

University of California
Undergraduate Work Team of the
Study Group on University Diversity
Recommendations and Observations

September 2007

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Executive Summary

The Undergraduate Work Team of the Regents' Study Group on University Diversity was charged by The Regents to review and report on recent trends in freshman and transfer admissions and to identify best practices in academic preparation programs, admissions practices, and recruitment and "yield" programs. Soliciting the expertise of researchers and practitioners across this wide spectrum of areas, the Undergraduate Work Team met eight times and has produced a set of 14 recommendations designed to address issues of undergraduate diversity at the University of California. These recommendations are offered to the Study Group to be endorsed to The Regents. They cover K-14 education, UC academic preparation partnerships and intervention, UC eligibility, campus freshman and transfer admission selection, post-admission recruitment/yield activities and financial support, student support, and Proposition 209 and disparate impact legal issues.

Recommendation #1: Achieving Greater Diversity Within the University of California is of Compelling Interest

The Study Group on University Diversity recommends the endorsement of the [UC Academic Senate Statement on Diversity](#) by The Regents. This statement, which was passed by the Academic Council in May 2006 and subsequently endorsed by President Dynes, with the concurrence of the chancellors, in June 2006, represents an important step in solidifying the fundamental importance of diversity in fulfilling the mission of the University of California. The statement reaffirms and renews the University's commitment to fulfill its mission of serving the diverse interests and population of the state of California; it also affirms the educational value of a diverse and pluralistic university for enhancing all aspects of UC's academic enterprise.

Recommendation #2: UC Needs A Comprehensive Education Pipeline Repair Plan

The Study Group on University Diversity recommends that the Office of the President develop a coherent and comprehensive plan that efficaciously responds to the lack of equal educational opportunity in California due to educational disparities. The plan should include a strategy to fully fund the Transcript Evaluation Service, or its like, and be flexible to allow for local campus optimization. The Study Group has observed that unequal opportunities characterize the educational landscape in California. These educational disparities, which predate Proposition 209, are severe, large and extensive, and associated with racial/ethnic and socioeconomic factors. These disparities are reflected in the "a-g" completion rates, availability of UC-approved advanced coursework in California public high schools, the availability of qualified teachers and access to school resources, including: safe and properly equipped school facilities, textbooks (both quality and quantity), and counselors and other sources of college-preparation information and guidance. The will and the resources to remedy educational inequality have been insufficient for remedying the disparities both prior to and since Proposition 209. As one of the most profound problems facing California and the nation, UC, as the nation's leading public, land-grant, higher education institution, should and must be fully engaged in concerted efforts to solve the problem of educational inequality.

Further, University practices, from academic preparation to admissions, to financial aid, and to academic support cannot ignore students' unequal educational opportunities.

Recommendation #3: California Greatly Needs More Qualified School and College Counselors

The Study Group on University Diversity recommends that the administration, in partnership with the Academic Senate and the California State University system, explore the need and the feasibility of implementing school counselor and college counselor training programs, with the intent of implementing and reporting back to The Regents on efforts. Counselors, both in high schools and community colleges, play a vital role in preparing students for college and university with observable outcomes in the types of courses students take, attainment of academic goals and, ultimately, access to four-year colleges and universities. The most current data available show that California's student-to-counselor ratios are the worst in the nation, averaging 990:1 students to each counselor in 2004-2005; the California Community College student-to-counselor ratio stood at 1918:1 in 2000. Student-to-counselor ratios in California are unacceptably high and must be reduced.

Recommendation #4: A Strong, Stable, and Steadfast Commitment to Academic Preparation Programs Must Be Part of UC's Plan

The Study Group on University Diversity recommends that The Regents work with the Office of the President to stabilize and augment UC's K-12 budget and efforts with respect to academic preparation and outreach, buttressing these efforts with partnerships with the higher education segments. UC's K-12 Student Academic Preparation and Educational Partnership (SAPEP) activities have sustained budget cuts of 63% since 2001; state funding for these activities has been proposed for elimination every year for the last six years. Although evidence shows that UC's programs align with best practices and are effective, the current budgetary environment is suboptimal for producing sustained excellence in program outcomes.

Recommendation #5: UC Should Rethink How It Determines UC Eligibility

The Study Group on University Diversity recommends that the Academic Senate critically evaluate and update the University's method of determining eligibility, considering three recommendations: 1) a student's eligibility should be determined on the basis of the broad set of students' achievements; 2) a student's achievements should be evaluated against the context of his or her educational opportunities; and 3) the educational justification for requiring SAT Subject Tests in UC eligibility should be re-evaluated. Studies show that GPA and test scores (two significant components of UC's current eligibility construct) are not strong predictors of academic outcomes (e.g., college GPA, graduation rates). In fact, consideration of a fuller array of admissions factors not only improves the prediction of academic outcomes (e.g., college GPA, graduation rates), but also yields a student body more representative of California high school graduates. The current approach for determining statewide eligibility rests upon the invalid assumption that California's high schools provide equal educational opportunity. Also, the arguments favoring inclusion of the SAT Subject Tests in determining UC eligibility are weak and have been further weakened by the recent changes to the SAT Reasoning Test

that have increased redundancies between these two tests. Finally, it is clear upon analysis that UC's eligibility construct engenders, in some of its aspects, an arbitrariness that is unsupported by educational or evaluative justification.

Recommendation #6: UC Campus Admissions Should Align to Best Practices

The Study Group on University Diversity recommends that the administration and Academic Senate develop "best practices" admissions guidelines and align UC admissions policies and practices to them, reporting to The Regents progress in doing so. Those practices include: 1) individualized student assessment, 2) assessment of achievement in context, and 3) the proper use of admissions tests. Evidence shows that campus admissions processes yield different racial outcomes, even when level of campus selectivity is considered; also, failure to follow best practices in admissions (such as the inappropriate use of admissions test scores), which was highlighted in UCLA's 2006 admissions outcomes, can have important and often unintentional negative consequences for UC campuses and prospective students. On the other hand, the individualized student review or assessment (ISA) has been shown to be a best practice that utilizes a full application review for multiple indicators of achievement; it uses test scores to identify students who took fullest advantage of the opportunities available to them. Recent experience has also shown that a change to comprehensive review is not as difficult as it was once thought to be, given the large numbers of applicants that UC processes per annum. A review of UC admissions processes led to the following observations: 1) the experience of UC's two most highly selective campuses shows that the practice of individualized and comprehensive admissions review can be implemented quickly and effectively, even in a high-volume case; and 2) individualized and comprehensive review can be done effectively, reliably and efficiently.

Recommendation #7: Further Streamlining of UC Admissions Would Support Best Practices in Admissions

The Study Group on University Diversity recommends that The Regents endorse shared admissions processing by the campuses where analyses of application files are centralized but where campuses make local decisions using this information, and that the administration, in consultation with the Academic Senate, move this forward to full implementation. In 2007, UC received a record total of 110,994 freshman and transfer applications for fall, the largest volume of applications of any college or university in the world. The percentage of UC applicants who submitted electronically also increased dramatically from 44% in 2002 to 99% in 2007, suggesting opportunities for efficiency gains that were not on the horizon only a few years ago. Given that on average each enrolled UC applicant applied to 4.3 UC campuses, each of their applications was reviewed twice or more per campus, there are great opportunities for greater efficiencies in admissions processing. Even more telling is the fact that in 2007, 73% of all UC systemwide freshman applicants were reviewed under the "holistic" evaluation model at UC Berkeley and UCLA. Consequently, the nearly three-out-of-four UC applicants who applied to Berkeley and UCLA would have had their applications reviewed an average of four times -- by essentially the same process of individualized review. This evidence calls for adopting a more systemized approach that separates application data analysis

from application decision-making on campus and centralizes the former, thereby freeing up campus resources to, among other things, examine critical applications more closely.

Recommendation #8: Transfer Admissions Is a Necessary Part of UC's Comprehensive Education Repair Plan

The Study Group on University Diversity recommends that The Regents encourage the Academic Senate and Administration to direct increased attention to transfer admissions as part of UC's comprehensive plan to repair the educational pipeline, with continued efforts to reinvigorate the transfer pathway and emphasizing adequate preparation for students to complete general education transfer curriculum at local community colleges. The plan should also be flexible to allow for local campus optimization and effective partnerships with other higher education institutions in the state. There is a large concentration of diverse students—geographically, socioeconomically and racially/ethnically—in California community colleges, which rivals the distribution of underrepresented minority students found in high schools. While the potential of community colleges as a source of student diversity is exaggerated because sub-optimum transfer rates among various student groups that reflect similar patterns of racial, socioeconomic and geographic disparities in educational opportunity that plague California's primary and secondary schools, community college transfer represents a pathway into UC that requires more attention nonetheless. The transfer opportunity gap, similar to the underrepresented minority opportunity gap that exists between high school and UC, has been widening. Evidence on student access to transfer curriculum shows the same regional/neighborhood, socioeconomic and racial/ethnic effects as access to college-prep curricula in California high schools reflects (quality of instruction, college counselors, access, etc.). And as with high schools, there is differential quality among the community colleges in California. Therefore, community colleges need to be supported to fulfill the necessary function of providing remediation to make up for poor high school preparation. Moreover, targeted UC partnerships with the community colleges can strengthen the vitality of the transfer function and reach communities now experiencing limited access to UC.

Recommendation #9: UC Should Better Compete for the Best and Brightest From California's Diverse Communities

The Study Group on University Diversity recommends that the administration increase UC's competitiveness to recruit California's excellent and diverse students by developing and maintaining strategic "high touch" relationships with schools and students. Recruitment plans should allow for local campus optimization. Data show that there are differences among student groups in UC's perceived attractiveness, as well as in the availability and attractiveness of other higher educational opportunities. For instance, UC is losing an increasing share of top academic African American students to selective private institutions, and admitted underrepresented minority students choose to enroll at UC at considerably lower rates than all students in the top third of the class. Efforts to develop closer relations between the University and communities and schools where UC has been less successful in recruiting students is an overdue and important effort.

Recommendation #10: UC’s Campuses That Qualify Are Encouraged to Seek Federal Status As Hispanic-Serving Institutions

The Study Group on University Diversity applauds and encourages the efforts of UC Merced and UC Riverside to become federal Hispanic-Serving Institutions (HSIs).

According to the U.S. Department of Education, a non-profit institution that has at least 25% Hispanic full-time-equivalent enrollment may apply under Title V for status as an HSI. UC Merced and UC Riverside currently meet the application requirement. The Title V Program is designed to help eligible institutions of higher education enhance and expand their capacity to serve Hispanic and low-income students by providing funds to improve and strengthen the academic quality, institutional stability, management and fiscal capabilities of eligible institutions. The importance of such a designation is reinforced by the demographics in California, which is the most populous state in the United States and has the largest minority population. California’s Hispanic population is projected to become the majority in the state by 2042.

Recommendation #11: UC’s Financial Aid/Scholarship Packages Should Be More Competitive for Underrepresented Students

The Study Group on University Diversity recommends that the administration adopt strategies to improve the effectiveness of UC financial aid and scholarship programs in the recruitment of diverse and excellent students. These strategies, which should be tailored for local campus optimization, may include: 1) exploring alternative or additional need assessments that more accurately capture differences in family wealth, 2) encouraging non-UC community-based organizations to raise scholarship funds specifically for UC underrepresented minorities (e.g., UCLA’s California Community Foundation African-American Scholarship Initiative), 3) providing sufficient funding for need-based financial aid so that the “self-help” (or loan and work expectation) remains at a manageable level, especially for lower- and middle-income students, and 4) encouraging campuses to consider broadening their criteria for selecting recipients for their Chancellor’s Scholarships (e.g., adopt individualized review of recipients, focus awards on high schools with low UC-going rates, etc.). Findings suggest that UC is at a triple disadvantage in offering competitive financial aid packages to underrepresented minority students. These students may be more price-sensitive than other students. The financial need analysis used in determining grant eligibility might not be fully sensitive to the wealth disparities known to exist between underrepresented minority and non-underrepresented minority families, and may thus leave needy underrepresented minority families with too great a burden. Finally, with certain other institutions targeting aid at underrepresented minority students, UC’s overall net cost advantage is at its narrowest margin for these students. The University must continue its commitment to financial accessibility for students at all income levels and assure that underrepresented students have adequate access to existing financial aid programs. In addition, UC should work with community partners to develop scholarship resources while maintaining compliance with Proposition 209. Finally, recruitment efforts need to be individually tailored for effectiveness.

Recommendation #12: Greater Diversity at UC Will Require Institutionalizing a Supportive Climate, With Accountability

The Study Group on University Diversity recommends that the administration increase, where necessary, educational and social support services appropriate to the needs of diverse student populations in order to improve the graduation and retention rates of students, as well as to best derive the educational benefits of increased diversity. The Regents should also consider creating a subcommittee of the Educational Policy Committee for monitoring and evaluating the efforts of UC to diversify as well as for considering other approaches to institutionalizing its commitment to increasing diversity. There are significant gaps in the persistence and graduation rates of white and underrepresented minority freshman and transfer students that argue for the need of support services. While persistence rates drop off in the second year after enrollment for both transfer and new freshman students, they do so more dramatically for transfer students and especially for underrepresented minority students. This speaks to a need for more significant and dynamic academic support services for students that facilitate academic integration and success. Also, research shows that the educational benefits that can accompany increased institutional diversity (e.g., critical reasoning and innovative thinking, interpersonal understanding and communications skills, ethical reasoning and action, etc.) do so only if catalyzed through purposefully crafted intergroup educational activities and the effective training of faculty and staff.

Recommendation #13: Optimizing UC’s Capacity to Achieve Its Diversity Goals Requires Careful Analysis of Legal Obligations

The Study Group on University Diversity recommends that The Regents take all appropriate steps to achieve greater institutional diversity. UC’s Office of General Counsel and external legal experts agree that the interpretation of Proposition 209 is not clear-cut: it remains unclear what actions Proposition 209 permits and prohibits. The legal distinction between “race-conscious” actions and “racial preferences” is evolving. It is clear, however, that Proposition 209 does not obviate, and is not necessarily inconsistent with, UC’s obligations under federal law that include providing equal opportunity and avoiding adverse racial impact. It also appears clear that prohibited actions include those that provide and deny tangible benefits on the basis of race and “selection quotas” that provide tangible benefits on the basis of race (and other characteristics). Yet it remains unclear and unresolved whether a slate of other actions the University might take are permitted or prohibited: race-neutral action designed to further race-conscious objectives; selection of individuals based, in part on the racial composition of a group (e.g., neighborhood) to which they belong; “equalizing access” without providing preferences—i.e. outreach targeted; race-targeted activities that provide no tangible benefits; cooperation with private entities engaged in race-conscious programs; and goals and timetables with teeth if necessary to overcome intentional discrimination. Indeed, it appears that admission and financial aid based on membership in federally recognized tribes does not violate Proposition 209.

Recommendation #14: Disparate Impact Should Be Eliminated by All Appropriate Means

The Study Group on University Diversity recommends that the Regents, along with the Office of the President and the Academic Senate, work to ensure UC’s compliance with Title VI’s adverse impact regulations. The U.S. Department of Education regulations

interpreting Title VI of the Civil Rights Act of 1964 prohibit recipients of federal funding from engaging both in intentional discrimination and from “utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination” based on race/ethnicity and national origin. However, data show that an “opportunity gap” exists between the greater proportion of African American, Chicano/Latino and Native American students graduating from California’s public high schools and the lesser proportion of new African American, Chicano/Latino and Native American UC freshman. While this gap narrowed throughout the 1980s, it widened considerably in the decade since the passage of the Regents’ SP-1 Resolution (1995) and Proposition 209 (1996). UC eligibility rates for African American and Chicano/Latino students have hovered around 5 percent or below for every eligibility study since 1983 except for 2001 (est. 5.5 percent for Chicano/Latinos) and 2003 (est. 6.5 percent for Chicano/Latinos and est. 6.2 percent for African American students).

Moreover, the historical ratio of UC eligibility rates between the student group with the highest rates (i.e., Asian American) and those with the lowest rates (i.e., African American and Chicano/Latino) also raises the possibility of Title VI federal adverse impact concerns. “Adverse impact” is the overall impact of practices, as judged by a federal court, that result in significantly higher percentages of members of minorities and other protected groups being rejected for employment, admission, placement or promotion: according to judicial guidelines, adverse impact can be indicated when the percentages for the lowest group are 80 percent or less of the group with the highest percentages (viz., disparate impact). Since at least 1983, the eligibility rates for African American and Chicano/Latino students have been far below the 80 percent guideline -- in the neighborhood of 16 percent.

Preface

This report presents the findings of a comprehensive study of undergraduate diversity at the University of California, complementing similar studies of graduate and professional students, faculty and institutional climate. The Regents of the University of California judged it timely for long-range planning and strategic purposes to study student, faculty and climate trends at UC 10 years after the passage of California's Proposition 209, a constitutional amendment prohibiting state entities from granting preferences in public education on the basis of factors such as race, ethnicity, national origin or sex. The University of California remains committed to achieving excellence through diversity in its students, workforce and leadership but is formidably challenged in doing so because of structural barriers in educational opportunity and because of some of its own policies. An analysis of national and institutional data led to a number of crucial observations and recommendations to guide action toward enhancing institutional diversity. Though not a substitute for strong leadership and potent accountability measures, the recommendations contained in this report provide a clear road map for action, and the empirically based observations make a compelling case that such leadership and accountability at UC is urgently needed.

I. Guiding Principles and Historical Context

Public research universities like the University of California serve as beacons of hope and opportunity. Early study is strongly suggestive that the economic and social development of the United States, and of California would have been much different without their public universities.¹ As it is, the “nation-state”² of California has been one of the most productive, prosperous, democratic and equitable societies in the world—in no small part because of the state’s investment in UC and its public education system.

The University of California may exemplify best what public research universities around the country represent to the people of their respective states and to the nation—a pathway to the American Dream. That dream is embraced by people around the world: that with hard work and persistence, melded with the knowledge, wisdom and character developed by the University, even the least of us can rise to great achievement in our society.

Clearly, Californians invest more than money in UC; they invest the University with the hope to lift all Californians, including those not already privileged by wealth, status and influence. In his 1872 inaugural address entitled “The Building of the University,” UC’s second president, Daniel Coit Gilman, perhaps best articulated the historic vision that has been foundational to the University:

[T]his is the “University of California.” ... it is the University of this State. It must be adapted to this people, to their public and private schools, to their peculiar geographical position, to the requirements of their new society and their undeveloped resources. It is not the foundation of an ecclesiastical body nor of private individuals. It is “of the people and for the people”—not in any low or unworthy sense, but in the highest and noblest relations to their intellectual and moral well-being.

As a public trust, UC has an obligation that is sacrosanct—to strive continuously to be worthy of the investments that Californians all over the state make in the institution.

Given the magnitude and significance of their investments and the high stakes for Californians, representing California’s diverse citizenry in the University is not something to be prized for merely the cosmetic symmetry of, for example, “racial balance.” Representation, appropriately attained, has been seen as a powerful expression to the citizens of the state that those investments of heart and treasure were honored, a matter of compelling interest to both California and the University of California. Consistent with the traditions and history of our constitutional republic, representation most appropriately and tangibly engenders a sense of ownership by all Californians in the University of California.

That sense of ownership has been powerfully strengthened by the long-standing commitment of the University to admit any California citizen who satisfied a prescribed set of largely academic conditions, thought to be equally attainable, by students attending the state’s high schools.

Moreover, the state’s charter that authorized the creation of the University of California expressly addressed the issue of representation:

... no sectarian, political or partisan test shall ever be allowed or exercised in the appointment of Regents, or in the election of professors, teachers, or other officers of the University, or in the admission of students thereto, or for any purpose whatsoever; nor at any time shall the majority of the Board of Regents be of any one religious sect, or of no religious sect; and the persons of every religious denomination, or of no religious denomination, shall be equally eligible to all offices, appointments and scholarships.

In addition, not only were diverse political and religious communities to be fairly represented in the University, but there was also to be geographic and economic representation. Officials recognized the great size and geographic diversity of the state and the challenges they posed to University access. They also explicitly acknowledged the need to minimize economic barriers to the University. As stated in the charter:

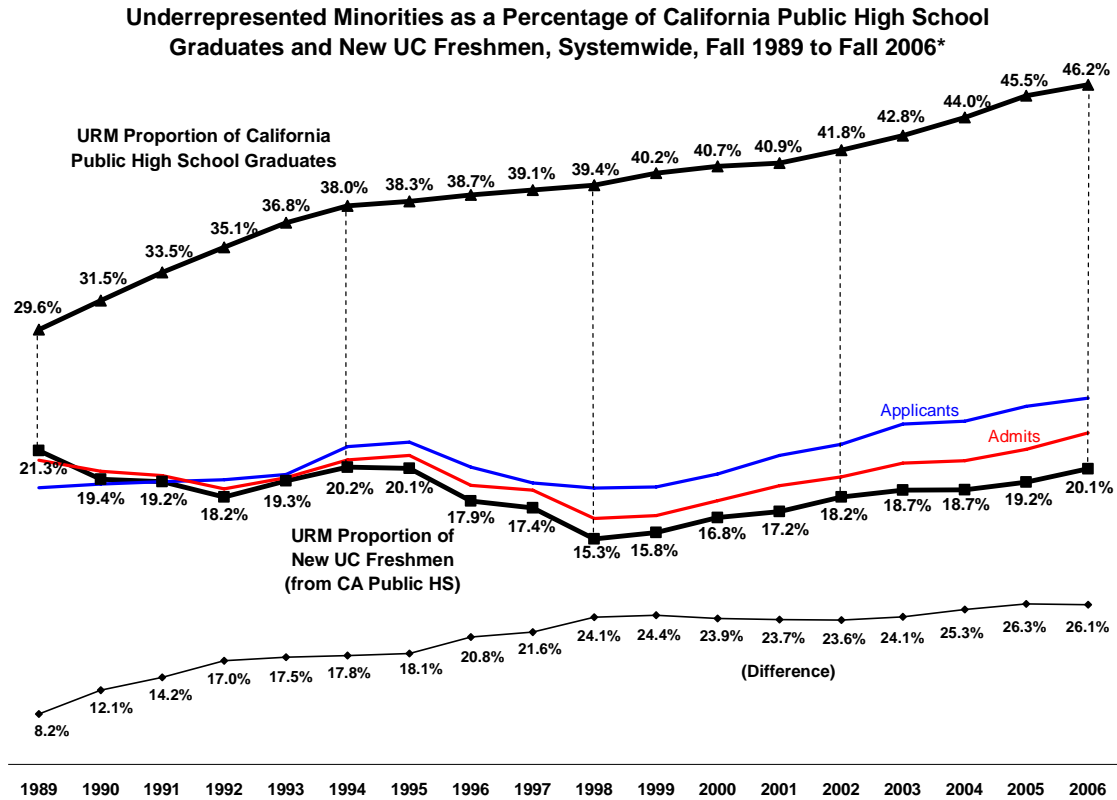
... as soon as the income of the University shall permit, admission and tuition shall be free to all residents of the State; and it shall be the duty of the Regents, according to population, to so apportion the representation of students, when necessary, that all portions of the State shall enjoy equal privilege therein.

Having established the principle of social and economic diversity, the University’s board went further and agreed in 1870³ that women should be admitted on an equal basis with men—quite a revolutionary principle at the time. As a result, according to one study, UC led the nation in the late 1800s and early 1900s in the percentage of women admitted to undergraduate programs.⁴

Other forms of diversity also have been addressed by state and university officials. Even though not always well-defined or consistently implemented, the importance of opening access to students who possessed unique aptitudes and qualities, or who exhibited “special attainments,” or who lacked the opportunity to fulfill certain admissions requirements, have been recognized throughout the University’s entire history.

However, the matter of racial inclusion has been a relatively recent, and major, challenge for the University of California. Though UC has never achieved broad and deep representation with respect to racial and ethnic minority students, this has become even more difficult to attain as the racial/ethnic diversity of California has broadened and deepened. The passage of SP-1 and Proposition 209, measures circumscribing the use of race, ethnicity and other factors in University admissions and in other areas, have also limited the University’s efforts to achieve greater diversity.⁵ The data show that underrepresented students⁶ have remained a substantially smaller proportion of those admitted to and enrolled at the University, with the gap between the percentage of underrepresented minority students graduating from California public high schools and the percentage enrolling at the University of California widening (see chart below).

Figure 1



* High school data for 2005 and 2006 are projected.

UC's evolving understanding of its responsibilities with respect to the state's increasing racial and ethnic diversity is reflected in its changing statements on admissions policy. Indeed, UC admissions policy made no explicit statement regarding race or ethnicity until 1979. Existing federal affirmative action mandates were implemented largely through the use of "special action" or "admission by exception," where campuses could, if they chose, admit excellent students who were underrepresented, or who came from under-served populations, or who had experienced various disadvantages pertinent to admissions criteria. After the 1978 Supreme Court ruling in the *Bakke* case, which outlawed the use of quotas but held to be constitutionally permissible some use of race, ethnicity and gender as nonexclusive admissions factors, then-President David Saxon mandated the campuses to reflect or "approximate" the racial and ethnic composition of the state's graduating high school seniors. The directive came without the explicit concurrence of The Regents and the Academic Senate. Also, to many, President Saxon's directive seemed too little like parity goals and too much like quotas. Following investigations into admissions practices at Berkeley, which suggested bias against the admission of Asian Americans, The Regents, in consultation with the administration and the Academic Senate, changed the word "approximate" to "reflect." Concern about the appropriateness of using race and other demographic factors in admissions, as well as evidence that suggested that race and ethnicity were either dominant or sole factors in admitting some students, led The Regents to remove race and ethnicity (along with

religion, sex, color and national origin) as permissible admissions factors. Though The Regents later rescinded that 1995 action, the next year California voters passed Proposition 209, which, by constitutional amendment, prohibited public institutions in the state from discriminating on the basis of the same set of factors.

In rescinding SP-1, however, The Regents reiterated that broad access to the University remained an institutional value, even though the means by which it could be effected was circumscribed. Given the U.S. Supreme Court opinions in *Grutter v. Bollinger* and *Gratz v. Bollinger* (2003), the state and the University would be well served if the University stated its institutional interest in achieving a diverse student body in clearer and more cogent terms.

Recommendation #1: Achieving Greater Diversity Within the University of California Is of Compelling Interest

<i>The Study Group on University Diversity recommends the endorsement of the UC Academic Senate Statement on Diversity by The Regents.⁷</i>
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The UC Academic Senate Statement on Diversity reads:

The diversity of the people of California has been the source of innovative ideas and creative accomplishments throughout the state's history into the present. Diversity—a defining feature of California's past, present and future—refers to the variety of personal experiences, values and worldviews that arise from differences of culture and circumstance. Such differences include race, ethnicity, gender, age, religion, language, abilities/disabilities, sexual orientation, socioeconomic status, geographic region and more.

Because the core mission of the University of California is to serve the interests of the state of California, it must seek to achieve diversity among its student bodies and among its employees. The state of California has a compelling interest in making sure that people from all backgrounds perceive that access to the University is possible for talented students, staff and faculty from all groups. The knowledge that the University of California is open to qualified students from all groups, and thus serves all parts of the community equitably, helps sustain the social fabric of the state.

Diversity should also be integral to the University's achievement of excellence. Diversity can enhance the ability of the University to accomplish its academic mission. Diversity aims to broaden and deepen both the educational experience and the scholarly environment, as students and faculty learn to interact effectively with each other, preparing them to participate in an increasingly complex and pluralistic society. Ideas, and practices based on those ideas, can be made richer by the process of being born and nurtured in a diverse community. The pluralistic university can model a process of proposing and testing ideas through respectful, civil communication. Educational excellence that truly incorporates diversity thus can promote mutual respect and make

possible the full, effective use of the talents and abilities of all to foster innovation and train future leadership.

Therefore, the University of California renews its commitment to the full realization of its historic promise to recognize and nurture merit, talent and achievement by supporting diversity and equal opportunity in its education, service, and administration, as well as research and creative activity. The University particularly acknowledges the acute need to remove barriers to the recruitment, retention and advancement of talented students, faculty, and staff from historically excluded populations who are currently underrepresented.

This statement, which was passed by the Academic Council in May 2006 and subsequently endorsed by President Dynes, with the concurrence of the chancellors, in June 2006, represents an important step in solidifying the fundamental importance of diversity in fulfilling the mission of the University of California. The University of California’s academic community signals by this statement that it values the educational benefits of diversity, and racial diversity in particular, and these benefits are well-documented in the scholarly literature at the undergraduate level,⁸ the graduate/professional level⁹ and the faculty level.

II. The State of K-16 Opportunity in California

Recommendation #2: UC Needs a Comprehensive Education Pipeline Repair Plan
<i>The Study Group on University Diversity recommends that the Office of the President develop a coherent and comprehensive plan that efficaciously responds to the lack of equal educational opportunity in California due to educational disparities—among the most fundamental problems confronting our state. The plan should include the wherewithal to monitor and evaluate the ability to complete UC’s admissions and transfer requirements as well as the development of partnerships with K-12 and the California State University and California Community College systems. The plan should include a strategy to fully fund the Transcript Evaluation Service, or its like, and be flexible to allow for local campus optimization.</i>

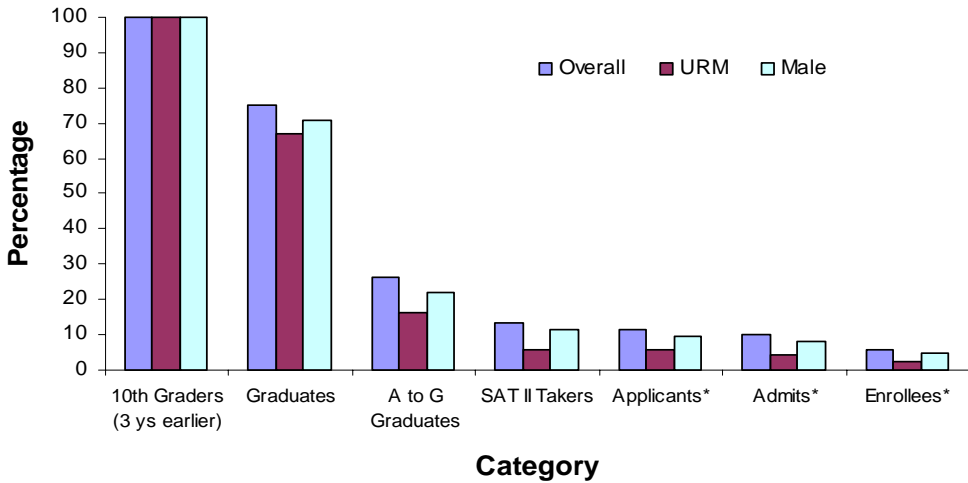
Supporting Observations

Unequal educational opportunity characterizes the educational landscape in California. Educational disparities are severe, large and extensive, of long standing—predating Proposition 209—and associated with racial/ethnic and socioeconomic factors.

Research indicates that California youth who take a pattern of courses early in high school that is off-track with college entrance requirements will have a dramatically diminished likelihood of enrolling in college.¹⁰ One can begin to appreciate the extent to which California’s K-12 pipeline to higher education is hemorrhaging with this simple

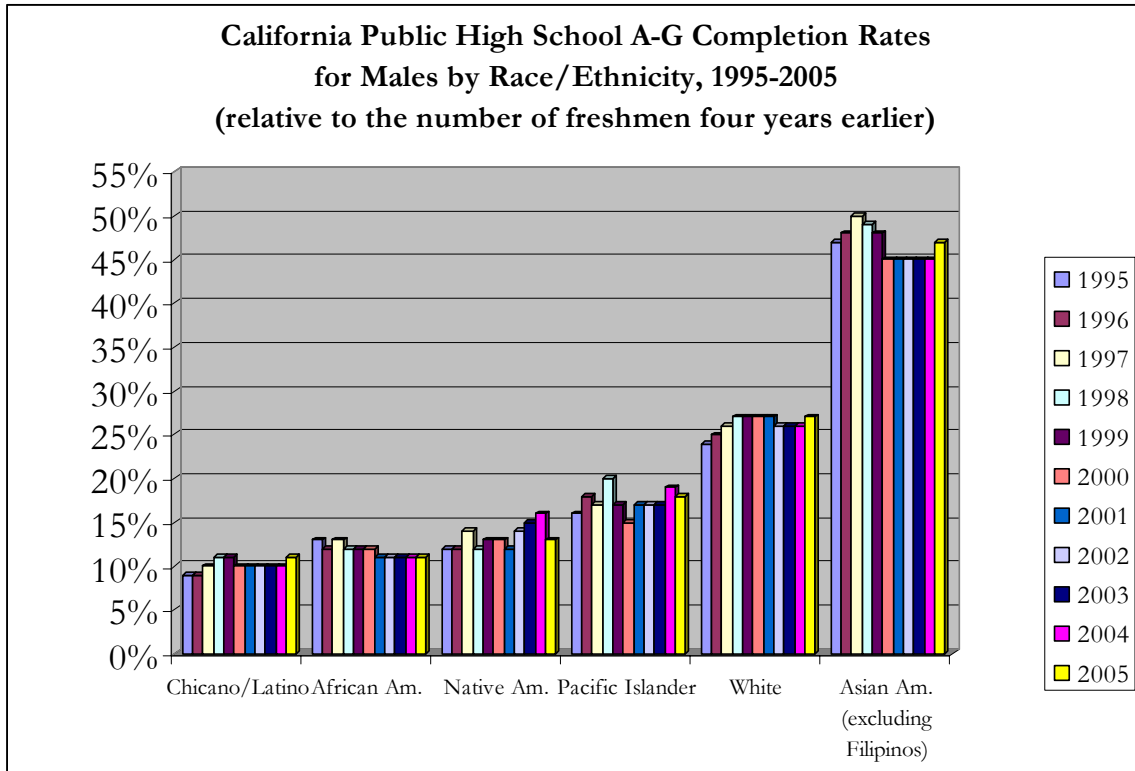
observation: A large majority of California’s public high school students do not complete the “a-g” pattern of college-preparatory courses needed for admission to UC and CSU. In 2005 only 26.5 percent of tenth-graders in California went on to complete “a-g,” and only 35.2 percent of high school graduates completed the pattern. And there is a disproportionate impact for underrepresented minorities (African American, Chicano/Latino and Native American); only 16.2 percent of underrepresented minority tenth-graders in California went on to complete “a-g” (and only 24.2 percent of underrepresented minority high school graduates).

Figure 2: Inclusiveness Indicators for All California Public Schools with Grade 12—2005
Number of Students Progressing Through Each Stage Toward UC Enrollment



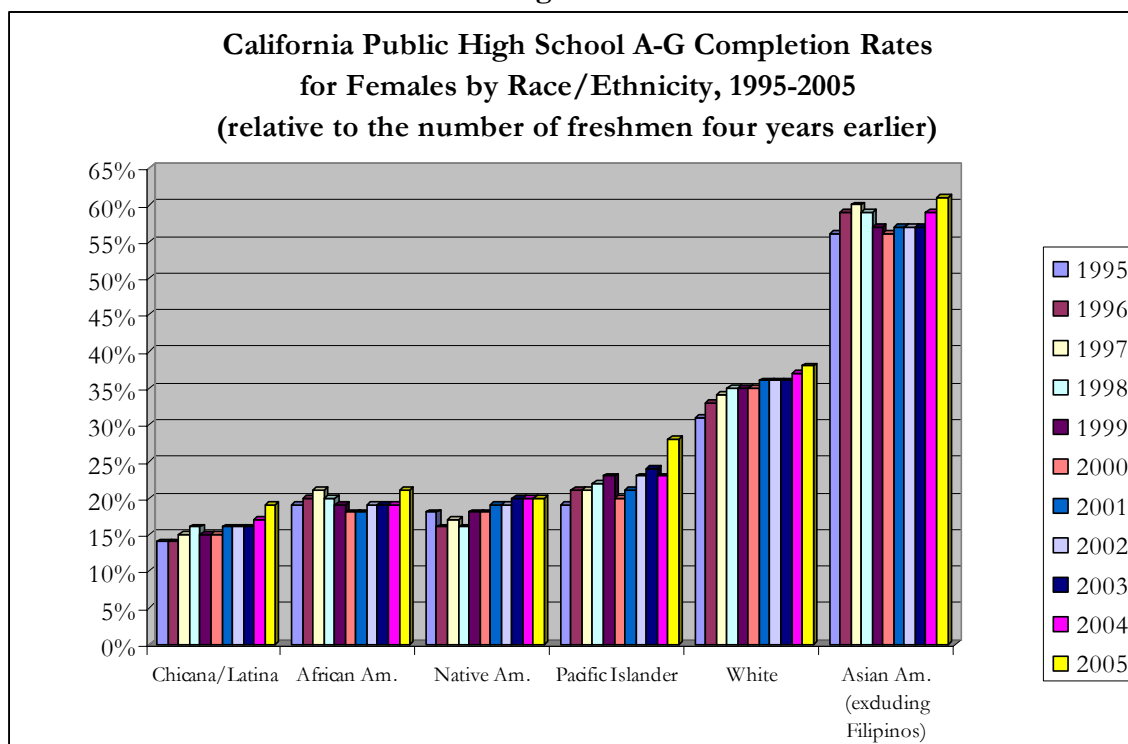
The profound racial/ethnic differences in the proportion of California public high school students who go on to complete the “a-g” sequence of college-preparatory courses is a long-standing social problem, and certainly predates Proposition 209. As the chart below indicates, among male students, the “a-g” completion rates in California (relative to the number of high school freshmen four years earlier) were approximately in the ranges of 45-50 percent for Asian Americans, 24-27 percent for whites, 15-19 percent for Pacific Islanders, 12-16 percent for Native Americans, 11-13 percent for African Americans and 9-11 percent for Chicano/Latinos. Not only did African American males have the lowest “a-g” completion rate, but also discouraging is that African Americans were the only group of males showing a downward trend (13 percent in 1995 and 1997, 11 percent since 2000).

Figure 3¹¹



The 1995-2005 “a-g” completion rates for female students in California (shown below) are higher than the rates for males, but the overall pattern of racial disparities is similar: a range of 56-61 percent for Asian Americans, 31-38 percent for whites, 19-28 percent for Pacific Islanders, 16-20 percent for Native Americans, 18-21 percent for African Americans and 14-19 percent for Chicana/Latinas. Moreover, while Chicana/Latina, white, Pacific Islander and Asian American young women in California all made significant gains over the last decade in “a-g” completion rates, African American females did not (a rate fluctuating between 19 percent and 21 percent without a clear pattern).

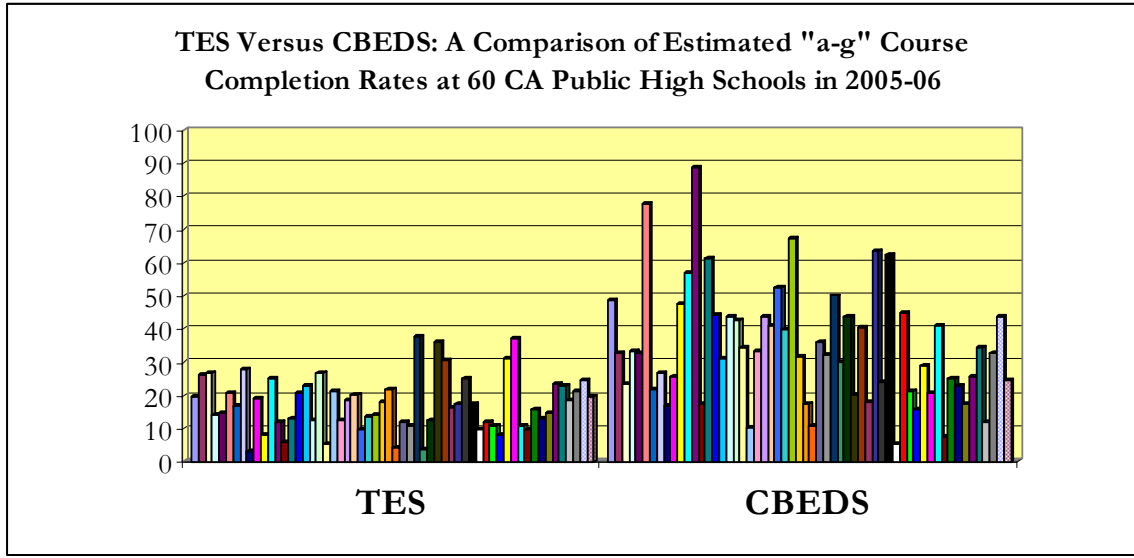
Figure 4¹²



Given the large magnitude of these racial/ethnic differences in “a-g” achievement levels, it is important to point out that the charts and figures above are conservative estimates, for they all rely on data from the California Basic Education Data System (CBEDS), and there is evidence that the CBEDS estimates of “a-g” completion rates contain a systematic upward bias (in the statistical sense). Professor David Stern of UC Berkeley and Juan Sanchez of UCOP recently analyzed 60 California high schools, comparing CBEDS estimates with a rigorous course analysis using the Transcript Evaluation Service (TES). They found that in 82 percent of cases, high schools had submitted much higher “a-g” completion rate data to CBEDS (typically by a wide margin), whereas TES had the higher rate in only 18 percent of the schools (and typically by a much smaller margin). This is illustrated in the bar graph below, where the TES estimates for 60 schools are on the left side, and the CBEDS estimates for the same 60 schools are on the right side.¹³

All told, the CBEDS average “a-g” completion rate estimate was approximately double the TES average estimate for the 60 California public high schools included in the study (34.5 percent average with CBEDS, versus 17.5 percent using TES).

Figure 5



It is not only that there are strong and durable disparities in “a-g” course-taking behavior by race, class, gender and geography in California. Rather, it is also true that such disparities create a “structural sieve” that narrows the life chances of students in high-minority/low-income schools. For instance, some efforts to remedy unequal opportunity with respect to the availability of Algebra I, which is widely regarded as a critical course along the path to higher education attainment, have proven ineffective. Faith Paul’s study of 3,500 students in urban high schools with a high proportion of low-income, underrepresented minority and immigrant students, found that efforts to counteract the gatekeeper effects of Algebra I by offering a UC-approved two-year Algebra course for less-prepared students were not successful in spurring those students to complete core college-preparatory courses, suggesting that “deeper interventions were needed.”¹⁴

Data also show that schools with higher percentages of underrepresented students offer less access to UC-approved coursework than school with lower percentages of these students.

Racial Disparities in Access to Schools with Enough College Preparatory Classes (2004-2005)

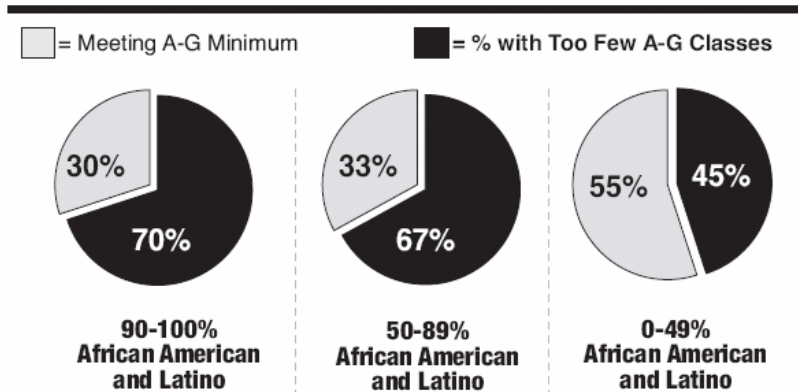
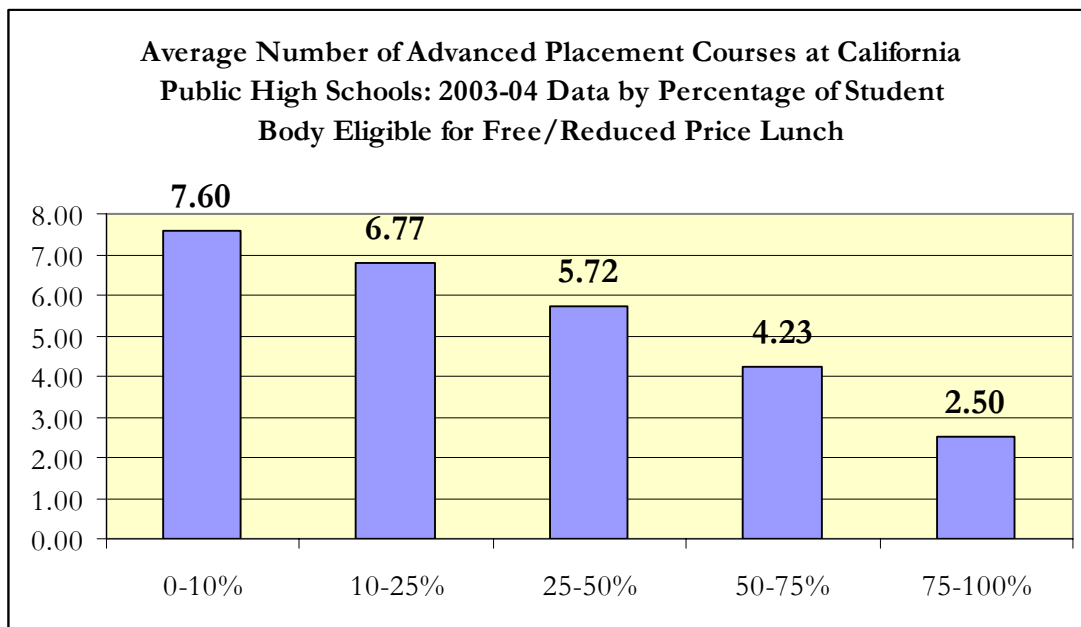


Figure 6

Source: California Basic Education Data System, online data, www.cde.ca.gov/ds/sd/cb/

As with “a-g” courses, there are substantial between-school disparities in the availability of Advanced Placement (AP) courses in California. Zarate and Pachon analyzed differences among 1,094 “regular” California public high schools using CBEDS data and found that 22.4 percent (245 schools) offered no (that is, “zero”) AP courses in 2003-04.¹⁵ Thirty percent of California high schools (330 schools) offered zero, one or two AP courses. At the other end of the spectrum, 14.4 percent (157 schools) offered 12 or more AP courses. And as the chart below indicates, AP offerings bear a strong connection with socioeconomic characteristics: schools where 0-10 percent of students received free/reduced-price lunch offered an average of 7.6 AP courses, whereas schools where 75-100 percent of students received free/reduced-price lunch offered an average of only 2.5 AP courses.

Figure 7: AP Course Availability¹⁶



In settling the *Daniel v. State of California* case brought by the ACLU, the California Department of Education agreed to address inequities in AP access through an Advanced Placement Challenge Grant program passed by the Legislature. Unfortunately, however, the program offered few resources to schools attempting to augment their AP offerings, and it ended after only three years; grant funds through this program are no longer available.¹⁷ Moreover, a study by Professor Richard Brown found that the largest growth in AP tests taken at California high schools between 1998 and 2003 (coinciding with the Challenge Grant and College Board efforts to increase AP) was among white students; the smallest growth was among African American students, with Asian Americans and Chicanos/Latinos falling in between.¹⁸ In short, the program only increased racial disparities in AP access.

As the two charts below show, there are also regional and school-quality disparities in access to UC-approved honors courses (including but not limited to AP courses).

Figure 8

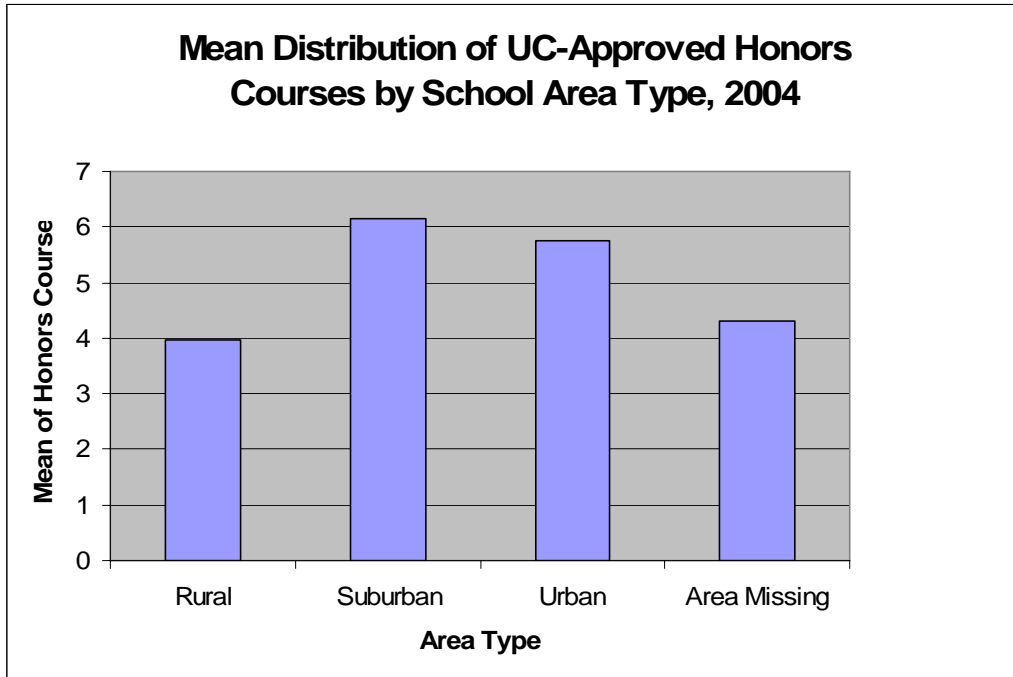
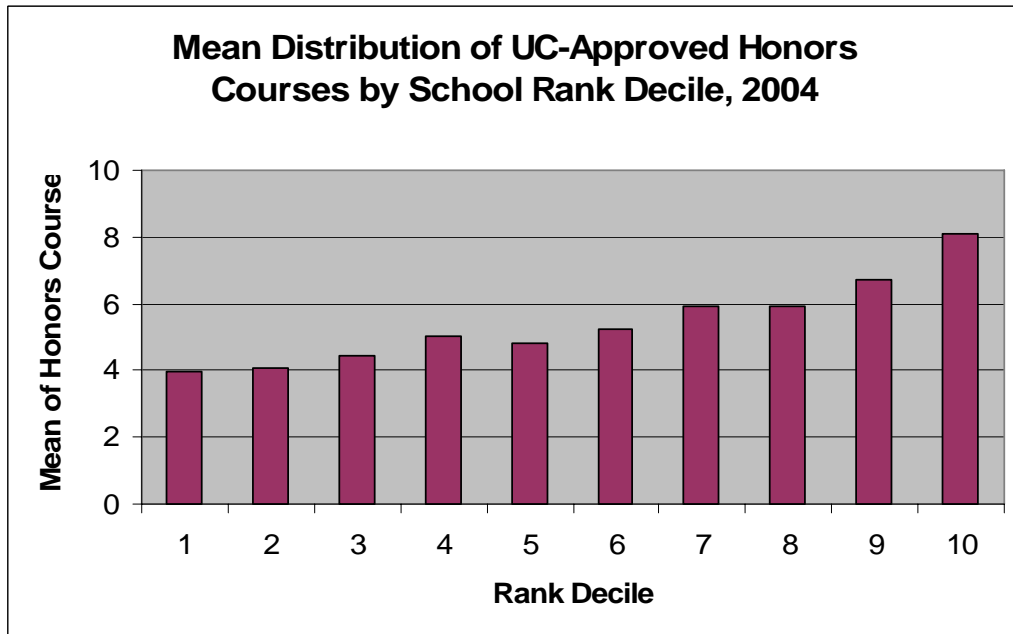


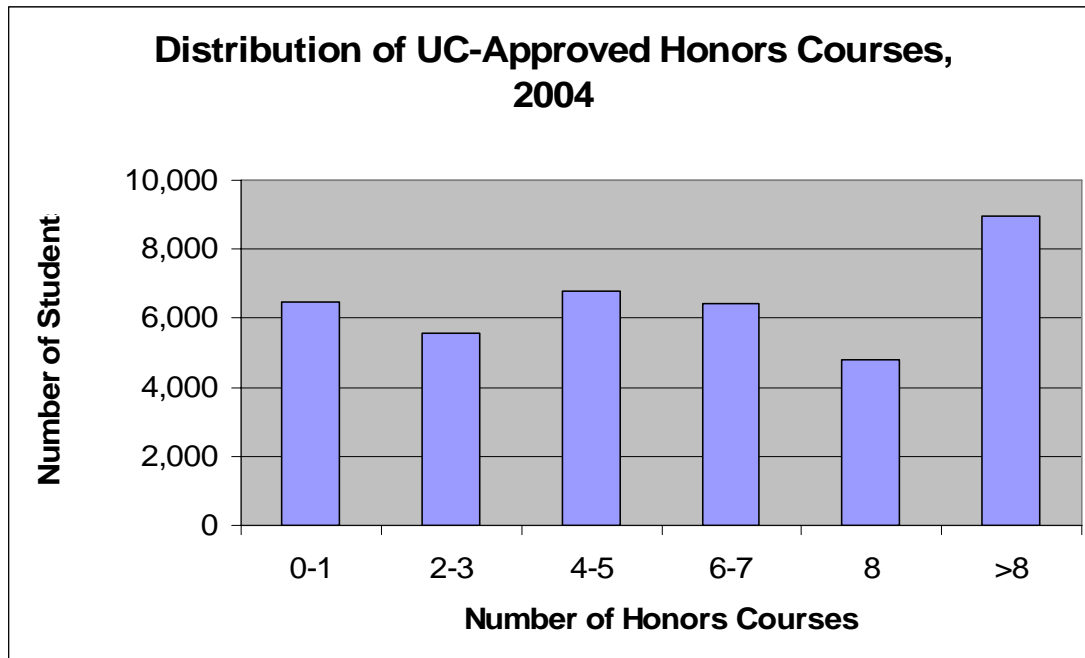
Figure 9



Indeed, the significant variability in access to UC-approved honors courses is even more starkly represented by the fact that almost 6,000 high school students—students

nominated by their schools as within the top 10 percent of achievers in 2004—showed no UC-approved honors course on their transcripts (see below).

Figure 10



Though such disparities in access to advanced coursework are important in their own right, they are also highly relevant to UC and its admissions processes: UC accords “bonus” points for taking UC-approved honors courses. A statewide study by Martin, Karabel and Jaquez of the 1999 cohort of high school graduates who applied to UC as freshmen found that “the correlation of per capita admissions with curricular variables is also relatively strong. The availability of AP courses correlates at .51 with per capita [UC] admissions.”¹⁹ Clearly, advanced course accessibility and related inequalities should be of concern to UC policymakers.

In addition to the availability of “a-g” and UC-approved honors courses, the problem of California’s children not being given the tools to compete on a fair and equal basis has many features.²⁰ Large racial/ethnic and socioeconomic disparities are evident in the availability of qualified teachers,²¹ of safe and properly equipped school facilities, of textbooks (quality and quantity),²² and of counselors and other sources of college-preparation information and guidance (see next recommendation). Also, access to UC, and to California higher education more generally, is associated with between-school and within-school (tracking) differences.²³

Professor Stern’s presentation to the Study Group on University Diversity included a BOARS-commissioned analysis estimating the relative role of between-school and within-school components of the admissions gap to UC for the 2001-04 classes of public high school graduates in California. For Chicano/Latino students across the four years, 46 percent of the Chicano/Latino UC admission gap was attributable to differences within

schools, and 54 percent was due to differences between schools.²⁴ The picture for African Americans was somewhat different: 63 percent of the African American UC admission gap was attributable to differences within schools, and 37 percent was due to differences between schools. These data suggest that there are additional challenges in remedying admission/access disparities for African Americans even when these students attend relatively well-resourced suburban schools.²⁵ Conversely, residential segregation is a more prominent source of educational disparities for Latino students in California.²⁶

The will and the resources to remedy educational inequality have been insufficient for the task both prior to and since Proposition 209. UC can and must play a vital role in addressing the challenge of a hemorrhaging K-12 pipeline in California. For instance, controlling for family income level and racial/ethnic composition, students at high schools that have partnership programs with UC are more likely to stay on track with college-preparatory courses compared to students with similar background characteristics who attend high schools that do not have such UC partnership programs.²⁷ California's educational disparities were not caused by Proposition 209. However, despite Proposition 209, the inequalities persist and are clearly linked to race, ethnicity and socioeconomic status.

Moreover, the inequalities have significant implications for educational attainment in California. For example, for some groups, such as African Americans and Native Americans, freshman college-going rates to UC have declined over the past decade. Though it would seem consistent with the expressed intent of the proposition, it remains to be seen whether Proposition 209 can be instrumental in eliminating those disparities. The solution will require a long-term, concerted, consistent and targeted plan of action; mobilization of the entire state of California will be necessary. Certainly, developing partnerships between the state's education sector and leaders in government and business will be key components of such a mobilization. Though California's problem of unequal educational opportunity is too large for UC alone, its plan of action should leverage the position of influence that UC has as the premier public higher education system in the world. UC and the other higher education institutions in California are affected by the relative lack of college preparedness among California students. Indeed, no longer is a high school diploma sufficient for effective participation in today's high-tech and knowledge-based economy. In addition, the public mission of UC is served, in part, by UC's efforts to help the state and the nation solve its, perhaps, most intractable and problematic challenges.

The plan should also leverage of what UC does best—research. With the tools, now lacking, to identify and monitor educational quality and opportunity on a California-wide basis, the UC system is capable of bringing to bear the size and scope of its research capabilities to generate knowledge helpful to guide educational policy and action to remedy educational disparities and close the achievement gap. Though the state of California will require far better data than has been previously available to address these problems, among the most critical data and analytic tools required is the University's Transcript Evaluation Service (TES). This tool has proven itself, and it promises to be

invaluable in assessing the specific state of availability and accessibility of UC-required subject requirements in the high schools.

Beyond research, UC has an important, albeit more limited, role to play with respect to developing, implementing and evaluating model academic preparation programs and schools, teacher preparation programs, and counselor preparation programs; a comprehensive UC plan should address these roles, in partnership with K-12, the California Community Colleges, and California State University. Moreover, UC's admissions, financial aid, yield activities and student support services should be appropriately aligned as UC orients itself to respond to the educational inequality prevailing in California.

Certainly, UC can also play the facilitating role of bringing California's leaders around the table to address this profound problem -- one that endangers the state's prosperity and well-being. Finally, the University can lead a public information campaign regarding the gross disparities all along the educational pipeline, thereby informing Californians and spurring them to productive action. Chancellor Emeritus Karl Pister describes the importance of K-12 as a new mission focus of UC this way:

The University of California was chartered as a Land Grant Institution. By virtue of this charter its mission initially focused on developing people to devise means to extract the wealth latent in the natural resources of the State. Mining and agriculture in the early decades were followed by manufacturing and a high technology revolution comparable to the gold rush of the 19th century, based upon silicon rather than gold. The end of the 20th century brought a new opportunity and challenge to the University. Information technology and human resources became the new "gold" to be mined in California. This new opportunity is accompanied by a challenge not previously faced in our society – how to mine and develop the human resources latent in the most diverse population found in any nation-state—to remain competitive in the global economy of the 21st century, thus providing for the common good of its citizens.

That is the opportunity and challenge of diversity for our University. It encompasses an agenda of teaching, research and service that both acknowledges the perspectives and needs of its diverse constituencies and in turn utilizes the richness of their diverse character to address the critical problems facing our society. That is the Land Grant mission of the 21st century. It is our responsibility to execute it.²⁸

Recommendation #3: California Greatly Needs More Qualified School and College Counselors

The Study Group on University Diversity recommends that the administration, in partnership with the Academic Senate and with the California State University system, explore the need and the feasibility of implementing school counselor and college counselor training programs, with the intent of implementing and reporting back to The

Regents on efforts. A possible model for these programs is UC's [PRIME-LC](#) effort for targeting programs where the need for service is greatest.

Supporting Observations

The availability of counselors is a particularly acute problem in California, as our state ranks 50th in student-to-counselor ratios both at the secondary school level and overall in K-12. And consistent with other K-12 metrics, the students in majority African American/Latino schools are among the most in need of quality counseling services (given their relative weaker parental and peer “college knowledge” information networks²⁹), but these are precisely the schools where counselors are in the shortest supply in California.³⁰

Table 1

Student-to-Counselor Ratios: How California Compares to the Nation³¹	
Student-Counselor Ratio Overall	California's Rank: 50th (ahead of only the District of Columbia)
California's ratio is 966:1 , national average is 488:1 .	
Student-Counselor Ratio: Secondary Schools	California's Rank: 50th (ahead of only the District of Columbia)
California's ratio is 460:1 , national average is: 246:1 .	

The most current data available show that California's student-to-counselor ratios are the worse in the nation, averaging 990:1 students to each counselor in 2004-2005.³² Indeed, those ratios can frequently be greater than 1000:1 in the high schools³³ and was 1918:1 or higher in the California Community Colleges according to a 2000 report by their Academic Senate.³⁴ Such high ratios affect counselor effectiveness and accessibility. The American School Counselor Association recommends a ratio not to exceed 250:1. Current student-to-counselor ratios in California are unacceptably high and must be reduced.

School and community college counselors have an important, and often ignored, role to play with respect to student achievement and attainment.³⁵ Counselors can affect the courses students take and even the teachers to whom students are assigned. They shape students' goals and how they pursue them. However, it has been observed that some entering this changing field are unprepared to serve as effective advocates for all students, particularly those low in college-going capital who most need help.³⁶ Counselors need to be highly trained and skilled to provide the assistance necessary to guide and support students to pursue the world-class education offered at UC, especially students attending schools and colleges lacking vibrant college-going and college transfer cultures.³⁷ Instituting a counseling training program would only move the goal of providing clear transfer information to both underrepresented minority students and others forward. UC could partner with the California Community College and the California State University systems to craft counselor training programs to address the

need for school and college counselors trained to address the regional needs of student populations experiencing the least access to four-year degree programs in California.

Complimentary to satisfying the need for trained counselors, experts have recommended that a simplification of transfer requirements would remove unnecessary roadblocks to UC transfer. UC is already moving in this direction and we applaud efforts to streamline and simplify the transfer process, and to coordinate transfer requirements with the California State University and the California Community College systems.³⁸

III. UC's Distinctive Role in Promoting Academic Preparation

Recommendation #4: A Strong, Stable and Steadfast Commitment to Academic Preparation Programs Must Be Part of UC's Plan
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<i>The Study Group on University Diversity recommends that The Regents work with the Office of the President to stabilize and augment UC's K-12 budget and efforts with respect to academic preparation and outreach, buttressing these efforts with partnerships with the higher education segments (e.g., partnering with California State University's Early Assessment Program).</i>
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Supporting Observations

UC's K-12 Student Academic Preparation and Educational Partnership (SAPEP) activities have sustained budget cuts of 63 percent since 2001, and state funding for these activities has been proposed for elimination every year for the last six years as part of budget politics between the governor and the state legislature. Such a scenario has profoundly detrimental effects on program effectiveness, sustainability, strategic planning and the evaluation of program efficacy. It also damages the morale of staff charged with carrying out these activities. The University's involvement in middle-school activities is especially important, not only because of the significance of these years for college preparation, but also because the pernicious effects of tracking students really begin in middle school. The current unstable and low-level state of current funding of SAPEP programs is especially unfortunate given evidence that UC's programs align with best practices and are effective.³⁹

Augmentation of UC's SAPEP activities might come from leveraging resources and coordinating activities among our campuses and with the other higher education segments (i.e., partnership with CSU's Early Assessment Program,⁴⁰ the California Community Colleges, and other regional and statewide academic preparation and outreach programs) by increasing the number of regional and community college-located partnerships. Other augmentation might come from better coordination among UC's existing and developing programs (e.g., linkages between UC Links and the Science-Mathematics Initiative: both seek to encourage the participation of UC undergraduates in K-12 education). In particular, it may prove worthwhile to explore the development of

“academies” that build upon UC linkages with school districts and community colleges in locales with chronically low UC admission and transfer rates. Such academies would do more than just attract students to certain campuses; they could also get students on track and keep them college bound and ready.

The Regents first officially supported a long-term commitment to academic preparation programs in the RE-28 Resolution of 2001, and this commitment should be reaffirmed.⁴¹ CSU has chosen not to rely primarily on state funds to fulfill its commitment to K-12 reform; perhaps UC should rethink its strategy for funding K-12 and community college intervention efforts as well.

In addition to addressing inequality in K-12 college preparation, attention needs to be focused on community college transfer. Though UC coordinates outreach activities in California Community Colleges, it is fair to say that UC’s emphasis has been on high school/middle school outreach. For example, the Puente Project has a community college component.⁴² Community college outreach services should be expanded not only to give underrepresented and underserved populations the expertise needed to navigate these complex processes and hurdles, but also to support the development of transfer-sending cultures at the community colleges and transfer-receiving cultures on UC campuses.⁴³

Community college partnerships are needed to help make the transfer pathway a smoother one to the four-year degree. Research shows that most students who initially enroll as community college freshmen do not transfer to a four-year college or university. In fact, even though approximately 70 percent of two-year college freshmen say that they aspire to obtain a four-year degree, only about 15 percent actually do.⁴⁴ A CPEC report tracking first-time freshmen enrolling in California Community Colleges in Fall 2000 showed that only 22 percent transferred to a California public university and one in five of these students were still enrolled in a community college as of 2005. Even though community college students transfer at very low rates, underrepresented minority students transfer at even lower rates. CPEC data show that although Latino students account for one-third of community college enrollments, they represent less than one-quarter of transfer students to California public universities. Similarly, African Americans transferred to California public universities at only half of their enrollment proportion in California Community Colleges.⁴⁵

Given the complex barriers to successful transfer to UC, inequalities in community college transfer are, unfortunately, not surprising. It is quite arduous for even well-prepared and non-minority students to negotiate this complex transfer process, let alone relatively ill-prepared underrepresented minority students. As matters stand, it is illusory to think that community college transfer is the solution to the long-standing challenges to diversity that plague freshman admissions.

IV. Rethinking UC Eligibility (Systemwide Admissions)

Recommendation #5: UC Should Rethink How It Determines UC Eligibility

The Study Group on University Diversity recommends that the Academic Senate critically evaluate and update the University's method of determining eligibility, considering three recommendations:

- 1) A student's eligibility should be determined on the basis of a broad set of the student's achievements;*
- 2) A student's achievements should be evaluated in the context of his or her educational opportunities; and*
- 3) The educational justification for requiring SAT Subject Tests in UC eligibility should be re-evaluated, especially in light of changes to the SAT Reasoning Test that increased redundancies between these two tests.*

Supporting Observations

These three recommendations to reform UC eligibility are consistent with The Regents' RE-28 Resolution of 2001, which was adopted shortly after the Academic Senate was requested to conduct a comprehensive review of quantitative formulas in UC admissions, and which states in part: "That the University shall seek out and enroll, on each of its campuses, a student body that demonstrates high academic achievement or exceptional personal talent, and that encompasses the broad diversity of backgrounds characteristic of California."⁴⁶

Distinct from freshman *selection* by the campuses, UC's current statewide *eligibility* construct identifies students who are invited to apply to UC, and simultaneously guarantees them admission to the UC system, though not necessarily to a campus to which they applied or want to attend. The eligibility concept originated in 1960, and since 1968 has relied only on the grade-point average across all UC-approved courses and test scores. The main route to UC eligibility—called "eligibility in the statewide context"—requires (1) completing a set of college-preparatory courses ("a-g" courses), each of which has to be approved by UC at the student's high school in order to count toward eligibility; (2) taking UC's full pattern of standardized tests, consisting of the ACT with Writing or SAT Reasoning Test, plus two SAT Subject Tests in different "a-g" subject areas; and (3) achieving test scores and an honors-course-weighted GPA in the "a-g" subjects that together exceed the threshold established by UC's Eligibility Index, which specifies the minimum test scores required for a given GPA. At present, the minimum GPA required for eligibility is 3.0.

Research and a survey of best practices in college admissions support the conclusion that GPA and test scores alone do not, and cannot, tell the whole story about a student's readiness to profit from or succeed in a high-quality college education.⁴⁷ In fact, research indicates that considering a fuller array of admissions factors not only improves the

prediction of academic outcomes (e.g., college GPA, graduation rates), but also can yield a student body more representative of California high-school graduate population.⁴⁸ Given UC's important access mission as a land-grant university, it seems ironic that the University provides a comprehensive review to out-of-state applicants but does not assure that all of California's diverse and talented students are afforded the same consideration.

The current approach to defining UC eligibility makes no accommodation for unequal educational opportunity, and rests on the assumption that all California high school graduates have, for example, equal access to equal numbers and sections of UC-approved "a-g" courses, equal access to UC-approved honors courses, equal exposure to highly qualified teachers, and equally resourced classrooms and laboratories, etc.⁴⁹ The data presented in this report show that the equal-opportunity assumption that undergirds statewide eligibility determination (i.e., that the State's high schools are similar enough in terms of the quality of college preparation they offer that students graduating from them can be compared on the basis of GPAs in UC-required courses and on the basis of UC-required tests) is invalid.

UC eligibility is also problematic because it requires the submission of SAT Subject Test scores even when they are irrelevant to the eligibility determination (i.e., to become eligible via the Eligibility in the Local Context pathway, students must complete the examination requirement which includes two SAT Subject Tests). This raises a set of concerns similar to those that, in 2001, prompted UC President (now Emeritus) Richard Atkinson to call for changes to the SAT; the College Board largely agreed to adopt the changes the following year.⁵⁰ Atkinson expressed concerns that the overemphasis on the test "is distorting educational priorities and practices ... is perceived by many as unfair, and ... can have a devastating impact on the self-esteem and aspirations of young students."⁵¹

We also conclude that an updated method for determining UC eligibility could enable UC to achieve the objectives of the infrequently used Admissions by Exception policy—to provide a full and complete review of promising applicants who did not fulfill the narrow and technical requirements of the current eligibility construct.⁵²

UC has now come full circle with the SAT: The changes that were made to the test in 2005 have increased the redundancy between the SAT Reasoning and SAT Subject tests. Another important consideration is that the vast majority of our comparison/competitor institutions do not require SAT Subject Tests, thereby siphoning off excellent and diverse students—particularly those who are non-native English speakers⁵³—from the eligibility pool (see chart below).

Table 2: Standardized Test Requirements at Comparison Institutions

Institution Name	ACT	SAT Reasoning	SAT Subject Tests (formerly SAT II)
University of Illinois at Urbana-Champaign		Either ACT* or SAT	Not required
University of Michigan–Ann Arbor		Either ACT or SAT	Not required; will be considered if submitted
SUNY at Buffalo		Either ACT or SAT	Not required
University of Texas at Austin		Either ACT or SAT	Not required
University of Virginia–Main Campus		Either ACT or SAT	Not required; 2 subject tests strongly recommended
Harvard University		Either ACT or SAT	Required: 3 subject tests
Massachusetts Institute of Technology		Either ACT or SAT	Required: 2 subject tests—one math and one science
Stanford University		Either ACT or SAT	Not required; Math 2 and one other subject test recommended
Yale University		Either ACT or SAT	Only required for SAT Reasoning Test takers: 3 subject tests

* Note: The University of Illinois at Urbana-Champaign recommends that all students who take the ACT rather than the SAT Reasoning Test take the optional ACT Writing component. All other schools in the comparison group require the Writing test for ACT test takers.

Moreover, research on UC’s undergraduate students indicates that these tests are being used to determine eligibility in a manner lacking compelling justification. It has been demonstrated that discouragingly small incremental validity gains are associated with requiring both the SAT Reasoning and SAT Subject Tests. Statistical analyses of freshman entrants to UC have consistently shown that including SAT Subject Test scores among the usual predictor variables (GPA and ACT/SAT Reasoning scores) leads to a negligible gain in incremental validity of predictions of freshman GPA.⁵⁴ In addition, testing requirements, particularly if excessive, have effects beyond admissions. These testing requirements cast a shadow over student placement decisions (both major and level), scholarship awards, and academic confidence and engagement. Therefore, the requirement of the SAT Subject Tests warrants examination, especially in light of incremental validity studies and adverse impacts on underrepresented students.

Though well-documented gaps in test scores may pose obstacles to UC access for underrepresented minorities, at the eligibility stage the barriers are not the test scores themselves. Instead, the most prevalent factor that prevents high-achieving students from becoming UC eligible is simple failure to take the required SAT Subject Tests. Whether through unwillingness to complete this requirement or (more likely) lack of knowledge about the requirement, more “potentially eligible” students miss eligibility because of this single factor than for any other reason. Here, “potentially eligible” refers to students who have completed the “a-g” coursework requirements, have taken the ACT with Writing or the SAT Reasoning Test, and have a GPA and test scores that would suggest UC eligibility, were the SAT Subject Test requirement completed.⁵⁵

Thus, UC's SAT Subject Test requirement is, in effect, a test participation requirement and not a test performance requirement. Further, racial/ethnic minorities and otherwise disadvantaged students appear to be adversely affected by this test participation requirement. Test participation appears to be a function of a complex and interacting set of variables that differentially and negatively impact racial/ethnic minorities and may include: fears that a four-hour standardized test will effectively wash away four years of hard work and achievement in high school, the willingness and the wherewithal to invest the effort and money necessary to prepare for and take the tests, and a dearth of counseling and college-going capital at many underrepresented minority schools, resulting in a highly varied—and typically low—awareness of UC's testing requirements.⁵⁶ Further, the disparate impact appears unjustified given UC and other studies that demonstrate that the addition of the SAT Subject Tests to either the currently required ACT with Writing or the SAT Reasoning Test adds negligible additional predictive value to the ability to identify students most likely to succeed at the University.⁵⁷ The predictive value of the SAT Subject Tests has been found to be even lower when other academic information available to admissions officers is considered.⁵⁸

Beyond failure to take the required SAT Subject Tests, there are other, equally unjustified reasons why strong students miss UC eligibility. Again referring to the 2003 CPEC study, it was estimated that about 2 percent of California high school graduates—several thousand students—missed eligibility solely due to the omission of a single “a-g” course out of the required 15. And, in the vast majority of those cases, that single course omission was English, in which four years of UC-approved coursework is required. Students who do not enroll in the correct English courses beginning in the ninth grade are effectively prevented from even being visible to the University. This reality is troubling, in light of the fact that “a-g” course-taking opportunities are highly varied across the state and are generally considerably lower at schools with high concentrations of ethnic minority students.

It is clear that UC's eligibility construct engenders, in some of its aspects, an arbitrariness that is unsupported by educational or evaluative justification. Perhaps even more startling, however, is the fact that the great majority of California high school seniors who truly attempt eligibility, i.e. by taking all of the required a-g courses and the full UC-required test pattern, actually achieve it [56]. This implies that the eligibility index itself, which sets the required GPA/test-score combinations needed to become UC eligible, is so modest a standard of performance that only a small minority of prospective UC applicants are failing to meet the index. It can only be concluded that, in practice, UC's eligibility policy does not, in fact, constitute a measure of academic quality at all. Instead, it is merely a status conferred upon those who were able to and complied with UC's required “participatory” behaviors (i.e., participating in “a-g” courses and test taking), beginning in the 9th grade. Those required participations themselves are characterized by large variations in access and related expert advice (e.g., counseling). Unsurprisingly, it is racial/ethnic minorities and poor students who populate the lower end of those variations. This would hardly seem an optimal way of conferring guarantees of admission to the University of California.

The statewide eligibility construct is unique to UC, and is both the major and most critical filter into the University. The College Board’s guidelines for admissions make clear that test scores and other information like high school GPA are to be viewed as “approximate” measures of preparation, and should be evaluated in context, along with other information that provides a fuller picture of a student’s background and experiences.⁵⁹ These very same guidelines indicate that when a university system uses test scores for admission purposes, it too has an obligation to adhere to all of the admission guidelines that apply to individual universities.⁶⁰ Accordingly, an expert from the College Board expressed that virtually no other comparable institution guarantees admission on the basis of only GPA and test scores, as UC does.⁶¹ Moreover, of selective colleges and universities that offer admissions guarantees, none, except the UC system, does on that basis. Only two of UC’s comparison institutions require Subject Tests of all of its student applicants, and those two are private institutions.

The statewide eligibility construct was intended to advance academic achievement by 1) signaling to students how to prepare for the University and 2) signaling to schools to create rigorous curricula suitable for college preparation, but it has also generated unintended and negative effects on education. Whereas students who appear UC eligible are guaranteed both a seat somewhere in the University system (likely via the referral pool) and a thorough review of their admissions application, those who do not appear to admissions officers as UC eligible are not guaranteed a thorough application review. Also, the fixed “top one-eighth” ratio of California high school admits to California high school graduates, required under California’s 1960 Master Plan, precludes those currently underrepresented in the eligibility pool (e.g., underrepresented minorities, low-income and first-generation college students, those from rural backgrounds, etc.) from making substantial gains in eligibility rates *absent* corresponding declines in the eligibility rates of other groups of students (i.e., whites and suburban students).

In being narrowly defined by its requirements for test participation, test scores and GPA in UC-approved courses, including honors-level courses, the statewide eligibility construct ignores significant differences between students in educational opportunity: excellent students who made the most of their limited educational opportunities are rendered “invisible” to the University by the rigidly enforced technicalities of the eligibility construct. Furthermore, the current definition of merit, implicit by the construct, conveys the false impression of simplicity. The reality is that determining student eligibility requires following a complex and extensive set of rules and procedures that must be performed by trained experts at the University. For students with considerable college-going capital—educated parents, knowledgeable and accessible counselors and teachers—establishing and staying on a UC-eligible trajectory through high school is often a simple matter. For those who lack this capital, UC eligibility can be an intimidating and complex affair. Without affirmative steps from a very early stage, even very strong students can find themselves with no hope of achieving UC eligibility by the time they reach the 11th grade, simply because they were unable to negotiate “a-g” course-taking opportunities on their own.

Moreover, the current definition of eligibility focuses students and schools on the “game” of manipulating the three variables that comprise it. This has resulted in inflated GPAs; teaching to the admissions tests and other test score inflation activities; differential access to UC-approved courses and tracking; and superficial coverage (i.e., too much information covered too quickly)—especially in science and mathematics.⁶² In addition, the eligibility construct currently ignores important information for assessing potential for student success (e.g., strength of the senior year, areas of strength and weaknesses, whether a student has made the most of his or her opportunities, etc.).

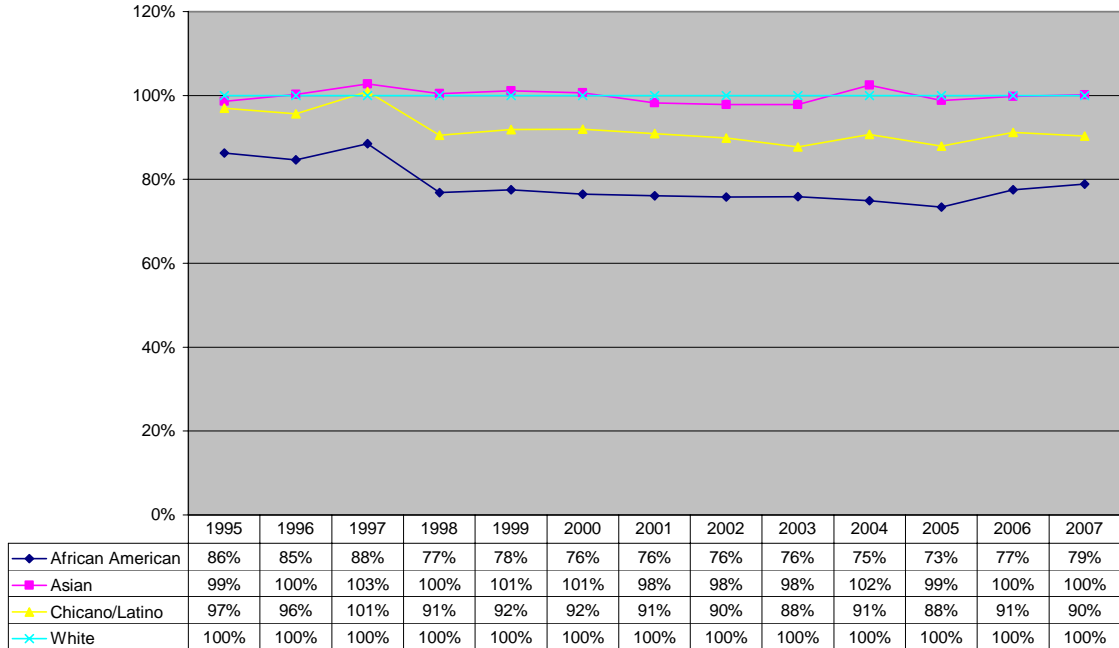
Finally, and unbeknownst to most, the current statewide construct leads to a “double-bind” analogous to “last hired, first fired” phenomenon in employment: the very kinds of students reached by strategic efforts to increase their representation in the eligibility pool disproportionately become excluded once again when UC must make eligibility requirements more stringent to comply with its interpretation of the Master Plan’s “top 12.5 percent” stipulation. Such was the case in 2004 when the University, in response to the 2003 CPEC eligibility study, was compelled to take steps to reduce the eligibility pool, which had an adverse impact on those already underrepresented in the eligibility pool. Yet the Master Plan leaves it expressly up to UC as to *how to determine* that top 12.5 percent. Experts offered the view that as long as the University defines “eligibility” in the way that it does, UC is effectively choosing to hamstring *itself* in the ability to admit both an excellent and diverse student body.

V. Campus Freshman Admissions Selection

Recommendation #6: UC Campus Admissions Should Align to Best Practices
<i>The Study Group on University Diversity recommends that the administration and Academic Senate develop “best practices” admissions guidelines and align UC admissions policies and practices to them, reporting to The Regents progress in doing so. Those practices include: 1) individualized student assessment, 2) assessment of achievement in context, and 3) the proper use of admissions tests.</i>

Figure 11

**Ratio of Admit Rate by Ethnic Group to Highest Admit Rate,
UC Systemwide 1995-2007**



Across the system, admit rates by ethnic group show an almost rigid pattern, with the admit rate for African Americans falling below the 80 percent disparate impact threshold used by the University to monitor for possible state and federal adverse impact concerns. The admit rate for African Americans dramatically fell after Proposition 209 and has remained below that threshold every year since, though it has begun to climb in recent years. Such data prompt a close look at campus admissions selection.

Table 3: Admit Rates by Ethnic Group (All California-Resident Freshman Applicants), 2007 Preliminary Data

	UCB	UCD	UCI	UCLA	UCM	UCR	UCSD	UCSB	UCSC	Systemwide
African American	20%	47%	37%	17%	83%	76%	27%	41%	67%	71%
Asian	33%	60%	58%	26%	88%	89%	46%	53%	82%	90%
Chicano/ Latino	24%	58%	46%	17%	85%	81%	37%	52%	80%	82%
White	33%	59%	62%	25%	96%	93%	41%	58%	86%	90%
Ratio of Lowest to Highest Admit Rate	60%	78%	61%	64%	87%	82%	58%	71%	78%	79%
Total Admit Rate	31%	59%	56%	24%	90%	87%	43%	55%	83%	88%

Lowest admit rate at a campus
 Highest admit rate at a campus

In the course of this review of admissions across the UC campuses, some information was shared by the Chair of UCLA's Committee on Undergraduate Admissions and Relations with Schools (CUARS) that was startling. In particular, it was noted in retrospect that in the admissions process used to admit the 2006 freshman class at UCLA (which admitted a record low number of African Americans, a fact that became the source of considerable concern within the community), the SAT was being accorded greater weight in the admissions process than CUARS had intended.

Rather than reflecting a conscious policy choice, that outcome resulted from unintentional "scale drift" under UCLA's earlier admissions regime.⁶³ Scale drift, in this case, was manifest in the failure to adjust admissions decision making to the vastly increased levels of selectivity and admissions pool changes that had occurred over time. Also troubling was that the UCLA administration did not have in place properly trained personnel to monitor and measure whether developments like scale drift were creeping into the admissions process, information that must be provided in a real-time environment in order to be of optimal use. In addition, CUARS learned that important policy objectives had not been implemented: admissions evaluators continued to review academic and supplemental information (such as leadership, creative accomplishments and civic contributions) separately from each other.

This cautionary tale about UCLA's 2006 admissions process illustrates that failures to meet best practices in admissions (for instance, in the use of admissions tests⁶⁴) can have important and often unintentional negative consequences for our campuses and prospective students. And evidence shows that campus admissions processes yield different racial outcomes even when level of campus selectivity is considered (for example, see admit rates for African Americans above for Davis, Irvine and Santa Barbara campuses).

Accordingly, UC must strive to meet the highest standards for monitoring and evaluation processes, standards worthy of the complex and sophisticated nature of admissions and of the multidimensional nature of "merit" itself. Indeed, UC should have admissions processes worthy of the stature of the institution itself.

A review of the changes to UCLA admissions process led to the following observations:

1. The experience of UC's two most highly selective campuses, one receiving the highest number of applications in the nation, shows that the practice of individualized and comprehensive admissions review can be implemented quickly and effectively, even in a high-volume case; and
2. Individualized and comprehensive review can be done accurately, reliably and efficiently.

Individualized student review (ISR) aims to identify students who took fullest advantage of the opportunities available to them and achieved. The process expressly recognizes that students differ in educational opportunities. Furthermore, the process acknowledges that individual accomplishments are better understood in light of students' educational, social, geographic, familial and personal situations. Based on discussion with Academic

Senate and administrative leaders and experts, best practice in the conduct of ISR includes 1) full application review for multiple indicators of achievement, 2) the assessment of achievement in the context of opportunities, and 3) “best practices” in the use of tests and test scores. Yet they acknowledged that greater specificity and clarity would be helpful. Therefore, the administration and the Academic Senate should specify what these practices are in detail and monitor the compliance of UC’s admissions practices against them, allowing for flexibility in “how” but not in “what.”

ISR is a best practice, particularly in the case of highly selective institutions.⁶⁵ ISR also conforms with the requirements in the Supreme Court’s ruling in the Grutter case.⁶⁶ Though some concern is noted that campuses using identical admissions processes might also end up seeking to admit and enroll the same students, the concern would seem mitigated by the fact that campus admissions pools are unique, campuses differ in the specific student qualities they value, and campuses will continue to differ in not only the admissions decisions they make but in the details of how they make them. The inclusion of students at UC from every corner of our state and every segment of our population is a value that derives from our land-grant mission. We can succeed better at that mission, and ISR appears to be helpful towards that end.

ISR may be particularly useful to cope with rapidly increasing changes in how schools are being structured. The comprehensive high school is no longer what it was in the past – students from the same high school can not be assumed to experience similar curricular requirements or opportunities (i.e., formal/informal tracking, multiple small schools and academies). Large comprehensive high schools continue to break up into smaller “schools within schools,” and “small learning communities” grow in number. Also, while UC has data about what courses from a particular school have been approved as meeting UC’s “a-g” requirements, it has no direct information concerning what courses were offered, when, how or to whom.

The “assessment of achievement in the context of opportunities” seems to require special attention by UC administrators and faculty. At present, many campuses appear to give points for educational disadvantage, adding those points to those garnered on the basis of the assessment of achievement. In other cases, campuses evaluate achievement separately from educational opportunity and seek to balance or weigh achievement against those opportunities as UCLA used to do. Neither approach seems to capture the ideal of using indicators of opportunity to inform the understanding of students’ achievements. It would be helpful if the Academic Senate, with the administration, further developed the practice of assessing achievement in context and consider the value of the following possible admissions review practices:

1. Giving careful scrutiny of personal statements for student reports that they were counseled out of or not offered the opportunity of getting “a-g” or advanced courses offered at their school;
2. Giving application reviewers information about all other applicants from the same school in order to see what was available at a school, what was not and if there are patterns to opportunity within schools;

3. Providing special training to reviewers in the nature of within-school educational disparities to improve the reviewer’s ability to assess it;
4. Giving information to reviewers about the particular schools from which they will review applications, including about how the school is organized and structured; and
5. Assigning applications from a school, or a specific set of schools, to a specific set of reviewers so that the reviewers become expert about the schools over time.

Recommendation #7: Further Streamlining of UC Admissions Would Support Best Practices in Admissions

The Study Group on University Diversity recommends that The Regents endorse shared admissions processing by the campuses where analyses of application files are centralized but where campuses make local decisions using this information, and that the administration, in consultation with the Academic Senate, move this forward to full implementation.

Supporting Observations

In recent years UC’s application pool, admissions processing procedures and admissions policies have all undergone significant transformation, developments that point to this being an opportune time to evaluate possibilities for making better strategic choices about UC’s allocation of admission-related resources.

In 2007, UC received a record total of 110,994 on-time freshman and transfer applications for fall, the largest volume of applications of any college or university in the world. The percentage of UC applicants who submitted electronically has increased dramatically from 44% in 2002 to 99% in 2007, suggesting opportunities for efficiency gains that were not on the horizon only a few years ago. Moreover, our applicants’ evolving choices are consistent with the need for a more coordinated approach: In 1997 the average California resident applicant applied to 2.98 UC campuses, which increased to 3.74 UC campuses by 2007, and to 3.93 campuses if UC Merced is included. Moreover, among all applicants who end up enrolling at UC – a population warranting separate attention for obvious enrollment management reasons – freshmen applied to an average of 3.51 UC campuses in 1997 and 4.26 in 2007.

Given that each application is being read twice or more per campus under comprehensive review, the long-term implications of increasing overlap between UC campuses’ applicant pools should not be overlooked. The table below hints at the processing workload challenges associated with this trend. For example, though freshman applications to the UC system increased by 55 percent between 1995 and 2006, every UC campus witnessed application increases that were far higher than for the system, with increases for four UC campuses swelling well above 100 percent.

Table 4: Percent Increase in California-Resident Freshman Applications to the UC System and to Each UC Campus, 1995-2006⁶⁷

UC Systemwide Increase (unduplicated applications) = 55%		
UC Berkeley = 78%	UCLA = 79%	UC San Diego = 97%
UC Davis = 84%	UC Merced (N/A)	UC Santa Barbara = 115%
UC Irvine = 140%	UC Riverside = 168%	UC Santa Cruz = 120%

Though this freshman application surge at UC campuses since the mid-1990s (which we do not believe was related to Proposition 209) is impressive, it only tells part of the story. Even had application totals remained flat, the workload for UC administrators and faculty evaluating those applications would have increased in important respects (and for educationally important reasons) on many campuses due to the comprehensive review process.

UC campuses also have increasingly overlapping applicant pools, which poses greater processing demands given the implementation of individualized review. Perhaps the most telling statistic is that in 2007, **73 percent of all UC systemwide freshman applicants were reviewed under the “holistic” evaluation model at either UC Berkeley or UCLA.** Consequently, UC applicants who applied to Berkeley and UCLA would have had their applications reviewed an average of four times—by essentially the same process of individualized review. This seems woefully inefficient.

As the UC Eligibility and Admissions Study Group observed in 2004, the University has an interest in promoting consistency regarding how applicants are evaluated under comprehensive review, and this interest need not conflict with campus-level control over admission decision-making.⁶⁸ The intent of the present recommendation is to streamline aspects of admissions processing, capitalizing on economies of scale, allowing campus officials to devote their attention to make admission decisions with a deeper understanding of their applicants.

VI. Campus Transfer Admissions Selection

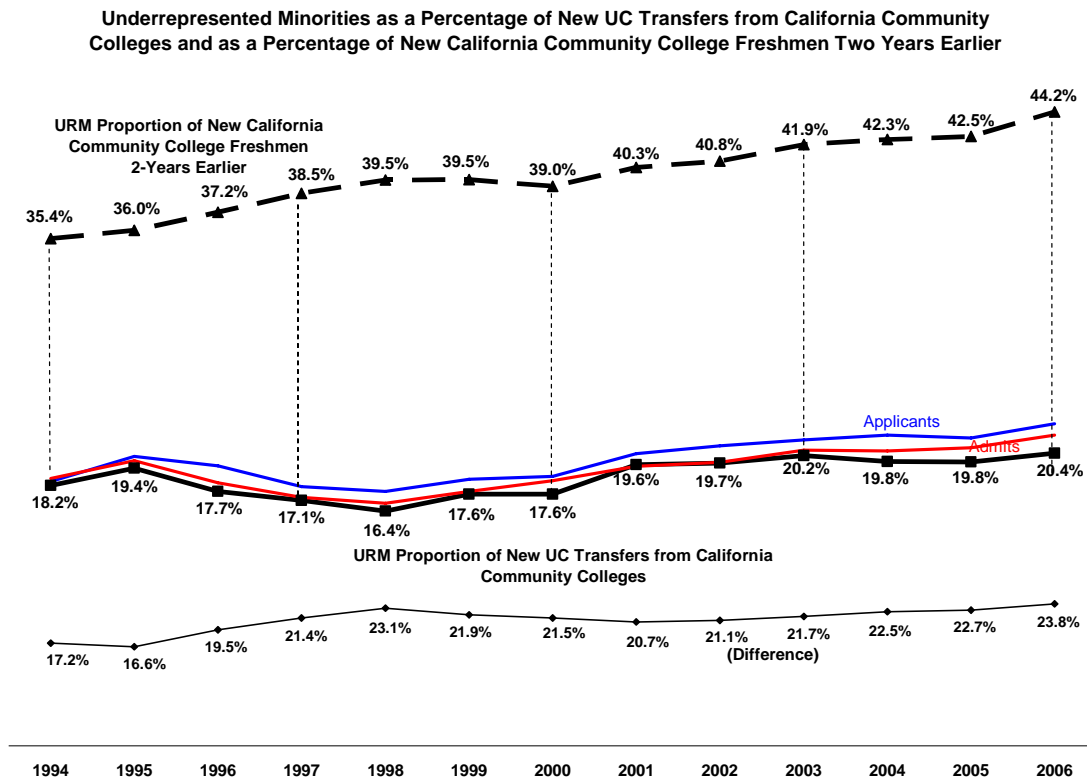
Recommendation #8: Transfer Admissions Is a Necessary Part of UC’s Comprehensive Education Repair Plan

The Study Group on University Diversity recommends that The Regents encourage the Academic Senate and administration to direct increased attention to transfer admissions as part of UC’s comprehensive plan to repair the educational pipeline, with continued efforts to reinvigorate the transfer pathway and emphasizing adequate preparation for students to complete general education transfer curriculum at local community colleges. The plan should also be flexible to allow for local campus optimization and effective partnerships with other higher education institutions in the state.

Supporting Observations

There is a large concentration of diverse students—geographically, socioeconomically and racially/ethnically—in California Community Colleges, which rivals the distribution of underrepresented minority students found in high schools (see chart below). Evidence also indicates transfer students contribute significantly to the socioeconomic diversity of UC’s student body. Given both this diversity and the demographic projection that the number of high school graduates will level off in the near future, some observers have suggested that the solution to UC’s diversity “problem” lies with strengthening the community college transfer function. This possibility was evaluated, and we believe that its potential is exaggerated and overstated due to the sub-optimum transfer rates for these students. Quite simply, the high proportions underrepresented minority students found in the community colleges are simply not replicated at UC because of these sub-optimum transfer rates. This transfer opportunity gap is similar to the underrepresented minority opportunity gap that exists between high school and UC. It has been widening as UC selectivity and student demand have increased, just as the freshman opportunity gap has done.

Figure 12



The transfer gap has fluctuated between 18 percent and 20 percent between 1994 and 2006. For example, while 44.2 percent of California community college freshmen were underrepresented minority students in 2004, they represented only 20.4 percent of new

UC transfer students in 2006. These numbers are striking when compared to the proportion of new UC transfers who were white. Consistently over this time period, a higher percentage of white students transferred to UC than initially enrolled in California Community Colleges as freshmen two years earlier. For instance, in 2004 white students represented only 31.7 percent of new California community college freshman enrollment, yet two years later they embodied 41.6 percent of the new UC transfers, which represents an opportunity advantage. Between 1994 and 2006, however, the opportunity transfer gap for African Americans has remained constant at 5 percent. Most troubling, the transfer gap for Chicano/Latino students has steadily *increased* from 12.5 percent in 1994 to 18.7 percent in 2006.

Yet, the number of Chicano/Latino students in California's community colleges has been growing at a disproportionate rate as compared to other student groups on campus. Since 1997-98, when Chicano/Latino students made up 26 percent of California's community college population, the proportion has grown to 33 percent of the student body. Over this same time period, the proportion of white students on California community college campuses shrunk from 47 percent to 39 percent. If this trend continues, Chicano/Latinos will make up the majority of California community college students. The reasons for their high community college participation rate are both familiar and distinct. Like so many other underrepresented minorities, Chicano/Latino students often attend poorly funded K-12 schools that do not provide adequate preparatory counseling and academic preparation necessary to accomplish their degree aspirations through the freshman pathway into UC. In addition, many Chicano/Latino families are working class; Chicano/Latino students find community colleges attractive because of their proximity to home and the low cost of tuition. Finally, many undocumented students, who are ineligible to receive federal and state financial aid, come from Latino backgrounds. As a result, community colleges are seen as the only possible route for these students, many of whom work one and two jobs to pay tuition costs, often enrolling part-time and taking evening courses.

Evidence on student access to transfer curriculum shows the same regional/neighborhood, socioeconomic and racial/ethnic effects as access to college-prep curricula in California high schools reflects (quality of instruction, college counselors, access, etc.).⁶⁹ And just as with high schools, there is a differential quality among the community colleges in California. Therefore, community colleges need to be supported to fulfill the necessary function of providing remediation to make up for poor high school preparation. Moreover, targeted UC partnerships with the community colleges can strengthen the vitality of the transfer function and reach communities now experiencing limited access to UC.

The second major reason that the transfer path appears not to be a ready tool to address UC's goals for greater racial and ethnic diversity is that many of the same problems of access that afflict the state's high schools also afflict California's community colleges, which retard transfer rates. A poor K-12 education not only prevents freshman entry to UC, it delays, and in some cases prevents, entry into a transfer curriculum. It also hinders the ability of transfer students to complete major-preparation work and ultimately

impedes the graduation of transfer students. Consequently, it would be a gross error to look to the community colleges as the only solution to the diversity issue at the expense of remedying K-12 educational disparities. In fact, addressing the lack of equal educational opportunity at the K-12 level will not only improve the pipeline of freshman-entry students, but also increase the probability that more underrepresented minority students will transfer successfully to UC.

VII. Post-Admission Recruitment/Yield Activities & Financial Support

Recommendation #9: UC Should Better Compete for the Best and Brightest From California's Diverse Communities

The Study Group on University Diversity recommends that the administration increase UC's competitiveness to recruit California's excellent and diverse students by developing and maintaining strategic "high touch" relationships with schools and students. Recruitment activities need to effectively respond to the nuances of UC's potential student population. Recruitment plans should allow for local campus optimization.

Supporting Observations

Data show that there are differences in UC's perceived attractiveness, as well as the availability and attractiveness of other higher educational opportunities. For instance, UC is losing an increasing share of top academic students to selective private institutions, and underrepresented students enroll at UC at considerably lower rates than all students in the top third of the class. Moreover, more than half of all African American students in the top academic tier enrolled at selective private colleges, while just over a quarter of African American students in this tier enrolled at UC. Therefore, African American students, in general, are proportionally more likely to enroll at private selective colleges or other colleges and universities compared to underrepresented students or students overall. That said, the majority of students offered admission to the University of California will enroll at one of UC's nine undergraduate campuses. While this is true for underrepresented students and African American students alike, however, the UC enrollment rates for these groups are lower than for students overall.

Table 5: Percent of Each Ethnic Group Choosing Particular School Type, Fall 2001 Admitted Freshman Applicants

	Overall	African American	American Indian	Asian	Chicano	Latino	White	Other
UC	71%	60%	67%	81%	66%	66%	66%	72%
CSU	7%	7%	8%	4%	11%	9%	9%	7%
CCC	2%	1%	2%	3%	4%	4%	2%	2%
CA Private	8%	15%	6%	5%	12%	11%	8%	7%
Out-of-State Public	2%	3%	5%	1%	2%	2%	4%	3%
Out-of-State Private	7%	13%	10%	5%	4%	7%	10%	7%
Other / Unknown	2%	1%	2%	1%	1%	1%	1%	2%

Access to college-going resources also varies significantly among high school students. These factors should be taken into account in the design and implementation of student recruitment efforts. More specifically, research shows that a large percentage of California voters perceive little or no personal benefit from the UC system to them and their families.⁷⁰ Bridging activities are needed to broaden and deepen the connection between the University and California citizens.⁷¹ Given that UC is perceived differently by different constituencies, expanding connections to California’s population at large is very challenging. Especially important are connections between African American and Hispanic students with parents or siblings who have not attended a four-year college or university, and those with family incomes under \$60,000. While the University has extended its presence through agricultural outreach in such rural regions as the Central Valley, UC remains invisible to a significant proportion of the population in these regions.

The ability to successfully attract admitted students differs significantly based on student academic quality, ethnic group, family income and level of parental education.⁷² These trends have held from 2001 through 2005, the years under study. The overall enrollment rate in 2005 for students admitted to UC was 59 percent and UC was reasonably successful in enrolling 57 percent of the top third of that admitted class of students. However, UC was less successful in enrolling the top underrepresented students admitted, achieving a yield rate of only 42 percent. More startlingly, only 26 percent of the top African American students chose to enroll at UC.

Despite its relatively low yield rate in admitting underrepresented minority students, UC still appears particularly attractive to low-income students. For 2005, 65 percent of admitted students who reported family incomes between \$0 and \$29,999 enrolled at UC.

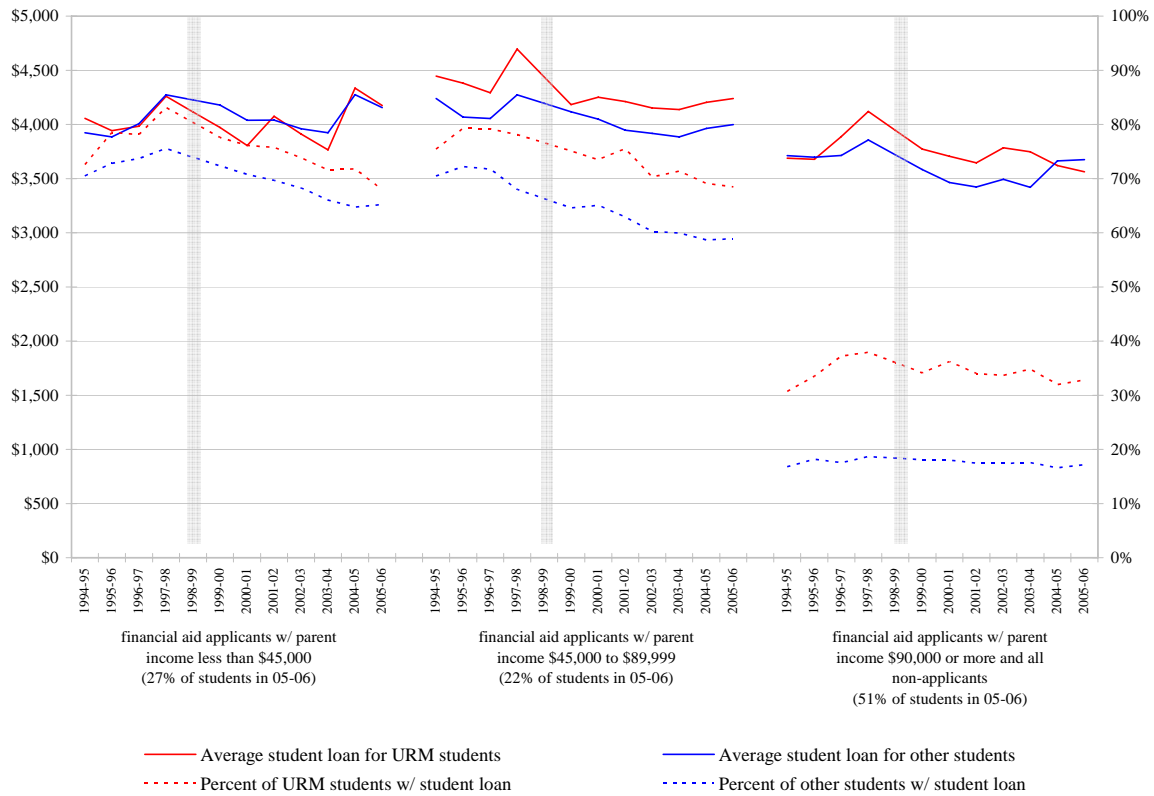
However, the enrollment rate dropped off markedly—to 56 percent—for underrepresented low-income students. A similar pattern held for first-generation students admitted to UC.

Table 6: Enrollment Trends for UC California Freshman Admits by College Type and Parental Income, 2005

	Total		\$0 - 29,999		\$30,000-59,999		\$60,000-99,999		\$100,000 or More	
	#	%	#	%	#	%	#	%	#	%
UC	5,605	53.1%	1,830	55.9%	1,584	56.1%	849	51.1%	716	49.6%
CSU	1,434	13.6%	514	15.7%	404	14.3%	224	13.5%	158	10.9%
CCC	490	4.6%	164	5.0%	151	5.3%	87	5.2%	45	3.1%
Private Selective	1,047	9.9%	178	5.4%	210	7.4%	192	11.5%	243	16.8%
All Other	951	9.0%	228	7.0%	219	7.8%	185	11.1%	158	10.9%
Unknown	1,022	9.7%	358	10.9%	256	9.1%	126	7.6%	124	8.6%
Total	10,549	99.9%	3,272	99.9%	2,824	100.0%	1,663	100.0%	1,444	99.9%

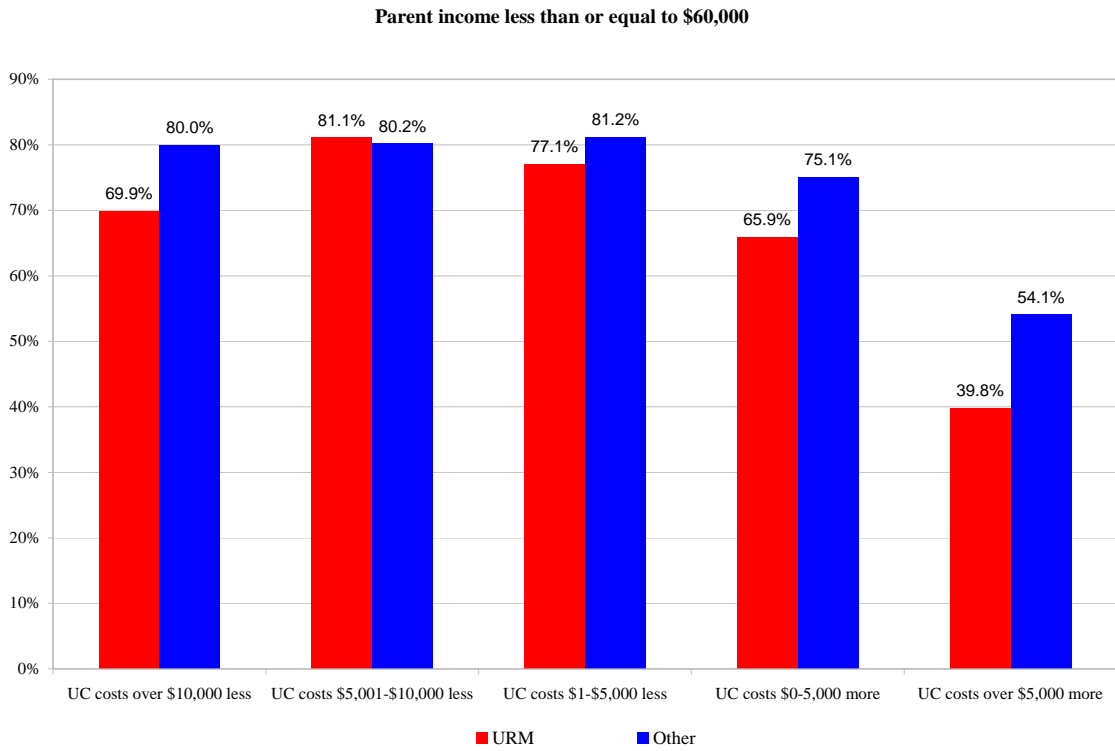
On the other hand, California State University (CSU) appeared to be an attractive destination for many students admitted to UC, especially for many Chicano/Latino students. Private institutions also appeared to be especially attractive to admitted African American students. Such yield patterns are observed against the backdrop of above-average UC scholarships for underrepresented minority students. For example, such scholarships were significantly larger than the average UC scholarships for other students from 1994-95 to 2005-06. However even with the assistance of larger scholarships, owing to lower levels of family income, underrepresented students consistently borrowed at higher rates during this same period (see chart below).

Figure 13: Percent of UC Students with Student Loans and Average Student Loan Amounts by URM Status and Parent Income, 1994-95 to 2005-06, New Resident Freshmen

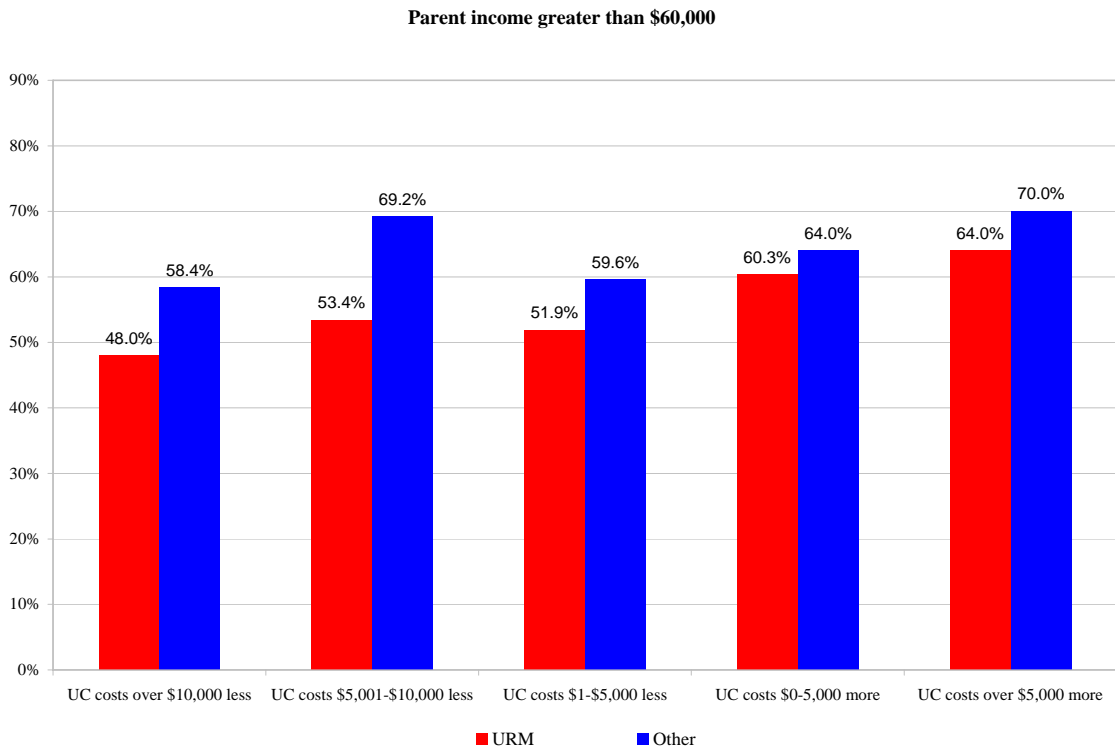


It is speculated that much of this is attributable to the wealth disparities between these two groups of students. Not surprisingly, the evidence shows that admitted low-income and underrepresented minority students also show greater cost sensitivity in choosing a non-UC institution than other students (see chart below). The data show that underrepresented minority students with parents making less than \$60,000 annually are more price sensitive, which might play a role in their choices.

**Figure 14: Percent Choosing UC over a Non-UC by Net Cost Differential, , Fall 2001
Admitted Freshman Applicants**



**Figure 15: Percent Choosing UC over a Non-UC by Net Cost Differential, Fall 2001
Admitted Freshman Applicants**



Recommendation #10: UC’s Campuses That Qualify Are Encouraged to Seek Federal Status as Hispanic-Serving Institutions.

The Study Group on University Diversity applauds and encourages the efforts of UC Merced and UC Riverside to become federal Hispanic-Serving Institutions (HSIs).

Supporting Observations

The Association of American Universities is an invitation-only organization of 60 leading U.S. and Canadian research universities that promote institutional and national policies that lead to strong programs in academic research and scholarship, as well as undergraduate, graduate and professional education. To date, none of these member institutions is designated an HSI. UC could be first: six UC campuses are institutional members (UCB, UCD, UCI, UCLA, UCSB and UCSD), and California, the most populous state in the nation with the largest minority population in the United States, boasts a Hispanic population that is projected to become the majority in the state by 2042.

An HSI is **defined by the U.S. Department of Education** as a nonprofit institution that has at least 25 percent Hispanic full-time-equivalent enrollment: UC Merced and UC Riverside currently meet this requirement. HSIs can apply to the Title V Program, which is designed to help eligible institutions of higher education enhance and expand their capacity to serve Hispanic and low-income students by providing funds to improve and strengthen the academic quality, institutional stability, management and fiscal capabilities of eligible institutions. Funds may be used for such activities as faculty development, administrative management, development and improvement of academic programs, endowment funds, curriculum development, scientific or laboratory equipment for teaching, renovation of instructional facilities, joint use of facilities, academic tutoring, counseling programs, and student support services.

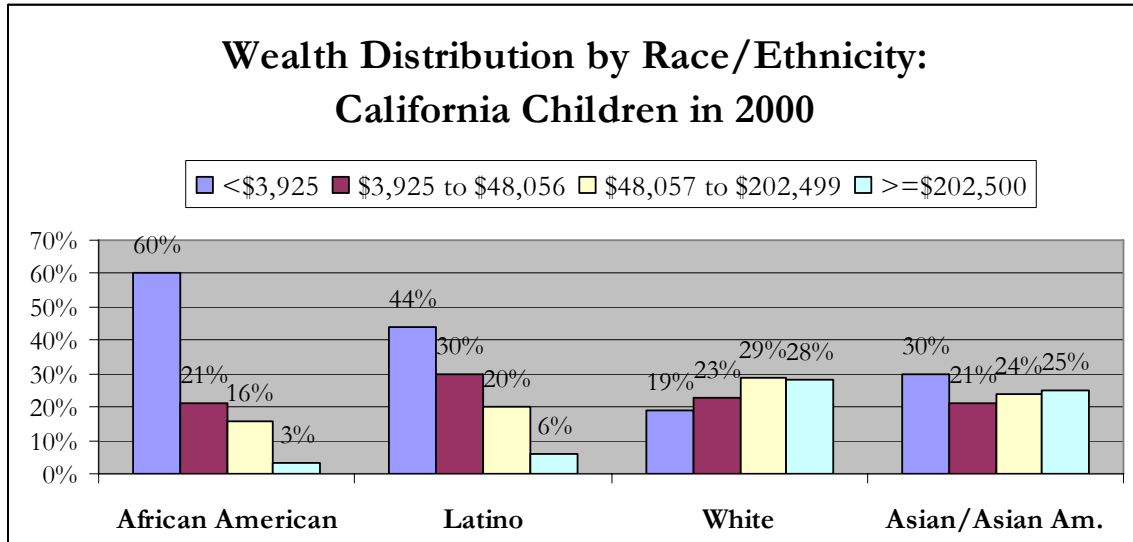
Recommendation #11: UC’s Financial Aid/Scholarship Packages Should Be More Competitive for Underrepresented Students

The Study Group on University Diversity recommends that the administration adopt strategies to improve the effectiveness of UC financial aid and scholarship programs in the recruitment of diverse and excellent students. These strategies, which should be tailored for local campus optimization, may include: 1) exploring alternative or additional need assessments that more accurately capture differences in family wealth; 2) encouraging non-UC community-based organizations to raise scholarship funds specifically for UC underrepresented minorities (e.g., UCLA’s California Community Foundation African-American Scholarship Initiative); 3) providing sufficient funding for need-based financial aid so that the “self-help” (or loan and work expectation) remains at a manageable level, especially for lower- and middle-income students; and 4) encouraging campuses to consider broadening their criteria for selecting recipients for their Chancellor’s Scholarships (e.g., adopt individualized review of recipients, focus awards on high schools with low UC-going rates, etc.).

Supporting Observations

Despite receiving greater need-based aid, UC underrepresented minority undergraduates at all income levels are more likely to borrow than other students and are more likely to take loans of greater amounts in order to finance their education. This finding suggests that the need analysis used in determining grant eligibility is not fully sensitive to the wealth disparities known to exist between underrepresented minority and non-underrepresented minority families.

Figure 16



In addition, findings suggest that UC is at a triple disadvantage in offering competitive financial aid packages to underrepresented minority students. These students may be more price-sensitive than other students (viz. “sticker shock”). The financial need analysis leaves needy underrepresented minority families with too great a burden. Finally, with certain other institutions targeting aid at underrepresented minority students, UC’s overall net cost advantage is at its narrowest margin for these students. The University must continue its commitment to financial accessibility for students at all income levels and assure that underrepresented students have adequate access to existing financial aid programs. In addition, UC should work with community partners to develop scholarship resources while maintaining compliance with Proposition 209. Finally, recruitment efforts need to be individually tailored for effectiveness.⁷³

Table 7: Difference in Average Net Cost by Parental Income and Ethnic Origin Among Students Whose Top Choice Non-UC was a Private College or University, Fall 2001 Admitted Freshmen Applicants

	<=\$30,000	\$30,001-\$60,000	\$60,001-\$100,000	>\$100,000	All Parent Income Levels
African American	\$3,973	\$6,608	\$9,758	\$12,758	\$8,522
Asian	\$9,137	\$11,227	\$10,480	\$16,248	\$12,897
Chicano	\$6,759	\$6,961	\$7,936	\$12,909	\$8,268
Latino	\$3,244	\$6,272	\$9,448	\$12,757	\$8,716
White	\$9,022	\$8,465	\$8,787	\$14,222	\$12,329
Other	\$7,392	\$8,371	\$12,040	\$14,600	\$12,616
OVERALL	\$7,597	\$8,608	\$9,717	\$14,610	\$11,811

Encouraging non-UC community-based organizations to raise scholarship funds specifically for UC underrepresented minorities (such as UCLA’s California Community Foundation African-American Scholarship Initiative) could result in new scholarship funds for underrepresented minorities by creating diversity scholarships, which would be an efficient use of scarce funds while maintaining compliance with Proposition 209. Initial data show that UCLA’s California Community Foundation African-American Scholarship Initiative was successful in increasing the rates at which African American students admitted to UCLA accepted offers of admission to the campus.

Also, efforts need to be made to reduce the “self-help” requirements (e.g., work study and loans) for UC students. The self-help level represents an amount each campus sets each year based on a formula that takes into account total grant and scholarship funds available, family contribution levels and annual student cost. As Berkeley, Chancellor Birgeneau pointed out in a recent op-ed,⁷⁴ the real cost of college education, as opposed to its sticker price, is more affordable if the self-help level is kept low. For more than 50 percent of underrepresented minorities (compared with 20 percent for Caucasians), the actual cost of attending UC is the self-help level not the sticker price, so lowering or, at worst, containing self-help is critical if we are to increase the participation of these communities. But rapidly growing costs of living and, to a lesser extent, fees, drive up the self-help level. Additional sources of financial aid are needed to keep the self-help level as low as possible, including for middle-class students for whom there is usually not enough aid money once those in greater financial need are supported. Information campaigns should complement this effort to combat sticker shock.

Recruitment needs to be individually tailored for effectiveness. The literature indicates that student enrollment choices are typically not affected by differential costs unless the differential is large (i.e., exceeds about \$5,000). However, the expense of providing large scholarship awards that would actually have an impact on enrollment decisions is costly because most end up going to students who would have enrolled without them. Although cost may be a factor in the enrollment decisions of students, it is clearly not the only factor, or even the most important factor. Intensive recruitment efforts, which speak to individual needs and concerns, and that really let students know they are wanted, are key. This is especially true for those underrepresented among the UC student community.

Focusing on smaller scholarship awards could free up funds to provide coordinated packages of other “high touch” recruitment activities to scholarship recipients.

VIII. Graduation Rates & Related Outcome Measures

Recommendation #12: Greater Diversity at UC Will Require Institutionalizing a Supportive Climate, With Accountability

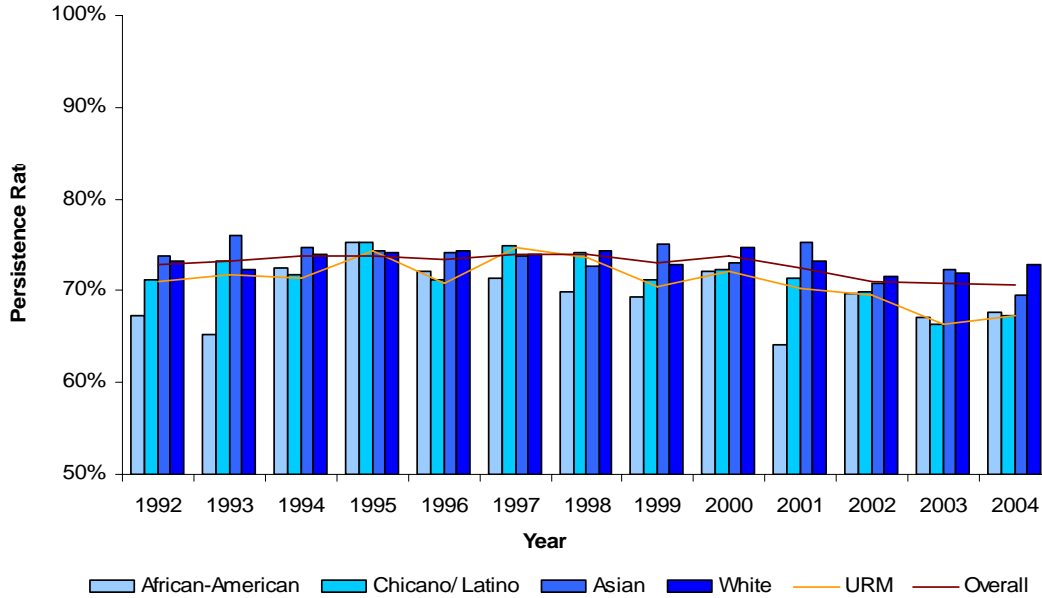
The Study Group on University Diversity recommends that the administration increase, where necessary, educational and social support services appropriate to the needs of diverse student populations in order to improve the graduation and retention rates of students, as well as to best derive the educational benefits of increased diversity.

It is also recommended that The Regents consider mechanisms for monitoring and evaluating the efforts of UC to diversify as well as for considering other approaches to institutionalizing its commitment to increasing diversity.

Supporting Observations

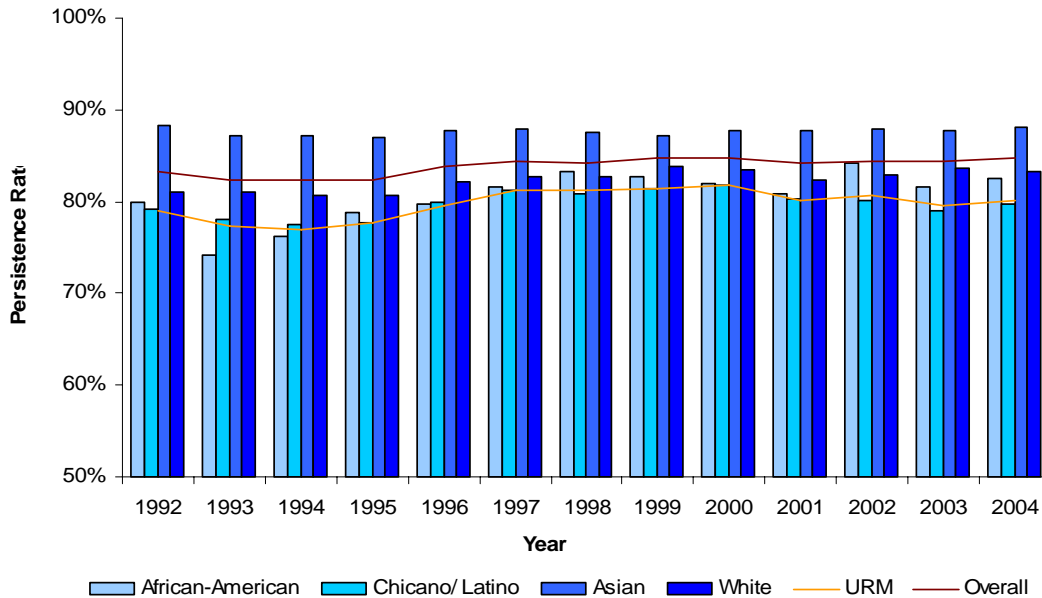
There are significant gaps in the persistence and graduation rates of white and underrepresented minority freshman and transfer students that argue for the need of support services.⁷⁵ While persistence rates drop off in the second year after enrollment for both transfer and new freshman students, they do so more dramatically for transfer students and especially for underrepresented minority students. For example, between 1992 and 2004, the persistence rate of underrepresented minority transfer students in the second year after transfer has vacillated between 67 percent and almost 75 percent; the variability for white transfer students was much less—between 71 percent and 75 percent. More strikingly, the second-year persistence of underrepresented minority transfer students has dropped steadily from 72 percent in 2000 to 67 percent in 2004. This downward slide is disturbing, but more study is need before concluding that it is a long-term trend or simply a short-term variation.

Figure 17: New California Community College Transfer Two-Year Persistence Rates by Ethnic Group, 1992 - 2004



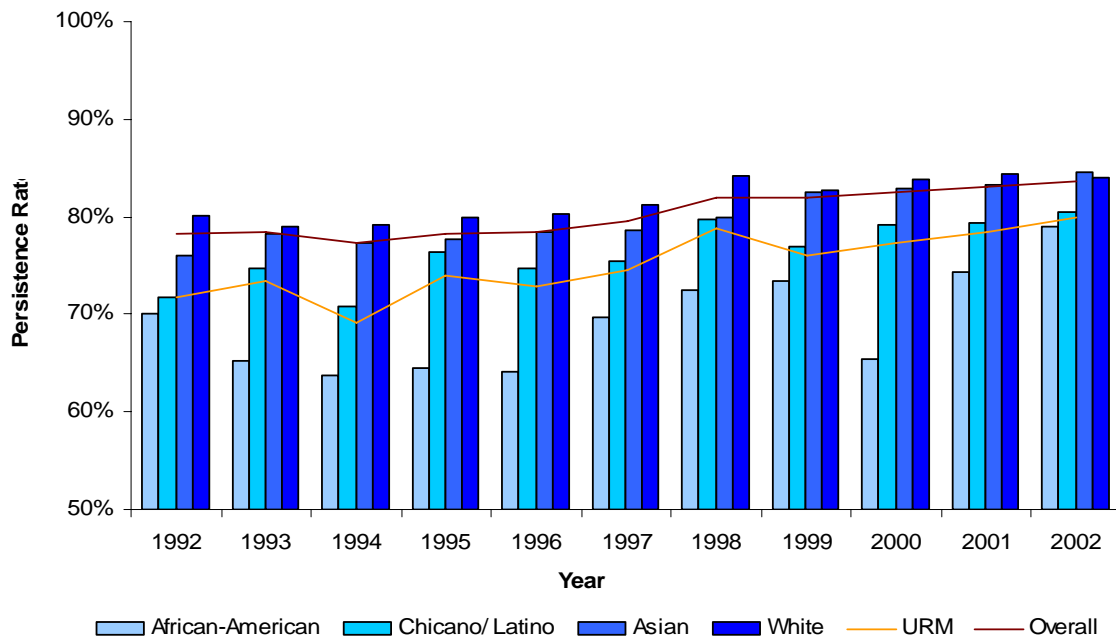
The second-year persistence rates for new freshmen also fell, but less significantly than those of the transfer students. For this same time period (1992-2004), the second-year persistence rates of underrepresented minority students who entered UC as freshmen only varied between 77 percent and 82 percent; the variability for white students was even less, between 80 percent and 83 percent.

Figure 18: New California Freshman Two-Year Persistence Rates by Ethnic Group, 1992-2004



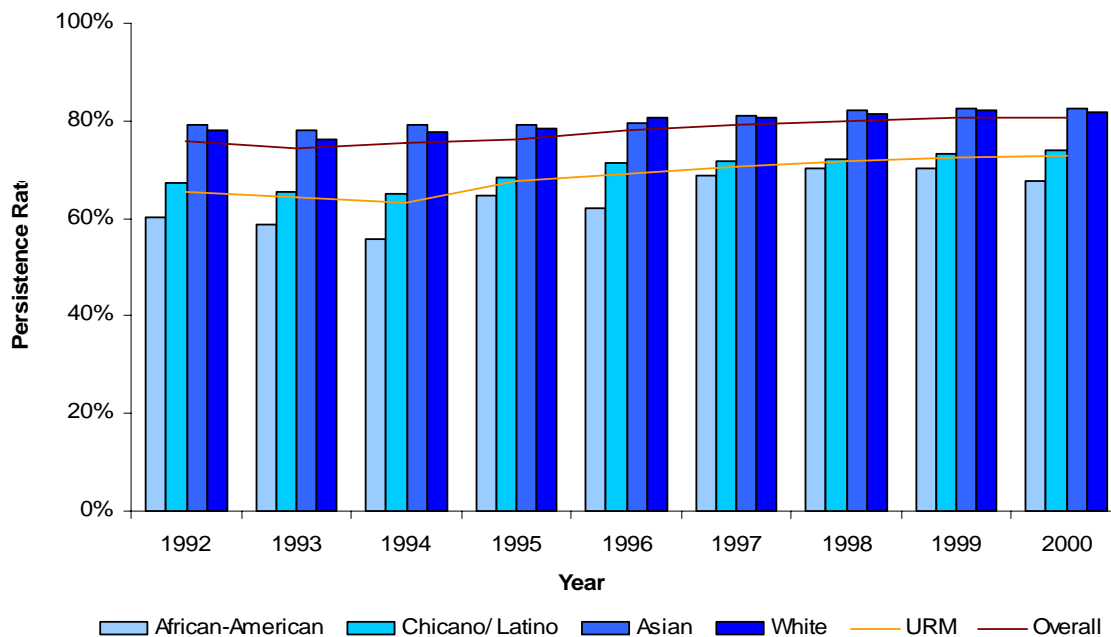
While transfer students lag behind new freshmen in terms of persistence, they outperform them in graduation rates. The freshman and transfer graduation rates illustrate this. Looking at the four-year transfer graduation rates (i.e., those students who graduate four years after transfer), we see that the four-year graduation rate of underrepresented minority transfer students has steadily risen from 69 percent in 1994 to almost 80 percent in 2002; for white students, the graduation rate rose from 79 percent to almost 84 percent over the same time period.

Figure 19: New CCC Transfer Four-Year Graduation Rates by Ethnic Group, 1992-2002



Graduation rates for new-entry underrepresented minority freshmen who graduated in six years (see figure 20) has trended upward from 65 percent in 1992 to 73 percent in 2000. The six-year graduation rate for white freshmen students was significantly higher, from 78 percent in 1992 to almost 82 percent in 2000. Both of these statistics show that UC is improving graduation rates; however, underrepresented minority students lag behind white students. Going back to persistence, these data also show that a relatively larger percentage of transfer students drop out by the second year, as compared to new-entry freshman students. This speaks to a need for more significant and dynamic academic support services for *all* students. While the largest potential lies in improving the persistence rates of transfer students, improvements in academic support will benefit both groups. Yet the need to build climate that is supportive of students who hail from different backgrounds and locales is viewed as a best practice that is expected to enhance performance, persistence and graduation.

Figure 20: New California Freshman 6-Year Graduation Rates by Ethnic Group, 1992-2000



The needs of transfer students—both underrepresented minorities and white—are distinct from new-entry freshmen. Research shows that transfer students go through a period of adjustment that is different from the adjustment that most freshmen-entry students encounter. First, many transfer students are older and lack access to immediate peer groups, so loneliness is a problem. Many transfer students are also working. The literature shows that connections to other students ultimately improve graduation rates. First-year grades often fall—especially in science courses; therefore, academic support is important. As one example, UCLA has a very effective [transfer student center](#), which in addition to providing academic support services, also provides ways to meet others. Finally, financial aid is also a problem, as late-entry provides lower access to financial aid resources. Given these observations, the subgroup concludes that the implementation of intensive outreach and remedial services will not only improve the retention rates of these students, but ultimately improve their graduation rates.

The literature is also clear that support services that promote interaction and dialogue among the diverse constituencies represented at UC is beneficial for all groups of students and is part of instituting a climate that supports diversity. These benefits include preparation for a more complex, multicultural and global society, and personal and social responsibility. Such interaction and dialogue promote the development of skills in inquiry and analysis, critical and creative thinking, written and oral communication, quantitative literacy, information literacy, teamwork and problem solving, intercultural knowledge and competence, ethical reasoning and action, and foundations and skills for lifelong learning. According to a RAND study, programs that facilitate interpersonal communication skills development among diverse constituents will help achieve those ends and include formal and informal peer interactions. Experts say that support services

should be accompanied by a diversification of the curriculum, diversity of co-curricular activities, sustained intergroup dialogue and community service, which allow students to re-examine their own embedded perspectives; engagement with different groups other than their own; and an opportunity to reflect and integrate their knowledge and experience. However the development of such support services requires the training of a diverse faculty and staff.⁷⁶

Changes to the diversity profile of UC, as well as progress towards a climate more supportive of that diversity, require both sustained vigilance and effort. Moreover, it appears that the attention to diversity is episodic and reactionary to the “crisis du jour,” as opposed to strategic and forward-looking. Consequently, it is recommended that The Regents consider a mechanism for effectively overseeing progress in these areas on an on-going basis. Among possible actions, the Educational Policy Committee could recommend to The Regents how best to lead and “incentivize” greater institutional diversity.

IX. Leadership & Legal Issues

Recommendation #13: Optimizing UC’s Capacity To Achieve Its Diversity Goals Requires Careful Analysis of Legal Obligations.
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<i>The Study Group on University Diversity recommends that The Regents take all appropriate steps to achieve greater institutional diversity.</i>

Supporting Observations

The Office of General Counsel and external legal experts agree that it remains unclear precisely what actions Proposition 209 permits and prohibits: the interpretation of Proposition 209 is not clear-cut. The legal distinction between “race-conscious” actions and “racial preferences” is evolving. Also, it is not clear when “tangible” benefits, a part of the determination of “preference,” are being provided on the basis of race and the other prohibited categories (e.g., sex, ethnicity, etc.). Nonetheless, it is clear that Proposition 209 does not obviate, and is not necessarily inconsistent with, UC’s obligations under federal law that include providing equal opportunity and avoiding adverse racial impact. It appears clear that permitted actions include stating a commitment to achieving institutional diversity, data collection, the selection of research subjects and the conduct of race-neutral programs not having the primary purpose of furthering race-conscious objectives. It is also clear that not doing things necessary to comply with the U.S. Constitution brings legal risk.

It also appears clear that prohibited actions include those that provide and deny tangible benefits on the basis of race, numerical quotas, and “selection quotas” providing tangible benefits on the basis on the basis of race. Yet it remains unclear and unresolved whether a slate of other actions the University might take are permitted or prohibited: race-neutral

action designed to further race-conscious objectives, selection of individuals based in part on the racial composition of a group (e.g., neighborhood) to which they belong, “equalizing access” without providing preferences—i.e. outreach targeted, race-targeted activities that provide no tangible benefits, cooperation with private entities engaged in race-conscious programs, benefits based on membership in federally-recognized tribes, goals and timetables with teeth if necessary to overcome intentional discrimination.

The initiator of the California Community Foundation African-American Scholarship Initiative, an effort to provide scholarships to African American students admitted as freshmen to UCLA, presented his scholarship effort as an illustrative case for why proper risk-benefits analysis is needed. As a UCLA alum, former Alumni Regent and African American, he was spurred to action due to the precipitous decline of African American enrollments at UCLA. He resolved to “take financing the education out of the equation” for all African American students admitted to the campus by providing privately funded scholarships. However, because his effort was race-based, he reported that UCLA officials were unclear what they could or could not do to support the effort. Could they provide logistical support in the form of student telephone numbers or sponsoring a phone bank to recruit the students? Could they provide meeting space for a recruitment dinner held in honor of the admitted students? Could they provide administrative support for the funds? He reports that the effort and UCLA’s involvement was constantly confused, making it even more difficult to provide the support and siphoning off scholarship funds to provide the UCLA-denied administrative support.

Legal experts inform us that proper actions to comply with state and federal law requires careful legal analysis of the clear and unclear areas of applicable law in addition to the disciplined valuation by policy makers of other institutional goals. Whereas providing legal analysis of the risks is the responsibility of legal advisers (i.e., the Office of General Counsel), conducting cost-benefits analysis is the responsibility of management and leadership at UC. It is the responsibility of the Office of General Counsel to provide an analysis to The Regents of any legal risks associated with eligibility determinations, with present disparate impacts, and actions taken the last few years to reduce the eligibility pool that have disproportionately negative affects on student groups. It may also be necessary for The Regents, given their constitutional autonomy, to resolve two policies that may be at odds: academic freedom to carry out goals necessary to fulfill the University’s public mission and its voluntary compliance with a policy to prohibit the use of race even as permitted under U.S. Supreme Court rulings.

Recommendation #14: Disparate Impact Should Be Eliminated by All Appropriate Means

The Study Group on University Diversity recommends that The Regents, along with the Office of the President and the Academic Senate, work to ensure UC’s compliance with Title VI’s adverse-impact regulations.

Supporting Observations

The U.S. Department of Education regulations interpreting Title VI of the Civil Rights Act of 1964 prohibit recipients of federal funding from engaging both in intentional discrimination and from “utiliz[ing] criteria or methods of administration *which have the effect* of subjecting individuals to discrimination” based on race/ethnicity and national origin.⁷⁷ Title VI disparate-impact regulations are enforceable when an administrative complaint is filed with the Department of Education’s Office for Civil Rights.⁷⁸ If the existence of disparate impact is established among equally qualified candidates, a university has the burden of demonstrating the “educational necessity” of the practice in question, and even when that burden is satisfied, a university can still be in violation of Title VI disparate-impact regulations when it can be demonstrated that there are less discriminatory alternatives that are equally effective in meeting the institution’s educational goals.⁷⁹

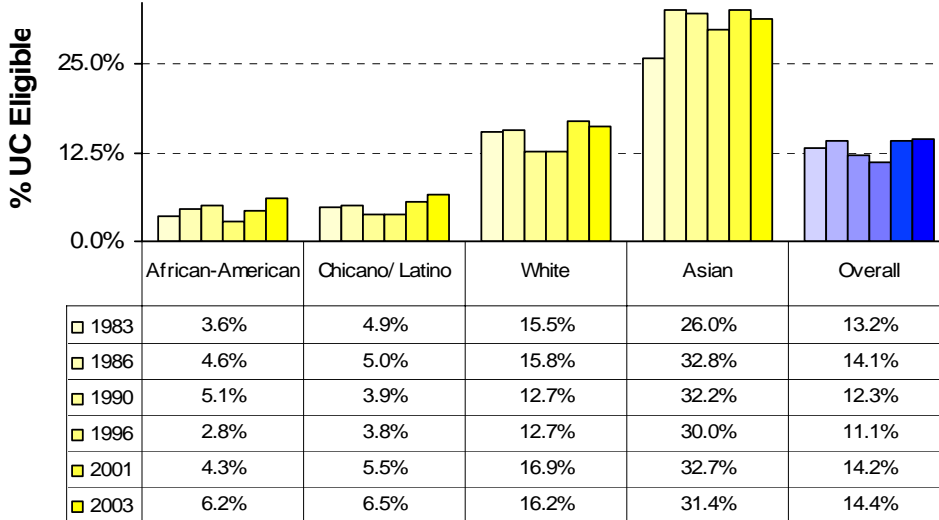
At its core, the Title VI disparate-impact framework implicates educational policy-making judgments central to the University’s mission (e.g., What passes the threshold for “educational necessity” in the professional judgment of UC faculty and admission decision makers? What are acceptable trade-offs administratively and educationally when evaluating possibly less discriminatory alternatives?). For this reason, The Regents, UC Office of the President and the Academic Senate (in keeping with UC’s tradition of shared governance, the Senate is charged by The Regents with the delegated authority over admissions policy) have an affirmative duty to be self-scrutinizing about policies and practices that may have an unwarranted disparate impact, and to proactively evaluate whether there are equally effective but less discriminatory alternatives that the University has yet to adopt.

Data show that an “opportunity gap” exists between the greater proportion of African American, Chicano/Latino and Native American students graduating from California’s public high schools and the lesser proportion of new African American, Chicano/Latino and Native American UC freshmen. While this gap narrowed throughout the 1980s, it widened considerably in the decade since the passage of the Regents’ SP-1 Resolution (1995) and Proposition 209 (1996), which took full effect with the 1998 entering undergraduate class. Showing a different pattern, the proportion of new UC freshmen who were white or other (undeclared or East Indian or Pakistani) first began to *exceed* their proportion in the graduating classes of California’s high school students by 1998 (the first time since 1989, the earliest year in our analysis). On the other hand, the impact of SP-1 and Proposition 209 on Asian American/Pacific Islanders⁸⁰ (AAPIs) is more ambiguous: the extent to which the proportion of AAPI freshmen at UC exceeded the proportion of AAPI high school graduates increased steadily between 1989 and 1994, then stalled in the mid- to late 1990s, and has widened again since 2000 but at a slower pace.

At least since the 1983 CPEC eligibility study, UC eligibility rates appear almost fixed for each of the different racial/ethnic student groups.

Figure 21

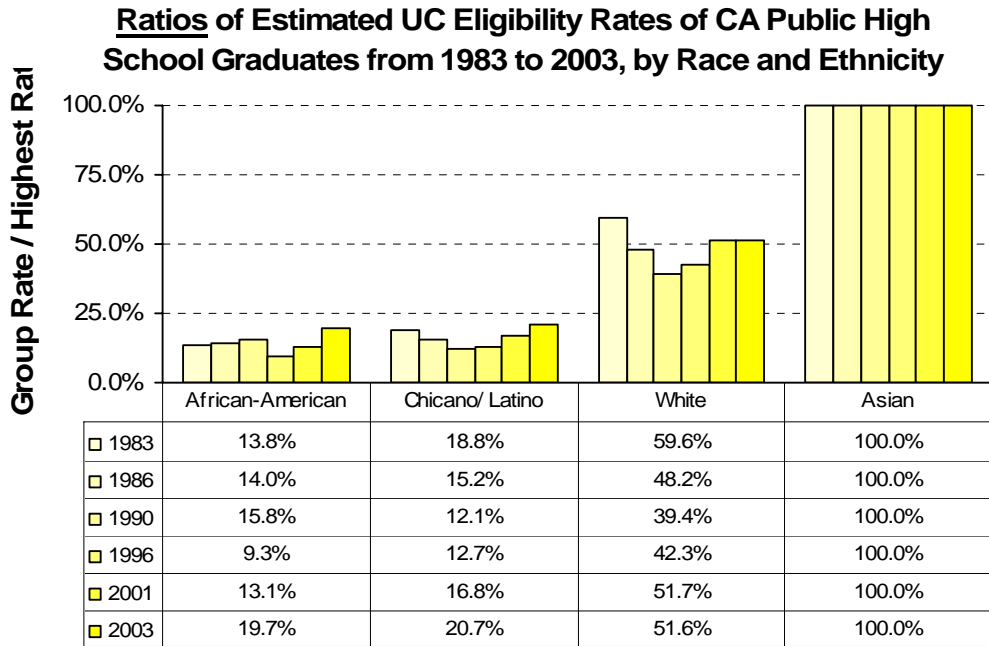
Estimates of the Percent of CA Public High School Graduates Eligible for UC from 1983 to 2003, by Race and Ethnicity



UC eligibility rates for African American and Chicano/Latino students have hovered around 5 percent or below for every eligibility study since 1983 except for 2001 (est. 5.5 percent for Chicano/Latinos) and 2003 (est. 6.5 percent for Chicano/Latinos and est. 6.2 percent for African American students). In contrast, the eligibility rates for white students have been above 15 percent for every eligibility study since 1983 except for the 1990 and 1996 CPEC studies when these rates were estimated at 12.7 percent. It is noteworthy that eligibility rates for white students spiked in 2001 at 19.9 percent, the first eligibility study completed after SP-1 and Proposition 209. The 2003 study showed that the eligibility rate for white students has remained above 15 percent (est. 16.2 percent). The eligibility rates for Asian students have been above 30 percent for every eligibility study since the 1983 study, when the rate was estimated to be 26 percent.

The historical ratio of UC eligibility rates between the student group with the highest rates (i.e., Asian American) and those with the lowest eligibility rates (i.e., African American and Chicano/Latino) also raises the possibility of Title VI federal adverse-impact concerns. “Adverse impact” is the overall impact of practices, as judged by federal court, that result in significantly higher percentages of members of minorities and other protected groups being rejected for employment, admission, placement or promotion: according to judicial guidelines, adverse impact can be indicated when the percentages for the lowest group are 80 percent or less of that of the group with the highest percentages (viz., disparate impact). Since at least 1983, the eligibility rates for African American and Chicano/Latino students have been in the neighborhood of *16 percent* of those of Asian Americans. Parenthetically, the eligibility rates for white students have been approximately 50 percent of the rates for Asian Americans.

Figure 22



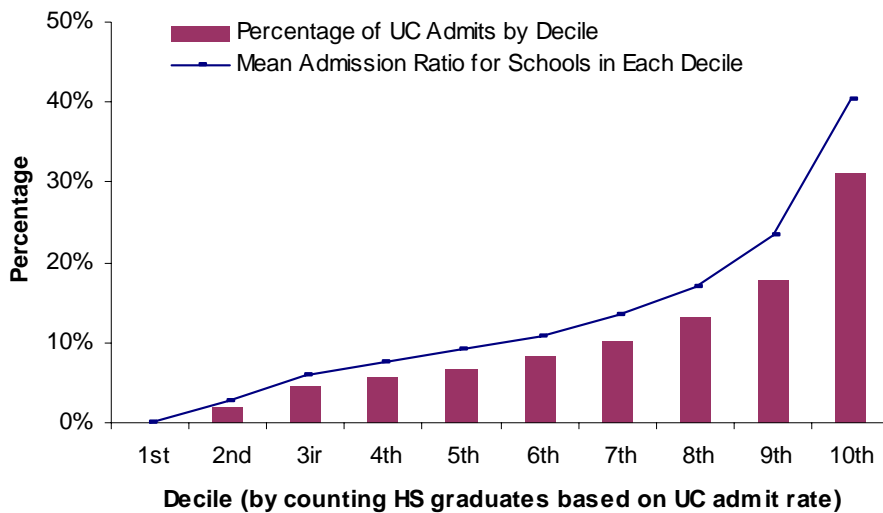
Differences in students’ college preparedness due to differences among students in school learning conditions (i.e., opportunities to learn), and not academic achievement alone, affect the ability of students to successfully navigate through the two critical filters into the University: UC eligibility and campus admissions selection. Many students in California attend schools that do not (and often cannot) provide even decent, let alone competitive, college-preparatory opportunities. As a result, the University misses out on some students who have both the drive and ability to succeed at UC. For example, data show that among those students of comparable middle-level ability (on the basis of test scores), those who attended better-performing schools are more likely to receive higher grade point averages (GPAs), a significant advantage in fulfilling the scholarship requirement of the statewide eligibility construct. This finding also applies to schools sending students to UC at higher rates, schools in suburban (as opposed to rural) areas and schools with students whose parents come from higher socioeconomic backgrounds.

With respect to the subject requirements of the eligibility construct (“a-g” courses), the data show that the opportunity to participate in UC-required and -approved courses differs by students’ racial and socioeconomic backgrounds, as well as by school performance level and geography: the number and variety of UC-required courses, as well as the frequency with which they are offered, is much lower for schools with large proportions of underrepresented students, poor students, rural students, which are underperforming. In addition, the ability of students to garner GPA “bonus points” for participating in UC-approved honors-level and Advanced Placement (AP) coursework—another advantage in attaining UC eligibility—varies significantly as well. This variability is primarily based on the availability and accessibility of those courses, which

are shaped by the quality of the schools students attend, the socioeconomic status of parents, and students' race and sex. Moreover and similar to the subject requirement patterns noted above, these patterns are even more pronounced at schools with significant underrepresented minority student populations. For example, data show that even among students nominated by schools for ELC consideration—the best students schools had to offer—African American and female students report significantly fewer such courses on their transcripts.

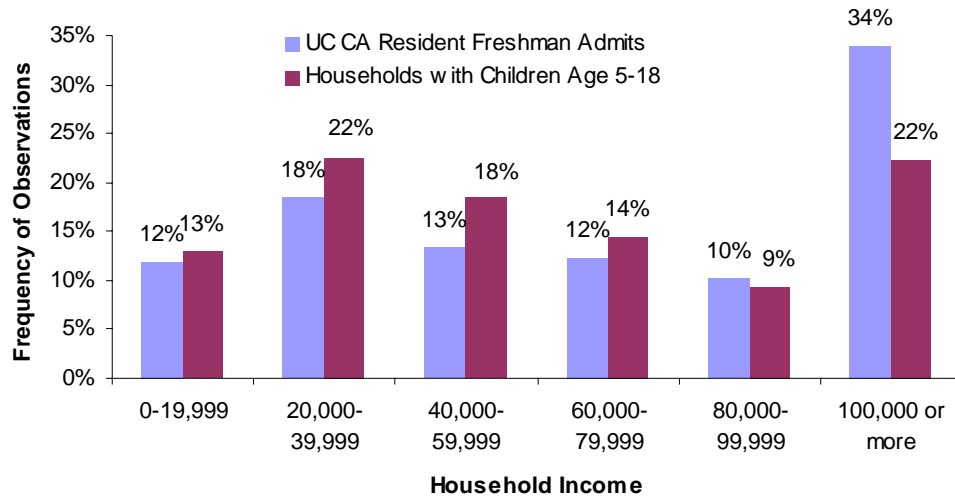
Not surprisingly, studies consistently show that disparities in UC access strongly reflect patterns of socioeconomic, racial/ethnic and geographic inequality among the state's high schools. As the chart below illustrates, in 2005 California high schools that produced only 20 percent of the state's graduates account for nearly half (49.1 percent) of UC freshman admissions offers.

Figure 23: Percentage of UC Admits by Decile, 2005 Overall



Also noteworthy is that the data below from the BOARS *Inclusiveness Indicators* report demonstrates that 34 percent of UC freshman admits in 2005 came from households with \$100,000 or more in parental income, whereas only 22 percent of California's households with children aged 5-18 years are at this income level.⁸¹ Conversely, only 43 percent of UC freshmen in 2005 came from low- and lower-middle-income families (i.e., below \$60,000), whereas 53 percent of California households fall into these low and lower-middle income ranges.

Figure 24: Household Distributions by Income, 2005 Overall



CPEC found that some counties (for example, Santa Clara and Alameda) have UC entry rates that are three to four times higher than other large California counties (for example, Fresno and Kern).

X. Conclusion

The Study Group on University Diversity believes that the 14 recommendations generated from the Undergraduate Work Team merit serious consideration. For the sake of the vitality of our democracy, the global competitiveness of this “nation-state,” and the future excellence with which the University of California serves the citizens of this great state, we cannot afford to leave talent fields lying fallow. The knowledge that UC is open to all serves all parts of California’s community and helps foster social cohesion.

Perhaps nowhere is UC’s openness more significant and conspicuous than at the undergraduate level. It is there that UC most prominently sends the message that it is “of the people and for the people.” A representative body of UC undergraduates powerfully inculcates in every Californian the sense that “The University of California is my UC!”

UC can achieve greater diversity but it will take vision, bold leadership and collective effort—with accountability. UC cannot do this alone; but we cannot afford to stand along the sidelines waiting for it to happen. UC cannot continue to wait for the educational pipeline to repair itself, nor can we continue to point the finger at unequal educational opportunities in California while failing to take responsibility for our own policies and actions. UC believes in excellence: we can do better.

Without greater achievement on the diversity front, UC will lose the support of the increasingly diverse citizens of California. UC will be seen as “your University.” Accompanying that perception will be greater shifts in financial support from state support to private interests and individual citizens believing to benefit from the institution. Private and state support can increase together, to the benefit of all Californians.

But we must act now to enhance UC’s institutional diversity. These 14 recommendations should form part of the action plan to move forward to a brighter future—not only for UC but for the citizens of the great and diverse state of California.

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Appendix C: Membership Roster

UC Diversity Study Group- Undergraduate Students	Title/Affiliations
Robert Birgeneau	UC Berkeley Chancellor
Chair Michael T. Brown	Academic Senate Vice Chair, 2006-07; Chair of the Work Team
Lucero Chavez	Student Representative
Bruce Darling	Executive Vice President
Eddie Island	UC Regent
Joanne Kozberg	UC Regent
María Ledesma	UC Student Regent, 2006-07; 'ex-officio' member
Van Nguyen	Student Representative
Mark Rashid	BOARS Chair
Fred Ruiz	UC Regent
Judy Sakaki	Vice President of Student Affairs
Bill Shiebler	UC Student Association President, 2006-07
Peter Taylor	Former UC Alumni Regent
Henry Yang	UC Santa Barbara Chancellor
Principal Project Staff	
Todd Giedt	Committee Analyst
William Kidder	Special Assistant to Vice President Judy Sakaki

Appendix D: Presentation Register

Name	Title/Affiliation(s)	Presentation
Jeannie Oakes	<ul style="list-style-type: none"> • Presidential Professor & Director, Urban Schools; Graduate School of Education & Information Studies, UC Los Angeles • UCLA’s Institute for Democracy, Education, & Access (IDEA) • UC All Campus Consortium on Research for Diversity (ACCORD) 	Racial Inequalities in “Race Neutral” California
David Stern	Professor, UC Berkeley	Aspects of Unequal Access for Freshman Admission to UC
Mike Aldaco	Assistant Vice President of Student Development and Academic Services, UCOP	UC Student Academic Preparation & Educational Partnership Program
Harold Levine	Associate Vice Provost for Educational Initiatives, UCOP	UC Student Academic Preparation & Educational Partnership Program Evaluation/Accountability
Yvette Gullatt	Director of EAOP and University Community Engagement, UCOP	UC Intervention and Outreach
Charles Underwood	Director, UC Links	UC Links Program
Allison Jones	Assistant Vice Chancellor for Student Academic Support, CSU Office of the Chancellor	CSU Outreach Programs
Mark Rashid	<ul style="list-style-type: none"> • Professor, UC Davis • BOARS Chair 	UC Eligibility
Sam Agronow	Coordinator of Admissions Research and Evaluation, UCOP	Eligibility Components & Opportunities
James Montoya	Vice President, College Board	College Board
Wayne Camara	Vice President for Research and Development, College Board	College Board
Sandra Williams-Hamp	Chief Educational Manager, K-12, College Board	College Board
Gary Orfield	<ul style="list-style-type: none"> • Professor of Education, UC Los Angeles • Co-Director, Civil Rights Project 	Cultural Factors in Test Participation & Test Performance
Patricia Gándara	<ul style="list-style-type: none"> • Professor of Education, UC Los Angeles • Co-Director, Civil Rights Project 	Cultural Factors in Test Participation & Test Performance
Joseph Brown	Director of Student Affairs, Stanford University	Stereotype Threat

Name	Title/Affiliation(s)	Presentation
Nina Robinson	Director of Policy and External Affairs, UCOP	Campus Admissions and Appraisal of Comprehensive Review/Campus Admissions Processes and Outcomes
Jenny Sharpe	<ul style="list-style-type: none"> • Professor, UC Los Angeles • Chair (2006-07), Committee on Undergraduate Admissions and Relations with Schools 	UCLA Admissions as a Case Study
Susan Wilbur	Director of Undergraduate Admissions, UCOP	Yield Activities Across the UC System and Campuses/Findings from UC's 'No Show' Study
Peter Taylor	UC Alumni Regent/Lehman Brothers	A Closer Look at UCLA's Yield and Recruitment Efforts, Including Scholarship Funding
Roger Studley	Assistant Director, Admissions Research and Evaluation, UCOP	Understanding Achievement in Context
Kate Jeffery	Director of Student Financial Support, UCOP	UC Financial Aid Trends Data
Daniel Solorzano	Professor, UC Los Angeles	Transfer Outcomes/Community Colleges
Steven Brint	Professor, UC Riverside	Transfer Outcomes/Community Colleges
Sylvia Hurtado	Professor/Director of the Higher Education Research Institute (HERI), UC Los Angeles	Diversity Outcomes
Charles F. Robinson	UC General Counsel and Vice President for Legal Affairs, UCOP	Proposition 209 Legal Discussion
Christopher M. Patti	University Counsel, UCOP	Proposition 209 Legal Discussion
David B. Oppenheimer	Associate Dean and Professor of Law, Golden Gate University School of Law	Proposition 209 Legal Discussion
Maria Blanco	Executive Director, Earl Warren Institute, Boalt Hall, UC Berkeley	Proposition 209 Legal Discussion

Appendix E: Endnotes

¹ JOHN A. DOUGLAS, *THE CONDITIONS FOR ADMISSION: ACCESS, EQUITY, AND THE SOCIAL CONTRACT FOR PUBLIC UNIVERSITIES* (Stanford University Press, 2007).

² Because of its geographic size, population size and diversity (the most populous and most diverse state in the United States, ranking with the 35th most populous nations), and world-class economy (the seventh or so leading economy in the world, with more than \$100 billion in revenues and with leading industries in agriculture, entertainment and high technology), some have considered the use of the term justified.

³ This was prior to the opening of the Berkeley campus. The Regents' commitment to admit women is also discussed in the historic case of *Foltz v. Foge*, 54 Cal. 28 (1879) (UC-affiliated Hastings College of the Law ordered to comply with Regental policy and not discriminate against female law students in admissions).

⁴ DOUGLAS, *THE CONDITIONS FOR ADMISSION*, *supra* note 1.

⁵ University of California Office of the President, [Undergraduate Access to the University of California After the Elimination of Race-Conscious Policies](http://www.ucop.edu/sas/publish/aa_final2.pdf) (March 2003), available at http://www.ucop.edu/sas/publish/aa_final2.pdf.

⁶ Historically, the University of California has classified as “underrepresented” students from groups that collectively acquire eligibility for admission at a rate below 12.5 percent. These include African Americans, American Indians and Chicano/Latinos. The terms “underrepresented” and “underrepresented minority” are used throughout this report to denote students from these groups.

⁷ From the UC Diversity Statement adopted by the Assembly of the Academic Senate May 10, 2006; endorsed by the President of the University of California June 20, 2006.

⁸ See e.g., Anthony Lising Antonio et al., *Effects of Racial Diversity on Complex Thinking in College Students*, 15 *PSYCHOLOGICAL SCIENCE* 507 (2004); Patricia Gurin et al., *Diversity in Higher Education: Theory and Impact on Educational Outcomes*, 72 *HARVARD EDUCATIONAL REVIEW* 330 (2002); Sylvia Hurtado, *The Next Generation of Diversity and Intergroup Relations Research*, 61 *JOURNAL OF SOCIAL ISSUES* 595 (2005); Mitchell J. Chang et al., *The Educational Benefits of Sustaining Cross-Racial Interaction Among Undergraduates*, 77 *JOURNAL OF HIGHER EDUCATION* (2006), Brief of the American Educational Research Association, the Association of American Colleges and Universities, and the American Association for Higher Education as Amici Curiae in Support of Respondents in *Gratz v. Bollinger* (Feb. 2003) available at [URL IS MISSING]

⁹ See e.g., Dean Whitla et al., *Educational Benefits of Diversity in Medical School: A Survey of Students*, 78 *ACADEMIC MEDICINE* 460 (2003), Gary Orfield & Dean Whitla, *Diversity and Legal Education: Student Experiences in Leading Law Schools*, in *DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION* at 143 (Gary Orfield & Michal Kurlander eds., 2001).

¹⁰ Kilchan Choi & Edward Shin, “What are the Chances of Getting into a UC School? A Look at the Course-Taking Patterns of High School Students for UC Admissions Eligibility” Center for the Study of Evaluation (UCLA), CSE Report 623 (2004), available at http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/1b/9d/ec.pdf.

¹¹ Source: California Postsecondary Education Commission, Public High School A-G Completion Rate, available at <http://www.cpec.ca.gov/Accountability/AtoGOptions>.

¹² Source: California Postsecondary Education Commission, Public High School A-G Completion Rate, available at <http://www.cpec.ca.gov/Accountability/AtoGOptions>.

¹³ For purposes of this analysis, the CSU standard of “a-g” completion was used under TES rather than UC rate (i.e., a 2.0 GPA requirement versus UC’s 3.0 GPA). In this context that is a conservative comparison, since using the UC standard under TES would result in slightly greater divergence from CBEDS estimates.

¹⁴ Faith Paul, *Grouping Within Algebra I: A Structural Sieve With Powerful Effects for Low-Income, Minority, and Immigrant Students*, 19 *Educational Policy* 262, 277 (2005).

¹⁵ Maria Estela Zarate & Harry P. Pachon, *Gaining or Losing Ground? Equity in Offering Advanced Placement Courses in California High Schools 1997-2003* (March 2006), available at http://www.trpi.org/PDFs/ap_2006.pdf.

¹⁶ Zarate & Pachon, *id.* at 12 Table 8.

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- ¹⁷ Oakes et al., Removing the Roadblocks, at 23; Karen Miksch, *Widening the River: Challenging Unequal Schools in Order to Contest Prop 209*, UCLA Chicano-Latino Law Review (forthcoming 2007), draft available at <http://www.law.berkeley.edu/centers/ewi/research/highereducation/prop209/Miksch%20-%20Draft%20Paper.pdf>.
- ¹⁸ Richard S. Brown, Changes in Advanced Placement Test Taking in California High Schools: 1998-2003 (2004), UC/ACCORD Research Report RR-002-0105, available at <http://ucaccord.gseis.ucla.edu/publications/pubs/APStudy.pdf>.
- ¹⁹ Isaac Martin, Jerome Karabel & Sean W. Jaquez, *High School Segregation and Access to the University of California*, 19 EDUCATIONAL POLICY 308, 322 (2005).
- ²⁰ JEANNIE OAKES ET AL., REMOVING THE ROADBLOCKS: FAIR COLLEGE OPPORTUNITIES FOR ALL CALIFORNIA STUDENTS (Nov. 2006), available at <http://idea.gseis.ucla.edu/publications/roadblocks/pdf/RemovingRoadblocks.pdf>; JOHN ROGERS ET AL., CALIFORNIA EDUCATIONAL OPPORTUNITY REPORT 2006: ROADBLOCKS TO COLLEGE (March 2006), available at <http://www.idea.gseis.ucla.edu/publications/eor06/fullreport/pdf/EOR-2006.pdf>.
- ²¹ See e.g., Linda Darling-Hammond, *Inequality and the Right to Learn: Access to Qualified Teachers in California's Public Schools*, 106 Teachers College Record 1936 (2004); Robert Teranishi, Walter R. Allen & Daniel G. Solorzano, *Opportunity at the Crossroads: Racial Inequality, School Segregation, and Higher Education in California*, 106 Teachers College Record 2224, 2239-40 (2004).
- ²² Jeannie Oakes & Marisa Saunders, *Education's Most Basic Tools: Access to Textbooks and Instructional Materials in California's Public Schools*, 106 TEACHERS COLLEGE RECORD 1967 (2004).
- ²³ JEANNIE OAKES, KEEPING TRACK: HOW SCHOOLS STRUCTURE INEQUALITY, SECOND EDITION (Yale University Press, 2005).
- ²⁴ David Stern, Unequal Access to UC Freshman Admission, Presentation to the Study Group on University Diversity (January 2007).
- ²⁵ Cf., THERESA PERRY; CLAUDE STEELE & ASA HILLIARD III, YOUNG, GIFTED AND BLACK: PROMOTING HIGH ACHIEVEMENT AMONG AFRICAN-AMERICAN STUDENTS (Beacon Press, 2003).
- ²⁶ See e.g., Gary Orfield and Chungmei Lee, Racial Transformation and the Changing Nature of Segregation p. 19 (2006) Civil Rights Project report available at http://www.civilrightsproject.ucla.edu/research/deseg/Racial_Transformation.pdf ("The biggest change [in U.S. Latino segregation patterns between 1980 and 2003] came in California, which tied New York for the highest segregation level for Latinos. California, home to about a third of the nation's Latino students, had led the race backwards, with massive consequences.").
- ²⁷ Choi & Shin, *supra* note __.
- ²⁸ Private communication. See also L. Leann Parker, David A. Greenbaum, & Karl S. Pister, *Rethinking the Land-Grant Research University for the Digital Age*. CHANGE, Jan-Feb. 2001, at 12-17.
- ²⁹ See e.g., Louis G. Tornatzky, Richard Cutler & Jungho Lee, College Knowledge: What Latino Parents Need to Know and Why They Don't Know It, (April 2002), Tomás Rivera Policy Institute Report available at http://www.trpi.org/PDFs/College_Knowledge.pdf.
- ³⁰ OAKES ET AL., REMOVING THE ROADBLOCKS, *supra* note __ at vi.
- ³¹ National Center for Education Statistics 2005 (data for the 2003-04 year).
- ³² <http://www.schoolcounselor.org/files/Ratios04-05.pdf>.
- ³³ <http://www.cde.ca.gov/ls/cg/rh/counseffective.asp>.
- ³⁴ <http://www.asccc.org/Publications/Papers/ConsultationCouncil/ConsultationCouncil.pdf>.
- ³⁵ California Community Colleges' Consultation Council Task Force on Counseling http://www.asccc.org/Events/BSI/Lit_Review_Student_Success.pdf.
- ³⁶ <http://www.idea.gseis.ucla.edu/publications/roadblocks/pdf/RemovingRoadblocks.pdf>.
- ³⁷ http://www.chicano.ucla.edu/center/events/documents/RR9_000.pdf.
- ³⁸ Examples include the Intersegmental General Education Transfer Curriculum (IGETC), Science Intersegmental General Education Transfer Curriculum (SCIGETC) and UC Streamlining (Course Major Articulation Preparation Process).
- ³⁹ University of California Office of the President, University of California Student Academic Preparation and Educational Partnerships: A Report to the Governor and Legislature (April 2007), available at http://www.ucop.edu/sas/research/researchandplanning/pdf/SAPEP_LegReport20074-2-07.pdf.
- ⁴⁰ By using a modified version of the state's standards test, students have an opportunity to learn in the 11th grade about the state of their readiness to successfully participate in college courses and use their 12th grade

year to strategically enhance their college readiness. For more information, *see*

<http://www.calstate.edu/EAP/>.

⁴¹ The UC Regents' RE-28 Resolution of 2001 (which rescinded the SP-1 and SP-2 Resolutions) states in part, "That the University's current commitment to outreach programs for California's public elementary and secondary school students shall be pursued on a long-term basis to improve the early educational preparation of students who will seek a college education in the future."

⁴² The Puente counselor coordinates an English writing program and provides academic, personal, and career counseling; the Puente instructor and counselor co-coordinate all aspects of the mentoring program, including mentor recruitment, identification and retention, mentor training strategies, monitoring, and mentor and community integration in the Puente classroom.

⁴³ Martha A. Rivas, Jeanette Pérez, Crystal R. Alvarez, & Daniel G. Solorzano. "Latina/o Transfer Students: Understanding the Critical Role of the Transfer Process in California's Postsecondary Institutions (May 2007).

⁴⁴ Steven Brint, *Few Remaining Dreams: Community Colleges Since 1985*, 586 ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE 16 (2003).

⁴⁵ California Postsecondary Education Commission, California Higher Education Accountability: Goal - Student Success -- Measure: California Community College Students' Degrees and Certificates Awarded and Successful Transfers, March (2007), available at <http://www.cpec.ca.gov/completereports/2007reports/07-06.pdf>.

⁴⁶ UC Regents RE-28 Resolution (May 2001), available at <http://www.ucop.edu/news/access/propres.htm> (approved by a 22-0 vote of the Regents).

⁴⁷ *See e.g.*, NATIONAL RESEARCH COUNCIL, MYTHS AND TRADEOFFS: THE ROLE OF TESTS IN UNDERGRADUATE ADMISSIONS (Alexandra Beatty et al. eds., 1999).

⁴⁸ David Stern, Michael T. Brown, Mark Rashid, & Trish Stoddart, *UC "Eligibility": The Quest for Excellence and Diversity* (Oct. 2006), paper presented at UC Berkeley Boalt Hall symposium on the past and Future of Proposition 209, available at http://www.law.berkeley.edu/centers/ewi/research/highereducation/prop209/Brown,%20Stern_et_al_Eligibility.pdf.

⁴⁹ *Id.*

⁵⁰ Tanya Schevitz, *UC's Criticisms Spur Proposal to Revise SAT Tests*, SAN FRANCISCO CHRONICLE, June 18, 2002; Eric Hoover, *College Board Approves Major Changes for the SAT*, CHRONICLE OF HIGHER EDUCATION, June 28, 2002.

⁵¹ Richard C. Atkinson, *Standardized Tests and Access to American Universities*, Robert H. Atwell Distinguished Lecture at the Annual Meeting of the American Council on Education, Feb. 18, 2001, available at <http://www.ucop.edu/pres/comments/satspch>.

⁵² UC Academic Council and BOARS, Guidelines for Implementation of University Policy on Admission by Exception (Sept. 2005), available at <http://www.universityofcalifornia.edu/senate/committees/boars/a.by.e.guidelines.1005.pdf>.

⁵³ To the extent that students (perhaps some non-native English speakers) may wish to demonstrate their skill on a subject test (perhaps on of the SAT II foreign language tests), there is an important distinction between allowing students the option of having SAT II scores considered in UC admissions and making this mandatory for all UC eligible applicants.

⁵⁴ *See e.g.*, Saul Geiser and Maria Veronica Santelices, *Validity Of High-School Grades In Predicting Student Success Beyond the Freshman Year: High-School Record vs. Standardized Tests as Indicators of Four-Year College Outcomes* pp. 9-10 tables 4-5 (June 2007), Center for Studies in Higher Education working paper available at http://cshe.berkeley.edu/publications/docs/ROPS.GEISER._SAT_6.13.07.pdf; Rebecca Zwick et al., *California and the SAT: A Reanalysis of University of California Admissions Data* table 4 (Aug. 2004), Center for Studies in Higher Education working paper available at <http://repositories.cdlib.org/cgi/viewcontent.cgi?article=1032&context=cshe>; Saul Geiser with Roger Studley, *UC and the SAT: Predictive Validity and Differential Impact of the SAT I and SAT II at the University of California*, 8 EDUCATIONAL ASSESSMENT 1, 6 table 2 (2002).

Note that while these studies are directed at answering a somewhat different set of empirical questions (e.g., predictive validity of grades versus SAT scores, and particularly of the old SAT I versus the SAT II tests) the findings are consistent with our conclusions above.

⁵⁵ California Postsecondary Education Commission, Factors Limiting Eligibility for the University of California (Dec. 2004). available at <http://www.cpec.ca.gov/completereports/2004reports/OP04-03.pdf>.

⁵⁶ The work group heard a presentation from an expert who offered “stereotype threat,” a theory by Stanford psychology professor Claude Steele, as one research-supported explanation for differential test-taking and test performance. Evidence suggests that fear that one’s behavior (i.e., test performance) will inadvertently verify a negative stereotype about one’s group and that the person will be, as a result, stereotypically devalued, is implicated in test avoidance, lack of test preparation and test score disparities [see Claude M. Steele & Joshua Aronson, *Stereotype Threat and the Intellectual Test Performance of African Americans*, 69 JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 797 (1995)].

⁵⁷ Geiser with Studley, UC and the SAT, *supra* note ___.

⁵⁸ Stern, Brown, & Rashid, UC “Eligibility,” *supra* note ___.

⁵⁹ COLLEGE BOARD, GUIDELINES ON THE USES OF COLLEGE BOARD TEST SCORES AND RELATED DATA (2002). Guidelines 5.2-5.6 are particularly relevant:

5.2 Use SAT scores in conjunction with other indicators, such as the secondary school record (grades and courses), interviews, personal statements, writing samples, portfolios, recommendations, etc., in evaluating the applicant’s admissibility at a particular institution.

5.3 View admissions test scores as contemporary and approximate indicators rather than as fixed and exact measures of a student’s preparation for college-level work.

5.4 Evaluate test results and other information about applicants in the context of their particular background and experience, as well as in the context of the programs they intend to pursue.

5.5 Ensure that small differences in test scores are not the basis for rejecting an otherwise qualified applicant.

5.6 Guard against using minimum test scores unless used in conjunction with other information such as secondary school performance and unless properly validated.

An exception to this guideline is that institutions may establish, based on empirical data, specific score levels that reflect desired skill competencies, such as English language proficiency. *Id.* at 9.

⁶⁰ When systems or groups of colleges use College Board tests for admissions purposes, the officials responsible for the group or system should: “6.1 Adhere to the guidelines for the use of tests for admissions purposes outlined in Section 5...” *Id.* at 10.

⁶¹ At one meeting of the Undergraduate Work Team, one presenter, who is a leading authority from the testing industry, identified U.S. military academies as possible exceptions. However, to the extent this is accurate, it reaffirms that using rigid cut-off scores to determine eligibility is not in keeping with the best admission practices at America’s leading higher education institutions. See e.g., Diana Jean Schemo, *Spurned Student Challenges Naval Academy on Test Scores*, New York Times, July 28, 2002 at 16 (detailing civil rights groups’ complaint to the Office for Civil Rights over the Naval Academy requiring a minimum SAT/ACT score in order to be eligible to submit an application).

⁶² See also NATIONAL RESEARCH COUNCIL, LEARNING AND UNDERSTANDING: IMPROVING ADVANCED STUDY OF MATHEMATICS AND SCIENCE IN U.S. HIGH SCHOOLS (Jerry P. Gollub et al. eds., 2002) available at http://www.nap.edu/catalog.php?record_id=10129.

⁶³ We use the term “scale drift” more loosely than its technical meaning in educational measurement, which has to do with the process of equating the scoring scale on one version of a standardized test with earlier version(s) of the same test. Nonetheless, there is a parallel in that changes in the composition of the applicant/test-taker pool can lead to unintended consequences in both contexts. Cf. William H. Angoff, *Some Contributions of the College Board SAT to Psychometric Theory and Practice*, EDUCATIONAL MEASUREMENT: ISSUES AND PRACTICE 7, 10 (Sept. 1986) (detailing a number of methodological concerns with scaling/equating, including conditions that can “over the course of time, cause the scale to drift away from its original mooring.”).

⁶⁴ See e.g., AMERICAN EDUCATIONAL RESEARCH ASSOCIATION ET AL., STANDARDS FOR EDUCATIONAL AND PSYCHOLOGICAL TESTING p. 116 (1999) (Standard 11.15: “Test users should be alert to potential misinterpretations of test scores and to possible unintended consequences of test use; users should take steps to minimize or avoid foreseeable misinterpretations and unintended negative consequences.”);

COLLEGE BOARD, GUIDELINES ON THE USES OF COLLEGE BOARD TEST SCORES AND RELATED DATA p. 9 (2002) (Guideline 5.1 for admissions officials: “Know enough about tests and test data to ensure their proper uses and limitations are understood and applied.”).

⁶⁵ http://www.collegeboard.com/research/pdf/bestpractbk_23498.pdf
[>>>>](http://www.nap.edu/openbook.php?isbn=0309065976)

⁶⁶ Stern, Brown, & Rashid, *supra* note __.

⁶⁷ UC Freshmen Factsheet 1995-2006, http://www.ucop.edu/news/factsheets/Flowfrc_9506.pdf.

⁶⁸ UNIVERSITY OF CALIFORNIA ELIGIBILITY AND ADMISSIONS STUDY GROUP, FINAL REPORT TO THE PRESIDENT, p. 6 (April 2004) (Recommendation 7: “The Study Group recognizes that campuses have worked hard to develop local processes that meet campus needs. The Study Group concluded that campus processes need not be uniform. At the same time, the Study Group urges that, as BOARS and the campuses modify their processes, they strive for greater commonality in the implementation of comprehensive review.”), available at http://www.universityofcalifornia.edu/news/compreview/studygroup_final0404.pdf. Similarly, Recommendation 15 of the Eligibility and Admissions Study Group’s Final Report states, “The Study Group urges the faculty, the Office of the President and the campuses to move ahead quickly in streamlining campus processes, using technology to eliminate unnecessary duplication of effort and reducing the total number of times files must be read...” *Id.* at __.

⁶⁹ See e.g., Stephen J. Handel, Margaret Heisel & Barbara A. Hoblitzell, *The Effectiveness of the Transfer Path for Educationally Disadvantaged Students: California as a Case Study in the Development of a Dual Admissions Program*, in EXPANDING OPPORTUNITY IN HIGHER EDUCATION 193, 195 (Patricia Gandara et al. eds., 2006) (“Roughly two-thirds of all transfers to UC come from less than one-third of the community colleges in California ... Low-transfer colleges tend to be those located far from any UC campus, frequently in inner-city and geographically remote regions. Clearly the effect of this pattern is to disenfranchise large numbers of the students for whom transfer is their best, or perhaps only, chance for earning a baccalaureate degree.”); Josipa Roksa, Eric Grodsky, & William Hom, “The Role of Community Colleges in Promoting Student Diversity in California” p. 21 (October 2006) paper available at <http://www.law.berkeley.edu/centers/ewi/research/highereducation/prop209/Grodsky,%20Hom,%20and%20Roksa%20-%20Community%20Colleges%20Prop%202009.pdf> (“[T]he transfer pathway remains an underutilized avenue of access to four-year institutions, particularly elite UCs. Revitalizing the transfer pathway could not only improve educational outcomes of under-represented racial minority students but also increase diversity in public four-year institutions in California.”).

⁷⁰ Hart Research Associates, Messaging direction for the University of California: Recommendations from an August 2005 survey among California voters (Dec. 2005).

⁷¹ Private communication with Associate Vice President of University Affairs Michael Reese, in charge of Strategic Communications, August 6, 2007.

⁷² Susan Wilbur, College Destinations for University of California

Fall 2005 Freshman Admits (Oct. 2006), available at

[http://www.law.berkeley.edu/centers/ewi/research/highereducation/prop209/Wilbur%20-](http://www.law.berkeley.edu/centers/ewi/research/highereducation/prop209/Wilbur%20-%20College%20Destinations%20Paper%20Draft.pdf)

[%20College%20Destinations%20Paper%20Draft.pdf](http://www.law.berkeley.edu/centers/ewi/research/highereducation/prop209/Wilbur%20-%20College%20Destinations%20Paper%20Draft.pdf); Saul Geiser & Kyra Caspary. *No Show Study: College Destinations of University of California Applicants and Admits Who Did Not Enroll, 1997 – 2002* 19 EDUCATIONAL POLICY, 396-417 (2005).

⁷³ UCSB Social Science Dean Melvin Oliver to Undergraduate Work Group, July 24, 2007.

⁷⁴ Robert J. Birgeneau, *Is a UC education affordable?*, San Francisco Chronicle (Open Forum), August 22, 2007.

⁷⁵ The persistence rate is defined as the percentage of students in the previous year's fall entering class who are enrolled at fall census in subsequent year.

⁷⁶ See e.g., Sylvia Hurtado, *The Next Generation of Diversity and Intergroup Relations Research*, 61 *Journal of Social Issues*, 595 (2005).

⁷⁷ 34 C.F.R. § 100.3(b)(vii)(2) (italics added). For clarification, enforcement through the Office for Civil Rights is distinct from litigation. There is no longer private right of action to sue in federal court to enforce Title VI disparate-impact regulations. *Alexander v. Sandoval*, 532 U.S. 275, 281 (2001); *Save Our Valley v. Sound Transit*, 335 F.3d 932 (9th Cir. 2003) (Title VI disparate-impact regulations cannot be enforced indirectly via Section 1983).

⁷⁸ U.S. Department of Education Office for Civil Rights, *The Use of Tests as Part of High-Stakes Decision-Making for Students* pp. 54-58 (Dec. 2000); *Larry P. v. Riles* 793 F.2d 969, 982 (9th Cir. 1984).

⁷⁹ Office for Civil Rights, *The Use of Tests*, *id.*

⁸⁰ It should be noted that the term “Asian Americans/Pacific Islanders” includes a number of subgroups that have been observed to differ on a number of relevant variables, and the aggregate AAPI category can obscure some important differences. Pacific Islanders, for instance, have baccalaureate attainment levels among adults age 25+ that are on par with African Americans (15 percent and 17 percent) and half the rate of whites (30 percent). UCLA Asian American Studies Center et al., *Pacific Islanders Lagging Behind in Higher Educational Attainment* (Nov. 2006), available at <http://www.aasc.ucla.edu/archives/PIEducationAttainBrief.pdf>.

⁸¹ UC Board of Admissions and Relations with Schools (BOARS), *Inclusiveness Indicators Report, Indicator 4* (2006), earlier version available at <http://ucaccord.gseis.ucla.edu/indicators/PDF/Inclusivenessreport>.