant Funds (Proposition 61), and \$171 million of external financing.

- (2) The scope of the Child Health Center/Medical Office Building shall consist of construction of an approximately 168,500-gross-square-foot (gsf) building that would provide clinical space for pediatric and adult primary and secondary care, urgent care, laboratory and radiology facilities, the Center for Autism; approximately 64,400 gsf of shell space to be built out for clinical and office uses at a future time; and a parking structure of approximately 280,000 gsf with up to 800 spaces to serve the larger building. Buildout of some or all of the shell space will be included as additive alternates in the design-build competition and will be constructed to the degree possible within the approved budget.
- (3) The President of the University be authorized to obtain external financing and/or external financing from Century Bonds in an amount not to exceed \$171 million plus additional related financing costs. The President shall require that:
 - a. Interest only, based on the amount drawn, shall be paid on the outstanding balance during the construction period.
 - b. As long as the debt is outstanding, the general revenues of the UC Irvine Medical Center shall be maintained in amounts sufficient to pay the debt service and to meet the requirements of the authorized financing.
 - c. The general credit of the Regents shall not be pledged.
- (4) Following review and consideration of the environmental consequences of the proposed Center for Child Health/Medical Office Building project, as required by the California Environmental Quality Act (CEQA), including any written information addressing this item received by the Office of the

Secretary and Chief of Staff no less than 24 hours in advance of the beginning of this Regents meeting, testimony or written materials presented to the Regents during the scheduled public comment period, and the item presentation, the Regents:

- a. Adopt the Initial Study and Mitigated Negative Declaration for the Center for Child Health/Medical Office Building project.
- b. Adopt the Mitigation Monitoring and Reporting Program for the Center for Child Health/Medical Office Building project and make a condition of approval the implementation of mitigation measures within the responsibility and jurisdiction of UC Irvine.
- c. Adopt the CEQA Findings for the Center for Child Health/Medical Office Building.
- d. Approve the design of the Center for Child Health/Medical Office Building, Irvine campus.

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

Mr. Jenny reported that the item had not been changed. It was critical that the Regents approve the project at this meeting, because the campus was expecting \$29.1 million in Proposition 3 funding. Funding would be allocated in April 2020, and full approval of the project was required before UC Irvine could seek those grants. If the project was approved, the campus would not execute any contracts before June 1, 2020.

Upon motion of Vice Chair Estolano, duly seconded, the recommendation of the President was approved, Regents Anguiano, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Napolitano, Ortiz Oakley, Sherman, Simmons, Um, Weddle, and Zettel voting “aye.”

The Board recessed at 10:30 a.m.

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The Board reconvened at 10:53 a.m. with Chair Pérez presiding.

Members present: Regents Anguiano, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Sures, Um, Weddle, and Zettel

In attendance: Regents-designate Mart, Muwakkil, and Stegura, Faculty Representatives Bhavnani and Gauvain, Secretary and Chief of Staff Shaw, General Counsel Robinson, Provost Brown, Executive Vice President and Chief Operating Officer Nava, Interim Executive Vice President and Chief Financial Officer

Jenny, Chancellors Block, Christ, Gillman, Hawgood, Khosla, and Yang,
Interim Chancellor Brostrom, and Recording Secretary Li

5. **COMMITTEE REPORTS INCLUDING APPROVAL OF RECOMMENDATIONS FROM COMMITTEES**

Chair Pérez stated that Chairs of Committees and Special Committees that met the prior day and off-cycle would deliver reports on recommended actions and items discussed, providing an opportunity for Regents who did not attend a particular meeting to ask questions.

Report of the Academic and Student Affairs Committee

The Committee deferred the following one action item and two discussion items.

A. ***Approval of Multi-Year Plans for Professional Degree Supplemental Tuition for Three Graduate Professional Degree Programs***

This item was deferred.

B. ***University of California Student Academic Preparation Strategies***

This item was deferred.

C. ***Alternative Approaches to Undergraduate Financial Aid***

This item was deferred.

Report of the Compliance and Audit Committee

The Committee presented the following from its meeting of March 18, 2020. The Committee considered one action and one discussion item.

A. ***Approval of External Audit Plan for the Year Ending June 30, 2020***

The Committee recommended that the PricewaterhouseCoopers (PwC) external audit plan and fees for the University for the year ending June 30, 2020, as shown in Attachment 1, be approved.

Regent Elliott reported that the auditor presented the annual plan and that management has not recommended changes to the external audit scope. The Committee approved the recommendations of the auditor.

B. *Update on Systemwide Audit of Admissions*

Regent Elliott reported that, at the direction of President Napolitano, the Office of Ethics, Compliance and Audit Services performed the audit. The Committee wished to learn more about admissions by exception and special talent admissions. He anticipated working with Chair Pérez on providing this information.

Upon motion of Regent Estolano, duly seconded, the recommendation of the Compliance and Audit Committee was approved, Regents Butler, Cohen, Elliott, Estolano, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Sures, Um, and Weddle voting “aye.”

Report of the Finance and Capital Strategies Committee

The Committee presented the following from its meeting of March 18, 2020. The Committee considered seven action items, four discussion items, and three information items:

A. *Consent Agenda:***(1) *Preliminary Plans Funding, People’s Park Housing, Berkeley Campus***

[See Board vote above.]

(2) *Approval of the UC Merced 2020 Long Range Development Plan Following Action Pursuant to the California Environmental Quality Act, Merced Campus*

Following review and consideration of the environmental consequences of the proposed UC Merced 2020 Long Range Development Plan (LRDP), as required by the California Environmental Quality Act (CEQA), including any written information addressing this item received by the Office of the Secretary and Chief of Staff to the Regents no less than 24 hours in advance of the beginning of this Regents meeting, testimony or written materials presented to the Regents during the scheduled public comment period, and the item presentation, the Committee recommended that the Regents:

- a. Certify the Environmental Impact Report for the UC Merced 2020 LRDP, Merced campus.
- b. Adopt the Mitigation Monitoring and Reporting Program (MMRP) to update and replace the MMRP adopted in association with the 2009 LRDP, and make a condition of approval the implementation of mitigation measures within the responsibility and jurisdiction of UC Merced.

- c. Adopt the CEQA Findings and Statement of Overriding Considerations.
- d. Approve the UC Merced 2020 LRDP, Merced campus.

Vice Chair Estolano asked whether Interim Chancellor Brostrom would commit to creating a community advisory committee for robust discussion of the community benefits of the UCM LRDP. She wished to ensure that there was a sufficient opportunity for diverse representatives from stakeholder groups in the community to shape the plan. Interim Chancellor Brostrom responded in the affirmative. He stated that UCM has reached out to Pablo Rodriguez, executive director of Communities for a New California.

Regent Weddle echoed Vice Chair Estolano's concern, adding that she would be more comfortable approving the item if she knew such a group would be created. Interim Chancellor Brostrom stated that he would provide an update at a future Regents meeting.

- (3) ***Preliminary Plans Funding, Irvine Campus Medical Complex, Irvine Campus***

[See Board vote above.]

- (4) ***Design Following Action Pursuant to the California Environmental Quality Act, East Campus Student Apartments Phase IV-B Project, Irvine Campus***

[See Board vote above.]

- (5) ***Preliminary Plans Funding, Mission Bay East Campus Phase 2 (Block 34) Clinical Building, San Francisco Campus***

[See Board vote above.]

- (6) ***Preliminary Plans and Working Drawings Funding and Scope, Mission Bay East Campus Phase 2 (Block 34) Parking Garage, San Francisco Campus***

This item was deferred by the Committee.

- B. ***Preliminary Plans Funding, the New Hospital at UCSF Helen Diller Medical Center at Parnassus Heights, San Francisco Campus***

[See Board vote above.]

C. ***Preliminary Plans Funding, Integrated Center for Design and Construction at Parnassus Heights, San Francisco Campus***

This item was deferred by the Committee.

D. ***Preliminary Plans Funding, Mount Zion Main Hospital Buildings A and B Seventh Floor Renovations for Inpatient Psychiatric Services, San Francisco Campus***

[See Board vote above.]

E. ***Budget, Scope, External Financing, and Design Pursuant to the California Environmental Quality Act, Pepper Canyon West Student Housing, San Diego Campus***

This item was deferred by the Committee.

F. ***Budget Amendment, Scope, External Financing, and Design Following Action Pursuant to the California Environmental Quality Act, Center for Child Health/Medical Office Building, Irvine Campus***

[See Board vote above.]

G. ***Amendment of the Budget, Hospital Seismic Upgrade: Stair Tower and Exit Corridor Upgrades, UC Davis Health Campus***

The Committee recommended that:

- (1) The 2019–20 Budget for Capital Improvements and the Capital Improvement Program be amended as follows:

From: UC Davis Health: Hospital Seismic Upgrade: Stair Tower and Exit Corridor Upgrades – preliminary plans, working drawings, and construction – \$22.88 million to be funded from hospital reserves.

To: UC Davis Health: Hospital Seismic Upgrade: Stair Tower and Exit Corridor Upgrades – preliminary plans, working drawings, and construction – \$36.3 million to be funded from hospital reserves.

- (2) The President of the University or designee be authorized, in consultation with the General Counsel, to execute all documents necessary in conjunction with the above.

H. ***Integrated Capital Asset Management Program***

This item was deferred.

I. *University of California Debt Portfolio Overview*

This item was deferred.

J. *Mid-Year Report of the University of California Office of the President's Budget to Actual Expenditures and Second Quarter Forecast for Fiscal Year 2019-20*

This item was deferred.

K. *Orchard Park Family Housing and Graduate Student Housing Project, Davis Campus*

This item was deferred.

L. *Student Success Building, Irvine Campus*

This item was deferred.

M. *Significant Information Technology Projects Report for the Period September 1 through December 31, 2019*

This item was deferred.

N. *Overview of UCPath Benefits*

This item was deferred.

Upon motion of Regent Cohen, duly seconded, the recommendations of the Finance and Capital Strategies Committee were approved, Regents Anguiano, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Napolitano, Ortiz Oakley, Reilly, Sherman, Simmons, Sures, Um, and Weddle, and Zettel voting "aye."

Governance Committee

The Committee presented the following from its meeting of March 18, 2020.

Update from Working Group on Board of Regents Committee Structure

This item was not summarized.

Report of the Health Services Committee

The Committee presented the following from its meeting of February 12, 2020. The Committee considered one action item and six discussion items:

A. ***Introductory Comments of the Executive Vice President – UC Health: Reflections on the First 90 Days and Plans for 2020***

This item was not summarized.

B. ***UC Health Capital Financial Plan***

This item was not summarized.

C. ***UC Health Reports of Financial and Quality Metrics***

This item was not summarized.

D. ***Speaker Series – Serving the Mission: Health Disparities and Community Engaged Research***

This item was not summarized.

E. ***Strategic Plan and Fiscal Year 2020–21 Budget for UC Health Division, Office of the President***

This item was not summarized.

F. ***Annual Report on Student Health and Counseling Centers and the UC Student Health Insurance Plan***

This item was not summarized.

G. ***The Value of Academic Medical Center and Community Healthcare Partnerships and Collaborations***

This item was not summarized.

Report of the Public Engagement and Development Committee

The Committee presented the following from its meeting of March 18, 2020. The Committee considered two action items and two discussion items:

A. ***Endorsement of Comprehensive Campaign, Berkeley Campus***

The Committee recommended the endorsement of the public phase of the UC Berkeley campus fundraising campaign, Light the Way: The Campaign for Berkeley, with a dollar goal of \$6 billion, supporting the priorities of funding faculty and fellowships, undergraduate opportunity and experience, research for the public good, and buildings for the future.

Regent Leib reported that this campaign would help create 100 new faculty positions, strengthen graduate student fellowships, provide undergraduate students with scholarships, provide basic needs funding, and more.

Upon motion of Regent Ortiz Oakley, duly seconded, the recommendation of the Public Engagement and Development Committee was approved, Regents Butler, Cohen, Elliott, Estolano, Guber, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Sures, Um, Weddle, and Zettel voting “aye.”

B. *Endorsement of Proposed General Obligation Bond Measure for the November 2020 Ballot*

The Committee recommended the endorsement of the proposed California Stem Cell Research, Treatment, and Cures Initiative of 2020.

Regent Leib reported that the bond measure was currently in circulation for signatures in order to appear on the November 2020 ballot. The Committee learned that the California Institute for Regenerative Medicine was created to award grants and loans for stem cell research and stem cell research facilities and was first funded by Proposition 71.

Upon motion of Regent Leib, duly seconded, the recommendation of the Public Engagement and Development Committee was approved, Regents Elliott, Estolano, Guber, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Pérez, Reilly, Sherman, Sures, Um, and Zettel voting “aye,” Regent Park voting “no,” and Regents Cohen and Weddle abstaining.

C. *Update on 2020 Civic Engagement Campaign*

This item was deferred.

D. *Understanding and Communicating the Public Value of a University of California Degree and Contributions to California*

This item was deferred.

Report of the Special Committee on Basic Needs

The Special Committee presented the following from its meeting of March 17, 2020. The Special Committee considered two discussion items:

A. *Examining the Impact of Food and Housing Insecurity on Student Outcomes*

This item was not summarized.

B. *Preliminary Findings for the Special Committee on Basic Needs Report*

This item was not summarized.

6. **COLLEGE ENTRANCE EXAM USE IN UNIVERSITY OF CALIFORNIA ADMISSIONS**

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

Provost Brown began the presentation by stating that California's educational disparities have been complex, severe, extensive, and longstanding and that California was a different state when the University began requiring and using admissions testing about 52 years ago. This context should be kept in mind when considering UC's use of standardized tests in the admissions process. This discussion was meant to inform the Board's consideration of what the Academic Senate and President Napolitano would put forth for action at the May meeting but was not intended to be a discussion of the Standardized Testing Task Force (STTF) report. Instead, this was a primer on how UC came to use admissions tests.

For almost 100 years, UC did not require admissions tests. The Academic Senate of the 1920s, 1930s, and 1950s did not consider their predictive validity useful enough, but growing enrollment pressures caused increased consideration of their use as a rationing tool. The California Master Plan for Higher Education of 1960 required that UC restrict admissions to the top 12.5 percent of California high school graduates. Therefore, UC established an admissions testing regimen in 1968, with the SAT I, a test of critical reading and problem solving; the ACT, a curriculum-based achievement test that assessed critical thinking skills in English, mathematics, reading, and scientific reasoning; and three SAT II subject tests in writing, mathematics, and a subject of the student's choice. In 2001, then President Richard Atkinson invited the Academic Senate to reconsider admission tests out of a concern that use of such tests had led to: 1) test scores being weaponized in competition; 2) a distortion of educational priorities, policies, practices, and behavior; 3) concerns of fairness in admissions; and 4) their impact on young people's aspirations and self-esteem. President Atkinson argued that UC should only require standardized tests that assessed mastery of specific subject areas. He believed that these tests would help all students, especially low-income and minority students, determine their educational destinies; strengthen high school curricula and pedagogy; better connect high school accomplishments and the likelihood of being admitted to UC; help students focus on mastering subject matter instead of test preparation; and lead to greater public confidence in the fairness of the UC admissions process.

Mr. Brown disclosed that he was a member of the Board of Admissions and Relations with Schools (BOARS) at that time and helped write the 2001 report. BOARS and the Academic Senate agreed with President Atkinson after careful analysis and extensive discussions. In the report, BOARS concluded that testing's predictive validity was limited in revealing student eligibility; UC should base its actions on educational policy grounds; reducing the size of the eligibility pool was an insufficient justification for adopting a testing

requirement or using a specific test; and curriculum-based achievement tests could help students prepare for colleges and help schools evaluate their programs. Instead of eliminating admissions testing, BOARS collaborated with the two national testing companies to adapt the tests to UC purposes and principles. The College Board released a new version of the SAT in 2005, moving the writing test from the SAT II to the SAT I, increasing the rigor of the mathematics test, and eliminating verbal analogies and quantitative comparison questions, which were unlike what was taught in high school mathematics classes and more susceptible to coaching. The ACT added a writing assessment. BOARS evaluated the effect of the changes when Professor Sylvia Hurtado was its chair. Ms. Hurtado was a professor in the Graduate School of Education and Information Studies at UCLA and a member of the National Academy of Education. She was an important part of Academic Senate-driven reforms to UC's eligibility policy from 2004 through 2009. The 2009 BOARS report written under her leadership represented the Academic Senate's current position on admissions testing. Mr. Brown encouraged the careful review and study of this report.

Ms. Hurtado explained what BOARS decided per its 2009 report after extensive analyses, exchanges with vice presidents of the College Board and ACT, and consulting with experts within the University. First, BOARS evaluated the revised SAT and decided that it should be removed from provisional status. With the addition of the writing test and mathematics subject matter, the SAT was now better aligned with curriculum-based testing principles although it did not meet all purposes and principles UC had established. Second, in articulating the role of testing in UC's new eligibility reform policy, BOARS sought to minimize testing burden or eliminate the use of tests as an unnecessary filter. Substantial analyses showed that the SAT II subject tests warranted removal, which BOARS recommended and the Academic Senate approved. Third, the report identified new testing policy pathways. For example, test scores could demonstrate preparedness but should be used alongside other considerations.

BOARS investigated the SAT I, the SAT II subject tests, and the ACT. The ACT was more aligned with A-G coursework, but many students considered it supplemental to the SAT and not an alternative. The 2001 BOARS report regarded the SAT II subject tests as more curriculum-based than the SAT I, but it did not consider the social or economic burden of taking four SAT tests or doubling the weight of a subject test, especially for low-income students or those from underrepresented communities. The predictability of the SAT II subject tests was minuscule, which violated a BOARS guiding principle that an admissions test's usefulness should justify its social and monetary costs. The revised SAT I showed strong correlation with social factors, such as Academic Performance Index, family income, parental education, and resource differences based on race or ethnicity. BOARS considered eliminating the SAT I requirement, but some faculty believed that this would create more dependence on those factors and that the test added some perception of fairness to the admissions process. Experts that BOARS consulted stated that no test would mitigate inequalities and disadvantages. In addition to evaluating the revised SAT I and removing it from provisional status, BOARS also recommended that it be reevaluated at a later time. The revised SAT I also removed barriers caused by the SAT II subject tests. At the same time that BOARS was compiling this report, it was also working on eligibility reform. As

a result of these and other changes, BOARS decided not to remove the SAT I and focused on minimizing test burden instead. There were still three challenges to overcome. First, many believed that the admission tests were the most important factor in deciding merit and that tests were central to formulas not only for admissions, but also honors programs, scholarships, student support and summer programs, and placement. Second, California has represented a large market for testing agencies, and UC must keep agencies responsive to its concerns. Third, the properties of a good test that BOARS had established, such as measuring achievement, predicting success, providing diagnostic and prescriptive feedback, ensuring fairness and uniformity, and minimizing burden on test takers, have not been met by any test that ranks individuals nationally, but UC should consider balancing these goals in evaluating tests in the future.

Regent Cohen, referencing a memo to the Regents from Stanford University Professor Emeritus of Education Michael Kirst and UC Berkeley Center for Studies in Higher Education research associate Saul Geiser, asked how principles the University issued in 2001 matched its admissions policy. Systemwide Director of Undergraduate Admissions Han Mi Yoon-Wu stated that admissions tests were revised in the 2000s to align with the UC curriculum, such as a more rigorous mathematics section and a redesigned SAT I. Ms. Hurtado added that admissions tests were currently not aligned with California high school testing or the high school curriculum, an issue that Mr. Kirst and Mr. Geiser had raised. UC faculty felt that high school standards were too low for admissions tests, so there was a disconnection between what high school standards measure and what admissions tests measure. Mr. Kirst and Mr. Geiser suggested using another test or another method, or else to raise California high school testing standards. The 2009 BOARS report suggested that UC should continue to contribute to the discussion about California high school standards. Regent Cohen suggested inviting Mr. Kirst and Mr. Geiser to speak about their findings at the May meeting. Chair Pérez stated that, while this was not part of the Regents' normal course of business, the Regents would benefit by hearing from Mr. Kirst and Mr. Geiser, given the significance of this issue.

Regent Anguiano expressed concern that many still believed that SAT test scores were the most important determinant in UC admissions. She hoped that decisions would not be swayed by beliefs instead of facts. Ms. Hurtado clarified that BOARS faced significant resistance from certain communities in its push to eliminate the SAT II subject tests. Chair Pérez asked whether, despite resistance, BOARS still proceeded based on fact. Ms. Hurtado responded in the affirmative. BOARS reached out to a variety of communities to explain the proposals from its 2009 report. Analysis has shown that proposals from the report helped create more pathways and give more students access to UC. The report also continued to question the use of admissions tests. Faculty almost unanimously approved the elimination of SAT II subject tests.

Regent Weddle expressed concern about equity in standardized testing and hoped to examine the facts of the situation at the May meeting. She also hoped that the views of UC student leaders, who have done extensive research on this issue, would be considered in the decision-making process. She echoed Regent Cohen's call for a balanced panel of presenters in May, citing concerns about the methodology used in the STTF report. She

also asked that data from institutions that were test-optional be presented at the May Regents meeting. According to her own research, these institutions had an increase in diversity without a decline in graduation rates.

Regent Ortiz Oakley, noting the University's contributions to a long and complex history of education disparity in California, emphasized the importance of UC's decision. He asked about the average SAT I score for admission into UC Berkeley. Mr. Brown replied that he could retrieve this data. Regent Ortiz Oakley stated that it was important to understand how the SAT has been used in an institution like UC Berkeley. Regent Ortiz Oakley asked whether the SAT had become a rationing tool. Mr. Brown responded in the affirmative. Regent Ortiz Oakley asked about the purpose of the SAT and ACT, as well as how the University's decision to continue using them affected the broader community. He also asked how the success of transfer students could be explained. Ms. Hurtado replied that students who were admitted to UC through pathways that did not require testing were performing well. Many transfer students did not take the SAT because they did not know about the test or because of timing issues, but transfer graduation rates were very similar to the graduation rates of those admitted as freshman students. Students from the expanded Eligibility in the Local Context (ELC) program have also performed well.

Regent Ortiz Oakley noted that the majority of students attending California Community Colleges were students with the lowest income or students of color. Students from these demographics did not tend to perform well on the SAT or ACT or did not attempt to take these tests, instead seeking other ways to gain admission into UC. He asked whether there was a deep divide within the research community regarding the predictability of these tests. Ms. Hurtado agreed that there was a divide and how analysis was done was an issue. UC used its own analysis and influence to push the College Board and to do what the latter would not have otherwise done. Regent Ortiz Oakley remarked that, given the deep divide in opinion, one could argue that there was disparity in success. In his view, the College Board was creating a standardized testing industrial complex. This was a nonprofit company with revenues of \$1 billion and a \$140 million surplus in 2019. UC, possibly the College Board's biggest client, must consider its impact on the entire nation and this testing paradigm. Testing companies have created tests for community colleges and nearly every graduate program in America. Rationing admissions should not be a reason to continue using a test that has disparate impacts on communities.

Regent-designate Muwwakkil remarked that, at its best, the SAT has allowed some students to demonstrate a special talent in test-taking, which UC has regarded as academic merit. The test has barred other students from accessing UC due to their lack of resources and has become a proxy for socioeconomic status. The test's role as a filter among UC's flagship campuses has invited the interpretation that the SAT is an objective assessment of merit. Regent-designate Muwwakkil asked whether the University could consider removing the standardized testing requirement for the upcoming year, given the current situation with the COVID-19 pandemic, and whether it would be difficult to implement. Mr. Brown replied that he did not believe that the comprehensive review process, in which everything that a student submits is evaluated, would be affected by the presence or absence of a testing requirement. He noted that the test has helped predict yield, which has helped

UC maximize the number of offers it has made. The lack of a testing requirement could affect the number of offers UC would make. Ms. Yoon-Wu added that the next several months would be extremely challenging for admissions offices. Standardized tests would provide more information at a time when high school grade point averages might be less reliable due to the lack of viable grades. She underscored that no UC campus had a minimum test score; it was additional information for admissions offices to consider. Without a testing requirement, admissions offices would have more difficulty determining how many students could actually be admitted while ensuring enough space. Regent-designate Muwwakkil asked for information regarding the correlation between standardized test scores and yield at the May meeting.

Regent Zettel remarked that it was shameful how few African American students there were at UC. She was troubled that fewer African American students took A-G courses, which were a way into the California State University and UC systems. Community colleges have received many talented students. There was no perfect test; and testing was one tool in the admissions toolbox. Regent Zettel called attention to all the other factors that BOARS considered, such as the neutral score scale for the SAT, the expansion of ELC, and comprehensive review. She cautioned against taking away tools that the Academic Senate and admissions offices could use during the COVID-19 pandemic.

Regent Lansing asked whether high school grades were now given greater weight than test scores. Mr. Brown replied that this was his understanding. Regent Lansing requested that holistic review processes of different campuses be presented at the May meeting. It was her understanding that test scores were just one part of many other considerations in holistic review. She also found the STTF report, which stated that test scores were a better indicator than grades, to be counterintuitive. Mr. Brown expressed reluctance in discussing the report but stated that one of the conclusions of the report was that test scores were a better predictor of later UC performance than high school GPA. Regent Lansing asked whether the report found that eliminating test scores would not improve diversity issues and that test scores sometimes helped underrepresented minority groups. Mr. Brown replied that this was generally the case. Regent Lansing noted that the report might be counterintuitive, but that did not necessarily mean that it was incorrect.

Regent Kounalakis asked whether the University tracked the percentage of students who requested testing accommodations and also came from low-income or underrepresented minority backgrounds. She asked whether UC advocated for accommodations, such as extra time, for disadvantaged students. Ms. Yoon-Wu replied that UC did not know who received accommodations and that it might be inappropriate to use that data. Regent Kounalakis wondered whether the zip codes of students who requested accommodations might be available. She suggested that extra time could make up for the difference in performance due to lack of access to test preparation tools. Mr. Brown stated that the relationship between time and performance was small. He was not aware of data associating demographics with accommodations, but he offered to research it. Chair Pérez stated that he could ask the College Board for broad-based demographic information about students who seek accommodations.

Regent Um asked to see input from admissions directors, and he wished to know what impact eliminating standardized tests would have on the holistic review process. The holistic approach accounted for the availability of advance placement and honors courses in certain school districts. Regent Um asked how admissions offices currently analyzed test scores, and he questioned the degree to which holistic review was holistic if campuses felt pressure to keep average test scores at particular levels. He supported an earlier suggestion that the pros and cons of standardized testing be presented. Mr. Brown replied that, in his experience, BOARS has always discussed with and received feedback from systemwide and campus directors of admissions in its policy development work. He offered to share correspondence between admissions directors and BOARS during his time in BOARS but, given the volume of correspondence, he was not sure that it would be useful. Ms. Hurtado added that BOARS regularly consulted with admissions directors for the 2009 report and learned how approaches varied across the different campuses.

Regent Leib asked whether there were studies on the performance of repeat test takers after they received test preparation. If test takers improved their performance after test preparation, it would be difficult for him to support the use of these tests given existing disparities. Mr. Brown replied that there were national evaluations of the effect of test preparation. UC did not have specific data on this because its policies were crafted not to emphasize retaking tests to maximize scores. Data from the College Board and ACT have shown a small but stable and significant amount of improvement. Regent Leib stated that he would prefer not to rely on reports from the College Board and ACT because of possible bias. He asked whether there were independent studies. Chair Pérez stated that test preparation companies likely had their own studies with possible bias. Mr. Brown replied that there were independent studies as well and offered to make that information available. Ms. Yoon-Wu added that there was an assumption that test scores were being used at face value. Admissions offices viewed test scores within the context of other students from the same schools.

Regent Reilly echoed Regent Um's request to hear from admissions directors at the May meeting. She asked what had changed that led to UC's testing requirement when UC had decided that standardized tests had little predictive value in 1959. Mr. Brown replied that predictive value has been fairly consistent except in recent years. What had changed was that the California Master Plan for Higher Education of 1960 required that UC select students from top 12.5 percent. UC was free to devise its own method to determine that 12.5 percent. High school GPA and testing were the metrics considered and testing was adopted. The Academic Senate had already been considering a testing requirement because there had been pressure since the 1950s. Regent Reilly asked whether GPA was deemed an inadequate predictor at the time. Mr. Brown replied that tens of thousands of students were presenting the same high GPA, and UC needed a way to discriminate among them.

Regent-designate Stegura disclosed that she had been an external reader of undergraduate applicants at UC Davis. She asked what the elimination of the testing requirement would entail and how it would affect admissions. She also agreed that experts should present the pros and cons of the testing requirement at the May meeting. The Board should also hear

from experts about the effects of prioritizing high school or transfer GPAs, such as grade inflation and parents appealing for higher grades.

Regent Kieffer stated that, in light of strong views about standardized testing, the University turned to the Academic Senate for a sophisticated analysis, which resulted in seemingly counterintuitive findings. During his visits of admissions offices, he learned how test scores were balanced against other considerations and the sensitivity with which they were used. While he appreciated the suggestion of a presentation about the pros and cons of testing, he believed that consulting the Academic Senate was meant to resolve that debate. He also cautioned against making presumptions and supported inviting presenters from campus admissions offices to the May meeting.

Regent Park questioned the need for a testing requirement if so many other criteria were being considered. Rather than being concerned about burdens to its own processes or focusing on parochial interests, UC should understand how it has burdened students and families, especially during the COVID-19 pandemic. There was not enough discussion of whether the emphasis UC has placed on these tests was worth their cost. This should be a factor in the Board's decision-making.

President Napolitano stated that she would work with Mr. Brown and Chair Pérez on presenting this matter to the Board in the May meeting, taking into account Regents' presentation suggestions and requests for information. She emphasized the importance of both the Regents' decision and how the decision-making process would be handled. There was shared governance with faculty and accountability with the people of California. President Napolitano ranked this decision at the top in importance, and she assured the Board that the Office of the President would present this issue as best as it could.

Regent Butler stated that a system designed to oppress would do just that. The Board should consider unburdening families in California and worldwide. The investigation into the Varsity Blues scandal has revealed gaps in admissions documentation and in the standards for admission by exception and special talents admission among different campuses. She asked whether BOARS examined these admissions processes and whether changes were made in the past to address those gaps. Ms. Hurtado replied that BOARS analyses focused on the overall test-taking population and did not specifically explore those with different pathways to admissions, such as athletes. The BOARS report addressed the use of tests, their predictability, and whether they met UC's standards and purposes. Regent Butler asked whether it was probable that hundreds, if not thousands, of students were admitted under special categories and with scores that might be lower than those of the general population of students admitted. Ms. Hurtado replied that it was possible. She added that UC has used admission by exception since the 1800s. The proportion of students admitted by exception was very small, and they were evaluated quite closely. Campuses have used admission by exception in different ways. Historically, many students had been admitted by exception, but the category has been treated differently since then.

Regent Makarechian, citing the cost of these tests as a significant issue for low-income people, suggested a discussion on creating UC's own admissions test and providing free

online test preparation instead of using the SAT and ACT. Chair Pérez asked whether the BOARS report had made that same suggestion. Mr. Brown responded in the affirmative.

Chair Pérez stated that the Board must use a holistic approach to considering decisions made in the past and making decisions that would affect the future. The SAT was employed as a rationing tool to bring the admissions rate from approximately 14.5 percent down to 12.5 percent at a time when UC was admitting too broadly among California high school students. Chair Pérez asked whether BOARS had discussed aligning tests with high school standards. Ms. Hurtado responded in the affirmative, adding that BOARS discussed this in 2002 and 2009. Chair Pérez stated that there was resistance to this suggested alignment because high school standards were considered too low, but inconsistency in access to A-G courses was a limiting factor. If high school standards were too low, then something should be done to improve them. Chair Pérez viewed holistic review and ELC as mitigating tools and asked how many mitigating tools were needed to compensate for something that created an inequitable outcome. The data has shown that this was an issue of class and income, and considering it through an equity lens was important. UC was not very diverse when it first decided to use testing. All decisions would ultimately be made by the Board, which could be regarded as the most diverse body within UC's shared governance model. The Academic Senate was the least diverse body. He asked the Board to consider both the information that has been presented and its goals discussed during retreats and public action and to ensure that its decisions align with both. He asked whether GPA and test scores were considered first in holistic review. Ms. Yoon-Wu responded in the negative, stating that the admissions process was an additive one. Admissions offices were looking for items that would raise a student's profile, such as a show of determination, improvement, or a special talent. Chair Pérez asked whether holistic review was practiced systemwide. Ms. Yoon-Wu replied that six campuses practiced it and were very consistent with each other. Two campuses used a hybrid model, and one used a formula-based model. Chair Pérez asked whether it was true that campuses did not admit students within the same range of eligibility. Mr. Brown responded in the affirmative, adding that eligibility was partly determined by who applied to a particular campus. Chair Pérez stated that perception of the likelihood of admission would also vary by campus. The tests were said to predict yield, but this was an impure science. The Board must be holistic in its evaluations and must consider questions in the context of equity, especially on the basis of class and geography. Regions such as the Central Valley, Inland Empire, and the northernmost parts of California were significantly underrepresented, and tools like holistic review and ELC could not make up for the disparity. Mr. Brown agreed, adding that the University was better because of those tools but had more to do.

7. **STRATEGIC CAMPUS OVERVIEW, SANTA CRUZ AND SANTA BARBARA CAMPUSES**

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

This item was not discussed.

8. APPROVAL OF UNIVERSITY OF CALIFORNIA TUITION AND FEE PLAN

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

This item was deferred.

9. FACULTY RECRUITMENT, RETENTION, AND DIVERSITY

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

This item was not discussed.

10. OPPORTUNITY FACTORS IMPACTING UNDERGRADUATE STUDENT DIVERSITY

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

This item was not discussed.

11. REPORT OF INTERIM, CONCURRENCE AND COMMITTEE ACTIONS

Secretary and Chief of Staff Shaw reported that, in accordance with authority previously delegated by the Regents, action was taken on routine or emergency matters as follows:

Approvals Under Interim Action

- A. The Chair of the Board of Regents, the Chair of the Compliance and Audit Committee, and the President of the University approved the following recommendation:

Approval of Indemnification Terms in Agreement with Anonymous Donor, San Diego Campus

That the Regents agree to defend and indemnify the donor for any claims which may arise pertaining to the gift of artwork to the San Diego campus, scheduled to be installed in spring 2020, including the delivery and display of such artwork.

Approvals by Concurrence Authority

- B. The Chair of the Board of Regents, the Chair of the Finance and Capital Strategies Committee, and the President of the University approved the following recommendation:

Approval to Restructure Interest Rate Swaps

That the President of the University be authorized to execute the proposed transaction related to the interest rate swaps for the Medical Center Pooled Revenue Bond (MCPRB) 2013 Series K, MCPRB 2007 Series B, and MCPRB 2007 Series C-2 as follows:

Change the index on the swaps from the London Inter-Bank Offered Rate (LIBOR) to the Federal Funds Rate and take all appropriate actions to implement the index change.

Approvals under Health Services Committee Authority

- C. At its February 12, 2020 meeting, the Health Services Committee approved the following:

UC Health Capital Financial Plan

That the Health Services Committee waive its authority to review the UC Health-related projects included in the 2019–25 Capital Financial Plan approved by the Regents in November 2019, subject to the following conditions:

- (1) The Health Services Committee’s waiver shall not apply to the following projects:

UC Davis	<ul style="list-style-type: none"> - Hospital Bed Replacement Tower - Inpatient Regional Strategy - Outpatient Regional Strategy II
UC Merced	<ul style="list-style-type: none"> - Health and Behavioral Sciences Building
UC San Diego	<ul style="list-style-type: none"> - Hillcrest Replacement Hospital - Hillcrest West Wing Replacement
UC San Francisco	<ul style="list-style-type: none"> - Benioff Children’s Hospitals Oakland Phase 2

- (2) The Health Services Committee’s waiver shall apply only to the extent of UC Health-related projects at the medical centers and campuses occurring during fiscal years 2019–20 to 2024–25 (Waived Projects).
- (3) Any Waived Project requiring review, approval, concurrence or other action by the Finance and Capital Strategies Committee shall require consultation with the Executive Vice President – UC Health.

12. REPORT OF MATERIALS MAILED BETWEEN MEETINGS

Secretary and Chief of Staff Shaw reported that, on the dates indicated, the following were sent to the Regents or to Committees:

To the Regents of the University of California

- A. From the President of the University, a letter regarding the Governor's 2020-21 budget. January 10, 2020.
- B. From the Secretary and Chief of Staff, an email regarding the reappointment of Regent Makarechian and Sures to the UC Board of Regents. January 17, 2020
- C. From the Vice President and Chief Investment Officer, the *Annual Endowment Report for Fiscal Year ended June 30, 2019*. January 24, 2020.
- D. From the Secretary and Chief of Staff, the Summary of Communications Received for January 2020. February 13, 2020.
- E. From the President of the University, the *Systemwide Audit of Undergraduate Admissions - Phase 2*. February 20, 2020.
- F. From the President of the University, an update on the wildcat strike at UC Santa Cruz and related issues. February 28, 2020.
- G. From the President of the University, an update on COVID-19, the University's response, and the current Situation Status Report from the UC Office of the President Management Response Team. March 3, 2020.
- H. From the President of the University, the *Annual Report on Major Capital Projects Implementation, Fiscal Year 2018-19*. March 5, 2020

To the Members of the Compliance and Audit Committee:

- I. From the General Counsel and Vice President, the *Bi-monthly Report of New Litigation for reporting period August 6 to September 30, 2019*. January 13, 2020.
- J. From the General Counsel and Vice President, the *Bi-monthly Report of New Litigation for reporting period October 1 to November 30, 2019*. January 18, 2020.
- K. From the President of the University, the *Audit of Hastings College of the Law for the year ended June 30, 2019*. February 18, 2020.

To the Members of the Finance and Capital Strategies Committee:

- L. From the President of the University, the *Annual Report on Debt Capital and External Finance Approvals for calendar year 2019*. February 19, 2020.

To the Members of the Governance Committee:

- M. From the President of the University, the *Annual Report on Compensated Outside Professional Activities for Reporting Period July 1, 2018, through June 30, 2019: Deans and Certain Other Full-Time Faculty Administrators*. February 12, 2020.
- N. From the President of the University, the *Semi-Annual Report for Outside Professional Activities for reporting period June 1 through December 31, 2019*. February 20, 2020.

To the Members of the Public Engagement and Development Committee:

- O. From the Associate Vice President and Director, State Governmental Relations, a memo providing an update on Senate Bill 206 (Student Athlete Compensation). January 28, 2020.
- P. From the Associate Vice President, Federal Government Relations, the *Federal Update, Issue 1: Report on Congressional and Administration Activities*. January 31, 2020.
- Q. From the Associate Vice President, Federal Government Relations, the *Federal Update, Issue 2: Report on Congressional and Administration Activities*. March 3, 2020.

The meeting adjourned at 1:00 p.m.

Attest:

Secretary and Chief of Staff