

The Regents of the University of California

**ACADEMIC AND STUDENT AFFAIRS COMMITTEE**

May 12, 2021

The Academic and Student Affairs Committee met on the above date by teleconference meeting conducted in accordance with Paragraph 3 of Governor Newsom’s Executive Order N-29-20.

Members present: Regents Anguiano, Butler, Elliott, Lansing, Mart, Ortiz Oakley, and Stegura, Advisory members Horwitz and Zaragoza; Chancellors Block, Larive, and Yang; Staff Advisor Tseng

In attendance: Assistant Secretary Lyall, General Counsel Robinson, Provost Brown, Vice President Gullatt, and Recording Secretary Li

The meeting convened at 1:00 p.m. with Committee Chair Anguiano presiding.

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

Upon motion duly made and seconded, the minutes of the meeting of March 17, 2021 were approved, Regents Anguiano, Butler, Elliott, Lansing, Ortiz Oakley, and Stegura voting “aye.”<sup>1</sup>

**2. ELIGIBILITY IN THE LOCAL CONTEXT**

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

Provost Brown briefly explained the Eligibility in the Local Context (ELC) program. Established after the adoption of SP-1, Policy Ensuring Equal Treatment–Admissions, by the Regents in 1995 and approval of Proposition 209 by California voters in 1996, ELC was a race-neutral policy for admitting students that reflected the diversity of California. ELC was implemented to increase the pool of eligible students; to meet the California Master Plan for Higher Education requirement of deeming the top 12.5 percent of public high school graduates as UC-eligible; to create a UC presence at California high schools and foster a college-going culture at schools that did not send graduates to UC; and to recognize and reward a student’s accomplishment in light of opportunities at a particular school. When the program was introduced for the fall 2001 admissions cycle, high school students whose grade point average (GPA) in UC-approved courses was in the top four percent of their high school class were guaranteed admission to at least one UC campus. Since 2012, ELC drew from the top nine percent of students based on their GPA in A–G courses. ELC has been one of two pathways that guaranteed UC admission to California residents; the other pathway was a statewide guarantee that drew from the top nine percent of all California students. Prior to this year’s admission cycle, the statewide admissions

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<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.

index was a sliding scale based on GPA and standardized test scores. The Academic Senate has been developing a different statewide index. ELC status has been one of the comprehensive review factors that campuses could consider when making admissions decisions. In its most recent report, the California State Auditor recommended that the Office of the President (UCOP) take steps to ensure that as many high school students as possible had the opportunity to participate in ELC. The University has added about 30 schools to ELC annually.

Executive Director of Undergraduate Admissions Han Mi Yoon-Wu stated that UC was achieving greater diversity among enrolled students by admitting the top students from the state's high schools, particularly among Chicano(a)/Latino(a) students. In fall 2020, 80 percent of ELC applicants also met the statewide admissions guarantee requirements. Five percent of new students who enrolled at UC were ELC-only and predominantly Chicano(a)/Latino(a). More Chicano(a)/Latino(a) and African American students were able to access UC through ELC. Schools participating in ELC must offer the minimum A–G courses required for UC admission, and they must obtain parent or guardian authorization to provide UC with transcripts of their top students. Of the 1,600 schools that participate in ELC, 1,300 were public schools and 300 were private schools. Ninety-five percent of ELC public schools were comprehensive high schools, and five percent were other school types. Thirty-five percent of schools were Local Funding Formula Plus (LCFF+) schools, which received supplemental funding from the State because at least 75 percent of their students were low-income students, English language learners, or foster youth. About 1,000 schools with A–G courses did not participate in ELC, 379 of which were eligible to participate. The majority of high schools not participating or ineligible to participate in ELC were alternative, continuation, opportunity, and juvenile court schools, which had populations at a higher risk of not graduating. About half of the schools eligible to participate in ELC did not send applicants to UC, and a majority of these schools had less than 20 percent of graduates completing A–G requirements. Some schools, especially those with competing priorities and limited resources, might decide that the cost of joining ELC outweighed the benefits.

Mr. Brown noted that all admissions guarantees had displacement effects on some groups of students. The ELC program helped the University identify excellent and diverse undergraduate students, as well as foster a college-going culture and a UC-going culture at traditionally low-sending schools. In February, UC invited all non-participating schools to join ELC or work with UC to become eligible to join ELC. After the deadline passes in July, the University planned to send a survey to non-responding schools regarding reasons for non-participation or ineligibility. About 25 percent of those schools were part of a UC-sponsored outreach program that provided college readiness support. Student Academic Preparation and Educational Partnerships (SAPEP) programs and the Transcript Evaluation Service (TES) worked with high schools to improve student achievement and increase A–G completion rates. The University had previously focused on students but intended to focus on the schools themselves. Where feasible, UC could assist schools in increasing A–G completion, college readiness, and the school's readiness through SAPEP programs, TES, and UC Scout. UC could also explore and develop efficiencies in student data exchange to facilitate ELC participation.

Committee Chair Anguiano, referring to the written materials, asked why there was such a wide range in the ways campuses used ELC. She asked Chancellor Block how UCLA was using ELC and why its admission rate from ELC schools was so low. Chancellor Block replied that the admission rate at UCLA was very competitive and very low overall. He would provide the Regents with a more specific response from UCLA's admission staff. Ms. Yoon-Wu reported that UCLA's admission rate ranged from 12 percent to 14 percent, but UCLA's ELC admission rate was 29 percent as of fall 2020. About 80 percent of UCLA applicants were ELC students, and it would not be possible for UCLA to admit all of its ELC applicants.

Regent Stegura noted that, despite an admissions guarantee for the top nine percent of students, it was still difficult for students to enroll at their campus of choice. In her view, UC was losing students as a result. One speaker during the public comment period called for more geographic propinquity to high schools where the top nine percent of students graduated. She asked whether ELC was as effective as UC hoped. Ms. Yoon-Wu replied that the University was admitting 91 percent of ELC students. Those not admitted to a campus of choice were generally applying to the most selective campuses. These students likely had choices outside of UC as well. Some students were placed in a referral pool, but the ELC population in the referral pool was minimal compared with the population of students who were eligible per the statewide index. Campuses were accommodating ELC students as a priority.

Regent-designate Zaragoza asked if UC ensured that students with an admissions guarantee were granted admission and whether campuses knew about each other's admissions decisions. Ms. Yoon-Wu replied that campuses made their admissions decisions independent of each other. At the end of the freshman admission decision release, UCOP reviewed the applications of those who met the criteria of the guarantee but were not admitted to their campus of choice, and UCOP then began the referral pool process. UC Merced, which has been the referral campus for the last several years, would reach out to those students to offer them the opportunity to enroll.

Regent-designate Zaragoza asked to see data of where students with admissions guarantees enrolled and campus diversity demographics. Ms. Yoon-Wu replied that much of this data was available through the comprehensive review reports released by the Academic Senate's Board of Admissions and Relations with Schools (BOARS).

Regent Ortiz Oakley asked if UC had determined how Governor Newsom's dual admission proposal would affect admissions. He asked if the proposal could help with admitting students who were not admitted to their campus of choice. Mr. Brown reiterated that all admissions guarantees had displacement effects. One hoped for desirable displacement effects that diversified an institution. The Governor's proposal would not do that, but UC was determining how it could craft a dual admissions program that might be helpful.

Regent Ortiz Oakley asked what in the Governor's proposal was problematic to the University. Mr. Brown replied that admissions guarantees must be crafted carefully in order to optimize diversity outcomes. Students from advantaged circumstances were able

to exploit simple admissions guarantees and fill up those slots. The University aimed to better serve all citizens by reaching out to schools that were not sending their students to UC, and to ensure that an admissions guarantee would have the Regents' intended effect of helping UC become more broadly diverse and representative of the state. In addition to crafting an admissions guarantee, UC must also anticipate the effects of the guarantee with available data, and continue to adjust and analyze the guarantee in order to achieve the goals of Regents Policy.

Committee Chair Anguiano expressed the Committee's interest in seeing the strategies being used and progress being made in increasing ELC participation in a future report.

Committee Chair Anguiano invited Student Observer David Miller Shevelev to share his comments. Mr. Shevelev began his remarks by raising alarm that neither disability services staff nor disabled students were part of UCOP's disability working group. He questioned why this was the case and contrasted it with the UC police departments' participation in the UC Campus Safety Symposium. The disability working group was meeting once a month for an hour, which Mr. Shevelev believed was too infrequent to improve accessibility at UC. He questioned why there was a plan to keep stakeholders in a separate advisory group. When the Regents have sought to exercise oversight of UC operations, they have been challenged by a number of forces. Mr. Shevelev remarked that agenda items were poorly written and whitewashed. In the last three years of meetings, this Committee had not made policy decisions other than those regarding Professional Degree Supplemental Tuition and admissions criteria, and the Committee was never informed about the underperformance of campuses or the corrective actions being taken. He questioned why UCOP was unable to answer Committee Chair Anguiano's question about the number of inaccessible facilities grandfathered by the American with Disabilities Act of 1990 during the November 2020 meeting when the agenda item on accessibility had been anticipated for one year. Mr. Shevelev suspected that certain members of the administration did not wish to be challenged. As a Student Observer, he did not have a term of service and could speak freely. In his view, some of the items presented to the Committee had been shockingly inadequate, and Regents' time should not be wasted. He suggested that Regents require that UCOP submit items 20 days before meetings, which would give Regents time to review and provide feedback. UCOP might not have the capacity to produce high-quality items, but students, faculty, and staff were happy to contribute and help improve what is presented to the Regents.

Committee Chair Anguiano thanked Mr. Shevelev for the passion and insights in his comments and for his service. She noted that Regents had requested that items be more data-driven, which she acknowledged took time and might require follow-up items.

### 3. **UPDATE ON OPEN ACCESS AND ACADEMIC JOURNAL CONTRACTS**

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

Provost Brown reported that, following successful negotiations, the University had entered into open access agreements with Elsevier, the world's largest publisher, and Springer Nature, the world's second largest academic publisher, as well as others. UC libraries were negotiating more such agreements, with the goal of opening all UC research to the public. The University published approximately ten percent of U.S. scholarship, and policymakers, entrepreneurs, citizens, and people worldwide were learning and building from that knowledge. The coalition of faculty, libraries, and administrators involved in this effort demonstrated the positive role of shared governance at UC, and the University was increasing the reach, impact, and relevance of its research in California and the world.

Günter Waibel, Associate Vice Provost and Executive Director of the California Digital Library (CDL), stated that, in early 2018, the UC Libraries, the Academic Senate Committee on Library and Scholarly Communication, and the Provost's Library Advisory Committee adopted a new plan to accelerate the University's transition to open access. One of the plan's key strategies was negotiating for paying to publish open access, not paying to read, which would make UC research accessible to anyone in the world with an internet connection. Goals for the new publishing agreements included 100 percent open access publishing for all UC authors and strict cost controls. In 2019, UC successfully negotiated with Cambridge University Press but failed with Elsevier, which sought an 80 percent increase in UC expenditures to achieve full open access. The University walked away from negotiations with Elsevier, and its principles paid off. Under new leadership, Elsevier began experimenting with open access in contracts in Europe. In summer 2020, UC resumed negotiations with Elsevier and entered into an agreement in April 2021. To date, UC had nine open access agreements with a diverse group of publishers.

Jeffrey MacKie-Mason, University Librarian, Chief Digital Scholarship Officer, and Professor at UC Berkeley, stated that UC publicly announced four publishing goals and began negotiations with Elsevier, cancelling its subscription agreement in early 2019. With steadfastness and unity among faculty, libraries, and leadership, UC prevailed. The University's agreement with Elsevier met all four UC goals: 100 percent open access publishing for articles with UC lead authors; expenditure reduction and cost controls; provisions responsive to Academic Senate principles; and reading access to essentially all Elsevier content. Per this agreement, UC paid Elsevier for what it published and had reading access with no fees for four years. The University anticipated that nearly 5,000 open access articles would be published this year, with a growing number in each subsequent year. This agreement was projected to save UC libraries and author research accounts about \$4.4 million. In the past, UC libraries paid about \$40 million per year in subscriptions, and UC authors paid about \$10 million to publish a small portion of UC articles open access, with the latter payments growing at about 15 percent per year. The new model combined library and author payments into a single contract. Some articles were paid with both library funds and author research funds. Libraries paid the full amount for authors without sufficient funds, which was called "no author left behind." Combining library and author budgets helped pay for the high rate of UC research publishing and helped control costs. He noted that UC had the best open access agreement with Elsevier in the world; other universities would be paying Elsevier 50 to 100 percent more. UC's agreement was the only one that allowed unlimited open access publishing in Elsevier's

prestige imprints. Mr. MacKie-Mason credited UC's success to its coalition of libraries, faculty, and leadership; transparent publication of UC goals for accountability, and adherence to those goals.

Ivy Anderson, Associate Executive Director of CDL and leader of UC's publishing negotiations, explained that large commercial publishers were important to the University's efforts to transition to open access because they published the majority of UC research. UC had to work harder to meet its goals because of these publishers' profit-driven business models. To preserve diversity and competition within the publishing ecosystem, UC was working with a diverse set of publishers, including academic and scientific societies and university presses, and supporting publishing within the academy itself. UC wished to support UC faculty wherever they choose to publish. To date, UC's agreements have provided open access to 30 percent of UC research output, with a projected growth to about 70 percent open access in several years' time. Other institutions must join UC in order to make open access a global norm. UC has shared its experiences, agreements, and expertise with other institutions and was working directly with the Big Ten Academic Alliance. In 2018, UC was the first U.S. institution to take this step. Now, more than 140 U.S. libraries had open access agreements with Cambridge University Press, which credited its work with UC for these agreements.

Mr. Brown provided more examples of how joint efforts led to success. Many UC faculty serving on the boards of some of the most prestigious journals published by Elsevier ceased their participation in aid of UC's negotiation efforts. UC library staff engaged in a labor-intensive effort to make scholarship available when access to Elsevier was interrupted.

Regent Stegura underscored the boldness of the University's decision to terminate its relationship with Elsevier, how it made UC a global leader, and how it has led other university systems to pursue open access. Taxpayers were paying for UC research, so it should be accessible.

Mr. Brown updated the Committee on the status of international students in light of the reopening of campuses. Backlogs at U.S. embassies and travel restrictions have presented challenges for international students. The University was told that, as of May 4, student visa interviews had begun in China. The U.S. embassy in China also indicated that it would increase staffing in order to process 2,000 visa applications per day. On April 30, President Drake and the chancellors submitted a letter to the U.S. Department of Homeland Security and the U.S. Department of State regarding pandemic restrictions and the backlog of appointments. Non-U.S. citizens from India could qualify for a National Interest Exemption (NIE) and could travel with an F-1 visa, and the NIE would be expanded to include Brazil, China, Iran, and South Africa beginning August 1. Students with F-1 or M-1 visas would automatically be considered for the NIE. There were restrictions for new students participating fully online, but the U.S. Immigration and Customs Enforcement's Student and Exchange Visitor Program was extending its current guidance on online learning for international students, which would enable them to participate in hybrid courses. Students already with visas were free to participate in those programs. UC updated its list of frequently asked questions regarding COVID-19 vaccination policies and would

accept international vaccinations authorized by the World Health Organization. International students who could not be vaccinated before they come to the U.S. would be referred to a vaccine site, many of which were on campuses.

Regent-designate Zaragoza shared that international students who could not leave their home countries were concerned about courses and timely graduation. She and Regent Muwwakkil spoke to chancellors and learned more about fall schedules. She asked for an update on the availability of both online and in-person courses when campuses release their fall course schedules. Mr. Brown replied that President Drake had made a similar request and that he would provide this information to the Regents when it was available.

Committee Chair Anguiano remarked that this information was important with regard to student accessibility as well. Mr. Brown stated that campuses had been interested in greater instructional resiliency even before the pandemic, when wildfire smoke caused disruptions. Having at least some technologically mediated courses enabled that resiliency for students and faculty. Chancellor Block added that campuses were not returning to normalcy in the fall and that remote offerings would continue. Some students might have difficulty returning to campus due to family or work responsibilities. A complicated fall term was anticipated.

The meeting adjourned at 2:00 p.m.

Attest:

Secretary and Chief of Staff