

## THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

May 21, 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, Blum, Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Thurmond, Um, Weddle, and Zettel

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

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

Chancellor Larive announced that Carol Greider, who had won the Nobel Prize in Physiology or Medicine in 2009, would be the first Nobel laureate joining the UC Santa Cruz faculty. Ms. Greider received her undergraduate degree at UC Santa Barbara and her Ph.D. at UC Berkeley. She would be a transformative faculty member because of her commitment to access and promoting diverse voices in the science, technology, engineering, and mathematics (STEM) fields.

### 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. Frances Contreras, UCSD professor and co-chair of the President's Chicano Latino Advisory Council, spoke in opposition to the use of standardized testing in UC admissions. The SAT/ACT undermined equity and ignored appropriate indicators of college aptitude and preparation. The Council had the following concerns: the SAT was not the most accurate predictor of college success; a test-optional approach furthered inequity; Eligibility in the Local Context (ELC) students were in the top nine percent and were succeeding at UC; and persistence and graduation rates of transfer students, who were not required to take the SAT, were higher than first-time freshman students. The Council strongly urged the Regents to remove SAT/ACT as a requirement for UC admissions.
- B. Fidel Vargas, President and Chief Executive Officer of the Hispanic Scholarship Fund (HSF), shared that HSF, which has awarded over \$650 million in scholarships

since 1975, used standardized testing data to expand the reach of its direct services and scholarships, as well as identify students in hard-to-access areas in the state and the country. This year, over 80,000 students applied for the HSF scholarship. Access to data was a side effect and benefit of a partnership with the College Board.

- C. Jeike Meijer, UCSB alumna, requested that the Regents divest from the Thirty Meter Telescope (TMT) project, which she regarded as desecration of indigenous land and a bad investment. Of the \$68 million spent on the TMT project since 2016, \$30 million were UC's own funds. UC spent \$5 million on the project in February, which was one month before 80 UC graduate students were fired for seeking a cost of living adjustment and one month after a special session on UC's involvement in the project was promised. The TMT project could not be completed without the use of violence and force, because the indigenous people on the land opposed the project. According to Ms. Meijer, the United Nations has regarded the project as a violation of indigenous rights. Many UC students have signed a letter for divestment.
- D. Carlos Alarcon, UCR student and representative of the UC Undocumented Student Coalition, spoke about the proposed \$500,000 reduction in undocumented student services from the UC budget, which sent the UC undocumented student community into a panic. The Undocumented Student Coalition condemned any cuts to student services funding. Undocumented students faced constant threats from U.S. Immigration and Customs Enforcement and were fearful of the upcoming U.S. Supreme Court decision on the Deferred Action for Childhood Arrivals (DACA) program. UC should do everything in its power to help students at this time, and the Regents should be vigilant about what was being cut.
- E. Joshua Lewis, UCB student and UC Student Association (UCSA) Labor Relations Officer urged the Board to prioritize worker wages and benefits in any discussion on the impacts of COVID-19 on the UC budget. Students would suffer as a direct result of any reduction in labor through furloughs, layoffs, wage cuts, or reductions to non-Senate faculty reappointments. Fair, equitable, and just labor practices should be prioritized when evaluating the projected \$1.6 billion budget shortfall. The efforts of student activists and non-represented workers have had a tremendous effect on UC equity, the quality of undergraduate education, and the quality of life for UC laborers.
- F. Michele Siqueiros, President of the Campaign for College Opportunity, stated that the group joined 31 civil rights and education organizations in support of President Napolitano's recommendation to suspend the use of the SAT/ACT in admissions. Testing discriminated against low-income students and students of color and shut out talented students. Continued use of these tests would indicate that UC tolerated a tool that was a stronger indicator of race, wealth, and privilege than success or actual aptitude. She thanked those who have regarded the use of these tests as counter to UC's values of inclusion and fairness. She did not doubt that the brilliant minds at UC would build a stronger and more fair admissions process.

- G. Jay Rosner, Executive Director of the Princeton Review Foundation, which has provided test preparation for low-income and underrepresented minority students, spoke in opposition to the use of standardized testing in UC admissions. Mr. Rosner stated that he would rather provide test preparation for high-stakes, academic courses than for tests that illegally discriminate against the students he serves. He supported President Napolitano's proposal but urged the Regents to be national leaders by making UC admissions test-blind.
- H. Jason Rabinowitz, Secretary-Treasurer of Teamsters Local 2010, spoke about issues concerning UC workers during the pandemic. Teamsters Local 2010 represented 14,000 essential clerical, administrative, and skilled trades workers throughout UC and California State University. The hard work of 200,000 workers has built UC into a great university with substantial resources and reserves. During the COVID-19 crisis, workers have put their health and lives at risk to keep UC running. He called on the University to speed California's recovery by maintaining good jobs in the community. This was not the time to impose layoffs, reductions in pay, or other punitive measures on workers. UC's substantial reserves, built by the UC workers, was meant for a rainy day. This was that rainy day.
- I. Wenyuan Wu, representative of the Asian American Coalition for Education, spoke in support of the use of standardized testing in UC admissions. The Asian American Coalition for Education fiercely opposed the proposal to eliminate the SAT/ACT from UC admissions. The proposal was a politicized attempt to masquerade achievement gaps and perpetuate inequity. Dropping objective measures for admissions would compromise merit-based principles. Asian American students, who were incorrectly regarded as overrepresented, would be harmed. UC already had extensive programs to assist socioeconomically disadvantaged students.
- J. Greg Akili, Los Angeles resident, urged the Regents to help stop the sale of Baldwin Hills Crenshaw Plaza in South Los Angeles to CIM Group and to support the development community centers in the area. Mr. Akili and his colleagues had a collective 200 years of experience in commercial development.
- K. Nicole Nukpese, UCLA student and member of Beyond the Score, called on the Regents to eliminate standardized testing in UC admissions. These tests disproportionately barred low-income students of color from obtaining higher education. Many black and brown students have dropped out of high school and were part of the school-to-prison pipeline. Standardized testing has suppressed education in her community. The voices of minority students have been dismissed.
- L. Marcos Montes, representative of the Southern California College Access Network, which served over 150,000 low-income, first-generation students of color, urged the Regents to support President Napolitano's proposal for standardized testing. As college admission was becoming more competitive, use of the SAT/ACT was

unfair to under-resourced students. Admissions testing did not measure how prepared a student is for college; rather, it measured access to resources.

- M. Beatriz Rafael, Academic Coordinator for InnerCity Struggle, a community-based organization in the Eastside of Los Angeles, stated that eliminating standardized testing in admissions would provide underrepresented students a greater opportunity to access higher education. Standardized tests were an additional barrier that took away from these students' academic achievements. They were at a disadvantage compared to wealthy students who could afford private tutoring. Low test scores triggered anxiety and affected self-esteem. Ms. Rafael called on the Regents to end these inequities and to consider a more holistic approach to assessing a student's future success at UC. This was an opportunity for UC to support black, Latino(a), and other students of diverse backgrounds.
- N. Zak Fisher, UCLA alumnus, called on President Napolitano to resign. He regarded the executive leadership at UCLA as thuggish and disingenuous. He claimed that President Napolitano kept a \$175 million slush fund while giving herself a pay raise; sent riot police who injured protestors at UCSC; and surveilled UC students.
- O. Alex Tan, UC staff member, spoke in opposition to the TMT project. Hundreds of staff and faculty signed a letter and thousands of UC Berkeley students signed a petition calling on UC to divest from the project. Opponents were concerned that the project was at odds with the Regents' standards of ethical conduct. The project was out of compliance with federal requirements, and the United Nations has declared that the project was out of compliance with its standards. There were environmental concerns, such as the project's lack of a waste management plan. The project was a highly risky investment for UC during this time of uncertainty and was affecting the emotional and physical health of students and staff.
- P. Dimitrios Florakis, San Francisco high school teacher, spoke in opposition to UCSF research procedures. He stated that UCSF had a monthly supply of fetuses from elective abortions, many of which were late-term or had born-alive survivors. UCSF should have oversight over these procedures.
- Q. Miguel Dominguez, UCLA alumnus and Director of Youth Programs at Community Coalition, spoke in opposition to the used of standardized testing in UC admissions. For the last 30 years, Community Coalition has organized with black and brown residents to create systemic change. The SAT kept low-income black and brown students out of the UC system while giving an advantage to affluent and white students. Families have faced the same issues of housing and food insecurity, unemployment and underemployment, and lack of access to resources before the pandemic began. They would continue to bear the heaviest burden during recovery from the pandemic unless policymakers decide otherwise. He urged the Regents to vote for President Napolitano's proposal.

- R. Monica Waterloo, physician assistant at the Arthur Ashe Student Health and Wellness Center at UCLA, emphasized the importance of prioritizing the highest-quality student health services and not cutting access to healthcare. In the fall quarter, with both influenza and COVID-19 circulating, the Center would need testing supplies, full funding and staffing for testing, and contact tracing.
- S. Jazmin Vargas, Dinuba High School student, spoke in opposition to the use of standardized testing in UC admissions. She had difficulty preparing for a biased test that overshadowed years of hard work. She could not compete with higher-income students, for whom one test preparation session cost more than what her grandparents made in a week. Lower-income students could not prepare for the test because of family responsibilities. She believed that the SAT should either be optional or eliminated.
- T. Cecilia Castro, Education Director at the Dolores Huerta Foundation, which creates a leadership pipeline for civically active students, expressed the Foundation's support for President Napolitano's proposal to end UC's reliance on standardized tests, which created a back door for wealthy white students to gain access to UC. Students who represent the diversity and potential of the state could not afford tutors and did not have extra time. She urged the Regents to make history, support anti-racist admissions, and find new ways to define talent, and she asked that the University not perpetuate the same inequities in the future.
- U. Jewel Patterson, representative of Congregations Organized for Prophetic Engagement, a faith-based organization in the Inland Empire, expressed the organization's support for President Napolitano's proposal end UC's reliance on standardized tests. Doing so would support equitable growth and success. Families might have to choose between basic necessities or expensive tutors, creating a back door for wealthy white students while bypassing communities of color. Finding new ways to evaluate students would support anti-racist admissions. She urged the Regents to make history and vote for the proposal, which would promote access and allow UC to reflect the diversity of the state.
- V. Denise Castro, representative of Students Making a Change, which advocates for racial equity in higher education, expressed the organization's support for President Napolitano's proposal to end UC's reliance on standardized testing. Research has demonstrated that high-stakes examinations are a poor predictor of students' ability and success. Standardized testing was biased toward wealthier white students. She called on the Regents to correct past injustices by voting to end standardized testing.
- W. Samantha Geary, Director of College Access and Completion, shared a statement from high school student Daniel Fernandez. The organization has helped Mr. Fernandez improve his academic performance. Students from low-income families who do not have support struggle to keep up, feel overwhelmed, and do not know where to find help or access resources. She urged the University to eliminate standardized testing or making tests optional.

- X. Alex Lenahan, acknowledging that some demographic groups have faced real disadvantages in college admissions, stated that the solution is not eliminating standardized testing. Roughly half of students in the U.S. were graduating with an A or A- average. Quiet, thoughtful students, who did not have many extracurricular activities and internships but could benefit UC with their studies, would be harmed by the removal of standardized tests. UC would be taking away their primary way of showing that they are extraordinary. Faculty stated that it would take nine years to develop a new test. He urged the Regents not to make a mistake during the pandemic by voting to remove standardized testing.
- Y. Kimberly Fuentes, representative of the California League of United Latin American Citizens, expressed the organization's support for President Napolitano's proposal to end UC's reliance on standardized testing. Nearly 60 percent of California high school graduates were Latino(a), black, or Native American but only made up a quarter of admitted freshman students to UC. Standardized testing has created a pathway for wealthy white students to access UC, leaving out students who represent the diversity and potential of the state. She asked the Regents to take equity into account when considering a new admissions requirement.
- Z. Linda Collins, Executive Director of the Career Ladders Project, which promotes equitable college redesign, urged the Regents to vote for President Napolitano's proposal to end the use of the SAT/ACT in admissions. UC now had the opportunity to make policy based on sound evidence, be on the side of equity, and fulfill its public mission. High school grades were far better predictors and fairer measures of college success. Standardized tests correlated with student income. Taking this action would move UC towards a more truly representative student body; talented, low-income students and students of color would not be unfairly denied their chance to demonstrate their potential.

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

Upon motion duly made and seconded, the minutes of the meeting of March 19, 2020 were approved, Regents Anguiano, Blum, 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."<sup>1</sup>

## 3. **REMARKS FROM STUDENT ASSOCIATIONS**

President Napolitano introduced UC Student Association (UCSA) President Varsha Sarveshwar, who recently graduated from UC Berkeley and received a Departmental Citation from the Department of Political Science.

---

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

Ms. Sarveshwar stated that she would serve as UCSA President until August. She expressed her deepest gratitude to Regent Weddle for the time and effort she put into her role, as well as her partnership with student leaders. UCSA looked forward to working with Regent-designate Muwwakkil.

The COVID-19 pandemic has exacerbated existing forms of inequality in UC and the state. Today, she wished to address affirmative action, changes to the budget, and standardized testing. UCSA has presented the Board with a letter elaborating its support of amendments to Regents Policy 1112 and Student Regent compensation.

There has been much discussion in Sacramento about the role that Proposition 209 played in the state's education system, economy, and society. Since its passage, UC has taken many steps to help students from underrepresented communities of color, but these efforts have been nowhere near as effective as considering race, along with academics, geography, education opportunities, and other factors in admissions. UCSA is a proud member of the Opportunity for All Coalition, which was advocating for Assembly Constitutional Amendment 5, which would create a ballot initiative repeal Proposition 209. She asked the University and the Board to think about its values and consider what leadership role UC could play in this discussion.

UCSA acknowledged that these were unprecedented times but was concerned that the burden of budget cuts would be placed on low-income students and students of color. UCSA appreciated the replacement of the proposed 2020–21 UCOP budget with a resolution that continued existing levels of funding until July. After learning that the original budget proposal included a \$500,000 cut to undocumented student programs, the External Affairs Commission at UC Davis launched a systemwide petition that already has 1,000 student signatures. UCSA called on UC to trim its administrative expenses, seek ways to restructure debt, and draw from unrestricted endowment funds instead of burdening underserved students and workers. UCSA insisted that UC consult with students on July's proposed budget. Student leaders could never support measures that would ask students and their families to pay more tuition. Tuition increases should be considered alongside significant improvement to the institutional financial aid system. The current \$10,000 self-help expectation has led to basic needs insecurity. Increasing the return-to-aid percentage and lowering the self-help expectation for low-income students would help address these issues.

Ms. Sarveshwar shared her own experience with standardized testing. She grew up in Oak Park, California, where the median annual income was \$120,000. In 2016, two-thirds of the seniors at Oak Park High School were admitted to a four-year university, and half of those were admitted into UC. She and her colleagues attended summer test preparation programs or hired private tutors to prepare for the SAT, which cost hundreds to thousands of dollars. Ms. Sarveshwar believed that test preparation helped improve her SAT score. In her view, the difference between inexpensive or free resources and paid test preparation was the initiative, time, and discipline required to engage in self-study outside of existing coursework. Paid test preparation was like an extra course for wealthy students. Ms. Sarveshwar believed that it was classist and racist to expect lower-income students,

disproportionately black, Latino(a), and Native American, as well as rural students, to prepare on their own. She had no doubt that her family income contributed to the strength of her application to UC Berkeley and her SAT score. If admissions offices were already accounting for the inequities of standardized testing, and testing was one of many factors in holistic admissions, UC might as well transition away from it. UCSA was generally supportive of the President Napolitano's proposal on standardized testing but had several concerns. First, the University must detail what test-optional would mean in practice. Ms. Sarveshwar raised issues of how test scores would be weighed, how students who submit or do not submit test scores would be compared with each other, and how to ensure that students who do not submit scores would not be at a disadvantage. Second, UC must work with K-12 school districts to explain expectations to students. Third, potentially bringing back the SAT requirement after being test-optional seemed unfair to nonresident students, who do not take A-G courses. Fourth, UCSA foresaw the same equity issues befalling a new standardized test; test preparation centers and tutors could offer their services for the new test as well. These concerns were not reasons for UC to continue what it was currently doing. UCSA encouraged the Regents to vote for President Napolitano's proposal but urged them to consider how to quickly and comprehensively move away from standardized testing in a way that would treat all students fairly.

Chair Pérez commended Ms. Sarveshwar and thanked her for her leadership.

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

Mr. Strobel noted that this would be his last address to the Board as UCGPC President. He stated that UCGPC aligned itself with UCSA and other stakeholders in support of the elimination of standardized testing in admissions. UCGPC wished to challenge the Academic Senate's concerns about eliminating standardized testing in its report. With regard to the Academic Senate's concern about grade inflation, schools could report the mean, standard deviation, and percentiles of students' grade point averages. Improving equity and accessibility would outweigh the challenges of changing this UC policy.

Despite its postponement, graduate students felt that it was important for the Board to have an item discussing the Thirty Meter Telescope project on the agenda. Graduate students treasure research and community engagement. The community at Mauna Kea have expressed credible legal concerns, as well as concerns about their elders, and have tried to show an alternative way forward. UCGPC encouraged the Board to hold this discussion by the July meeting.

UCGPC, UCSA, the UC Advocacy Network, and other groups have responded to Governor Newsom's May Revision of the State budget and shared deep concern about the effects of decreased support in addition to the existing deficit. UCGPC planned to continue working with State Governmental Relations and Federal Governmental Relations to minimize the adverse effects. Students could help determine efficiencies, where to cut costs, and how UC could continue to help students thrive. Students have been responsible stewards of University funds; every year, students advised campus administrations on the expenditure

of the Student Services Fee. Governor Newsom's proposed ten percent cut to the General Fund would not be felt equally across the UC system. Basic needs resources were growing more critical, and financial and programmatic support needed to be maintained, if not expanded, to help students disproportionately affected by the COVID-19 pandemic, such as undocumented students, if they are able to stay in school. UC should not transfer institutional hardships on the under-resourced and marginalized. The University would find its way if it viewed the campuses from as many perspectives as possible. Stakeholder engagement was imperative in order to avoid austerity and place UC in better organizational standing than before. Last summer, UCGPC worked with the Office of the President to improve the student consultation process. UCGPC has continued to develop its State and federal advocacy apparatuses, sponsor legislation, and contact members of Congress. UCGPC has also canvassed UC leadership on a wide array of issues. Mr. Strobel praised Regent Weddle and Regent-designate Muwwakkil for their support. He also commended Ms. Sarveshwar's leadership, thanking her and UCSA for their efforts. He exhorted the University to chart a future that uplifts those who were struggling and treats them with the dignity that being a member of the UC community affords.

Chair Pérez thanked Mr. Strobel and praised him and Ms. Sarveshwar for adding value to discussions and distinguishing the challenges facing undergraduate students and graduate and professional students.

4. **STANDARDIZED COLLEGE ENTRANCE EXAMS: CURRENT USES AND ACADEMIC PERSPECTIVES ON USE**

[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 explained that Regents would have five minutes each for their questions, which included the answers given.

Provost Brown stated that this three-part presentation by Chancellors, enrollment leaders, researchers, education policy experts, and members of the Academic Senate's Standardized Testing Task Force (STTF) would help inform the Board's decision on testing policy. The first group of presenters would give campus-based perspectives and the ways in which UC could conduct admissions selection. The second group would provide a range of views on research and educational policy concerning the use of standardized tests. The third group would present the Academic Senate's perspectives and discuss STTF findings.

UCLA Vice Provost for Enrollment Management Youlonda Copeland-Morgan shared her prior admissions experience, including positions at Syracuse University and Harvey Mudd College, as well as serving as Chair of the Board of Trustees of the College Board. She stated that, in 2007, UCLA faculty approved a comprehensive review policy with 14 admissions criteria, in the contexts of applicants' education opportunities and life experience. UCLA used a holistic review process; each randomly assigned application was read at least twice by pre-evaluated and professionally trained readers. Reading was done electronically and monitored by information technology staff, and third reviews were done

if necessary. Readers gave each application a holistic score, and reviews were blind. No weights were assigned to any element, and standardized test scores were considered in the context of other factors, such as test scores of students from the same school applying to UCLA or UC, test scores of all students applying to UCLA, and average test scores from the student's neighborhood. Selection was based on enrollment targets, yield, holistic scores, majors, and residency. Specialty school faculty also reviewed applications, holistic scores, and demonstrated talents to recommend candidates. Admission was both a science and an art. Comprehensive review was designed to mitigate the bias of the correlation between high test scores and high family income. Even in a holistic process, standardized test scores still had a disparate impact on admissions outcomes. Students from privileged communities attended schools with more resources, such as teachers with advanced degrees, well-equipped laboratories, test preparation courses, and private tutors. Students from under-resourced schools shared textbooks, used broken science equipment, had no test preparation, and could not afford tutoring. Students from high-income communities had summer experiences such as academic camps, internships, and travel, while students from low-income backgrounds had summer jobs or cared for younger siblings. These responsibilities have often been undervalued in the admissions process even though they develop a student's skills, resilience, and leadership. Standardized test scores currently played a greater role in higher education than ever before. High test scores were a measure of a university's prestige and selectivity in the competition for ratings, ranking, and revenue. Inequities still existed despite years of efforts to eliminate bias. A test-optional policy was not the answer; high-achieving students from low-income backgrounds who do not submit test scores might be perceived as unqualified. These students might not have counselors to advise them on submitting test scores strategically. Disadvantaged students would be more burdened by a proprietary UC test, because they already must take the SAT/ACT to apply to other schools. Many were calling for more to be done to reduce inequities in admissions and in society, and the University could lead the way.

Chancellor Wilcox shared that UC Riverside was increasingly seen as a model for success for first-generation students, underrepresented minority (URM) students, and students who received Pell Grants. *U.S. News and World Report* ranked UCR number one in the country for social mobility. UCR wanted to do more. This success was achieved under the current admissions policies. Chancellor Wilcox was not necessarily a proponent of or an apologist for the SAT/ACT or other standardized tests and acknowledged that a case could be made that testing companies were taking advantage of students and families. However, this discussion was about the role that testing played in shaping student bodies. The case for bias in standardized tests was largely correlational, wherein students from some groups performed better on these tests than students from other groups. The same case could be made for nearly every other measure in admissions—high school grade point average (GPA), access to Advanced Placement (AP) courses, access to or completion of the A–G curriculum, extracurricular activities, and others were correlated with family income and geography. The STTF found that access to the A–G curriculum was more determinant of demographic differences than was standardized testing. He asked which measures UC should use if all measures were biased or correlated with family background. He also asked whether eliminating one biased measure from a group of biased measures would improve the selection process. At UCR, it was not necessarily the case that the process would be

improved. UCR has relied on the SAT in admissions and has been very successful in recruiting a highly diverse student body. SAT scores added predictive value in terms of student retention, GPA, and graduation. The STTF found that standardized tests served as a tool to increase representation. He urged the University to be careful when making changes. This was also an issue of how individual campuses used certain measures and what outcomes campuses sought to achieve. UCR graduation rates for the students from the lowest one-third of academic index scores exceeded comparative graduation rates for all but one other UC campus.

Chancellor Christ shared that she has thought deeply about this subject since her time as UC Berkeley Provost in the 1990s, when UC began considering the issue, to her time as President of Smith College, when the college decided to eliminate the SAT/ACT in 2008, to the present. She did not favor the SAT/ACT admissions requirement. Convinced by research showing a correlation with socioeconomic status, she was dismayed with the anxiety created by a testing culture and its reflection in the Varsity Blues scandal. UC Berkeley transitioned to holistic review in 1998 in response to the passage of Proposition 209. This year, for example, more contextual information about applicants was listed before test scores, which allowed readers to consider them with greater intention. Smith College converted to test-optional in order to increase the socioeconomic, racial, and ethnic diversity of its student body. Admissions staff there felt they could judge applications as well as before the change, and the college's number of applications, competitiveness, and diversity improved. A study of test-optional policies at 33 public and private colleges and universities concluded that there were no significant differences in GPA and graduation rates between test score submitters and non-submitters. Cumulative GPAs in college closely tracked high school GPAs despite wide variation in testing. Non-submitters tended to be students who were first-generation, URM, women, Pell Grant recipients, and those who had learning differences. The STTF report asserted the value of the SAT because test scores were a better predictor of a student's first-year GPA than high school GPA, but high school GPA and the strength of high school courses was a better predictor of overall undergraduate GPA and graduation. In her experience, it took students from less-resourced high schools one year to overcome deficiencies in preparation, much like the transfer students. UC must consider student success beyond the first year to ensure success to graduation. Because of the COVID-19 pandemic, next year would be an ideal year for experimentation. The SAT/ACT would be even more biased, reflecting the differences between those with and without internet access, an environment conducive to learning, and access to resources. This would increase the gap in test readiness and preparation, which would lead to a decrease in testing validity and an increase in the correlation to socioeconomic basis. UC Berkeley wished to admit a cohort on a test-blind basis and study their years at UCB to assess the efficacy of the SAT/ACT as a predictor of student success.

UCSD Professor of Economics and STTF member Julian Betts shared that he had devoted three decades of research to the economics of education, achievement gaps, and disparities. He stated that there were important reasons to use admissions testing. First, testing for California resident students was taxpayer-subsidized, so it was incumbent upon the University to find students who are prepared to succeed. Even after taking into account student backgrounds, both grades and test scores were predictive of a wide variety of UC

outcomes. Testing ensured that those admitted to UC were prepared to flourish and identified those in need of additional support. Second, the SAT did not negatively affect diversity because of how UC has used it. The evidence of the SAT's impact on diversity was circumstantial. The STTF found that three-fourths of the racial gap between California high school seniors and the pool of UC admittees came from pre-admission factors, the most important being the tendency for underrepresented groups to finish A–G courses at lower rates. One-third of the racial gap did come from admissions decisions. The culprit was not the SAT; rather, underrepresented groups, on average, had lower high school GPAs. UC's use of the SAT did not increase gaps in racial representation, but pre-admission factors such as course completion rates and high school GPA did. UC admissions readers saw both raw SAT scores and scores within the context of students' high schools. This was a key factor that explained why disadvantaged students have been admitted to UC at far higher rates than less disadvantaged students with the same SAT scores. Third, high school GPA did not mean the same thing at different schools, and eliminating standardized testing in admissions would make high school GPA the main measure of academic preparation. In one sample of California high schools, Mr. Betts found that tenth and 11th grade GPAs predicted 12th grade GPA well, but high school GPA could only explain half of the GPA variation at UC. High school grading standards differ across schools and time. A solution to this problem would be a standardized and objective test. Campus admissions leaders emphasized this to the STTF, stating that they wanted more information about students, not less. For example, UC San Diego has received applications from 14,000 high schools in the last two years alone. They noted that, without testing, variations in grading standards would be harder to detect, and weaker admissions standards would lead to worse student outcomes. Fourth, no justification had been given for the plan to ban the use of tests in 2023–24 and perhaps permanently. It would lower graduation rates and other outcomes, and it would do virtually nothing for diversity. The proposal ignored the Academic Senate's 51-to-zero vote in favor of the STTF recommendation, which was a strong endorsement of testing. He urged the Regents to amend President Napolitano's plan.

UC Berkeley Professor of Public Policy and Economics Jesse Rothstein shared that he was a labor economist and has long studied diversity and standardized testing. He wished to make four points. First, the STTF read evidence selectively and was mistaken about many things. Differences in grading standards across high schools were minor, and there were many variations within schools to identify those who were well-prepared. If there were differences in grading standards, then comparing GPAs from different high schools would be uninformative, but the evidence showed that GPAs were useful for comparing students from different high schools. The STTF report indicated that campus admissions were not compensating for SAT gaps. Second, the report leaned heavily on predictive validity of SAT scores for first-year students' grades. Students from more advantaged backgrounds earned higher grades and transitioned more easily to college, so anything correlated with student advantage had high predictive validity. In his own study on UC admissions, Mr. Rothstein found that the SAT, like playing lacrosse, identified students from advantaged backgrounds and predicted that those students would get good grades. The SAT scores of two students from similar backgrounds were less predictive of college performance. GPA, however, predicted college performance just as well within groups as

between groups. SAT scores placed an apparently meritocratic face on preferences for students from wealthy white high schools. If UC sought to reflect the diversity of the state, predictive performance could not be the lodestar for selection. Third, he cautioned against being confused by UC's distinction between admissions and eligibility. Since 2001, being eligible in the statewide or local context meant an offer of admission to UC Merced, which was UC's most diverse campus. Like UCM, the University could create a non-test-based route to eligibility on every campus. The Texas Ten Percent Plan guaranteed admission to the top ten percent of students in the state to the University of Texas, Austin. Finally, SAT-based admissions undermined the integrity of K-12 teaching standards. An admissions policy using criteria that aligned with K-12 teaching standards, such as the Smarter Balanced Assessment Consortium (SBAC) test, would support K-12 schools in pursuing those standards. Students would be rewarded for learning the material that they were taught. He encouraged the Regents consider alternatives that would remove the SAT from the admissions process, whether with another test, a non-test route, or both.

UCLA Professor of Education and former Board of Admissions and Relations with Schools (BOARS) Chair Sylvia Hurtado shared that she was a scholar of higher education who has studied access and transition to college. Her first point was that UC should eliminate use of fixed-weight formulas in determining eligibility and in admissions reviews. In its reform of eligibility and review of standardized tests, BOARS opted to reduce the testing burden of applicants but did not eliminate fixed-weight formulas, which placed too much weight on admissions tests. This conveyed to students that little else mattered and that UC did not trust evaluators who were carefully trained to recognize many forms of talent. BOARS acted to reform eligibility because it did not wish to raise GPA and test score in the UC eligibility index every time analysis showed that more California students became eligible for UC. The University should not raise the bar as students reach it, should decenter the use of test scores, and should ensure that the costs of eligibility are not borne by families. Second, the STTF report's finding that tests increase diversity was not entirely accurate. Test scores filtered who could apply or be deemed eligible. When BOARS evaluated the SAT subject tests, it found that a large number of students would have been eligible if they had they taken the tests. In her own analysis of national data, Ms. Hurtado found that the largest determinant of attending a selective college was simply taking the SAT/ACT, and this was true among underrepresented groups, especially Latino(a) students. Under a test-optional policy, fewer underrepresented and low-income students might take the tests, which would lead to inequities. The correlation between tests and income, school quality, and other factors would likely become greater than it is today. Campuses would favor those who could present test scores. The Academic Senate must provide guiding principles to avoid the disproportionate emphasis on tests in admissions to ensure fairness to those who could not take the tests under the current circumstances. The report's finding of the relative superiority of test scores over high school grades in terms of predictive validity was not a finding of any national study of which Ms. Hurtado was aware. If access to A-G courses was such a huge barrier in ensuring representation, then tests should be aligned with curriculum requirements. The properties of a good test, according to Academic Senate principles, included measuring achievement instead of aptitude, predicting success, and providing diagnostic and prescriptive feedback while ensuring fairness and uniformity and minimizing the burden on test takers. In its previous review of standardized tests and the

current STTF report, BOARS found that the SAT did not accomplish these goals. UC had an opportunity to devise a test that meets these goals, strengthen comprehensive review criteria, and focus on improving preparation in schools. As a result, more students, including more diverse students, could become eligible for UC, and more campuses could be better able to determine who is eligible and select the talent they wish to develop.

California State Board of Education President Linda Darling-Hammond raised the question of how the UC admissions process could be designed to strengthen K–12 education in California so that more students would be prepared to succeed and advance the UC mission. Research has found that focusing intensely on preparation for selective response tests did not translate to research and inquiry skills highlighted in the UC mission and might even undermine them. UC Berkeley researchers estimated that, from 1999 to 2002, the amount of new information created in the world was more than what had been created in the entire history of the world preceding. California was one of the first states to adopt the Common Core State Standards Initiative (Common Core) and the Next Generation Science Standards. Through the effort of BOARS, the standards of the A–G curriculum were directly linked to the Common Core. Despite what was set forth in the BOARS testing principles, an independent review of the SAT and ACT found that neither test assessed the Common Core well. Neither had adequate content and depth in mathematics nor a complete command of English language standards. Tests that were designed to be taken repeatedly did not focus on succeeding in the school curriculum. Rather, students from high schools that asked them to submit a rigorous portfolio of work graduated at higher rates, and they attended and succeeded in college at much higher rates than their more advantaged peers. This was the kind of work that should be encouraged at the high school level. She suggested four ways in which UC admissions could improve student learning at the K–12 level. First, UC should emphasize and strengthen A–G courses by requiring performance tests in the approval process. Second, UC should consider the GPA of these strengthened A–G courses in admissions. Third, if a test was to be used, she suggested the SBAC test, which was grounded in Common Core standards, was compatible with A–G, and evaluated critical thinking skills better than other tests. Because it was rooted in the high school curriculum, it was fairer to students across the socioeconomic spectrum. One UC study found that the SBAC test predicted success at UC and the California State University (CSU) systems about as well as the SAT and that top-scoring students of the SBAC test who were eligible for UC included twice as many African American and Latino(a) students as the SAT. Over 220 colleges in ten states use the SBAC test for placement, including CSU and the California Community College system, and six colleges use it for admissions. Fourth, UC should include samples of student work in admissions. The Common Application, which served over 800 colleges, had a portal that allowed students to submit samples of their work to be considered in admissions, placement, and advising. Now that President Napolitano had suggested experimenting with test-blind admissions, this could help UC identify the talent that advances its mission while signaling to K–12 schools the work that UC valued.

Faculty Representative Bhavnani stated that the Academic Council established the STTF following President Napolitano's request that the Academic Senate examine the use of standardized tests in undergraduate admissions. The STTF made eight data-driven recommendations using 2019 analyses and these were considered by many groups on every

campus. The recommendations, additional statement, and campus assessments were discussed by the Academic Senate Assembly in February and April 2020. From those discussions, the Academic Senate recommended the endorsement of the STTF report and that UC revisit, in five years, whether the added value of the SAT/ACT still held. The Academic Senate supported elements of President Napolitano's recommendations, including moving to a new system of assessments, but was disappointed with inconsistent aspects of the recommendations, especially the plan to eliminate the testing requirement if a new test could not be developed in five years.

UCSF Professor of Pathology Henry Sanchez, STTF Chair and former Chair of BOARS, stated that the STTF was comprised of UC faculty from all ten campuses and included a graduate student representative and 17 diverse faculty members, some with experience in testing and others in undergraduate admissions policy. Members of the STTF came from fields such as education, law, medicine, public health, anthropology, chemistry, criminology, economics, mechanical engineering, and philosophy. Consistent with the nature of faculty research, the STTF was charged with approaching its work vigorously and analytically without prejudice or presupposition. The STTF's report was the product of core UC values: information gathering, data analysis, consultation, and deliberation conducted over the course of a year. The STTF consulted organizations such as the College Board, ACT, and the California State Department of Education, as well as all nine undergraduate admissions directors. Reviewing dozens of studies on standardized tests, the STTF considered benefits and drawbacks of eliminating testing. From this collective analysis, the STTF provided eight actionable recommendations, but it did not recommend moving to a test-optional policy or the use of the SBAC test. The STTF report was based on rigorous research and core UC values, promoting student preparedness, pursuing diversity, ensuring fairness, and supporting opportunity and access.

UC Riverside Professor of Education Eddie Comeaux, Chair of BOARS and Co-Chair of the STTF, spoke about Section IV of the STTF report. He defined race and racism as a race-based system of advantages that negatively affects vulnerable communities of color. Inequities in K–12 schools have been well documented over the last 35 years, and there have been collective efforts to bridge pre-college equity and opportunity gaps. STTF members recognized concerns about standardized tests in K–12 schooling. These tests were associated with privilege and wealth. The SAT has faced fierce criticism for favoring the wealthy since the 1940s, and there has been persistent correlation between test scores, socioeconomic status, and race. Most measures of college preparedness, such as the completion of A–G courses, were affected by generations of oppression. Poorer performance on standardized tests could be attributed to school funding gaps, different levels of rigor among schools, and different family resources such as elite private schools and test preparation. Racial discrimination by K–12 educators was another factor, as evidenced by suspension and expulsion rates, especially for black male students; overrepresentation of lower-income and minority students in special education programs; and the lack of access to Gifted and Talented Education programs and AP courses. A campus climate of racial stereotyping, microaggressions, and anti-blackness have contributed to low academic performance and disadvantages to minority students on a national level. Stereotype threat, in which negative stereotypes raised doubts and high

anxiety in a test taker's mind, distracted students from the task at hand, and they performed more poorly than those who did not feel threatened by a stereotype. UC must acknowledge these disparities and its expectations, and it must effectively communicate the utility of standardized tests in admissions. UC has attempted to mitigate structural inequalities through a holistic review process, which was used by seven of nine campuses. BOARS recommended that the remaining campuses move to holistic review. When test scores are used in context and not as a single factor, the STTF did find some value in it.

UCSF Associate Professor in Otolaryngology Andrea Hasenstaub, a member of both STTF and BOARS, stated that BOARS felt it needed to do new analyses on the current admissions after changes in both the admissions process and testing. First, BOARS considered whether test scores were helpful in predicting any aspect of college performance. Previous BOARS studies found that students admitted to UC with higher test scores earned higher freshman GPAs than students admitted with lower test scores. Students with lower high school grades and higher test scores tended to earn higher freshman grades. This implied that test scores carried information about students' likely performance at UC that was not redundant with information in their high school grades. Concerned that the SAT might be a test of student affluence, BOARS broke down its analysis demographically, by income, race and ethnicity, and whether the student was a first-generation college student, and found that those with higher test scores tended to have better freshman grades. This implied that test scores helped predict freshman GPA for all demographic groups, even after high school grades were taken into account. BOARS looked at whether test scores helped predict student retention, graduation, or graduation GPA. Students with higher test scores in any income bracket, even controlling for high school GPA, were less likely to drop out of college before sophomore year, with a fivefold dropout rate difference from lower test scores. Students admitted with higher test scores were less likely to leave UC with no degree and more likely to earn a better GPA by graduation. These findings held for students subdivided by race and parental education. Test scores provided information not available in grades. These were not simply wealth tests; they predicted performance for all demographic groups and a range of outcomes, from freshman-year grades to seven-year graduation rates. The demographic makeup of those admitted to UC differed from those who graduated from California high schools, and underrepresented groups tended to apply to UC with lower test scores. Therefore, the second set of questions BOARS considered was whether the use of test scores was the reason why some groups were underrepresented at UC and whether stopping the use of test scores in undergraduate admissions would diversify the UC student population. BOARS found that about 75 percent of underrepresentation reflected pre-admission factors, the most important of which was the rate at which high school students completed A–G courses. BOARS then looked at how much of the remaining 25 percent gap was attributed to UC's use of tests in admissions. When test scores and high school GPAs of applicants and those admitted to UC were broken down by race and ethnicity, BOARS learned that URM students applied to UC with substantially lower test scores, about 200 points lower than those of their peers. However, test scores did not bar URM students from admission, because UC gave extra consideration to low-income and first-generation students. Admissions readers were trained to examine the context in which a test score was earned and compare it to those of other students with similar educational opportunities. When

analyzing by parental income and family education, test scores tended to be lower for all disadvantaged groups, but they were interpreted differently for different groups through contextual review. Low-scoring, disadvantaged students with strong applications were likely admitted, and low-scoring, advantaged students were less likely to be admitted due to GPA, not test scores. URM students tended to apply to UC with lower high school grades than their peers, and UC admissions did not curve high school GPAs as it did with test scores. This was where URM students seemed to be cut out of the UC admissions process. Repeated for family income and family educational history, as well as for every campus and demographic category, the analysis showed that nearly all UC campuses were more likely to admit students from disadvantaged groups with low test scores but not low GPA. Each campus placed far greater weight on high school grades than on test scores in admissions, which led to the BOARS conclusion that test scores were not a major reason for underrepresentation at UC. The net effect of UC's contextual review was to curve test scores. These findings led BOARS to the conclusion that eliminating test scores from admissions would probably not diversify the student population and might even hurt diversity, and eliminating the testing requirement would likely decrease student preparation, success at UC, retention, and graduation. These findings led to the Academic Senate Assembly's unanimous endorsement of the STTF recommendations, which included removing these tests only when a replacement was ready.

UCLA Professor of Education Li Cai, STTF member, stated that he had previously advocated for the SBAC test but believed that its use in UC admissions was not appropriate. Test security was an issue, and test scores would become invalid if enough test takers gain knowledge of enough questions through sharing. A scandal more serious than Varsity Blues could arise if UC used the SBAC test. SBAC has consistently shown the same or wider gaps as in other tests along race, ethnicity, and income lines, and, with little progress to close these gaps, switching to the SBAC test would make those gaps grow. Revising the SBAC test would cost at least \$75 million. In 2018, the U.S. military spent \$170 million just for maintenance of its computerized, adaptive test. In addition, using the SBAC would lead to the abandonment of the faculty's vision of a new assessment.

Chair Pérez thanked the presenters and the STTF. President Napolitano had reached out to the Academic Senate over two years ago to begin this discussion. The Regents have expressed ongoing interest in resolving these questions. This was not a time for cross-debate.

Regent Sures, noting the cost and time it took to implement UCPATH, asked how UC creating its own test would not lead to the same issues and whether UC had the ability to create a test better than SAT/ACT. Provost Brown replied that, in President Napolitano's proposal, there would be a feasibility study period for discovering issues of cost and test development, as well as whether UC could bring the right expertise. UC had had success creating the Mathematics Diagnostic Testing Project and the Analytical Writing Placement Examination. Regent Sures asked whether Mr. Brown believed such a test would be better than the SAT. Mr. Brown clarified that he was indicating that UC had expertise. The feasibility study was intended to explore that question. Regent Sures noted that it would be very difficult for him to vote on the action item until he saw more data. He asked whether

the Regents could postpone the vote and instead examine admissions data after UC has been test-optional for one year. Chair Pérez stated that the Board could accept, reject, modify, or delay an item and that Regent Sures could make a motion during the action item.

Regent Ortiz Oakley asked whether it was true that UC did not require the SAT/ACT for transfer students. Mr. Brown responded in the affirmative. Regent Ortiz Oakley asked whether transfer students succeeded at similar rates as freshman admits. Mr. Brown replied that the transfer students whom UC admitted were highly successful. Regent Ortiz Oakley asked whether UC relied primarily on GPA when admitting transfer students. Mr. Brown stated that UC considered primarily GPA and preparatory courses completed. Regent Ortiz Oakley asked if this was similar to admitting K–12 students who have completed A–G courses and had a certain GPA. Mr. Brown stated that there was a reasonable parallel. Regent Ortiz Oakley stated that there were 114 California Community College campuses that were similarly under-resourced as many K–12 schools. He asked whether students transferring from the California Community College system were successfully graduating from UC. Mr. Brown stated that this was reasonably accurate. Regent Ortiz Oakley underscored that UC did admit a diverse group of students without SAT/ACT scores who succeeded at similar rates.

Regent Lansing shared that she had participated in the development of holistic review. She asked whether all campuses used it. She also asked if these campuses were adhering to the rules that were originally set for holistic review and, if not, why. Mr. Brown stated that all campuses practiced comprehensive review and that holistic review was a type of this review. Comprehensive review did specify the range of 14 factors that campuses could use in the admissions process. All campuses used multiple factors, but they did not all use the same factors or place the same emphasis on the same factors. Not all campuses practiced holistic review, which looked at multiple factors in an unfixed-weight scenario and evaluated a student as a whole. Regent Lansing asked whether there was objection to regarding test scores as one of 14 factors. Chair Pérez asked Mr. Brown to distinguish between multi-factor and holistic review for greater clarity. Han Mi Yoon-Wu, Executive Director of Undergraduate Admissions at the Office of the President, stated that comprehensive review allowed the consideration of up to 14 factors. Not all students might have 14 factors, so holistic review allowed a campus to look at all the achievements that the student has presented in the application. UC Riverside used a fixed-weight formula using four comprehensive review factors, and UC Santa Barbara used a hybrid model where 50 percent of the review was done using a formula and 50 percent was done using readers. Regent Lansing asked the chancellors why a new test would not present all the same problems that UC was experiencing with current tests. Chancellor Christ replied that it could not be assumed that the only option was a new test to replace the SAT. Chancellor Khosla stated that, instead of having a test, there were UC freshman-level courses that students could take, and the grades for those courses could be factored into admissions.

Regent Reilly asked what adjustments would have to be made to comprehensive review if testing was eliminated. Ms. Copeland-Morgan replied that all campuses would have to use holistic review. UC did have other indications that students could do college-level work,

such as dual enrollment, AP, and International Baccalaureate (IB) courses. Students' grades, rigor, and past history could show performance. She expressed disappointment in the amount of focus on basing students' college performance on GPA. The purpose of education was to improve the quality of education for a specific student and future students. There were students with high test scores who performed worse than predicted at UC.

Regent Reilly asked Mr. Betts how he would respond to the claim that there was nothing objective about the SAT. Mr. Betts replied that, according to one national study, the variation in high school grading standards was one-third as big as the variation in test scores. Former UC President Atkinson obtained SAT data for researchers, and studies showed that there was no evidence of biased verbal or mathematics questions for Hispanic test takers, no evidence of biased mathematics questions for black test takers, and some cross-cutting bias in verbal questions. UC President Atkinson compelled the College Board to create a new test more focused on curriculum. The SAT was not completely linked to the Common Core, but it was moving in that direction. BOARS removed the revised SAT from provisional standing because it felt that the new test better met BOARS testing principles. The SAT was redesigned in 2016 to be more strongly linked to the high school curriculum.

Regent Reilly asked what percentage of UC transfer students were URM. Mr. Brown replied that he did not have this information but could obtain it.

Regent-designate Muwwakkil stated he echoed Regent Ortiz Oakley's questions and sentiments. He asked about the purpose and goal of standardized testing in admissions. Ms. Hasenstaub replied that, according to BOARS guidance, admissions tests would be used to assess academic preparation and achievement, predict success at UC beyond that which is predicted from GPA, aid in establishing UC eligibility, and aid in selecting students for admission at individual campuses. Regent-designate Muwwakkil asked how closely the SAT/ACT aligned with successful engagement in UC classrooms. Ms. Hasenstaub replied that the SAT was revised such that preparing for the SAT meant strengthening the skills used in college. This version of the SAT was too new to be regarded as a success. Regent-designate Muwwakkil asked how current forms of standardized testing could help prepare students for engaging in research. Ms. Copeland-Morgan replied that she did not know of data that showed a correlation between test scores and engaging in research. At UCLA, students were eager to engage in research at every level of admissions criteria.

Regent Weddle asked Chancellor Christ how she conceptualized student success and what she thought were the best indicators. Chancellor Christ responded that, in her view, the best indicators of student success were timely graduation and the completion of a program that would enable a student to meet goals in work and in life.

Regent Kieffer asked why the STTF did not recommend that UC admissions be test-optional. Dr. Sanchez replied that it could be difficult for readers and that there could be undue disadvantage in the process. Now that test-optional admissions have been recommended to the Regents, it would be important to collect data on it and ensure that it

did not have untoward effects. Mr. Comeaux added that test-optional admissions would not advance equity and would move one vulnerability to another. Readers in a test-optional approach could have implicit bias. There would be an assumption that a student would only submit a high test score and that students who did not submit test scores had low test scores. A test-optional approach might not solve equity concerns.

Regent Kieffer asked how a test-optional approach that was also test-blind would affect use of standardized testing in admissions. Ms. Bhavnani noted that the STTF did not consider a test-blind option. Mr. Betts stated that President Napolitano's proposal was more of a test-blind approach and therefore not really test-optional.

Regent Leib asked whether recent marked improvement in academic performance, one of the 14 review criteria, was being considered. Mr. Brown responded in the affirmative. Regent Leib asked why there was such a focus on the SAT and freshman grades if UC's goal was to graduate students and why improvement was not valued in college. Mr. Brown replied that he did not believe that campuses put a great weight on test scores. STTF data indicated that campuses placed far more weight on high school grades. Regent Leib remarked that the admissions officers and chancellors he spoke to stated that campuses mostly considered grades and SAT scores. Mr. Brown stated that the weight of the SAT was reduced by policy and that comprehensive review and Eligibility in the Local Context were meant to reduce weight placed on the SAT.

Regent Leib asked Mr. Comeaux whether he believed that the SAT promoted equity. Mr. Comeaux replied that holistic review was meant to address pre-college equity gaps. He could not say that whether one supported or did not support standardized tests meant that one was either for or against equity. Regent Leib asked if he supported using the SAT in admissions. Mr. Comeaux replied that the STTF report showed some value in standardized tests if used within holistic review. He added that the test was imperfect and that he could support an approach that was more inclusive.

Chair Pérez shared enrollment data from Ms. Yoon-Wu in response to Regent Reilly's question. In fall 2019, 36.5 percent URM freshman students and 35 percent URM transfer students enrolled at UC, which was statistically comparable.

Regnet Zettel, noting that AP and IB classes were considered in admissions, asked whether those classes were in well-resourced school districts that would not assist URM students in the admission process. Ms. Copeland-Morgan responded that tests were a barrier but did not negate the progress being made in diversity at UC. First-generation, URM, and rural students had less access to AP and IB courses, as well as other college preparatory work. The recent trend in dual college enrollment has provided some access. Holistic admission did not consider who took the most AP courses, but rather how well students took advantage of the courses available to them.

Regent Zettel asked whether community colleges are a great bridging system for students who come from under-resourced high schools. Mr. Brown replied that the same kind of access and inequity issues occurring in K-12 schools occurred in community colleges as

well. In his opinion, the best pathway to UC was through high schools, and educational equity was still a major issue. Regent Zettel stated that, according to the California Master Plan, community colleges were meant to provide remedial, technical, and entering education. She asked whether not using test scores for high school applicants was the same as not using test scores for transfer applicants. Mr. Brown agreed that these were not the same.

Regent Zettel noted that the lack of high school grading as a result of the COVID-19 pandemic could continue into the fall semester. She asked if eliminating the use of tests or making them optional would present more difficulties to admissions offices during a time when they could not rely on high school grades.

Regent Um expressed concern that UC was delaying its decision on testing by four years. He presently felt that the Regents were ready to vote and that an up-or-down vote would be critical. He asked whether the Academic Senate would oppose an up-or-down vote. Mr. Cai replied that the disruption of the pandemic has been so broad that any data in the next two years would not be very effective in showing what test-optional or test-blind approaches would do to UC admissions. Regent Um asked about the impact of two years of data as opposed to making a decision that day, in which case the decision would be in place. Mr. Cai replied that, under normal circumstances, UC would commit to the development of a new assessment that would better articulate the BOARS principles. At this time, he doubted whether UC or its partners had the resources to commit to such a new development.

Regent Um asked Ms. Copeland-Morgan for her thoughts on an up-or-down vote on testing and its effect on admissions directors. Ms. Copeland-Morgan replied with her hope that the Regents would make a decision that day. Regent Um asked whether there was a plan in place at UCLA for addressing the test-optional approach for the incoming class in 2021 that was separate from the present decision. Ms. Copeland-Morgan responded that holistic review allowed for looking at a student overall. It would be different but it could be done.

Regent Cohen stated that the lack of a detailed review of the SBAC test as an option was one of the criticisms of the STTF report. He appreciated Mr. Cai's explanation of why the STTF did not endorse the SBAC test. He asked Mr. Rothstein and Ms. Darling-Hammond to explain why they supported it. Mr. Rothstein replied that a major criticism of the SBAC test was that it was not designed to be used as an admissions test, but there was no intent to use it this way. If the SBAC test is used, UC would determine test security; it should be no more difficult than that of the SAT. The cost of SBAC test security would be offset by savings from students not having to take the SAT. Ms. Darling-Hammond stated that the designers of the SBAC test would be willing to modify it. California was the largest SBAC member and represented on the executive committee. The SBAC test included open-ended performance tasks and questions, and research has shown that the performance components of college admissions tests were the most powerful predictors of college performance. She was surprised by the recommendation of using the SAT without the essay exam, because research has shown that the essay component was the most predictive element. Before the SAT essay component, the SAT II writing exam was the most predictive element. She

emphasized the importance of critical thinking and productive writing for college success. Taking a multiple-choice test required a very different cognitive process. Research has shown that students receive a 40 percent lower score on questions converted from multiple-choice to open-ended questions because they could not guess the answer. She would like to see high schools encourage the skills that would allow students to succeed at UC.

Regent Butler asked why the UC system had three different admissions processes. Mr. Brown replied that UC had guiding policies that allowed for local campus flexibility. The selectivity of a campus sometimes determined the approach. A less selective campus could use a fixed-weight formula if the pool of applicants was sufficiently diverse. A fixed-weight formula would not achieve the breadth and quality in the student pools of more selective campuses. Campuses were able to achieve their goals with guiding principles of comprehensive review. At present, UC has not mandated holistic review. Regent Butler reiterated Ms. Copeland-Morgan's point of whether UC was trying to achieve selectivity or lifelong success.

Regent Butler, noting UC Riverside's achievements in diversity, graduation rates, and economic mobility, asked Chancellor Wilcox how the campus used the fixed-weight formula to achieve those goals. Chancellor Wilcox replied that UCR weighted GPA the heaviest, followed by SAT score, number of AP courses, first-generation status, and family income. GPA accounted for half and test scores accounted for 40 percent. The less time UCR spends on the admissions process, the more money it could spend on student success. UCR's focus was on how it could form and support a class to succeed. The campus had not opted for holistic review because its faculty committee has refused it.

Regent Butler asked Ms. Copeland-Morgan whether students and their families know which high schools are eligible for ELC consideration. Chair Pérez asked that Ms. Copeland-Morgan respond later in the meeting due to time constraints.

Regent Estolano, referring to the written materials, noted that the variance in test scores due to socioeconomic status increased from 23 percent in 1995 to 40 percent in 2016. She asked about the conclusions that the SAT as used by UC was more helpful to disadvantaged students than eliminating the SAT, as well as the conclusion that high school GPA was not as good a predictor for long-term success as the SAT. Mr. Rothstein replied that the STTF report was the only analysis he had seen that concluded that high school GPA was a better predictor than the SAT. This was partly because of campuses' different admissions pools and SAT and high school distributions and because of changes to admissions processes to put more weight on GPA. Students with a low GPA who are admitted to UC likely have other strengths, and this has made high school GPA a less accurate predictor. There was no evidence for the STTF's claim that UC offsets SAT gaps.

Regent Estolano, noting the increases in diversity, retention, and selectivity experienced at Smith College after the testing requirement was eliminated, asked Chancellor Christ what led to the increased diversity in the incoming UC Berkeley class. Chancellor Christ replied that one of the many changes that UC made was placing the SAT score at the end of an applicant file instead of the beginning. Chancellor Christ stated that, when the testing

requirement was eliminated at Smith, it received more applications and more diverse applications. In one study of 33 schools that were test-optional, those who did not submit scores tended to be female, low-income, URM, or had learning differences.

Regent Park stated that she found the STTF report on predictive value concerning. She questioned whether UC was having an impact on students. Putting people in a university setting should be motivating and life-changing regardless of their SAT scores. The reliance on predictive value implied the type of students UC would admit and produce. She questioned the point of having 2030 goals, which focused on addressing differential outcomes, if UC just wished to produce more graduates. The STTF's reliance on predictive value seemed outdated. Mr. Brown replied that tests should be less predictive with a rich and powerful educational experience. He has often regarded UC as the "royal jelly" of higher education. Through the 2030 goals, UC must reinvest in that royal jelly. He believed that predictive validity has been overemphasized because linking a performance prediction attached value to the order created by norm-referenced tests. Questioning the predictive validity of these tests would raise fundamental questions about their value. Moving from predicting success to preparing for success would result in a paradigm shift. This is what he believed President Napolitano was trying to do.

Regent-designate Stegura asked, given rampant grade inflation and differently resourced school districts, how UC could ensure that underrepresented groups are still represented as UC intended. Mr. Rothstein disagreed that grade inflation was rampant, noting that it might be more prevalent in more advantaged locations. Disadvantaged high schools still maintained absolute standards. Evidence has suggested that grading standards have been more comparable across high schools than SAT score differences. Evidence also suggested that a more diverse class would be admitted if grades are used within a high school's context instead of using just SAT scores. Grade inflation did not seem to undercut the use of grades in admissions, and states that used class rank works were not admitting unqualified students. Regent-designate Stegura asked whether eliminating standardized tests and relying on grades and other factors would have a negative effect on building a class that UC wanted. Mr. Rothstein replied that UC would do a better job of identifying non-traditional students who were prepared to succeed.

Regent Sherman, noting the requirement of admitting the top 12.5 percent of California high school students in the California Master Plan, asked why class rank was not one of the 14 factors in comprehensive review. It would show students' rigor in their own environment. Mr. Brown stated that there were two issues. The 14 factors were related to campus admissions selection. Being in the top 12.5 percent was an issue of eligibility. Though not a specific factor, campuses did rank students from a range of considerations, including GPA. Class rank could be added to the factors. A number of campuses considered how students performed in their local context. There were universities who ensured that students succeed, independent of their ability during admission.

Regent Sherman asked what the single most relevant factor to graduation was, if success was defined by graduation. Mr. Brown replied that it was high school GPA.

Regent Makarechian asked President Napolitano who had appointed the STTF and whether UC should wait until there is a new UC President to make this decision. President Napolitano replied that the STTF was appointed by the Academic Senate at her request. It was her role to receive the STTF report and recommendations and forward them to the Board with her own analyses and recommendations. Unless the Regents wished to have another multi-year review period, it would be appropriate to make the decision today. Regent Makarechian asked why President Napolitano disagreed with the STTF recommendations. President Napolitano stated that she would say more when the action item was presented.

Regent Makarechian asked Mr. Brown why UC would potentially spend millions of dollars to eliminate standardized testing given its already reduced weight in admissions. Mr. Brown stated that President Napolitano's call for a new test would most properly shift the paradigm. UC stood for excellence. This reflected UC's role in advancing educational equity. There have been calls for a new test for nearly 20 years. Regent Makarechian asked why UC would eliminate the SAT/ACT before it created its own test. Mr. Brown replied that the absence of a test would compel the creation of a new test. Regent Makarechian noted that the proposal stated that the SAT would not be considered even if a new test is not created. Mr. Brown stated that this was because the current test did not represent what UC wanted.

Regent Makarechian asked Regent Ortiz Oakley what portion of the 2.2 million students in the California Community College system were admitted into UC and graduate. Chair Pérez stated that this question would be revisited during the action item due to current time constraints.

Regent Kounalakis thanked the speakers and members of the public who spoke about this issue. There was a widely held recognition that these tests are deeply problematic. Moving to a test-optional approach presented an enormous shift that was very interesting and exciting. This meant that students who feel that the tests were biased, felt deep anxiety about them, or did not have the resources to prepare for them could decide not to take the test and still have their UC applications evaluated. This would produce an enormous amount of information and add to a process of seeking talent that UC was trying to make more equitable. She asked Chancellor Christ if UCB was ready for a test-optional approach. She asked Mr. Brown whether other chancellors were prepared and if UC had a process to gather data, ensure that students are adequately informed of the change, and ensure that students were not disadvantaged by not submitting test scores. Chancellor Christ replied that UCB was ready and developing a proposal to study a test-optional group and a test-blind group of applicants. Mr. Brown deferred to other chancellors to answer the question about their preparation. He stated that his team was well-practiced in communicating admissions changes to schools and in active contact with all school districts. Regent Kounalakis asked President Napolitano if she felt that the campuses were ready to be test-optional. President Napolitano responded in the affirmative. The Academic Senate recommended that UC be test-optional for 2021 because of the pandemic, and the Regents approved it as an interim item. She proposed that the test-optional approach be extended for one more year. Regent Kounalakis asked whether this would help advance the

University's equity goals. President Napolitano replied that a test-optional approach would give students agency, in a period when they would have many courses graded on a pass/no pass basis, to determine if a test score might help them with admission.

Regent Simmons shared how the reliance on statistics negatively affected her own experience at UCLA. She asked why UC was looking solely at careers within UC as an indicator of success instead of other indicators such as impact and experience. She also asked why trajectories were not researched as an indicator of success. Ms. Hasenstaub replied that the STTF had to balance the length of time to study an outcome with how recent the data was. To understand the impact of a decision made a few years ago, the STTF would look only at freshman GPA or sophomore retention because it was the available data. To study graduation rates, the STTF would look at data ten years back. Data on long-term outcomes would have been collected 15 to 20 years ago; there had been three iterations of the SAT since then. The data would not be helpful for making decisions about the current iteration of the SAT. The STTF felt that looking at graduation data struck a reasonable balance between freshness of data and outcome. Regent Simmons stated that UC now had an opportunity to reengineer the impact of the UC system and that it started with admission testing. She added that holistic review not only benefits diversity statistics, but the whole of UC and its successful outcomes. UC should find a way to measure success by the adverse circumstances one had to overcome. This would be more impactful than statistical analysis.

Chair Pérez asked whether students and families knew which were ELC schools. Ms. Copeland-Morgan replied that most California schools were participating in ELC, including many private schools.

Chair Pérez asked why the dissenting report was not transmitted with the STTF report and whether any of the dissenting report's signatories had presented during this meeting. Ms. Bhavnani clarified that it was not a dissenting report but rather an additional statement made available after the STTF report was made public. There were six or seven signatories, and Mr. Cai was one of them.

Chair Pérez asked if the flexibility in admissions review methods used at different campuses was the result of a previous decision that was informed by BOARS and adopted by the Board. Mr. Brown responded in the affirmative. Chair Pérez asked when that was adopted. Mr. Brown responded that it was adopted in 1998.

Chair Pérez thanked the presenters and commended the STTF for its work, which was the foundation of President Napolitano's proposal and of the Board's decision. He asked what the SAT assessed. Mr. Cai replied that the SAT measures achievement and college readiness. It has been benchmarked to college success using standard indicators. When controlling for background, it remained predictive of life earning.

The Board recessed at 12:25 p.m.

.....  
The Board reconvened at 12:55 p.m. with Chair Pérez presiding.

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

In attendance: Regents-designate Mart, Muwwakkil, 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 Vice President Gullatt, Chancellors Block, Christ, Gillman, Hawgood, Khosla, Larive, May, Wilcox, and Yang, Interim Chancellor Brostrom, and Recording Secretary Li

5. **COLLEGE ENTRANCE EXAM USE IN UNIVERSITY OF CALIFORNIA UNDERGRADUATE ADMISSIONS**

The President of the University recommended that:

- A. The University of California will suspend the current standardized test (ACT/SAT) requirement for undergraduate admissions until 2024.
  - (1) For fall 2021 and 2022 applicants, campuses will have the option to use ACT/SAT test scores in selection consideration if students choose to submit them.
  - (2) Beginning with fall 2023 applicants and ending with fall 2024 applicants, campuses will not consider test scores for admissions selection at all, and will practice test-blind admissions selection. This recommendation applies to students enrolled in California public and independent high schools.
  - (3) During the full period of suspension, from 2021–2024, students will have the option to submit an ACT/SAT score for use in calculating eligibility for the UC statewide admissions guarantee, and for use in scholarship consideration and post-enrollment course placement.
  - (4) The University of California will eliminate altogether the SAT Essay/ACT Writing Test as a requirement for UC undergraduate admissions, and these scores will not be used at all effective for fall 2021 admissions.
- B. Starting in summer 2020 and ending by January 2021, UC will undertake a process to identify or create a new test that aligns with the content UC expects students should have mastered to demonstrate college readiness for California freshmen.
- C. If UC is unable to either modify or create a test that meets these criteria and can be available for applicants for fall 2025, UC will eliminate altogether the use of the ACT/SAT for freshman admissions.

- D. The University will consult with K–12 educators, test experts, the California State University (CSU), and UC faculty to evaluate how best to construct a test better suited for the needs of UC (and possibly CSU).
- (1) The new test will be implemented on an accelerated timeline so that it is in place for fall 2025 applicants.
  - (2) The University will create a public online dashboard for tracking the progress of this process, and will provide regular updates to the Regents.
- E. The President will request that the Academic Senate review UC’s current admissions guarantees, including the statewide eligibility pathway and Eligibility in the Local Context (ELC).
- F. The President will request that the Academic Senate conduct additional analysis and review of factors contributing to disproportionate representation of California’s diverse high school student population, including review of A–G course access, student outreach, recruitment, and support services.
- G. The President will request that the Academic Senate work with the administration to determine the appropriate approach for out-of-state and international students beginning in 2025.

[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 explained that Regents would have five minutes each for their questions and the answers given. He limited debate after a motion of precedent had been made to no more than three in favor of the motion and three against the motion.

President Napolitano stated that she had sent a letter to Robert May, then Chair of the Academic Senate, in July 2018 asking the Academic Senate to examine use of standardized tests and whether UC and its students were best served by continuing their use, modifying current practices, using other testing, or eliminating standardized testing altogether. In January 2019, the Academic Senate formed the Standardized Testing Task Force (STTF) and asked it to develop a set of recommendations. She expressed appreciation to the faculty and their work. The STTF did all that was asked of them. The report was founded on evidence-based research particular to UC’s applicant pool and admissions policy and reflected the high quality of scholarship expected of UC faculty. In January 2020, the STTF submitted its final report and recommendations to the Academic Senate, which asked each divisional Academic Senate to comment on the recommendations. In April, the Academic Senate voted to endorse the recommendations, with one modification that UC revisit the issue of standardized testing in five years instead of nine. President Napolitano wished to make clear that she did not enter this debate with her mind made up. She had carefully gone through the STTF recommendations and supporting materials. She met weekly with Provost Brown and his team to understand the nuances of UC history and kept an open

mind. She asked Faculty Representatives Bhavnani and Gauvain many questions, including how retaining the testing requirement would affect the composition of the student body. She also asked how a new test would work, who would be involved, and how it would affect the California State University (CSU), California Community College, and K–12 systems. She reached many of the same conclusions as the faculty, mainly that UC’s admissions process was generally better with a test than without one. She also concurred that there were limitations to the SAT/ACT. She supported the Academic Senate’s endorsement of the STTF’s six recommendations but with some important modifications. She suggested creating a bridge from the tests UC currently used to either a new test that better assessed student preparation or, if a new test was not feasible or available, ceasing use of the SAT/ACT by 2025. She developed this proposal because she was unpersuaded that the added value of the SAT/ACT outweighed all of UC’s mitigation measures employed to counteract the effect of the tests on certain populations, especially in light of the correlation between the tests and socioeconomic level and ethnicity. Furthermore, UC was not ready to eliminate testing right now and needed to proceed in a studied way toward a new future. This was why she proposed extending the current test-optional measure by one year, then moving to a test-blind approach for two years. “Test-blind” meant that a student could choose to submit a test score, but it would not be considered for admissions; instead, it would be considered among other matters such as course placement, scholarships, or a statewide eligibility guarantee. This would give the University time to study the effect of each approach on students and to better adjudicate how tests are administered and how the admissions process is carried out.

Because of the unknowns about a new test, President Napolitano’s proposal included a feasibility study to be delivered by January 2021, at which point UC could conclude that a new test would not be feasible or could design a pathway to a new test. This did not necessarily mean that a test would be developed anew. The Smarter Balanced Assessment Consortium (SBAC) test has been administered free of charge to every public high school junior and many private juniors in California and was implemented in connection with the Common Core State Standards (Common Core). She disagreed with faculty about whether the SBAC test could be redesigned to better measure college readiness. She has consulted with CSU Chancellor Timothy White, and CSU agreed that California should work toward a better test and wished to work with UC. She had spoken with California State Board of Education President Linda Darling-Hammond, and Mr. Brown had spoken with Regent Thurmond, because one goal is having a measure of student preparedness that would strengthen how the A–G curriculum is delivered at the K–12 level.

President Napolitano also proposed that the Academic Senate review the current UC admission guarantees, particularly the statewide guarantee, which only involved GPA and SAT score, as well as review whether to enlarge Eligibility in the Local Context (ELC). UC needed to further analyze factors contributing to disproportionate representation. She emphasized that UC is a public university.

Regent Kieffer stated that he had felt conflicted about President Napolitano’s proposal because it was inconsistent with the STTF recommendations. The STTF produced a detailed, data-rich examination that found that the SAT/ACT were not a source of bias as

applied by admissions offices and were sometimes helpful for diversity. This seemed to be an inconvenient fact. He praised the faculty's effort. President Napolitano's reasoning had helped him overcome some of his concerns about the proposal overlooking the faculty recommendations. He trusted President Napolitano's judgment and was more comfortable with it after hearing her explanation.

Regent Lansing stated that she did not believe in the testing process but did believe in data and science. The data from faculty has shown that the test was not an impediment to diversity. Chancellor Wilcox has demonstrated it. She believed in comprehensive and holistic review, so an admissions test should be one of 14 factors considered. A new test would have the same problems. UC could not afford to spend \$100 million to develop a new test during the COVID-19 pandemic. She suggested test-blind admissions for two years, evaluating what happens, and then a test-optional pilot program. President Napolitano clarified that she agreed with the faculty that having a test was better than not having a test, not that she supported the SAT. She staged her proposal this way because UC already decided to be test-optional in 2021. Many high school juniors have taken the SAT already and had many pass/no pass grades, so they could choose to supplement these grades with an SAT score. No feasibility study has been done, so the cost of a new test was unknown. If study showed that a new test was not feasible, that would be the end of the question. If the study showed that the SBAC test could be amended, and she believed it could be, then UC could go in that direction. Regent Lansing stated that UC would still be spending a significant amount of money during a crisis.

Regent Lansing asked why the proposal included two years of test-blind admissions. President Napolitano replied that the time was needed to understand a potential new test.

Regent Makarechian remarked that the California Department of Motor Vehicle administered a driving test to ensure safety. Similarly, an admissions test at the University, a "highway of education," ensured that UC did not admit unqualified people, which would be costly. UC did not have enough capacity to give everyone a chance without measuring knowledge level. He acknowledged that diversity was a concern. Given that the graduation rate of transfer students was comparable to that of freshman admits, transferring from a community college was an option for those who did not wish to take the SAT, and it would be less expensive. He suggested that perhaps all students should spend their first two years in community colleges. UC could increase the number of transfer students admitted or lessen the importance of the SAT. He supported implementing the test-optional and test-blind years in the proposal as an experiment.

Regent Anguiano expressed her belief in the peer review portion of the research process, stating that there were decades of data showing the correlation between the SAT and wealth and privilege. She could not support use of the SAT to exclude and filter as opposed to determining college readiness. She asked how students who had or had not taken an admissions test would be evaluated in terms of statewide eligibility during the test-optional or test-blind periods. President Napolitano replied that a combination of GPA and SAT scores was being considered. Only students who had taken the SAT would be considered for the statewide eligibility guarantee, which she distinguished from an admissions

decision. The eligibility guarantee would guarantee a seat at UC Merced, the only campus with capacity. She wanted the faculty to reconsider how the statewide eligibility guarantee and ELC would be undertaken.

Regent Anguiano stated that her strongest takeaway from the discussion was about access. UC would not achieve equity or diversity representative of the state until it drastically increased the number of spots available to Californians. She suggested that the Regents discuss how the University could expand access in a future meeting.

Regent Sures stated that he did not support the SAT and that it was a flawed test but underscored the importance of facts and data. UC sought the faculty's opinion, and they presented data that should be considered. He was opposed to creating a new test and anticipated disastrous results. He proposed a hybrid approach, such that test-optional admissions would be implemented for two years, and diversity data would be available after one year. A more definitive decision on testing could be made after the data was reviewed. Regent Sures did not agree with voting on testing at this meeting.

Regent-designate Muwwakkil noted that he was initially against the SAT for admissions and actively worked against his own bias. He read the STTF report many times in order to improve his understanding. He stayed curious and persuadable. Three concepts shaped his position: merit, the UC model, and the UC mission. He called attention to merit's relationship with prestige, as evidenced by rankings and by who saw themselves as a UC student. Prestige was juxtaposed with selectivity, diversity, and equity. The tools for selecting students must align with UC's research university model, or it would be making empty promises to students or assessing inconsequential things as merit. UC did not consider its role as a research institution or the mastery of the high school curriculum. The SAT seemed to be a test about test-taking and had an economic corollary. With regard to UC's mission, he raised the question of whether it was UC's goal to be a developmental source through which students could work toward societal betterment, liberal education, and economic advancement. UC was a stepping stone; students could come out as optimized citizens—better than when they went in. If UC used the SAT or a similar tool as a filter, it was not engaging as a public institution and diverging from its mission to be a resource to Californians. He believed that UC was headed in the right direction and had an opportunity to take bold action. There were many points of reflection in the future. He expressed his support for President Napolitano's proposal.

Regent Ortiz Oakley expressed his support for President Napolitano's proposal. With regard to believing in data, there were also decades of peer-reviewed data suggesting that the SAT was most strongly correlated with wealth, not college success. The lack of a clear agreement on this meant that UC was putting a great deal of onus on a test that clearly disadvantaged communities of low wealth and of color across the country. He questioned why UC would continue to use this test if there was no agreement about whether it is a predictor of college success. It signaled to students and their families that UC was forcing them to go through a process despite its little predictive value. He felt passionate about this because he had seen the impact of standardized testing on community college students for decades. Through Assembly Bill 705, the California Community College system

eliminated the use of standardized testing. Since then, community colleges have closed the equity gap between Latino(a) and white students in transfer-level English success. The California Community College system did not provide remedial education. This was college, not an on-ramp for a student who was not admitted to UC. President Napolitano had created a reasonable compromise. He suggested that California State Board of Education President Linda Darling-Hammond be part of the group studying a new test or revision of the SBAC test.

Regent Weddle thanked students for their advocacy. This was an equity issue, and stakeholders across country were watching. A large body of national data indicated that these tests perpetuate inequities across socioeconomic status and race. While data has been presented showing UC's efforts to mitigate inequities, UC's use of the SAT/ACT was lending credibility to an inequitable and predatory enterprise. She was confident that President Napolitano's proposal was better aligned with the values of UC and this Board. The Board had also had one year to discuss this issue and prepare for a vote, so she urged her colleagues to act at this meeting. She encouraged the Board to think critically how UC defines, promotes, and measures student success.

Regent-designate Mart shared his thoughts as a non-voting member. The SAT has been controversial for decades; he did not understand its purpose when he took the test 55 years ago. His children experienced much stress when they took it. The test has faced a great deal of grassroots opposition, especially from underrepresented communities who feel that the test is unfair and discriminatory, and he agreed with them. President Napolitano was doing the right thing and had taken advantage of the situation created by the pandemic to evaluate what a test-optional approach would mean for the University.

Regent Reilly asked how test-optional admissions would affect the UC Riverside student population. Chancellor Wilcox replied that it was hard to know; there were tens of thousands of students trying to decide whether to take the test. The UCR application pool differed from that of other campuses. UCR's modeling suggested that there would not be a huge difference, but the campus was planning ahead. For example, UCR was now identifying students who could forward their SAT mathematics scores to natural sciences and engineering departments to help their chances of admission. UCR might become more diverse. White students currently made up 11 percent of the student body and were in the minority.

Regent Reilly, cited the STTF report's conclusion that doing away with standardized tests would likely decrease student preparation, academic success at UC, retention rates, and graduation rates. She asked President Napolitano to comment. President Napolitano stated this was why she proposed exploring the feasibility of a test that is better aligned with what UC expects students to have mastered and that would improve the quality of high school education in the state. There was an exciting possibility here. Regent Reilly asked whether a test was necessary at this point. President Napolitano replied that the right test was better than no test, but a flawed test should not continue to be required.

Regent Kounalakis stated that it was humbling to hear uniform recognition that these tests were extremely flawed and unfair and created artificial roadblocks. This has been so evident for so long, and this was the first body to address it directly. This was a silver lining of the pandemic. Regardless of how the Board voted, UC was headed in the direction of eliminating the SAT/ACT as admissions requirements. Test-optional admissions signaled to students that not submitting test scores would not negatively affect their chances of admission. She asked how admissions offices would review 200,000 applications with two different admissions protocols in such close proximity. She suggested implementing test-blind admissions immediately or remaining test-optional so that UC could learn from it. After two years of a test-optional approach, she wondered whether UC could come to a different conclusion. She clarified that the Board was not currently deciding whether to adopt its own test. She believed that UC developing its own test would present major challenges, so she was heartened when Chancellor Christ stated that UC Berkeley did not need a test. Regent Kounalakis was concerned about phasing in two very different processes and preferred choosing one. Regardless, this was an exciting moment for American education, and UC should be proud to be leading it.

Regent Um called attention to the work of high school counselors. The mental health of students should not be ignored. Students who worked very hard in high school and experienced a culture of anxiety came to UC feeling lost. According to high school counselors, the first question parents have asked during the pandemic has been when their child could take the SAT. His greatest concern with the proposal was having two years of test-optional and two years of test-blind admissions. UC seemed to be putting off making a decision. If UC was going to make a decision, it needed to provide guidance. He favored a simple, up-or-down vote of whether to keep the SAT. He echoed Chancellor Christ's concern that a test-optional approach would exacerbate inequity. Underrepresented, or socioeconomically disadvantaged, and female students would be less likely to submit test scores. People on the margins would not have guidance on whether a certain score was worth submitting. Admissions directors have said that test-optional admissions would be the worst option. He wished to hear others' opinions. He was prepared to support President Napolitano's proposal but also was considering proposing an amendment for an up-or-down vote and addressing that culture of anxiety. President Napolitano stated that her proposal was an up-or-down vote on the use of the SAT/ACT, with two two-year cycles to evaluate and measure outcomes as a bridge to that decision. She noted that the CSU system was currently test-optional and would be test-blind in 2021. She proposed these two-year cycles because of students with many pass/no pass grades who could not use their GPA for admission and who should have the choice to submit a test score.

Regent Leib shared that he spent the last two months reading extensively on the topic and consulting many people, including the presenters. The SAT was developed almost 100 years ago, as an equalizer, because of elite schools, but the test did not currently fulfill that function. People were spending much time, energy, and money on this test, the purpose of which many had difficulty articulating. He suggested focusing instead on the A-G curriculum. He shared how his own children's test scores improved with tutoring and questioned whether the SAT was standardized. Families with resources could afford preparation courses that did not teach anything other than test strategies. In his view, there

was a simple cost-benefit analysis. So much time and effort was spent testing when evaluating 14 criteria for admissions was much better. He supported an emphasis on considering A–G courses. He was open to a new test or no test. He supported President Napolitano’s motion, although he would only implement one year of test-optional admissions.

Regent-designate Stegura stated that there was a precedent of this Board disregarding standardized testing because a test went against UC principles. In 2005, the Regents voted not to participate in the National Merit Scholarship Program because it did not fairly assess academic talent, and UC faculty, who voted unanimously to do the same, noted that Latino(a), African American, and Native American students accounted for only 3.2 percent of UC’s National Merit Scholarship winners. Much of the same reasoning applied here. She had been persuaded by the relationship between wealth and test scores, as well as her own experience working with undocumented and first-generation students at the Boys and Girls Club. Their life circumstances gave them no chance to prepare for admissions tests. Everyone’s goal was to have admissions standards that were not biased or at least not intentionally exclusionary. She applauded the work of the STTF. She believed that President Napolitano’s proposal was a reasonable and measured way to test theories of admission that serve UC principles and gave time for study and the accumulation of data. She would support the proposal if she had a vote.

Regent Cohen stated that President Napolitano deserved much credit for a proposal that made compromises and moved the University forward. He initially wished to suggest modifications, but her comments convinced and assured him. This presented a good opportunity for UC to embrace its public nature and align with the CSU, California Community College, and K–12 systems to serve students in a more comprehensive manner. He hoped that, if approved, the proposal would involve the K–12 system. He also wished to see the transition move faster than five years, but he was ready to act now and supported the motion.

Faculty Representative Gauvain noted that two factors limited the relation of other findings to those of the STTF. The STTF report used data from UC’s own students; the data used in other reports might have been combined from many different sources. The STTFs’ findings reflected the unique way in which UC used scores in the admissions process. She did not dismiss prior studies’ relevance, but they presented important limitations for UC purposes. She would not call the STTF report’s findings into question for those two reasons. She asked how the test-optional phase would be implemented and what role standardized tests would play during that phase. She also asked whether campuses had flexibility in implementation and if UC would assess demographic imbalance caused by this approach. Mr. Brown replied that all campuses had flexibility in terms of how they use scores. “Test-optional” meant students had the option to submit or not submit scores. If they did submit test scores, campuses were free to use or not use them, which was currently the case. Interim Vice President Gullatt stated that admissions testing was a value-add in the selection process, like AP scores. Not having either score would not detract from their selection. Ms. Gauvain asked whether UC would monitor any self-selection demographic

biases. Ms. Gullatt replied in the affirmative. Campuses had spent several months making preparations.

Regent Park expressed her support for President Napolitano's proposal but would have liked a more immediate break from standardized testing. This had taken so much time, energy, and focus from all the other things UC should be doing. She was puzzled by concerns that, by eliminating the SAT, UC would admit the wrong students who would waste its resources. It was harder to get into UC now than in previous generations. She did not believe she had had a great GPA or test scores, but she was admitted to UC Berkeley and graduated in 3.5 years. No employer asked about her SAT scores or college GPA, but employers want to know where one attended school. She echoed Regent Anguiano comments about access. The top 12.5 percent of California students were eligible and would benefit tremendously from a UC education. This might be a discussion about who is most deserving of UC admission. None of the Board of Admissions and Relations with Schools (BOARS) principles for comprehensive review indicated a need for the SAT. UC would still be abiding by the principles if the SAT were eliminated. She agreed that this was a cost-benefit analysis for students, not UC. Despite the practicality of President Napolitano's proposal, Regent Park was concerned that one student submitting a good SAT score in test-optional admissions would provide an advantage over a student with pass/no pass grades and no test scores.

Regent Zettel underscored the importance of local control and flexibility, as well as the expertise of admissions offices. With the current pass/no pass system, admissions offices must have as many tools as possible. The reality was that admissions offices were striving to do their best to minimize the importance of the SAT and to use it as an additional tool. The SAT may not be perfect, but faculty experts have stated that it is an indicator of graduation, time-to-degree, and success at UC. She asked whether the SBAC test would be considered in admissions like AP or honors courses if the SAT were eliminated. Mr. Brown replied that President Napolitano proposed that UC study the feasibility of the SBAC test. To his knowledge, it was not currently used in admissions selection. Regent Zettel sided with faculty experts. Rather than mandating an end to the SAT, she would like to see a date for alternative assessment. UC was facing minimal resources, a pandemic, and budget cuts. UC has not used the SAT to discriminate. Regrettably, UC could not admit everyone, but it was a research university and not for everyone. UC graduates were doing remarkable things that benefited the world. Students would experience great anxiety if they were not prepared to be successful at UC. Once admitted, students should be given the support to succeed, because educational opportunity was not equal in the K-12 system.

Regent Simmons stated that the Board had been presented with a very limited swathe of data. Ms. Gauvain's comments about the data affirmed UC's acknowledgement that it had not met its diversity goals. Using only the data of admitted students was part of the problem. Top-tier students at Mann UCLA Community School did not feel they would be welcome or succeed at UC. Perception became reality, and that perception has kept these students from applying to UC and sharing their brilliance. Decades of data has shown that the SAT was exclusionary and discriminatory. The faculty answered one very specific question very thoroughly, but answering that one question could not be the sole way in which UC

addresses the problem. At UCLA, introductory classes were known for the way in which tests from those courses were meant to “weed” students out. The University must innovate and reassess how success is defined. UC’s antiquated model started with the SAT and those introductory classes, and they did not represent UC or its goals. The time to act was now. The University and the state could not afford to lose the knowledge and talent of students who could not afford or did not feel welcome to apply. She applauded Chancellor Wilcox’s success but noted that the UCR applicant pool was different. That data was not presented in the STTF report. She cautioned against using only the STTF report to inform one’s decision. She added that a test-optional approach was fraught with challenges and preferred a test-blind approach, but she supported the proposal. She was proud of the direction UC was going and hoped that it would address Proposition 209 next.

Faculty Representative Bhavnani stated that the STTF report found that the way UC used the SAT protected the diversity of applicants. Of enrolled applicants in 2019, 36 percent of freshman admits and transfer students were from underrepresented minority (URM) groups. No one disputed that the SAT was racist, but the way in which UC used the SAT stopped it from being racist. Children of color were not taught in the same way that white children were. A 2019 study by economist and Harvard University Professor Raj Chetty found an eight percent of variance in SAT scores that was due to income and eight percent variance that was due to where one lived. In 2016, the SAT was revised, and the STTF report found that it protected diversity. UC should not do away with that element. The SBAC test was developed only to determine what children learned in school and reflected the curriculum. Making it into a high-stakes admissions test would result in the same problems. GPAs were more likely to be inflated in wealthy and middle-class schools. On behalf of the Academic Senate, she asked that the Regents keep the STTF report and suggested that test-optional and test-blind admissions be implemented for one year each and that data be gathered. UC should conduct the feasibility study, and the new UC President could assess the feasibility study.

Regent Makarechian asked whether there was an estimate of the cost or time needed to develop a new test.

Regent Estolano agreed that the SAT was a racist test and a filtering mechanism. UC did not have sufficient seats to accommodate the top 12.5 percent of California students. Historically, the SAT helped Jewish students who were prevented from attending Ivy League universities. Currently, the test was a proxy for opportunity and had an excellent correlation to privilege. She supported President Napolitano’s proposal, which acknowledged the faculty’s hard work and believed that it was time to make the decision. The SAT did not meet the desired properties of an admissions test issued by BOARS in 2002. It was not fair across demographic groups, did not correlate to A–G courses, did not predict success beyond the first year of college, and lacked social and monetary justification.

Regent Butler expressed her appreciation for President Napolitano’s leadership and efforts to strike a balance among the situation for California students and their families, the findings of the faculty, and other data in her proposal. She did not appreciate how President

Napolitano's proposal was adjudicated by the press and other outsiders. In the future, Regent Butler wished to see discussion within UC's shared governance before allowing others to opine on UC policies and positions. She expressed concern about timing and phasing within the proposal. She raised questions about what would happen to the campus environment and in admissions offices during the test-optional phase. She would prefer UC's timeline to match that of CSU. Disparate timelines would shrink the talent pool and confuse students and their families. She was prepared to support the proposal and serve in an oversight position as a member of this Board when this policy was implemented.

Chair Pérez stated that President Napolitano's proposal, in light of this Board's dual role as fiduciaries and as stewards of the public good that is UC, was an incredible step toward aligning UC's admissions policies with its values. There was a great deal of value in all the suggestions provided. This was not a rushed process. Since the 1977 adoption of the SAT as a weeding mechanism, this had been 43 years in the making. It had been an 18-year conversation. He would prefer the process for determining whether a better test was possible would be quicker. If it could be done in nine years as the STTF reported, then it could be done in five years as was proposed. There was a fundamental question of whether the Regents wished to be agents of adding equitable considerations to UC admissions. Campuses would be able to adjust. The suggestion that 36 percent URM freshman admits or 35 percent transfer admits was success in diversity failed the California student population, the majority of which was URM. This issue was not a question of racial access, but rather of economics and geography. Students in extreme Northern California, the Central Valley, and the Inland Empire were underrepresented regardless of race, and UC has not done enough to expand opportunities to all of them. The Regents must consider whether to proceed slowly or create urgency. While he might disagree with one point or another of the proposal, he believed that it struck the balance between different opinions and deserved the Regents' overwhelming support.

Regent Sures moved to amend the recommendation such that the University implement test-optional admissions for two years and that it would consider the data after one year of test-optional admissions so that the Board could make a data-driven decision. Chair Pérez clarified that Regent Sures moved that the Board only adopt the first two years of the recommendation. He provided time for Regents to speak in favor of or against the motion.

Regent Sures stated his belief that the SAT was a racist test and expressed his dislike of it. He also did not agree with President Napolitano's full proposal. He disagreed with considering other tests and was concerned with the potential cost of developing a new test given what was currently happening in the state and country. He wished to see data on UC diversity after one year of test-optional admissions and believed that the Board could make a better decision with one year of data.

Regent Lansing stated that she never believed in the SAT, but she could not ignore recommendations of the Academic Senate and Chancellor Wilcox. She could not ignore the data presented by the STTF. She was encouraged by comprehensive review and holistic review, which minimized the test. Any new test would be subject to the same problems of preparation and advantage. She was not in favor of a new test. There was a unique

opportunity to implement a pilot program where the test is not required for one year, and data on diversity could be collected. She seconded Regent Sures' proposed amendment.

President Napolitano stated that it was time for the Board to make a decision about the SAT. The Board should declare that, by 2025, the University would not use the SAT for California high school students and have a bridge which would allow monitoring and measuring. Data would be gathered. In her view, proposing only to study a test-optional approach for two years was not a motion that met the moment.

Regent Ortiz Oakley stated that one or two years of test-optional admissions would not yield enough information to make any reasonable decision. First, the applicant pool would not be large enough, and, second, most students in that pool would have gone through some test taking process. The feasibility study in the proposal would ensure data is provided to the Regents and would be enough to satisfy the concerns raised.

Upon motion of Regent Sures, duly seconded, the recommendation of the President as amended was not approved, Regents Blum, Lansing, Makarechian, Sures, and Zettel voting "aye" and Regents Anguiano, Butler, Cohen, Elliott, Estolano, Kieffer, Kounalakis, Leib, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Thurmond, Um, and Weddle voting "no."

Upon motion of President Napolitano, duly seconded, the President's recommendation was approved, Regents Anguiano, Blum, Butler, Cohen, Elliott, Estolano, Kieffer, Kounalakis, Lansing, Leib, Makarechian, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Thurmond, Um, Weddle, and Zettel voting "aye."

Chair Pérez thanked all participants in the discussion of this item and the previous item. This was the result of many years of work. It was important that the University approached this question from a variety of perspectives but in the end was unified. This represented the best of shared governance. He thanked the STTF, President Napolitano and her team, and fellow Regents for the debate.

6. **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 presented the following from its meeting of May 20, 2020. The Committee considered one discussion item:

***Update of COVID-19 Impact on the University of California: Academic and Student Issues***

Regent Butler reported that the Committee received an update on the impact of the COVID-19 pandemic on student issues and academic preparation. The Committee looked forward to more future conversations on academic readiness, as students and their families deal with the pandemic, and how UC innovates to prepare for its long-term future.

**Report of the Finance and Capital Strategies Committee**

The Committee presented the following from its meeting of May 19–20, 2020. The Committee considered 11 action items and one discussion item:

A. ***Consent Agenda:***

(1) ***Adoption of Endowment Administration Cost Recovery Rate***

The Committee recommended that the endowment administration cost recovery rate remain at 55 basis points (0.55 percent)<sup>2</sup> and apply to distributions from the General Endowment Pool (GEP) to be made after July 1, 2020, from the eligible assets invested in the GEP. The funds recovered shall be used to defray, in part, the cost of administering and carrying out the terms of endowments on the campuses and at the Office of the President.

(2) ***Adoption of Expenditure Rate for the General Endowment Pool***

The Committee recommended that the expenditure rate per unit of the General Endowment Pool (GEP) for expenditure in the 2020-21 fiscal year remain at 4.75 percent of a 60-month moving average of the market value of a unit invested in the GEP.

(3) ***Amendments to the 2019–20 and 2020–21 Budget for State Capital Improvements***

The Committee recommended that:

- a. The amended 2019–20 Budget for State Capital Improvements be approved as shown below:

---

<sup>2</sup> One basis point is 0.01 percent of yield (i.e., one hundred basis points equals one percent); 55 basis points are the equivalent of \$55 on endowment assets with a 60-month average market value of \$10,000.

		State General Funds Financed (\$000s)		
		Approved Budget Jan 2020	Proposed Change	Proposed Budget
Berkeley	University Hall Seismic Safety Improvements	\$6,050	(\$6,050)	
Irvine	Student Wellness & Success Center	\$13,000		\$13,000
Riverside	Pierce Hall Interiors	\$13,000		\$13,000
Riverside	School of Medicine Education Building II	\$6,400		\$6,400
Santa Barbara	Classroom Building	\$79,787		\$79,787
Santa Cruz	Kresge College Academic	\$47,200		\$47,200
Division of Agriculture and Natural Resources	Facilities Renewal and Improvements	\$19,237		\$19,237
<b>Capital Projects Total</b>		<b>\$184,674</b>	<b>(\$6,050)</b>	<b>\$178,624</b>
2019-20 Systemwide State Deferred Maintenance Program		\$35,000		\$35,000
<b>TOTAL STATE FUNDS FINANCED</b>		<b>\$219,674</b>	<b>(\$6,050)</b>	<b>\$213,624</b>

- b. The amended 2020–21 Budget for State Capital Improvements be approved as shown below:

		State General Funds Financed (\$000s)		
		Approved Budget Jan 2020	Proposed Change	Proposed Budget
Los Angeles	Public Affairs Building Seismic Improvements	\$25,000		\$25,000
Riverside	School of Medicine Education Building II	\$93,600		\$93,600
Systemwide	UC Center in Sacramento	\$11,400		\$11,400
Systemwide	2020-21 UC Seismic Program Supported by State Resources	\$300,000	(\$110,673)	\$189,327
Systemwide	2020-21 Planning for Future State Capital Outlay	\$80,000	(\$23,000)	\$57,000
Davis	Sprocket Building Seismic		\$12,000	\$12,000
<b>Capital Projects Total</b>		<b>\$510,000</b>	<b>(\$121,673)</b>	<b>\$388,327</b>
2020-21 Systemwide State Deferred Maintenance Program		\$35,000		\$35,000
<b>TOTAL STATE FUNDS FINANCED</b>		<b>\$545,000</b>	<b>(\$121,673)</b>	<b>\$423,327</b>

- (4) *Approval of Design Following Action Pursuant to the California Environmental Quality Act, Inpatient Rehabilitation Hospital Project, Davis Health Campus*

Following review and consideration of the environmental consequences of the Inpatient Rehabilitation Hospital 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 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. Determine that the Inpatient Rehabilitation Hospital project is exempt from CEQA.
- b. Approve the design of the Inpatient Rehabilitation Hospital, Davis Health campus.

**B. *Partial Preliminary Plans Funding, Irvine Campus Medical Complex, Irvine Campus***

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

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

To: Irvine: Irvine Campus Medical Complex – partial preliminary plans – \$35,210,000 to be funded from hospital reserves.

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

The Committee recommended that:

- (1) 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 Parking Garage – preliminary plans and working drawings – \$4.5 million funded from auxiliary reserves.

- (2) The scope of the Mission Bay East Campus Phase 2 Parking Garage project shall provide a new parking garage of up to 500 structured spaces and approximately 2,500 gross square feet of office and administrative space for UCSF Transportation staff.

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

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

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

To: San Francisco: Mission Bay East Campus Phase 2 Clinical Building – preliminary plans – \$23 million to be funded from hospital reserves.

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

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

San Francisco: Integrated Center for Design and Construction at Parnassus Heights – preliminary plans – \$3 million funded from hospital reserves.

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

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

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

To: San Francisco: New Hospital at UCSF Helen Diller Medical Center at Parnassus Heights – partial preliminary plans – \$135 million to be funded from hospital reserves.

Regent Makarechian reported that this would be a replacement hospital that would take five to ten years to complete. Based on the stress test and commitment of a \$500 million gift, the Committee approved the item.

G. ***Projected COVID-19 Impacts on 2019–20 and 2020–21 Revenue***

Regent Makarechian reported that the Committee discussed all revenue sources, such as decreases in student tuition, hospital revenues, State funding, housing, and food services.

H. ***Fiscal Year 2020–21 Budget for the University of California Office of the President***

The Committee recommended that the Regents approve the following:

Resolved, the Regents authorize the Office the President to accept and expend funds for fiscal year 2020–2021 per Regents Policy 5101: Policy Regarding Approval of Annual Budget for the Office of the President with the understanding that the Office of the President will submit, at the July 2020 Board of Regents meeting, a balanced budget that incorporates the appropriate level of reductions.

The Regents shall consider and recommend a revised fiscal year 2020–21 budget at the July 2020 Board meeting. This resolution shall remain in effect through August 31, 2020.

Regent Makarechian reported that of this item was approved by the Committee provided that the Office of the President present a balanced budget, with appropriate levels of reductions, for a Board vote in the July 2020 Regents meeting.

I. ***Amendment of the University of California Retirement Savings Program Plans to Provide for Relief Distributions and Loan Provisions as Permitted Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act***

The Committee recommended that:

- (1) The UC Retirement Savings Program (RSP) plans be amended, as applicable, to implement the following provisions as soon as administratively feasible after Regental approval:
  - a. The UC Defined Contribution Plan, Tax-Deferred 403(b) Plan, and 457(b) Deferred Compensation Plan be amended to permit qualified participants, as defined under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), to request coronavirus-related distributions, including in-service distributions, regardless of age, provided that:
    - (i) The distributed amounts are limited to the participants' vested accumulations;<sup>3</sup>
    - (ii) The coronavirus-related distributions among all three RSP plans do not exceed \$100,000 per qualified participant;
    - (iii) The coronavirus-related distributions are requested and issued by December 31, 2020; and
    - (iv) The coronavirus-related distributions may be repaid within three years and such repayments will be deemed an eligible plan rollover.

Note: In accordance with the CARES Act, coronavirus-related distributions will not be subject to early distribution penalties or the mandatory minimum 20 percent federal tax withholding applicable to eligible rollover distributions.

---

<sup>3</sup> Vested accumulations as defined in each plan document. Generally, all member accumulations in the RSP plans are 100 percent vested immediately, with the exception of certain employer contributions and earnings in the Defined Contribution Plan.

- b. The Tax-Deferred 403(b) Plan be amended to permit qualified participants, as defined under the CARES Act, to request coronavirus-related loans from the plan, provided that:
- (i) The participant is an active UC employee with a balance of at least \$1,000 in the plan;
  - (ii) The participant does not already have an outstanding general-purpose loan from the plan;
  - (iii) The coronavirus-related loan amount does not exceed the lesser of \$100,000 or 100 percent of the participant's vested contributions in the Tax-Deferred 403(b) plan, plus interest or earnings;
  - (iv) The coronavirus-related loan is requested no later than 180 days following the enactment of the CARES Act; and
  - (v) To facilitate these CARES Act loan provisions, temporarily suspend the current plan provision which limits a participant to receiving only one general-purpose loan in every 12-month period. A participant could not take more than one general purpose loan at the same time. Rather, it would allow a participant to initiate and pay off a general purpose loan and take another within a 12-month period.
- c. The Tax-Deferred 403(b) Plan be amended, in accordance with the CARES Act provisions, to allow active participants with an outstanding plan loan, as soon as administratively feasible following Regental approval, to suspend any loan repayments that otherwise would have been owed through December 31, 2020. Although loan interest will continue to accrue during the grace period, this amendment provides a deferral of one year<sup>4</sup> on the participant's repayment schedule.
- d. In addition to the optional provisions allowed under the CARES Act, the UC Defined Contribution Plan and 457(b) Deferred Compensation Plan be amended to permit plan participants who have attained age 59½ to request a full or partial in-service distribution of their vested contributions, plus interest or earnings, as already permitted under the Internal Revenue Code. (Since these in-service distributions are not related to the coronavirus pandemic,

---

<sup>4</sup> The CARES Act allows for the suspension of retirement plan loans for "one year." Fidelity Workplace Services LLC (Fidelity), UC's retirement savings plan record-keeper, is implementing this provision with its employer plan sponsor clients through December 31, 2020, pending further IRS guidance and clarification.

they would be subject to mandatory federal tax withholding. This aligns with current in-service distributions allowed under the UC Tax-Deferred 403(b) Plan.)

- (2) The President of the University be authorized to implement these approved provisions and supporting technical details, and the Plan Administrator be delegated authority to subsequently amend the RSP plan documents as necessary to implement the approved changes.<sup>5</sup>

Regent Makarechian reported that there was much discussion about making sure that people at any income level could take advantage of the amendments.

Regent Makarechian reported that, for each item, the Committee reviewed stress tests of the campuses' revenues to demonstrate the financial feasibility of projects, as well as campuses' ability to fund those projects. In these stress tests, operating revenues were decreased by 15 percent and 25 percent, and all projects passed.

Regent Kounalakis asked whether all items from this Committee were being presented for a Board vote. Chair Pérez responded in the affirmative. Regent Makarechian explained that the Committee agreed to approve *FID: Approval of Design Following Action Pursuant to the California Environmental Quality Act, Inpatient Rehabilitation Hospital Project, Davis Health Campus*. Chair Pérez clarified that there were questions about this item.

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

### **Governance Committee**

The Committee presented the following from its meeting of May 20, 2020. The Committee considered two action items:

A. ***Amendment of Regents Policy 1112 – Policy on Review of Allegations of Board Member Misconduct***

The Committee recommended that Regents Policy 1112: Policy on Review of Allegations of Board Member Misconduct be amended as shown in Attachment 1.

---

<sup>5</sup> The CARES Act allows employer plan sponsors to immediately adopt and implement the eligible defined contribution plan distribution and loan provisions contained within the Act. Employer sponsors of eligible governmental defined contribution plans have until the end of their 2024 plan year to formally, and retroactively, amend their plans accordingly.

B. ***Amendment of Bylaw 21.7 and Regents Policy 1202 – Policy on Appointment of Student Regent***

The Governance Committee recommended that:

- (1) Following service of appropriate notice, the Regents amend Bylaw 21.7 – Regent Compensation, as shown in Attachment 2; and
- (2) The Regents amend Regents Policy 1202 – Policy on Appointment of Student Regent, as shown in Attachment 3, effective upon approval of the amendment to Bylaw 21.7 as described in paragraph 1 above.

Chair Pérez clarified that, by approving this item, the Board was noticing approval to amend the Bylaw in July that would require an affirmative vote of two-thirds of the Regents. The policy amendment would not be effective until the Board took a separate vote.

Upon motion of Chair Pérez, duly seconded, the recommendations of the Governance Committee were approved, Regents 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.”

**Report of the Health Services Committee**

The Committee presented the following from its meetings of April 15 and May 20, 2020. The Committee considered three discussion items:

A. ***The Response of the UC Health System to the COVID-19 Pandemic***

Regent Lansing reported that most of the meeting was devoted to a discussion about the pandemic and its impact on the University.

B. ***Community Benefit and Impact, UC Health***

This item was not summarized.

C. ***Update of COVID-19 Impact on the University of California: UC Health Issues***

This item was not summarized.

**Report of the Investments Committee**

The Committee presented the following from its meeting of May 19, 2020. The Committee considered one discussion item:

***Update on University of California Investments Products – Retirement, Endowment, and Working Capital***

Regent Sherman reported that the Committee had a robust discussion about the amount of cash that the University was holding that was acting as a hedge, which gave UC an option to act if an investment opportunity presented itself.

**Report of the Special Committee on Basic Needs**

The Special Committee presented the following from its meeting of May 19, 2020. The Special Committee considered two discussion items:

A. ***Supporting Students’ Basic Needs During COVID-19***

Regent Weddle reported that the Committee had a very important discussion about the intersection of the COVID-19 pandemic and food and housing insecurity.

B. ***Special Committee on Basic Needs Report Draft Recommendations***

This item was not summarized.

Regent Weddle stated that it was such a pleasure to serve as chair of this Special Committee and thanked the Board for empowering students to serve in leadership positions.

**Report of the Special Committee on Nominations**

The Special Committee presented the following from its meeting of April 21 and May 11, 2020. The Special Committee considered one action item:

***Recommendations for Election of Officers and Appointments to Standing Committees for 2020–21***

The Special Committee recommended that the following appointments of Board officers and Standing Committee Chairs, Vice Chairs, and members for 2020–21 be approved:

- A. Regent John A. Pérez be elected Chair of the Board of Regents for the year commencing July 1, 2020.
- B. Regent Cecilia Estolano be elected Vice Chair of the Board of Regents for the year commencing July 1, 2020.
- C. Standing Committee Chairs, Vice Chairs and members, including non-voting advisory members, be appointed commencing July 1, 2020 as shown in Attachment 4. All terms are for one year unless noted. Bylaw 24.6, Standing Committees - Term “No Regent may serve consecutively in the position of Committee Chair or in the

position of Committee Vice Chair for more than four terms” be suspended for one year commencing July 1, 2020.

Regent Sherman reported that the Special Committee recommended waiving Bylaw 24.6 for one year for Standing Committee Chairs and Vice Chairs given the COVID-19 pandemic and upcoming transition to a new UC President.

General Counsel Robinson asked whether this item requires a two-thirds vote. Secretary and Chief of Staff Shaw responded in the affirmative, because the recommendation included a Bylaw waiver, which requires a two-thirds vote from the total number of sitting Regents, or 18 affirmative votes.

Upon motion of Regent Sherman, duly seconded, the recommendation of the Special Committee on Nominations was approved, Regents 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.”

#### 7. **RESOLUTION OF APPRECIATION – CHRISTINE SIMMONS**

Upon motion of Regent Leib, duly seconded, the following resolution was adopted, Regents Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Kounalakis, Lansing, Leib, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel voting “aye”:

WHEREAS, Christine Simmons will complete her term on the Board of Regents having conscientiously and meticulously fulfilled all of the duties and responsibilities incumbent upon her as an ex officio Regent, at all times exhibiting a deep and sensitive understanding of the values of the University and an abiding concern for the needs of its students; and

WHEREAS, as a proud Bruin who received her Bachelor of Science degree from UCLA, she has contributed tremendously to the UCLA campus and wider University of California community, serving as past President of the Board of Directors of the UCLA Alumni Association, as a UCLA Foundation Board member, and as Vice President of the Alumni Associations of the University of California; and

WHEREAS, the members of the Board have benefitted greatly from her thoughtful and incisive questions, which have led to productive discussions on many of the vital issues of the day, and she has demonstrated great concern for the well-being of the University’s students and future students through dedicated service as Vice Chair of the Public Engagement and Development Committee, and as a member of the Finance and Capital Strategies and Investments Committees, as well as of the Special Committee on Basic Needs and as the chair of a working group on Regents Policy; and

WHEREAS, her professional achievements and leadership in business development are widely recognized and her dedication to giving back to the Los Angeles community and

her many roles in public service have led to multiple honors and awards, including being named a Remarkable Woman of UC by the UC Office the President; and

WHEREAS, in recognition of her devoted service as a member of the Board of Regents of the University of California, and in the hope that she will continue as an active and vital participant in the life of the University, the Regents do hereby confer upon Christine Simmons the title, Regent Emerita;

NOW, THEREFORE, BE IT RESOLVED that the Regents of the University of California express their sincerest gratitude and admiration to Christine Simmons for her highly visible, articulate, and enthusiastic advocacy of her beloved alma mater;

AND BE IT FURTHER RESOLVED that the Regents direct that a suitably inscribed copy of this resolution be presented to Christine Simmons as an expression of the Board's high regard, appreciation, and best wishes for the future.

Regent Leib stated that Regent Simmons has been a tremendous asset to the Board and made her mark these last two years. Regent Simmons was a UCLA graduate, past President of the Board of Directors of the UCLA Alumni Association, a UCLA Foundation Board member, and Vice President of the Alumni Associations of the University of California. As Vice Chair of the Public Engagement and Development Committee she worked closely with Regent Leib in creating off-site Committee meetings. Regent Simmons picked the site of the off-cycle meeting and formed the agenda, and participants of the meeting at Mann UCLA Community School regarded it as one of the best Regents meetings they attended. Regent Simmons chaired the working group on Regents Policy 1112, developed consensus, and guided the working group to a successful conclusion.

8. **RESOLUTION OF APPRECIATION – WILLIAM UM**

Upon motion of Regent Estolano, duly seconded, the following resolution was adopted, Regents Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Lansing, Leib, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Weddle, and Zettel voting "aye" and Regent Um abstaining:

WHEREAS, the Regents of the University of California wish to express their heartfelt appreciation to William Um as he ends his term as a highly respected ex officio member of this Board, having faithfully and conscientiously carried out his Regental duties, at all times providing diligent oversight of UC's many operations for the betterment of the University and those it serves; and

WHEREAS, since receiving his Bachelor of Arts degree from UC Irvine, he has proved himself a true champion of the University, serving his beloved alma mater in many capacities including serving as a member of the Board of Directors of the UC Irvine Alumni Association and as President of the Alumni Associations of the University of California (AAUC); and

WHEREAS, as a nationally recognized trial attorney and litigator, he has brought his great legal expertise, keen intellect, and business acumen to his role as a Regent to the benefit of the Board, and in particular the Compliance and Audit, Investments, and Finance and Capital Strategies Committees, where his wise counsel has added immeasurably to the Board's deliberations, earning the respect and admiration of his fellow Regents; and

WHEREAS, he has exceeded expectations by providing astute and insightful advice as a member of working groups on Regents Policy and on innovation and entrepreneurship, as well as the Special Committee to Consider the Selection of a President, which will influence the direction of the University for many years to come; and

WHEREAS, in recognition of his devoted service as a member of the Board of Regents of the University of California, and in the hope that he will continue as an active and vital participant in the life of the University, the Regents do hereby confer upon William Um the title, Regent Emeritus;

NOW, THEREFORE, BE IT RESOLVED that the Regents convey to Will their deepest appreciation for his outstanding service on this Board and for his many notable contributions and achievements as an esteemed alumnus and steadfast supporter of the University;

AND BE IT FURTHER RESOLVED that the Regents direct that a suitably inscribed copy of this resolution be presented to Will as an expression of the Board's gratitude, warm regard, and lasting friendship.

Regent Estolano underscored the contribution that Regent Um has made to the Board. He was a graduate of UC Irvine and has served on the Board of Directors of the UC Irvine Alumni Association and as President of the AAUC. Regent Um was a nationally recognized trial attorney and litigator. Regent Estolano commended his intellect, dedication, insightful views, and commentary on a variety of issues. The Compliance and Audit Committee has appreciated his comments, questions, and suggestions on settlements. Regent Um has also served on the Investments and the Finance and Capital Strategies Committees, as well as on the Regents Policy 1112 working group, the Regents Working Group on Innovation Transfer and Entrepreneurialism, and the Special Committee to Consider the Selection of a President. Regent Estolano thanked him for his service.

Regent-designate Stegura stated that Regents Simmons and Um also served as officers of the AAUC, which took a great deal of time. Their contributions to AAUC have been tremendous. She and Regent-designate Mart hope to do half as good a job as they have done. She had learned many things from Regents Simmons and Um.

General Counsel Robinson stated that he enjoyed working with Regent Um.

**9. RESOLUTION OF APPRECIATION – HAYLEY WEDDLE**

Upon motion of Regent Cohen, duly seconded, the following resolution was adopted, Regents Butler, Cohen, Elliott, Estolano, Guber, Kieffer, Lansing, Leib, Napolitano, Ortiz Oakley, Park, Pérez, Reilly, Sherman, Simmons, Sures, Um, Weddle, and Zettel voting “aye”:

WHEREAS, on June 30, 2020, Hayley Weddle, an alumna of the University of California, Santa Barbara and a newly minted Doctor of Education Studies from the University of California, San Diego, will complete her term as the forty-fifth student Regent, having carried out her Regental responsibilities with diplomacy, thoughtfulness, and enthusiasm; and

WHEREAS, throughout her years as an undergraduate at UCSB and as a student affairs staff member and doctoral candidate at UCSD, she made many lasting contributions to the campus community, including leading the UCSD Basic Needs Committee as its co-chair, representing UCSD graduate students on the systemwide Title IX Advisory Board, and being a devoted mentor to many; and

WHEREAS, she has worked tirelessly on behalf of the people of California, serving on multiple special committees and working groups, including the search committees for the UC Merced Chancellor and a new UC President, in addition to her regular service as a Regent, as the Chair of the Special Committee on Basic Needs, and as a member of the Academic and Student Affairs and Compliance and Audit Committees; and

WHEREAS, her deep understanding of the complex issues facing the University of California has been a hallmark of her service on the Board, and she has worked passionately on behalf of all UC students to ensure that students’ basic needs and mental health are priorities and to achieve a welcoming, inclusive and safe climate throughout the University; and

WHEREAS, she has earned the respect and admiration of her fellow Regents, in recognition of her dedicated service as a member of the Board of Regents of the University of California, and in the hope that she will continue to be an active and vital participant in the life of the University, the Regents do hereby confer upon Dr. Hayley Weddle the title, Regent Emerita;

NOW, THEREFORE, BE IT RESOLVED that the Regents of the University of California express to Hayley their sincere thanks and heartfelt appreciation, and extend their best wishes for a highly successful and fulfilling career in education;

AND BE IT FURTHER RESOLVED that the Regents direct that a suitably inscribed copy of this resolution be presented to her as a symbol of the Board’s lasting friendship and esteem.

Regent Cohen stated that Regent Weddle's expertise on the Special Committee on Basic Needs has been a great asset to this Board. He believed that she was the only Committee Chair who has kept every meeting within its scheduled time. Regent Weddle also served on the search committee for the UC Merced chancellor and the Special Committee to Consider the Selection of a President. Her insight and advocacy for all students has been remarkable. He thanked Regent Weddle for her service.

Chair Pérez added that Regent Weddle was also a member of the Regents Policy 1112 working group. She has been deeply involved in a range of topics. He thanked her for her leadership and advocacy. It was special that, on her last day as a member of the Board, Regent Weddle voted on issues that aligned with her advocacy, research, and academic work. He thanked her for her work serving on the Board and for her academic work.

## 10. **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 Academic and Student Affairs Committee, and the President of the University approved the following recommendation:

#### ***Approval of Temporary Modification of Admission Requirements Due to COVID-19***

Temporary modification of undergraduate admissions requirements, notwithstanding any provisions to the contrary in Regents Policy:

- (1) Suspending the letter grade requirement for A-G courses completed in winter/spring/summer 2020 for all students, including the University of California's most recently admitted freshmen.
- (2) Suspending the standardized test requirement for students applying for fall 2021 freshman admission.
- (3) No rescission of student admissions offers that result from students or schools missing official final transcript deadlines, and student retention of admission status through the first day of class until official documents are received by campuses.
- (4) For transfer students, temporarily suspending the cap on the number of transferable units with Pass/No Pass grading applied toward the minimum 60 semester/90 quarter units required for junior standing.

- 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 recommendations:

(1) ***Approval of Delegation of Authority for Contractual Indemnification Provisions Otherwise Reserved to the Regents***

- a. The President of the University or her designee be authorized to approve indemnification provisions currently subject to Regents approval under Standing Order 100.4(dd)(9), provided that any such provisions limit assumption of liability to an amount not to exceed \$10 million.
  - i. The President may redelegate this authority to the Chancellors, the Director of Lawrence Berkeley National Laboratory, the Executive Vice President – Chief Financial Officer, the Executive Vice President – Chief Operating Officer, the Executive Vice President – UC Health, and the Vice President – Agriculture and Natural Resources, to be exercised in consultation with local UC Legal offices.
  - ii. The Regents reserve authority to approve contractual indemnification provisions described in Standing Order 100.4(dd)(9) that do not limit liability for indemnification to \$10 million.
  - iii. This delegation shall terminate upon the expiration or rescission of the Emergency Declaration issued by the Governor of the State of California with regard to the COVID-19 pandemic.
  - iv. A written report will be delivered to the Regents each month listing all contracts executed under this authority.
- b. The President of the University or designee, after consultation with UC Legal, shall be authorized to approve and execute any documents necessary in connection with the above.

(2) ***Indemnification of Anchor House Donor Parties in Certain Limited Agreements, Berkeley Campus***

That the President of the University or designee be authorized to approve indemnification terms by which the University will indemnify, defend, and hold harmless the donor of an approximately 800-bed student housing project (Project), located on the block bounded by University Avenue,

Oxford Street, Walnut Street, and Berkeley Way in the City of Berkeley, California, a wholly owned subsidiary of the donor, and its development team from and against injury, damages, or claims arising out of the performance under the Project transaction agreements (construction license and management and operations agreement), or in any way related to the Project site, the Project, or its construction, operation, management, repair, and/or leasing.

- C. The Chair of the Health Services Committee, the Vice Chair of the Health Services Committee, and the President of the University approved the following recommendation:

***Appointment of and Compensation for Chad Lefteris as Chief Executive Officer, UC Irvine Health System, Irvine Campus***

That the following items be approved in connection with the appointment of and compensation for Chad Lefteris as Chief Executive Officer, UC Irvine Health System, Irvine campus:

- (1) Per policy, appointment of Chad Lefteris as Chief Executive Officer, UC Irvine Health System, Irvine campus, at 100 percent time.
- (2) Per policy, an annual base salary of \$885,000.
- (3) Per policy, eligibility to participate in the Clinical Enterprise Management Recognition Plan's (CEMRP) Short Term Incentive (STI) component, with a target award of 20 percent of base salary (\$177,000) and maximum potential award of 30 percent of base salary (\$265,500), subject to all applicable plan requirements and Administrative Oversight Committee approval. Any actual award will be determined based on performance against pre-established objectives, and any award for the 2019-20 Plan Year will be adjusted to take into account the time Mr. Lefteris spent in the Chief Operating Officer and Chief Executive Officer positions.
- (4) Per policy, starting in the 2020-21 Plan Year, eligibility to participate in the CEMRP Long Term Incentive (LTI) component, with a target award of ten percent of base salary and a maximum potential award of 15 percent of base salary, subject to all applicable plan requirements and Administrative Oversight Committee approval. The LTI uses rolling three-year performance periods, and any actual award will be determined based on performance against pre-established objectives over the three-year LTI performance period.
- (5) Per policy, continuation of standard pension and health and welfare benefits and standard senior management benefits, including continuation of eligibility for senior management life insurance and continuation of

eligibility for executive salary continuation for disability after five consecutive years of Senior Management Group service.

- (6) For any outside professional activities, Mr. Lfteris will comply with applicable Outside Professional Activity (OPA) policies and reporting requirements.
- (7) This action will be effective upon approval.

### **COMPARATIVE ANALYSIS**

#### **Recommended Compensation**

**Effective Date:** Upon approval

**Title:** Chief Executive Officer, UC Irvine Health System, Irvine campus

**Annual Base Salary:** \$885,000

**Clinical Enterprise Management Recognition Plan (CEMRP) – Short Term Incentive (STI):** \$177,000 (at 20 percent target rate)

**Clinical Enterprise Management Recognition Plan (CEMRP) – Long Term Incentive (LTI):** ten percent target rate with the first possible payment to occur after the end of the 2022–23 Plan Year

**Target Cash Compensation\*:** \$1,062,000, plus possible LTI awards starting after the end of the 2022–23 Plan Year

**Funding:** Non-State-Funded (UC Irvine Health System revenue)

#### **Previous Career Incumbent Data**

**Title:** Chief Executive Officer, UC Irvine Health System, Irvine campus

**Annual Base Salary:** \$780,000

**Clinical Enterprise Management Recognition Plan (CEMRP): Short Term Incentive (STI):** \$156,000 (at 20 percent target rate)

**Clinical Enterprise Management Recognition Plan (CEMRP) – Long Term Incentive (LTI):** \$78,000 (at ten percent target rate)

**Target Cash Compensation\*:** \$1,014,000

**Funding:** Non-State-Funded (UC Irvine Health System revenue)

\*Target Cash Compensation consists of base salary and, if applicable, incentive and/or stipend.

#### **Approvals by Concurrence Authority**

- D. The Chair of the Health Services Committee, the Executive Vice President for UC Health, and the Chancellor of the San Francisco campus approved the following recommendation:

#### ***Capital Contributions for the UCSF/John Muir Joint Venture, UCSF Health, San Francisco Campus***

In connection with the new UCSF–John Muir Health Cancer Center in Berkeley, (1) a capital call by BayHealth in the amount of up to \$39 million combined from

John Muir Health and UCSF Health; and (2) the funding by UCSF Health from its reserves of an additional capital contribution to BayHealth in response to the capital call.

#### 11. **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 Chair of the Board, two letters announcing the appointments of the Special Committee on Nominations and the Special Committee on the Selection of a Student Regent. March 23, 2020.
- B. From the President of the University, a letter to Congress from the UC President and the leaders of the California State University and California Community Colleges systems regarding the Coronavirus-related effects on higher education in California and requesting federal financial and regulatory assistance. March 25, 2020.
- C. From the Office of the General Counsel, the *Bi-monthly Report of New Litigation* for reporting period December 1, 2019 to January 31, 2020. March 25, 2020.
- D. From the President of the University, an overview providing UC Federal Governmental Relations' analysis of the stimulus package passed by the Senate. March 26, 2020.
- E. From the President of the University, the *Annual Report on Student Financial Support for 2018–19*. March 31, 2020.
- F. From the President of the University, the *Annual Report on Student Health and Counseling Centers and the UC Student Health Insurance Plan*. March 31, 2020.
- G. From the Secretary and Chief of Staff, an approved interim action regarding temporary modifications of undergraduate admissions requirements due to COVID-19 impacts. March 31, 2020.
- H. From the President of the University, a letter from the President and Chancellors announcing that there will be no COVID-19 related layoffs for career employees through the fiscal year ending on June 30, 2020. April 2, 2020.
- I. From the President of the University, a COVID-19 and Coronavirus Update from the UC Health Executive Vice President, and a UC Situation Status Summary on COVID-19. April 3, 2020.

- J. From the President of the University, a letter from AFSCME Local 3299, the California Nurses Association, Teamsters Local 2010 and UPTE-CWA Local 9119 regarding labor relations during the Coronavirus pandemic and a letter in response from the President. April 9, 2020.
- K. From the Secretary and Chief of Staff, the Summary of Communications Received for March, 2020. April 10, 2020.
- L. From the President of the University, a COVID-19 and Coronavirus Update from the UC Health Executive Vice President, and a UC Situation Status Summary on COVID-19. April 10, 2020.
- M. From the President of the University, a COVID-19 and Coronavirus Update from the UC Health Executive Vice President, and a UC Situation Status Summary on COVID-19. April 17, 2020.
- N. From the President of the University, a letter to the Governor and the California Legislative leadership on the fiscal impact of COVID-19. April 19, 2020.
- O. From the President of the University, a COVID-19 and Coronavirus Update from the UC Health Executive Vice President, and a UC Situation Status Summary on COVID-19. April 27, 2020.
- P. From the President of the University, a letter regarding the deployment of UCPath at UC San Diego and UC San Francisco. April 29, 2020.
- Q. From the Vice President and Chief Investment Officer, a letter regarding University investments. May 1, 2020.
- R. From the President of the University, a COVID-19 and Coronavirus Update from the UC Health Executive Vice President, and a UC Situation Status Summary on COVID-19. May 1, 2020.
- S. From the Chancellor, UC San Diego, a news release and program documents for “Return to Learn,” a plan to test students and faculty for the presence of the SARS-CoV-2 virus that causes COVID-19, to better position the campus to resume in-person activities when fall classes begin. May 5, 2020.
- T. From the Secretary and Chief of Staff, the Summary of Communications Received for April, 2020. May 7, 2020.

To the Compliance and Audit Committee:

- U. From the President of the University, the *Report on Financial Statements and Expenditures of Federal Awards in Accordance with the Uniform Guidance for the Year Ended June 30, 2019*. April 3, 2020.

To the Health Services Committee:

- V. From the President of the University, the *University of California Medical Centers Report for the Six Months Ended December 31, 2019*. April 3, 2019.

To the Investments Committee:

- W. From the Vice President and Chief Investment Officer, an opinion article, “*How to Thaw a Frozen Economy.*” April 9, 2020.

To the Public Engagement and Development Committee:

- X. From the Associate Vice President, Federal Government Relations, the *Federal Update, 2020, Issue 3, April 1, 2020*. April 1, 2020.
- Y. From the Associate Vice President, Federal Government Relations, the *Federal Update, 2020, Issue 4, April 28, 2020*. April 28, 2020.

The meeting adjourned at 3:35 p.m.

Attest:

Secretary and Chief of Staff

**\*Additions shown by underscoring; deletions shown by strikethrough\***

## Regents Policy 1112: Policy on Review of Allegations of Board Member Misconduct

---

*Approved March 16, 2017*

*Amended [date], 2020*

This policy (“Policy”) provides procedures to address any allegation that a member of the Board of Regents (“Regent”) “has not fulfilled [his or her] duties as set forth in University Bylaws, policy or applicable law” and to “implement appropriate response(s) when such allegation is found to have merit” as required by Bylaw 21.11. This Policy concerns only the investigation of misconduct and the administration of sanctions, and it should not be interpreted as modifying or expanding the duties or responsibilities of a Regent as set forth in other University policies or Bylaws.

Section I addresses the Policy’s purpose and scope. Section II provides procedures for the investigation of alleged misconduct. Section III provides options for sanctions. Section IV provides special procedures for alleged misconduct involving complaints under the University’s Sexual Violence and Sexual Harassment (“SVSH”) Policy.

### **Section I – Introduction and General Policy**

#### **1. Purpose**

The Board of Regents of the University of California (the “Board”) holds the University in trust for the people of the State of California. In this role, members of the Board are expected to conduct themselves ethically, honestly, and in a manner that strengthens the public’s trust and confidence; to exercise their powers and duties in the interest of the public, the University, and the Board; and to preserve and enhance the assets and reputation of the University for the education and betterment of current and future generations.

#### **2. Applicability**

This Policy applies only to the eighteen gubernatorial-appointed Regents, the ex-officio Regents, and any non-student Regents-designate. The Policy does not apply to the Student Regent or any faculty representative or staff advisors to the Regents.

#### **3. Free Speech and Academic Freedom**

Members of the University community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This Policy is intended to protect the reputation and integrity of the University, not to regulate protected speech. It is intended that the sanctions listed in this Policy be imposed and enforced for the protection of the University community and for the maintenance of the reputation and integrity of the University. No provision of this Policy shall be interpreted in a manner that results in a violation of any person’s rights of free speech and association or other fundamental rights.

## Section II – Procedures for Investigation of Allegations and Imposition of Sanctions

The Board shall have the authority to censure or sanction a Regent who is found by the Board to have violated the Regent’s fiduciary or ethical duties to the University.

In order for the Board to censure a Regent, the Regent must be found by a preponderance of the evidence to have violated the ethical principles or breached his or her duties as set forth in the University Bylaws, policy, or applicable law. Such a finding shall be made ~~by the Board~~ only after an investigation directed by the ~~Office of the General Counsel~~ Complaint Resolution Officer. The Complaint Resolution Officer shall be a neutral third party retained by the Board to serve for an established period of time, except as provided in Section IV. The Complaint Resolution Officer ~~Office of the General Counsel~~ shall, as provided herein, consult with a three member panel (“the Regent panel”) comprising the Chair of the Board, the Vice Chair of the Board, and the Chair of the ~~Governance-Compliance and Audit~~ Committee; provided that, if one of the members of the panel cannot, in light of the allegations or for any other reason, appropriately serve, the other two members of the panel shall jointly select a third panel member. The investigation must include an opportunity for the Regent to respond to the allegations.

A Regent’s acts or omissions in his or her non-official capacity shall not be the basis for sanctions except as provided in Section IV ~~unless the acts or omissions (a) constitute a violation of the University’s Statement of Ethical Values and Standards of Ethical Conduct, the University’s Sexual Violence and Sexual Harassment Policy, or another policy that expressly applies to a Regent’s non-official conduct and (b) affect the University’s reputation, integrity, or policy objectives.~~

The Complaint Resolution Officer shall consult with the appropriate University policy owner during the investigation and shall, wherever possible, apply the standards of and afford the parties the rights and procedures available under that policy. The Complaint Resolution Officer may seek legal advice from the General Counsel, who may retain outside counsel to advise the Complaint Resolution Officer after consultation with the Regent panel.

Except as provided for in Section IV, Any allegations, investigation, or proposed sanction of a Regent may be resolved informally at any time, following consultation with the Office of the General Counsel and with the approval of the Regent panel. The Complaint Resolution Officer shall coordinate any informal resolution.

For the purposes of this Section, ~~outside counsel may be used in the place of the Office of the General Counsel~~ the Regent panel may appoint a different Complaint Resolution Officer for a particular case when good cause exists, as determined by unanimous vote of the Regent panel.

The Complaint Resolution Officer and members of the Board shall undergo relevant training (e.g. on the relevance of trauma in the context of sexual misconduct) approved by the University regarding the investigation of misconduct and the administration of sanctions.

### 1. Preliminary Review of Allegations

When allegations of a Regent’s misconduct or breach of duties come to the attention of the Board or a member thereof, the allegations shall be forwarded to the ~~Office of the General Counsel~~ Complaint Resolution Officer. The ~~Office of the General Counsel~~ Complaint Resolution Officer shall promptly notify the General Counsel and the Regent panel ~~accused Regent~~ of the allegations and shall conduct a confidential preliminary review ~~investigation~~ of the allegations. The preliminary review ~~investigation~~ should be conducted in a manner designed to minimize any

intrusion into the complainant's and accused Regent's personal or non-University affairs. The Complaint Resolution Officer shall notify the accused Regent of the allegations during the preliminary review.

The ~~Office of the General Counsel~~ Complaint Resolution Officer shall, ~~with the concurrence of at least two of the three Regent panel members,~~ initiate a formal investigation if, on the basis of its preliminary ~~review investigation,~~ it finds (a) the allegations are plausible and not frivolous, (b) the alleged conduct, if substantiated, would constitute a breach of the Regent's duties or responsibilities or otherwise be cause for sanctions, and (c) the allegations concern conduct by the Regent in his or her official capacity ~~or conduct that affects the University's reputation, integrity, or policy objectives.~~ If either the preliminary ~~review investigation~~ determines that these criteria are not satisfied or it is determined that it is not possible, based on the reasonable investigative methods available to the ~~Office of the General Counsel~~ Complaint Resolution Officer, to reach a conclusion, no further action shall be taken. The results of the preliminary ~~review investigation~~ shall be treated as private privileged and confidential ~~to the extent permitted by law.~~

Where appropriate, the ~~Office of the General Counsel~~ Complaint Resolution Officer shall provide a complainant with a written explanation of rights and available options for reporting to and/or notifying law enforcement or other campus authorities of the alleged misconduct.

## **2. Investigation**

Upon determining that a formal investigation is warranted, the ~~Office of the General Counsel~~ Complaint Resolution Officer shall ~~notify the,~~ ~~with the concurrence of at least two of the three~~ Regent panel ~~members,~~ and appoint an investigator who may or may not be a University employee ("Investigator").

The appointed Investigator shall, with oversight by the Complaint Resolution Officer, ~~at the direction of the Office of the General Counsel~~ and consulting as appropriate with the Regent panel, gather information relevant to the allegations of misconduct or breach; afford the accused Regent an opportunity to respond to the allegations and comment on the information gathered; and make a written report of its review, findings, and recommendation ("Investigator's Report") within 90 days of initiation of the investigation from the date of appointment, ~~unless the Office of the General Counsel~~ Complaint Resolution Officer determines that circumstances warrant a longer period. The investigation should, to the extent reasonable in the circumstances, be conducted in a manner designed to minimize any intrusion into the complainant's and accused Regent's personal or non-University affairs.

The Investigator's Report shall be treated as private privileged and confidential to the extent permitted by law and University policy.

## **3. Opportunity to Respond to the Investigator's Findings**

Prior to finding a violation or breach of the University Bylaws, policy, or applicable law, the complainant and the accused Regent shall have the right to review and respond to the evidence upon which the Investigator will rely prior to the report being finalized. ~~Investigator shall notify the accused Regent in writing of their intention to do so and the reasons therefor and shall invite the Regent to respond. Said notification will be delivered to the office and residence of the accused by registered mail. The Regent may respond, either in writing or in a personal conference, or both. Such response shall be within 14 days of the receipt of the notice. If there is a personal conference, the Regent and the Investigator shall each be entitled to bring a representative of their choice, including an attorney, to the conference.~~

Any response shall be provided within 14 days of the review of the evidence and any written response by an accused Regent to the allegations shall become part of the formal record and shall be appended to the Investigator's Report.

#### **4. Determination of Appropriate Sanctions**

The Investigator shall submit the Investigator's Report, upon completion, to the Complaint Resolution Officer, who shall provide it to the Regent panel, the ~~Office of General Counsel~~, and any authorized University policy-owner ~~the Regent panel~~.

The Complaint Resolution Officer shall notify the complainant and the accused Regent of the Investigator's findings and conclusions. They shall have 30 days to respond to the Complaint Resolution Officer, either in writing or in a personal conference, regarding an appropriate sanction or other corrective or remedial actions. They may bring a representative of their choice, including an attorney, to the personal conference. Any written response shall become part of the formal record.

If the Investigator has determined by a preponderance of the evidence that the Regent violated the ethical principles or breached his or her duties as set forth in the University Bylaws, policy or applicable law, the ~~Office of the General Counsel~~ Complaint Resolution Officer shall, in consultation with the Regent panel, recommend an appropriate sanction to the Regent panel. The Regent panel may accept the Complaint Resolution Officer's recommendation or make its own recommendation. The Complaint Resolution Officer and shall forward the Investigator's Report, any party's written response, and the recommended sanction of the Complaint Resolution Officer and the Regent panel, if any, to the individual members of the Board. If the Investigator has concluded that the preponderance of the evidence standard is not met ~~or that he or she lacks the ability to determine whether the preponderance of the evidence standard is met~~, the Regent panel may close the matter and may determine corrective or remedial actions, short of sanction, without no further Board action will be taken.

#### **5. Board Consideration and Vote**

Upon receiving from the ~~Office of the General Counsel~~ Complaint Resolution Officer the Investigator's Report and the recommended sanction, and unless the matter is resolved informally, the Board shall, at either a regularly or specially set meeting, vote on any proposed sanction. The Complaint Resolution Officer shall be present at the meeting to answer questions or provide information about the investigatory process.

At least ten days prior to the meeting, the complainant and the Regent may submit a written statement to the Board addressing the appropriate sanction and may request to appear before the Board at the scheduled meeting. Any party is entitled to bring a representative of their choice, including an attorney, to the meeting or to have the representative appear on the party's behalf.

~~Any~~ Sanctions may be imposed only by majority vote of the Board, excluding the affected Regent, who may not participate in the discussion or vote.

#### **6. Confidentiality**

All individuals affected by the investigation shall be accorded privacy confidential treatment to the maximum extent possible, consistent with University policy and applicable law.

#### **7. Required Communications**

If an investigation leads the Complaint Resolution Officer or University officials to conclude that

a crime has probably been committed, the results of the investigation shall be reported to the District Attorney or other appropriate law enforcement agency. For matters under Section IV, the Systemwide Title IX Officer will inform the complainant of their right to make a report to law enforcement and the University will follow any mandatory reporting requirements under the law. The UC Police should be the conduit for communications with law enforcement agencies unless ~~the Office of the General Counsel~~, in consultation with the Regent panel, in a particular situation determines a different communications strategy.

### **Section III – Types of Sanctions**

The types of sanctions that may be imposed on a Regent are as follows: written censure, removal or suspension from a committee assignment, revocation of University privileges, recusal from certain Board proceedings or decisions, or restitution.

More than one sanction may be imposed for a single act of misconduct, e.g., a letter of censure and removal from a committee assignment. The Board may remove or terminate a sanction, either automatically or by administrative discretion, in individual cases. The severity and type of sanction selected for a particular offense must be appropriately related to the nature and circumstances of the case.

Prior to the imposition of any sanction described below, the Board may waive or limit any or all sanctions on the condition that the accused Regent performs some specified action(s) designed to address the harm and/or to prevent future harm. Such actions may include, but are not limited to, monetary restitution, compliance with a commitment not to repeat the misconduct, or other act to make whole injury caused by the Regent's misconduct or to prevent future misconduct.

If the imposition of a sanction is waived, the subsequent failure to perform the required act or otherwise comply with the conditions of the waiver will immediately subject the Regent to the implementation of the underlying sanction without an additional hearing. The authority to determine whether the Regent has complied with the conditions of the waiver rests with the Board.

#### **1. Written Censure**

The Board may convey a formal written expression of institutional rebuke that contains a brief description of the censured conduct. Written censure is to be distinguished from an informal written or spoken warning, and must be delivered confidentially to the recipient and maintained in a designated personnel file or files indefinitely or for a lesser period of time specified in the writing. Informal written or spoken warning is not an official disciplinary action.

#### **2. Removal or Suspension from Committee Activity**

The Board may remove or suspend a Regent from his or her position as a member, chair, or vice-chair of a committee or subcommittee. In the case of a suspension, the duration of the suspension shall be specified.

#### **3. Revocation of University Privileges**

The Board may revoke a Regent's University privileges such as access to University property, use of University administrative staff, or parking and library privileges. The degree and duration of the revocation shall be specified.

#### **4. Recusal from Certain Board Proceedings or Decisions**

The Board may recuse a Regent from participating in specified Board proceedings, including from voting on specified matters, where the subject matter of the vote relates to the allegations of

misconduct or breach of duties or the Regent's participation would otherwise be in appropriate in light of the misconduct or breach of duties.

#### **5. Restitution**

In the appropriate case, the Board may require divestiture, restitution, or forfeiture as appropriate to remedy an official violation of University policy.

#### **Section IV – Special Provisions for SVSH Matters**

A Regent's acts or omissions in his or her non-official capacity may be the basis for sanctions to the extent such acts or omissions are covered by and could constitute a breach of the SVSH Policy.

When allegations involve an alleged breach of the SVSH Policy, the Systemwide Title IX Officer shall take all actions and hold all authority assigned to the Complaint Resolution Officer, including notifications to and consultation with the Regent panel. The sole exception shall be that the recommendation of a sanction shall be the responsibility of the Complaint Resolution Officer in all cases, including SVSH matters.

The Systemwide Title IX Officer shall follow the processes in, apply the standards of and afford the parties the rights and procedures available under the SVSH Policy including an equal opportunity to meet with the investigator, submit information, identify witnesses, respond to the evidence gathered, and have an advisor present during interviews and any related meetings. Allegations under the SVSH Policy may be resolved informally consistent with the requirements and procedures of that policy.

If there is a conflict between this Policy and the SVSH Policy, the Systemwide Title IX Officer shall apply the provisions of the SVSH Policy and shall follow all requirements of this Policy regarding consultation with and notification to the Regent panel. The Systemwide Title IX Officer may consult with the Regent panel as necessary when addressing such conflicts.

**\*Addition shown by underscoring\***

**Bylaw 21. Duties and Requirements**

Each member of the Board (“Regent”) shall be subject to the duties and requirements specified below.

\* \* \* \* \*

**21.7 Regent Compensation.**

No Regent shall receive salary or other compensation for service as a Regent, nor shall any Regent, other than the President of the University, be eligible for employment or appointment in any University-affiliated position. Notwithstanding the foregoing, the student Regent shall be eligible for part-time compensated University employment and a scholarship per Regents Policy 1202: Policy on Appointment of Student Regent. Within limits pursuant to University policy, Regents may be reimbursed for actual expenses incurred by reason of attendance at any Board or Committee meeting or in the performance of other official business of the University.

**\*Additions shown by underscoring; deletions shown by strikethrough\***

## **Regents Policy 1202: Policy on Appointment of Student Regent**

*Approved March 19, 1993*

*Amended September 22, 2005, March 16, 2017, and November 15, 2018*

### **POLICY SUMMARY/BACKGROUND**

The Board of Regents has chosen to appoint a student as a Regent in accordance with the Constitution of the state of California, which was amended in November 1974 to provide the Regents with the option of appointing a student to serve as a member on the Board. This Policy affirms that decision and broadly outlines the position.

### **POLICY TEXT**

The student Regent must be a person enrolled as a student in good standing and not on academic probation at a campus of the University of California for each regular academic term during his or her service as a Regent-designate and Regent and must have demonstrated interest in the welfare of their fellow students and in the University. Political tests must not be applied to any candidate. A student body president, or equivalent, or a member of the board of directors of any student advocacy associations, is not eligible for appointment as a student Regent. While serving on the Board, a student Regent may not hold any appointive or elective student government position. However, a student Regent-designate may hold non-elected positions until their term as Regent begins. A student who is, or has served as, a student Regent is not eligible for reappointment as a student Regent.

The student Regent is a full voting member of the Board of Regents of the University of California, attending all meetings of the Board and its Committees and serving a one-year term commencing July 1. In their role as a Regent, the student Regent serves as a trustee on behalf of the people of the State of California. While the student Regent voices student perspectives to the Board, they do not solely represent students. The state Constitution provides that Regents shall be persons broadly reflective of the economic, cultural, and social diversity of the State.

From the time of appointment as a student Regent, but prior to the commencement of service as a member of the Board, the person so appointed is known as a Regent-designate, is invited to attend all meetings of the Board and its Committees and is seated at the meeting table with full participation in discussion and debate. The student Regent-designate will serve as a non-voting advisory member of committees of the Regents as assigned during their service as a Regent-designate. Non-voting members do not count toward the calculation of a quorum of a committee.

The student Regent and Regent-designate is entitled to reimbursement for expenses in accordance with Regents Policy and, if eligible in accordance with State and federal law, ~~has the option of receiving either~~ will receive a tuition and fee waiver or a scholarship in an amount equivalent to the student's total University fees and tuition or for any portion of tuition and fees that are not covered by financial aid during the academic years in which they serve as Regent-

designate and Regent. In addition, the student Regent and Regent-designate shall receive a scholarship, if eligible in accordance with State and federal law.

The student Regent is appointed by the Regents upon recommendation of a Special Committee that is appointed by the Chair of the Board for that purpose. The process for selecting the student Regent is described in the Student Regent Nomination Procedures.

The student Regent or Regent-designate may be removed for cause or sanctioned by majority vote of the Board (excluding the student Regent) if allegations of a violation of their fiduciary or ethical duties to the University or a violation or breach of the University Bylaws, policy, or applicable law are found to be substantiated through a process determined by the Chair of the Board and the Chair of the Governance Committee, in consultation with the General Counsel.

### **COMPLIANCE/DELEGATION**

The Secretary and Chief of Staff to the Regents is responsible for coordinating the student Regent selection process and ensuring compliance with the nomination procedures.

### **NO RIGHT OF ACTION**

This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the University of California or its Board of Regents, individual Regents, officers, employees, or agents.

### **PROCEDURES AND RELATED DOCUMENTS**

Student Regent Nomination Procedures

## COMMITTEE ASSIGNMENTS FOR 2020-21

<p><u>Academic and Student Affairs</u></p> <p><i>Regents</i>  Anguiano (Chair)  Butler (Vice Chair)  Elliott  Kieffer  Lansing  Mart  Oakley  Rendon  Stegura  Sures  Zettel</p> <p><i>Chancellors</i>  Block  Brostrom  Larive  May  Yang</p>	<p><u>Finance and Capital Strategies</u></p> <p><i>Regents</i>  Makarechian (Chair)  Park (Vice Chair)  Blum  Cohen  Estolano  Kounalakis  Leib  Muwwakkil  Reilly  Sherman</p> <p><i>Chancellors</i>  Christ  Gillman  Hawgood  Khosla  Wilcox</p>
<p><u>Public Engagement and Development</u></p> <p><i>Regents</i>  Leib (Chair)  Stegura (Vice Chair)  Blum  Guber  Kieffer  Lansing  Mart  Muwwakkil  Oakley  Reilly  Sherman  Zettel</p> <p><i>Chancellors</i>  Block  Brostrom  May  Wilcox  Yang</p>	<p><u>Compliance and Audit</u></p> <p><i>Regents</i>  Elliott (Chair)  Cohen (Vice Chair)  Anguiano  Butler  Estolano  Makarechian  Park  Rendon  Sures</p> <p><i>Chancellors</i>  Christ  Gillman  Hawgood  Khosla  Larive</p>

Health Services \*

*Regents*

Lansing (Chair)\*\*  
Sherman (Vice Chair) \*\*  
Blum \*\*  
Guber \*\*\*  
Makarechian \*\*  
Park \*\*\*  
Zettel \*\*

*Chancellors*

Block  
Hawgood  
Khosla

*Advisors*

Hernandez (term ending 6/30/2021)  
Bindman (term ending 6/30/2022)  
Spahlinger \*\*

\*terms are 3 years for voting members; Charter specifies 7 Regents; there are currently no vacancies on the Committee

\*\*previously appointed to a term ending 6/30/22

\*\*\*previously appointed to a term ending 6/30/21

Investments

Sherman (Chair)  
Anguiano (Vice Chair)  
Blum  
Cohen  
Elliott  
Leib  
Makarechian  
Muwwakkil  
Park  
Stegura  
Zettel

*Chancellors*

Hawgood  
Khosla  
Wilcox

*Advisor*

Zager\*

\*previously appointed to a term ending 6/30/21

National Labs

*Regents*

Zettel (Chair)  
Sures (Vice Chair)  
Cohen  
Estolano  
Kieffer  
Kounalakis  
Mart  
Oakley  
Reilly

*Chancellors*

Hawgood  
Larive  
Khosla