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Report on Academic Outreach and Support for Diversity After Proposition 209.

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Abstract

This report examines the *immediate* consequences on campus diversity of the passage of the UC Regents Resolution SP1 in July 1995 outlawing the consideration of race, ethnicity and gender in admissions to the University of California. It also examines the *long-term* consequences of the passage of Proposition 209 which extended the prohibitions of SP 1 to the state as a whole.   It provides a summary of the responses of the University system and those of the Berkeley campus to mitigate the provisions of 209 through the creation or transformation of outreach and academic achievement programs. It presents the results of an evaluation of the impact of the prohibition on using ethnic/racial criteria on selected Berkeley campus diversity programs using a standard questionnaire in interviews with program coordinators. Programs were selected in different administrative units engaging in a range of activities. The interviews brought to light several issues affecting the functioning of these programs which interact with the provisions of Proposition 209. The findings are presented and analyzed in the conclusion, followed by a set of recommendations.

Background

Before passage of Proposition 209 UC faced a significant "pipeline" problem: the number of

high school graduates of color eligible for admission to UC was and still is very small.

California Graduating High School Seniors Eligible for UC Admission, *1986-2003*

	1986	1990	1996	2001	2003
All grads	20,700	28,900	28,600	44,300	48,400

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Male	9,900	13,400	12,000	18,600	20,200
Female	11,000	15,900	16,900	25,700	28,300
African Am	400	900	500	900	1,500
American In	-	-	-	200	200
Asian Am	6,000	10,600	11,200	15,200	15,200
Latino	1,300	2,100	3,000	5,600	7,400

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White	14,200	16,300	15,300	23,200	23,100

CPEC, *University Eligibility Study for the Class of 2001*, September 2005

Affirmative Action, however, enabled UC to target particular schools and even particular pupils who might not otherwise either think about going to college or take the courses to do so. In addition to targeted outreach, recruitment and retention activities, Affirmative Action also permitted a degree of flexibility in admitting students of color by adding race/ethnicity as an extra qualification.

All this changed when the Regents approved SP-1 and SP-2 in 1995. SP-1 required that 50 to 75% of all UC admissions be made on the basis of applicants' academic scores alone, and it outlawed the targeted focus on ethnicity/race characteristic of outreach and diversity programs, requiring that they be open to all. Even before these two resolutions and Proposition 209 went into force in 1998, the perception that UC was not welcoming to minority students caused a drastic fall-off in applications from underrepresented students. As reported in a UCOP report from 2003, "the experience of the University of California [from 1996] indicates that in a highly selective institution, implementing race-neutral policies leads to a substantial decline in the proportion of entering students who are African American, American Indian, and Latino."[1] The Regents resolutions which only applied to the University of California were extended to all institutions and organizations in the state when Preposition 209 was approved by California voters in 1996. This shifted the legal focus from administrative law internal to UC to state civil law, opening the university and its program directors to potential law suits for non-compliance.

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The Regents subsequently "rescinded" SP-1, SP-2 on May 16, 2001 and returned admission criteria back to the faculty of individual campuses, but because Proposition 209 is still law, university remedies to recruit, admit and retain students of color remain restricted.[2]

Institutional Response to the Banning of Affirmative Action

When the Regents passed SP-1, they stipulated in the resolution that a systemwide *Outreach Task Force* be established specifying as its charge "to develop proposals .... to increase the eligibility rates of those who are disadvantaged economically or in terms of their social environment . . ."[3] A statewide group including membership from all UC campuses, California public education, and private sectors was created and began its work in February 1996. The Task Force recommended a four point strategy for UC Outreach which explicitly addressed the "pipeline problem" and included:

1. **School-centered Partnerships** intended over the long term to "deal with the underlying causes of low UC eligibility and enrollment rates among students in disadvantaged circumstances."

2. **Academic Development Programs** which called for an expansion of existing effective academic development programs such as EAOP, the Puente Project, and MESA in the K-12 system, and an expansion of this model to community colleges.

3. **Informational Outreach** as a short-term strategy to provide better and more extensive information to students, families, teachers, and counselors to improve planning and preparation

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[1] Office of the President, University of California, *Undergraduate Access to the University of California After the Elimination of Race Conscious Policies.* March 2003. Http://www.ucop.edu/sas/publish/aa_finalcx.pdf

[2] UCB, *Berkeleyan,* "Regents Rescind SP-1, SP-2." May, 2001. Cathy Cockrell, *Berkeleyan*, "UC Regents Rescind SP-1, SP-2, Board Reaffirms Role of Faculty in Steering Admissions Policy." May 17, 2001

New Directions for Outreach: Report of the University of California Outreach Task Force for the Board of Regents. July 1997. Http://www.ucop.edu/acadaff/otf/otf.htm.

for college.

4. **University Research and Evaluation** requiring that there be research on the root causes of educational disparity within California's entire educational system and the university outreach programs

The Task Force's report provided the basis for restructuring and expanding outreach and academic achievement activities on all campuses. Their oversight continued for around two years after which the Task Force became an outreach advisory board to the campuses and Office of the President. The centralized initiative on outreach was accompanied by substantial funding. For the first years the basic amount was around $50 million, but one year it was as much as $76 million. The crash of the economy in California in 2001 threatened to eliminate this funding altogether, and after much negotiation it is currently around $17 million from the state. Because the allocation of this funding falls outside UC's blanket allocation for its operating expenses, it is an easy political target. Every year it is negotiated with the governor and the leaders of both parties in both legislative houses.

When Proposition 209 passed, the Provost of UC, C. Judson King, in consultation with UC General Counsel, issued "Guidance on Prop.209 Implementation" on November 13, 1996. While campuses had already removed consideration of "race, sex, color, ethnicity, or national origin" as considerations in hiring and contracting, and graduate and professional school admissions because of SP-2 and SP-1, the required changes particularly affected undergraduates. SP-1 was to go into effect for undergraduate admissions for enrollment in Spring 1998. With the passage of Proposition 209 which went into effect immediately, those applying in fall 1996 for enrollment in fall 1997 had to be informed that the campus could no longer use the supplemental criteria based on race/ethnicity/gender in making admission decisions. State and university financial aid could also no longer be awarded based on the former criteria, although federal financial programs "in which race, ethnicity or gender is a condition of the aid, or must be a

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factor in distributing the aid, may continue to receive these awards."[4] The same day Chancellor

Tien issued his own statement that Berkeley would continue to serve the state's diverse

population. The difficulty of his situation is evident in his announcement which alternated

between statements about how the campus will comply with 209 and statements about remaining

"fully committed to retaining a culturally diverse environment that serves the needs of members

of all races and ethnic groups."[5]

Although Berkeley always has been integrated into the system-wide outreach effort after the

Regents approved SP-1, Chancellor Tien delivered a message to the Berkeley campus on August

30, 1995 in which he said, "At this critical juncture, I pledge to you that I will do everything to

meet the difficult goal of preserving diversity."[6] From this arose the campus program: *The

Berkeley Pledge*. Tien also appointed a Berkeley task force on outreach which was charged with

preserving diversity on the campus. Some aspects of the *Berkeley Task Force Report* which pre-

dated the *UCOP Report* are very similar in terms of its general recommendations. The committee

found the same issues and problems with the complete range of programs: they were not

coordinated, there was little attention paid to recruiting in southern California where about half

of UCB students came from and where the greatest number of underrepresented populations

lived, and, except for programs adminstered through UCOP, there was next to no evaluation of

the programs' effectiveness. A fundamental difference with the *UCOP Report*, however, was the

meaning of outreach. UCOP while using characteristics such as "first generation student" still

defined outreach to include all students. The *Berkeley Task Force Report* defined "outreach" to

mean "1) the recruitment of African, American, Chicano/Latino, and Native American high

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[4] *The Berkeleyan*, November 13, 1996, "Guidance on Prop. 209 Implementation."

[5] *The Berkeleyan,* November 13, 1996, "209 Passes; Campus Takes Stock."

school students to Berkeley; and 2) the expansion of opportunities for underrepresented students in K-14 to help the schools prepare more of them for university study."[7] Throughout the *Berkeley Report* there was an explicit assumption that it would still be possible to target URM students.

At this time, Tien committed a million dollars a year for the next five years to support this work. The effort was to be focused on building "pipeline partnerships" initially with four local school districts (and later expanded into a great many more), along with more extensive recruitment of students from underserved groups, particularly in southern California. Recruitment of community college students for transfer was also included. Tellingly, the Berkeley Task Force emphasized in a news release that "while Berkeley can enhance its immediate recruitment of underrepresented minority students in the high schools and community colleges, the task force report stressed that the campus ultimately relies on K-14, kindergarten through community college, to produce eligible and competitive student populations."[8]

The Berkeley Pledge achieved some notable milestones in attaining the goal of creating a national model for outreach by preparing high school students to meet UC standards. In February, 1998 the U.S. Secretary of Education, Richard Riley heralded the Pledge's outreach efforts as "'an example of how a great university can raise standards, open the door to college to those who have been excluded, and encourage racial conciliation.'"[9] The relationships created by the Pledge program throughout the K-12 system were undoubtedly very helpful to partner schools and their pupils. But after the high point of 1998, the program eventually disappeared the

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[6] *The Berkeleyan*, August 30, 1995, "A Message from Chancellor Tien."

[7] UCB, *Preserving Student Diversity. Report of the UC Berkeley Outreach Task Force*. February 1996

[8] Gretchen Kell, Office of Public Affairs, *News Release*, 2/29/96
http://www.berkeley.edu/news/media/release/96legacy/releases.96/

[9] *The Berkeleyan,* June 16, 1998, "Madrid Guides Pledge Programs."

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following year. This occurred because the campus undertook "a major rethinking and reorganization of its outreach effort, from its mission to its reporting structure to its day-to-day operations."[10] As a result the program was renamed School/University Partnership Program (S/UP) and came under the newly created Center for Educational Partnerships (CEP). These changes went into effect in spring 2001 with the goal, among others, of improving program coordination and collaboration among the K-12 improvement programs. Many other changes were made to how programs functioned. Unfortunately, issues detracting from the success of some programs which were discussed in the *Berkeley Report on Educational Outreach 2000-2001* prepared for the 2001 WASC accreditation review are still present. These include the instability of K-12 partners due to frequent struggles over school governance and the turnover of school principals, staff and counselors; the large caseloads of EAOP staff, and the high turnover of outreach staff, particularly in the EAOP program which works with individual pupils. Since the expansion of outreach in 1999, new staff have had an average tenure of two years. [11]

Despite the great effort which went into the Berkeley Pledge and the complementary outreach and achievement programs organized throughout the UC system, the damage created by SP-1 and Proposition 209 in terms of student perception still has not been overcome. The high point in admissions for underrepresented groups reached in Fall 1997 has not yet been reached again at Berkeley. African American admits in Fall 1997 were 562, but dropped to 191 in 1998. In Fall 2006, 298 African American students were admitted. Similarly, Chicano/Latino admits numbered 1,266 in Fall 1997, dropped to 600 in Fall 1998 climbing to 1,207 admits in Fall 2006. The percentages of URM enrolled Berkeley freshmen have gone from 5.3% in 1972, 11.5% in

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[10] UCB, *2000-2001 Report on Educational Outreach.*

[11] UCB, *2000-2001 Report on Educational Outreach,*" prepared for the WASC accreditation review, 2001

1982, 23.9% in 1995 to 13.0% in 2004.[12] Since the admission trend until 1997 had been for annually increasing numbers of underrepresented students, the nine years since reflect an enormous loss of talent for both the university and the state.[13] At the same time, evaluation of systemwide programs report that around 30% of underrepresented students admitted to UC have participated on one or more UC outreach programs.[14] Nonetheless, in one of the largest Berkeley programs, EAOP, the accreditation review of 2001 found that although "the number of African American participants in EAOP has increased by 85% since 1997-98, the proportion of African American students has decreased from 33.2% in 1997-98 to 23.9% in 2000-01. Moreover, a preliminary research project commissioned by EAOP found that fewer African American students are participating in EAOP's intensive academic programs and that EAOP's African American students have the lowest UC application and eligibility rates and the lowest average GPAs and SAT scores of all the ethnic groups in EAOP."[15]

Current Berkeley Campus Diversity Programs and the Impact of Proposition 209

There are several different kinds of programs for "student preparation and academic enrichment" (aka outreach/diversity programs before 209) on the Berkeley campus. The largest number are organized under the Center for Educational Outreach under Marsha Jaeger, and the Center for Educational Partnerships under Gail Kaufmann. The programs in both Centers are campus specific, state wide, national, private, student initiated–in short they cover the range of outreach and academic enrichment programs in K-14. In addition to the 100 or so programs in these two

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[12] UCB, Office of Student Research, *UC Berkeley Freshmen Enrollment by Ethnicity.* 2005

[13] UCB Office of Undergraduate Admissions, *UC Berkeley Admissions by Ethnicity*

[14] University of California, Office of the President, *Forging California's Future through Educational Partnerships; Redefining Educational Outreach.* Final Report of the Strategic Panel on UC Educational Outreach, February 2003. Http://www.ucop.edu/sas/publish/edu-partnerships.pdf

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Centers, there are the programs of the Science Coalition (28), the undergraduate Research website (22), and uncounted programs in colleges and departments on campus. Some of these partner with K-12 and the community colleges, but also recruit freshman, run programs for freshman success and four year retention, prepare students for graduate school through summer and other research programs, recruit for graduate school, and run programs for graduate student success.

While there are three centralized websites for the central campus administered programs, plus that of the programs run by the vice chancellor for undergraduate education (see bibliography for URLs), there is no centralized website for all the other programs scattered throughout the campus. All these other programs which are not part of the central campus structure have some information on different websites, augmented by some printed information. Both sources are not sufficient to understand precisely what any one program does, with whom it works, or whom it serves. The only way to capture all the information about these decentralized programs was to develop an extensive questionnaire and interview program coordinators to get the answers.

The Questionnaire

The questionnaire was based on a number of assumptions about what kind of information is necessary to fully document a program. Since all these programs cost a substantial amount of money it was assumed that they would have data which would demonstrate how the money was spent. It was further assumed that data would be available which recorded the gender and ethnicity of the participants. This could show how successful the program had been in still serving URM students. The basic questions informing the shaping of the questionnaire were 1.What does the program do and who does it? 2. Whom does the program serve and are ethnic

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[15] 2000-2001 Report on Educational Outreach, *op.cit.* p.8

minorities among them? 3. Has the program been evaluated? 4. How is the served population identified and do the choice of populations served fall into acceptable categories under Proposition 209? Several of the specific questions in each section try to make clear what had changed for the program after 209.

1.What does the program do and who does it?

Name of Program, address, contact information:

    Program type (s) [e.g. outreach, retention]

    Type of activity

    Specific goal(s) [develop math skills, recruit to UCB]

    Organized by [name of office]

    UCB only: **UCOP only:** **UCB/UCOP joint:** **National:**   **Other:**

Funding Source: **UC19900 only:**   **UC other:** **UCOP:**   **Federal:**

    Funding Amount:

    Program begin date [pre-209, post 209]:

    Changed by 209?

    Personnel:

    No. of FTE: **No. of personnel**   **No. on grant money**

    Reports to: **No. on state funds**

This section was considered initially to be straight forward, but proved to be otherwise once the interviews began. Program names do not always remain the same and offices are moved. The type of activity can change, many programs have many different kinds of activities and work with off- campus partners, other Berkeley programs and offices, and students. While the goals of the program usually remain much the same, emphasis changes can occur because of funding shifts, changing partners, changing priorities of the dean, or under-staffing. Funding for programs is rarely a department line item and coordinators' salaries may or may not be fully

covered by state funds. Answering the question about the total funding for a program was often difficult because of the way in which funding was cobbled together. External grants can and do greatly increase a program's activities, but are of limited duration, so whole programs included under the particular program office can just disappear. Some of the current staff are vague about when their program started and were not around when SP-1 and Proposition 209 went into effect. Consequently several viewed the impact of 209 as mechanistic: the program may have changed its name, changed the wording in its publicity, and now accepted students of every kind. It took much more questioning to learn the real impact on programs and their staff. These findings will be discussed later in this report.

2. Whom does the program serve and are there ethnic minorities among those served?

Data Collection:

  Numbers of students participating in program:

  Frequency of participation: 1Xwk   1 Saturday a month 1X only   As needed

                                        Summer   Semester   Year Ongoing

  School level of students participating:

  Other limiting factors on participation [e.g. 1st generation, transfer students, biology majors]

  Number beginning program 2004:   Number finishing program 2004:

  Ethnicity (& Gender if appropriate) of participants: 04-05

African American   **Asian American**   **Other**

Native American   **Hispanic**

Chicano   **White**

This section was very rarely completed. The first problem was identifying a genuine participant. It is not so difficult if a student is enrolled in the program, has a scholarship or fellowship, or is one of a class of middle school age children receiving Berkeley student-led science instruction. It

becomes diffuse when the program participates in recruiting fairs, general academic advising, works with groups of students, teachers, or community members. It is further obscured when a program such as the NSF *Alliance for Graduate Education and the Professoriate* (AGEP) essentially regards all science and engineering graduate students as not just eligible, but actual participants. This is confusing because this program is specifically focused by NSF on increasing numbers of URM scientists and engineers. In practice, students of all ethnicities may or may not take advantage of the program, depending on their own ideas of its utility. In complex programs such as the Young Entrepreneurs at Haas several levels of school children participate along with their parents and teachers, and work with Berkeley undergraduate and later graduate business students. The program includes different groups of school children in a sequence of activities from middle school through high school completion. The program records each child every year to know what number and proportion continue into the next phase. It has a snapshot of participants by gender and ethnicity in 2005, but after students graduate high school and go to college they are no longer tracked. It is known that no student in the program has attended UC Berkeley, but where they are enrolled in not known. The program was formally evaluated by the Insitute for the Study of Social Change in 2002-03 funded by UCOP.[16] At the time the evaluation was commissioned UCOP was interested in extending the highly effective Berkeley program throughout the system. Unfortunately this was also a period of uncertainty about outreach funding, so the project went no further. This is exceptional since very few programs were able to answer affirmatively to the next question:

3. Has the program been evaluated?

Evaluation: Y: N:

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[16] David Minkus and Michael Omni, *Evaluating the Quality, Role and Effectiveness of the Haas BETA Program.* UCBerkeley, Institute for Social Change, May 2003

Benchmarks for success:

Evaluation period:

Measurable outcomes:

Conducted by:

Design model:

Report available:

Values/Commitment:

Stated goals of program/activity:

Values stated or implied:

Degree of institutional commitment [sustained funding, one off, allocation of personnel]

Very few campus programs have undergone formal evaluation, although some program coordinators make a great effort to keep track of their students, collect background information, and follow students' progress. Campus programs for summer research are required to submit information to the Office of the President on the general characteristics of participating students, and later to track them. However, not all programs are required to do so, so there is uneven data available with which to work. For those national or federal programs which are required to submit data to federal and private agencies as well as to UCOP where it is retained but not available by individual program, by year, by outcome. The Office of the President evaluates the programs which it oversees directly and publishes an annual consolidated evaluation as required in SP-1.

In April 8, 2006 UCOP adopted a new *Accountability Framework* for Student Academic Preparation and Educational Partnerships (SAPEP). This framework defines the way in which SAPEP assesses, evaluates, and reports the effectiveness and efficiency of its programs. The first reporting year under it will be 2006-07. The problem with the existing analysis presented in April

2006, is that ethnicity is no longer an element. The mission statement makes clear that there is no

targeting of underrepresented ethnic minorities:

> The goal of SAPEP programs is to work in partnership with K-12, the business sector,
> community organizations and other institutions of higher education to raise student
> achievement levels generally and to close achievement gaps between groups of students
> throughout the K-20 pipeline so that a higher proportion of California's young people,
> including those who are first generation, socioeconomically disadvantaged and English
> language learners, are prepared for postsecondary education, pursue graduate and
> professional school opportunities and/or achieve success in the workplace[17]

On the Berkeley campus where many other programs function which are not part of SAPEP, a

similar language is found even for programs funded from federal sources which could–at least

theoretically– still target underrepresented minority students (URM). The few programs which

still have "diversity" in the title now use the term as inclusiveness of all. In terms of campus

programs conducting serious evaluations, several things need to occur. This is where the question

about institutional commitment is significant. Up until now both general staffing for data

collection and expertise in assessment/evaluation has largely been non-existent for campus

programs. While an assessment and evaluation center is being proposed in the very recent

Undergraduate Outcomes Task Force: Final Report, it will take some time before implemented.

Even if it is created, the focus is on undergraduate student learning, not on either outreach or

academic services.[18] This is a problem in relation to understanding the effectiveness of outreach

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[17] University of California, Office of the President, Office of the Interim Vice Provost Educational Relations and Student Affairs. *University of California Student Academic Preparation and Educational Partnerships: A Report to the Governor and Legislature on Student Academic Preparation and Educational Partnerships for the 2004-05 Academic Year*, April 2006, p. 2.

[18] UC Berkeley, *Undergraduate Outcomes Task Force Final Report*, September 2006

and academic enrichment programs on campus. A related issue is that benchmarks for success are not clearly and actively defined. To some extent at the moment a vague implicit benchmark is if a student in an academic enrichment program does not flunk out, the program can be considered successful. Doing better should be possible.

4. How is the served population identified and do the choice of populations served fall into acceptable categories under Proposition 209?   **Race Neutral:**

    Target populations:

    How selected:

    Location of population [mostly Black high school, underfunded high school, etc.]

    Intellectual goals [e.g. promote graduate study in physics]

    Who defines targeted population?

    Why this population?

Race Neutral but with Possible Racial Intent (Proxy)

    Redefinition of targeted population after 209:

    Choice of population location:

Facially Race Sensitive:

Race Inclusive (Equity):

    Inclusive name?

    Inclusive in practice?

    Focus on bringing groups together?

    Focus on equalizing unequal situations [pupils in poor schools in which the "majority" is URM]

Race Exclusive:

Serves only 1 or more URM ethnic group by definition [e.g. scholarships for African American students]:

In practice serves 1 or more URM ethnic group:

Not surprisingly all of the programs whose coordinators were interviewed are now serving students of all ethnicities. However, certain designated populations such as first generation students as in the *Biology Scholars' Program* are used with other criteria such as interest in working with others, interest in attending graduate school in biology or medicine, and interest in serving one's community. These criteria shape the program so that more advanced students learn to tutor students just admitted to the major, who in turn will mentor other students as they advance. Students also work in paid or voluntary service/intern positions in hospitals, middle schools, social welfare agencies, etc. This program does not "cherry pick" students with the highest G.P.A.s, but encourages students with middling academic achievement at Cal to apply and weighs their commitment to service very strongly. It has a very high success rate with an annual participation of 400 students majoring in biology who earn a significantly higher G.P.A than those not in the program and very often go on to graduate or medical school. The program emphasizes inclusion of truly diverse students from many points of view and as a result of the admission criteria, also has an ethnically diverse participation.[19] It has been threatened with a lawsuit at least twice, but the criteria have withstood formal legal scrutiny.

Programs with very specific goals such as improving mathematics proficiency for incoming freshman through a one week summer "boot camp" were established to serve underrepresented students as were many other programs such as the *Chemistry Scholars Program*, the *Physics Scholars Program*, the special math sections run by the *Professional Development Program*

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[19] John Matsui, Roger Liu, and Caroline Kane, "Evaluating a Science Diversity Program at UC Berkeley: more Questions Than Answers."*Cell Biology Education*. Vol.2, Summer 2003 117-121

which also oversees *U.C. Leads, Pass the Torch*, and other science programs. Programs of this kind are known in the URM student community, so had been sustaining URM participation as students of color kept one another informed. Now, however, the programs tend to be predominantly filled with white and Asian students, and no program was identified which served only one racial/ethnic group..

The use of proxy characteristics such as first generation, low income, or low Academic Performance Index (API) school may have been thought to get around race/ethnicity as a consideration, but the sustained low numbers of both UC eligible and admitted URM students clearly indicate that this does not work. In a 1996 article *The Journal of Blacks in Higher Education* seemed to think that UCB would make some kind of end run around the ban on Affirmative Action. Should that not occur, using estimates from the UCB Admissions Office, it pointed out that "if socioeconomic affirmative action (without regard to race) is established at the university, the percentage of blacks in the freshman class should drop to between 1.4% and 2.3%. If Berkeley substituted a socioeconomic plan for its present race-based affirmative action program, even under the most favorable circumstances the number of blacks in the Berkeley freshman class would drop by 62%. Under . . .[this] plan white enrollment would actually increase perhaps by 25%. Asians would increase their percentage of total freshman enrollment to as much as 52.1%."[20] That is essentially what has happened.[21] Yet, despite the overwhelming evidence that minority participation in UC is seriously lagging, others in California continued to suspect that somehow Berkeley is doing an end run around 209. Regent John Moores's "study" in 2002 apparently finding an unexplained variable in admissions which had to be race was a blatant

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[20] *Journal of Blacks in Higher Education*, "Berkeley's End Run Around the Ban on Preferential Admissions." Autumn 1996 p.14

[21] *Undergraduate Access to the University of California*, 2003. *Op.cit.* P.24

example of this view, but the controversy it generated gave UC and its supporters a chance to fully explain the use of comprehensive review in admissions to the public.[22]

Conducting the Interviews.

The interviews presented their own challenges, not least was being able to make a telephone appointment with the informant. The programmatic needs for traveling, advising students, coordinating events, raising money, and all the other activities coordinators engage in made it difficult to schedule a mutually convenient time. Another issue affecting information gathering was that the coordinator may not have been in the position all that long, so could not comment on changes the program may have experienced either as a result of 209, or changing needs and/or funding requiring the program to change in some other way. In fact, not all that many coordinators had been in their current position when SP-1 and Proposition 209 changed the character of their program. Questions about program evaluation seeking the numbers of students served, their educational level, their gender and ethnicities, and above all, the outcome for the student after participating in or being served by a particular program was very difficult to acquire. Very few campus programs outside of the Center for Outreach have ever been subjected to genuine evaluation and few seemed to have even annual records of the types of students served and how the program did or did not influence them. Some programs are required to provide data to the Office of the President on the participants, and to track former participants over time. Yet, apparently, they do not keep records for themselves, or the records are well buried requiring repeated reminders to the coordinator to produce the information.

Researched Programs on the Berkeley Campus

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[22] UC Berkeley, *News Center*, "UC Berkeley Responds to Regent Moores' Report on Admissions." October 31, 2003

The programs selected for this study are mostly outside of the Vice Chancellor for Student Affairs' and other central campus administrative units. They were chosen overwhelmingly from those in science and engineering because these are the areas in which there are the smallest number of URM students. These programs are also complex in their funding and activities and inter-related to one another. Another consideration was to have a mix of formally structured programs such as those found in the College of Engineering (COE) or the Haas School of Business but also student run programs such as the Coalition for Diversity in the Boalt Law School and student run heritage programs under the Vice Chancellor for Student Affairs Office. Finally a few undergraduate scholarship programs were selected like the McNair Scholars Program which are both national and local. In the end around 25 programs were selected. They range from large, multi-function programs such as the College of Engineering Center for Underrepresented Students, which serves as the umbrella for several other programs, to single function scholarship programs. This sample illuminates the diversity in programs and program activity, as well as the variety of funders.

Before turning to a short discussion of specific programs–their central characteristics are in a table in the Appendix–the following discussion about the shared characteristics of the selected academic outreach and achievement programs provides a generalized basis for understanding their issues.

1. They may not target specific underrepresented populations. While this is self-evident, the consequences to those delivering the program are significant, and possibly overlooked. Many of the programs active today were created to serve just those populations, so program staff are deeply frustrated with the prohibition of 209 on targeting and their inability because of 209 to foster supportive heritage groups. Their activities may or may not be actively scrutinized for compliance with 209. They feel under scrutiny, however, and indeed things like invitations to an

informational recruiting meeting for students who have applied to Berkeley expressing an interest in a Science or Engineering major are required to be reviewed by the Director of Admissions before they are sent out. Autonomy is lost and their professional judgement now must be reviewed because of 209.

The consequences of not being able to target individual pupils or students when there are so very few URM students in these majors means that the number enrolling and graduating from Berkeley is unlikely to increase. The constellation of issues affecting URM participation in math and science in K-12 is so overwhelming that, to overcome all of them requires teachers/outreach personnel to work one on one with each pupil for several years. This is unlikely to happen in schools with low API indexes–usually impoverished, understaffed schools, using teachers with little to no background in math or science–and cannot happen through UC Berkeley outreach work even if programs are active in such schools. There are too many pupils in these circumstances for Berkeley outreach to make much of a difference for pupils of color. Those pupils lucky enought to be able to participate in Saturday academies, summer programs, and/or various forms of math and science enrichment usually are able to be accepted at a UC campus. Those likely to take advantage of these programs, however, are unlikely to belong to an group underrepresented in higher education. Targeting URM elementary school children is critical if ever the number of STEM bachelors degrees is to increase for this population.

2. Every program has specific partners and relationships with other campus programs and entities like the Admissions Office, the Yield Task Force, the Academic Senate; with department committees, with schools in the K-12 system, with state and federal agencies, with non-profit organizations, and with businesses. They also usually incorporate Berkeley students into their work– as clients and/or teachers, as they incorporate faculty. General operational effectiveness rests on smooth relations with program partners. These relationships can be both formal and

informal. Informal relationships play a highly significant role in getting things done, so the coordinator of any particular program is usually imbedded in a dense network of relationships. This informal network is critical to fulfilling their mandate.

3. Most programs suffer from uncertainty about funding. The interviews made clear that funding plays different kinds of negative roles in different programs. In one the program director only has 64% of her salary covered by her college. She either has to raise the rest of her salary through grants or donations, or get it paid from her dean's discretionary funds when unsuccessful. In two other programs the coordinators never know if their half-time salary will be funded the following year or not. This fosters high staff turnover. Funding also affects the extent to which any program can conduct its activities, since salaries, materials, computers, hall rentals, catering, etc. are not always regularly funded. It also affects whether a program will end as has been the case with centralized UCOP administered programs which were developed with an initial budget of $50 million from the state, now reduced to $17 million, and threatened in 2001-02 with no funding whatsoever.

On the other side, the many partner schools and community colleges are also affected by funding issues. A school district or an individual school may decide to withdraw funding for the UC partner program. This happens fairly frequently, so that the developed curriculum and trained students on the UC side has to woo another school, and is left high and dry until they do. An unforeseen, but significant change in funding allocation of UC partner schools was the *No Child Left Behind* Act which required the immediate diversion of funds for operating partner programs toward internal school priorities. This left many UC programs without viable partners.

Internal Berkeley funding issues are also related to:

4. Varying levels of institutional commitment to a particular program. To function properly every program needs copying, postage, clerical help, office supplies, a space in which to work,

computers, telephones and things of this kind. Salaries, and financial administrative services are a critical part of this. Whether all of this is available is an indicator of whether or not the outreach and retention function is fully integrated into a department's operations. This is not always the case. In one situation a very successful program supported by substantial external funding was made to feel entirely unwelcome in its home department. The program director was finally told to find another home for the program. In the meantime the original department would not process payments, student salaries and stipends, or facilitate the program's operations in any way. Other programs have to raise money for annual events such as recruitment meetings, and/or every year essentially beg their dean or another office for the funds to operate. Office location is also important for a program to function. If the program provides academic advising to undergraduate or graduate students, it needs an appropriate space, central to the department's office so as to be utilized by students. Some functions like the graduate diversity officers for biology, social science and the humanities were essentially in Siberia, housed in the gym in an open office for several years. If a student wished a confidential conversation, it must be held outside of this office.

Why diversity programs and their staff are treated the way they too often are–incomplete salaries, limited access to staff support, unhandy offices in satellite locations, required to raise funds for the program's operation from external sources–may reflect the tendency of their home departments to see "diversity work" as peripheral to the "real" work of the department. Faculty can all too often view student services work and staff work generally this way.[23] Proposition 209 seems to have only exacerbated this situation, robbing these programs of their legitimacy while

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[23] Anonymous, "Class Issues Outside the Classroom." *Academe*, September-October, 2006 pp.17-21. See UCB, *Task Force Report on Faculty/Staff Partnerships*, December 1999 http://bsa.berkeley.edu/Report_of_the_Task_Force_on_Faculty_Staff_Partnership.pdf

expanding the work performed as more whites and Asian students use the services the programs offer.

5. More consequences to staff when Proposition 209 passed: A very important issue raised by those coordinators who were running diversity programs in 1995 was the impact of the changed environment on them, not just on their students, or the broader perception among the population of color in the state that U.C. did not, or no longer welcomed them. A clear example of how Proposition 209 changed both the way in which programs could function and the climate in which the coordinator worked, is found in the Engineering Diversity Program. Prior to 209, all student applications for freshmen engineering majors were sent to the College of Engineering. Diversity officers had the opportunity to review applications and make recommendations for admission. If there was a possibility that the admitted student could profit from strengthening his or her math skills, the student was invited to participate in "boot camp." The applying student was also made aware of scholarships reserved for specific ethnicities or women (women are still "underrepresented" in Engineering). Diversity coordinators were free to organize informational meetings for specific ethnic groups, target minority schools and pupils for outreach programs, organize special welcome receptions, and engage in any activity which supported and encouraged minority and women students.

After Proposition 209 became law, none of these activities are permitted, although meetings and receptions for women are still taking place. Diversity officers no longer are able to review freshmen applications as admission is now a function of the Admissions Office. Comprehensive review by individuals unfamiliar with the rigors of the engineering curriculum can mean that inappropriate choices are made. This has a pronounced negative effect on who gets admitted and lowers the numbers of URM students to nearly nothing. The officer/coordinator in Engineering and elsewhere who had been previously free to engage in supportive activity, organize events and

programs, and work with students was abruptly halted in these activities, and was heavily scrutinized by faculty and legal counsel. As the number of URM students declined, coordinators' workload increased while experiencing a hostile atmosphere. There was also a degree of backlash as faculty opposed to Affirmative Action made it clear to some of the coordinators how delighted they were with the new situation. A few anecdotes have survived, one in which a senior professor gleefully informed the coordinator after 209 passed, that she had no longer any reason to exist on campus. In short, the atmosphere in which coordinators functioned was frequently poisoned and the individuals felt and were made to feel that they were under constant suspicious scrutiny. There was also a serious question at that time about whether coordinator positions would continue to exist. This situation occurred as coodinators observed that:

6. The most highly qualified URM students were not applying to Berkeley. Reacting to SP-1 and 209 applications from URM students with very high GPAs and SAT scores fell off as the overall number declined. If an applicant could meet the requirements of the UCB College of Engineering as a freshman, such an applicant would be accepted at any other top institution. A large number of these students simply do not apply to Berkeley, even if some do, private universities are much more attractive because they are able to offer full financial support. Berkeley simply does not have the resources to compete with such offers.

Programs Reviewed [See Appendix for a chart of all programs discussed]

The **College of Engineering Programs** were selected because of the many forms of outreach, recruitment, and retention activities they engage in within a fairly coherent structure at the College level. There are five major programs subsumed under the *Center for Underrepresented Engineering Students* targeting K-12 through graduate school. The programs and their coordinators/directors work with one another and report to the same Associate Dean for Special Projects, George Johnson. Some of their programs have overlapping populations. One example is

the Pre-Engineering Partners Program which works with graduate students in the NSF GK-12 program, faculty, undergraduates, and teachers in the participating schools, as a group called Applied Design Project Teams (ADEPT) to create and teach curriculum focused on engineering/math problems. Every program in COE is involved except the Julia Morgan Program. The Professional Development Program is also a partner. This is also one example showing how each director has responsibilities which extend beyond the boundaries of his or her program. All of them also work closely with campus student groups, student affairs programs, faculty and individual students. Sharing an office in McLaughlin Hall facilitates their cooperation, but as is all too characteristic of diversity programs, their office is moving in mid-October to another location.

Funding is a large concern to all of COE's programs. The current funding is from the National Science Foundation (NSF), corporate and foundation donors, an alumna bequest, alumni, UCB and COE. Coordinators/Directors as we have seen do not have all of their salaries funded by state funds (19900).

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[24] Sarah Hawthorne, *Proposition 209 Compliance Review: CUES Program.* UCB Academic Compliance Office, January 20, 2004. General Counsel James E. Holst to President Atkinson, December 11, 2000.

Although not reviewed as the other programs discussed in this section were, the programs of the Graduate School of Education (GSE) are presented as a contrast. It houses quite a few of the first developed and possibly best known academic enrichment programs such as the Bay Area Writing Project which began in the 1970s. In total it has seven outreach programs, nine research centers and twenty-three research projects all dealing with matters relevant to other campus and systemwide outreach programs. A major difference between their programs and others, however, is that K-12 education is the academic focus of the GSE. The programs they developed are integrated with teaching, research, evaluation, and the training of graduate students. They directly utilize the expertise of faculty engaged in this work and faculty rather than student affairs staff run these programs.

Conclusion

Academic outreach and enrichment programs based both on the Berkeley campus and in the Office of the President have expanded greatly since the passage of Proposition 209. The partners of each program are usually extensive, the number of people participating in all these programs as "clients" is in the thousands every year, although some campus programs for diversity such as summer research programs in science may have as few as 12 students. Notwithstanding all this effort, the real outcome is exactly as was predicted by the UCB Admissions Office in 1996. The main beneficiaries are Asian and white students whose participation rates have grown substantially. When UCOP reports that more than 30% of applicants to UC have participated in outreach programs, the great majority are from these two groups.

The data collected by UCOP supports this statement and points to another significant trend which works against students of color. The percentage of first generation students admitted to UCB has been steadily declining from 37% in 1994 to 22% in 2002. Likewise, students from

"low family income" (defined as $30,000 or less) has declined from 38.6% in 1994 to 24% in 2002. These two groups could possibly overlap with "underrepresented minorities," where the decline in admits is from 55.5% in 1994 to 23.3% in 2002. More recent data (2006) from the Berkeley campus show a very small increase in URM admits: 8 more American Indians, 22 more African Americans, 80 more Chicano/Latino. The total numbers in 2006 are close to the 1997 figures for American Indians (59 vs 69 in 2006) and (Chicano/Latinos 1,207 vs 1,266 in 2006). For African Americans, however, the gap is huge with 562 admitted in 1997, and only 298 admitted in Fall 2006[25]. The overall (average) admit rate for UCB was 24%.[26]

Apart from the growing gap in UC eligibility between URM high school graduates and all other groups, the numbers are affected by how many applications there are, how many freshman slots are available, and the structure of the admissions process. Even though comprehensive review was introduced after the rescinding of SP-1, admissions criteria have become increasingly stringent so that the top 4% who comprise Eligibility in the Local Context (ELC) tend to be admitted to Berkeley and comprise around one quarter of the admitted cohort. A CPEC report, *Moving the Goalposts; The Potential Effects of Changes in the University of California's Eligibility Requirements* (December, 2004) discusses the overall need for eligibility requirements to be tightened in order to bring down the 14.4% UC eligibility rate in 2003 to the 12.5% stipulated in the Master Plan. The calculations used in the report to consider how to tighten

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[25] UCB, News Center, UCB Press Release. Janet Gilmore, "Campus issues fall admissions data, 19 April, 2006 Http://www.berkeley.edu/news/media/releases/2006/04/19_falladmits

[26] UCB, News Center, "UC Berkeley admissions by ethnicity." April 19, 2006 http://www.berkeley.edu/news/media/releases/2006/04/19_admits_table.

eligibility requirements, "show that it will be difficult to bring eligibility closer to the Master Plan guideline without disproportionately affecting African Americans and Latino graduates."[27]

This recap of the situation about the dearth of underrepresented students admitted to Berkeley under the present circumstances shows that the situation is likely to get worse, not better if eligibility is made more stringent. Considered in conjunction with the evaluation of programs carried out by UCOP, in which the growth of programs, their reach into ever more communities, and the incorporation of ever more partners have shown to be of significant impact in improving the college readiness of high school graduates generally without significantly raising the eligibility of URM graduates, it is clear that without targeted outreach and academic achievement programs for URM pupils, they are going to be increasingly left behind. In short, Proposition 209 must be repealed.

Recommendations

The repeal of Proposition 209 is only the first step in making outreach and academic achievement effective. Those who direct or coordinate programs should have the job security enjoyed by many other academic staff on campus and be provided with the resources to run their programs effectively. The active and regular participation of faculty, many of whom are already involved with outreach and academic achievement work should be considered the norm. The new stipulation in the *Academic Personnel Manual* which provides a mechanism for faculty work on diversity to be recognized and rewarded in the PNT process should be realized through the active encouragement by deans and department chairs. [28]

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[27] CPEC, Commission Report 04-18, p.2

[28] UCB, *The Berkeleyan*, "Changes to the UC Academic Personnel Manual to recognize Diversity-related Activities." May 4, 2005. Refers to APM Section 210 which went into effect July 1, 2005

Academic culture is profoundly difficult to change and organizations as varied as the American Academy of Religion to the Academies of Science have been working for decades to promote the inclusion and EQUAL TREATMENT of women and persons of color. Overcoming bias and the discriminatory behaviors which accomplish it will certainly take time, but in addition to the activities of the Chancellor's Diversity Initiative a good beginning would involve the following:

1. Conduct a census of faculty activities in k-12, community college, undergraduate and graduate outreach and diversify work in order to:

    a. identify all those faculty involved in volunteer activities in this area.

    b. to learn what would make their activities possibly easier, pedagogically more informed or even how to start such work in schools and get access to students through the school structure. This census would be most effectively executed by hiring a student in each department armed with a standard questionnaire who interviews every faculty member in the department over a semester. The earlier effort of the Academic Senate to collect this information by means of a web based survey was ignored by faculty only 18 of whom actually filled it out.

2. Develop a comprehensive and transparent guide to all diversity related programs on campus including those in departments and all those in Student Affairs, the Undergraduate Vice Chancellor's Office, the Graduate School of Education, and everywhere else on campus.

    a. make this information available to faculty and every one else through a clearly organized website and e-mail

    b. create a mechanism so faculty can coordinate with well established programs and draw on the expertise of those who run them.

    c. include all other formal programs such as the Lawrence Hall of Science, Chabot Observatory, and others.

d. possibly distinguish between general education and outreach efforts specifically to recruit students to Berkeley.

e. possibly create a set of guidelines to assist faculty in this work

f. collect information on best practices from these programs and make it available to faculty in a systematic way

3. <u>Collect information on faculty grant applications for student support programs</u> on the same faculty census for programs like REUs, IGERTS, etc. This is to learn who have had or currently have a funded program, distinguished from those solely financing student research, and from those requiring an extensive parallel professional development/education program. Included are faculty who have been granted supplements to their main research grant for student support in summer or academic year research.

4. <u>Create specialized grant awardees directory </u>with this information and encourage sharing of actual grant winning text describing student professional development/education programs as well as detailed information about how the programs are run. [Since NSF applications go to different directorates, this shouldn't be much of a problem].

5. Create an evaluation capacity (i.e. by identifying individual experts who can assist in designing appropriate evaluation, or bringing them together through a central site or office).
Advertise the availability of this service which enables:

a. more successful grant applications for student support grants

b. creation of new student programs within these grants based on previously successful models

c. makes it possible to gather more analytical data on student participants and their control group useful for 1. General understanding 2. Supporting future grants and renewals with

documented outcomes 3. Providing information useful for department reviews and accreditation. 4.Assisting programs themselves in responding to data to improve.

<u>Last Word</u>

Proposition 209 has a deliterious effect on education at every level of education in the state and has substantially increased the exclusion of ethnic minorities from higher education. Repealing 209 is a necessary first step. However, for Berkeley outreach and academic enrichment programs to be successful, they require regularized funding, fully paid salaries for staff, and full institutional commitment to their success.