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THE EVOLUTION OF A SOCIAL CONTRACT: THE UNIVERSITY OF CALIFORNIA BEFORE AND IN THE AFTERMATH OF AFFIRMATIVE ACTION

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ABSTRACT

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Introduction

This brief essay covers the history of admissions at the University of California (UC), including the development of affirmative action programs in the 1960s and, more recently, the heated political battle over the use of race and gender preferences at the University. In an era of mass higher education, the debate over affirmative action has renewed a persistent question within democratic societies: who should and should not have access to a public university education?[1]

Two general themes will be discussed. The first reflects different stages in the historical development of UC admissions. Admissions has moved from a process intended to consider a large number of factors for providing access, to a more rigid system that includes the adoption of standardized tests beginning in the 1960s, and now full-circle toward a more dynamic process – yet without the tool of race and gender preferences.

The second theme revolves around the debate over affirmative action and points to a source of tension within higher education systems: how to define and create a meritocracy that provides opportunities for individuals, while also meeting the larger needs of society. To a degree unmatched by any other institution, public or private, education is a tool of socio-economic engineering. And as such it is often viewed as a public resource that must be allocated equitably. This tension mirrors another set of countervailing forces common to higher education systems: how to balance the goal of broad access with the necessity to maintain a rigorous academic environment. These tensions are at their height within an environment of increasing competition for admission to select public institutions, and/or decreasing public funding.

What will be the effects of the removal of affirmative action as policy tool for the University of California? The following provides a review of the evolving nature of UC's social contract. This then provides the basis for an analysis of recent enrolment data and offers conjecture on the future. The emphasis is on policy outcomes, and less on the policy process.

The Path to Equity?

In the United States, affirmative action was developed in the 1960s as a tool to help achieve a semblance of equity within an increasingly diverse population. It began as an effort to incorporate race *and* economic disadvantage in the process of decision making, including admissions to public universities and colleges. In the wake of the Civil Rights movement, affirmative action programs were formulated to achieve a larger social goal: Affording opportunities to distinct populations who have historically been underrepresented in public institutions (Graham, 1998; Bowen and Bok, 1998).

Race and economic disadvantage were to be one variable among many in the process of admissions decisions. A 1977 Supreme Court decision involving the University of California (the *Bakke* decision), while rejecting quotas, explicitly stated that race, ethnicity, and gender could be used as factors for admissions (in this case to the medical school at UC Davis). Yet the ascendance of race as a major factor in admissions at select institutions, such as the University of California, illustrates the difficulties of developing simplistic policy answers to complex social problems.

Race became not simply one variable among many, but a primary variable – a simple administrative remedy for increasing minority enrollment that, essentially, devalued other and more broadly accepted factors such as economic background and geographic representation. Separating race from these and other variables increased the political vulnerability of affirmative action programs (Douglass, 1996).

Thus far, the course of dismantling these programs has been initiated by individuals seeking redress for discrimination – what has been termed "reverse discrimination" – and by a general public apparently troubled by the explicit use of race in decision making (Glazer, 1975; Skrentny, 1995; Bergman, 1996). In 1995, a concerted political attack on affirmative action in California led the University of California's governing body, the Board of Regents, to formally ban racial and gender preferences in admissions, contracting and hiring. This was followed by a state constitutional amendment, Proposition 209. Approved by a majority of Californians, Proposition 209 extended this same ban to all state public institutions.

A similar state constitutional amendment was recently passed in the state of Washington. Florida may soon follow. A number of high profile court cases have also eroded the legal base for using racial preferences in public colleges and universities.

Despite these attacks on affirmative action, there appears to be a remarkable level of consensus that society should be integrated. The battles of the Civil Rights movement have created a new political context. In a society shaped by the ideal of inclusion, it is now widely recognized that access should be afforded to all segments of the population (Mills, 1994, Gates, 1996). Within this rubric, however, remains an often bitter discourse on how that might be achieved, the possible costs for individual liberties, and the larger impact on society and the economy.

Balancing the Social Contract with the Idea of a Meritocracy

Any fruitful discussion of the rise and fall of affirmative action is benefited by a review of the changing nature of admissions at the University of California. Within the landscape of American higher education, the University has gained a relatively high level of autonomy in managing its internal affairs.

It is one of the few public universities in the United States that has been designated a *public trust* within a state constitution, and thereby not directly subject to legislative prerogative and edicts. Admissions policy has historically been viewed as the purview of faculty and the institution.

Since the chartering of the University of California in 1868 by the state of California, admissions policies have attempted to balance what can be called the UC's "social contract" with the idea of a meritocracy. What has changed over time is the definition of this social contract, and the appropriate methods used to evaluate the academic abilities of a student. The 1868 charter, for example, mandated three general principles related to University admissions:

1. *Students should be admitted from throughout the state.*
2. *Enrolling at the University should be free to the citizens of the state for the purpose of encouraging admission of students from all socio-economic classes.*
3. *The admissions process should be free of political and sectarian influences.*

Another important principle quickly followed and was adopted by the University's Academic Senate and the Board of Regents in 1870.

4. *Women should be admitted to the University on equal terms with men.*

The results of this expansion of the social contract were significant. At a time when most colleges and universities in America either excluded women or had artificial ceilings on women enrollment (often around a magical 25 percent of all enrollment), women reached approximately 50 percent of all enrolled students at UC by 1900. Their numbers continued to climb as the University grew in the number of campuses – beginning with Berkeley, followed by the addition of the Los Angeles campus in 1919, and eventually a nine-campus system by the 1960s. This includes a medical school campus in San Francisco. Women as a percentage of all undergraduate enrollment fluctuated during this century, representing nearly 75 percent of all enrollment during World War II, and declining to 35 percent as veterans returned from the war and enrolled in higher education under the GI Bill.

Access, however, did not mean full equality. Particularly in the era before World War II, the subjects women majored in tended to focus on nursing, teaching and home economics, reflecting societal norms and gender discrimination. The number of women in graduate programs was also slow to develop (Clifford, 1995).

Another important variable in the University's social contract emerged in the 1880s that found articulation by president Daniel Coit Gilman (who later become the founding president of Johns Hopkins University).

5. *UC should be selective in its admissions policies. The purpose of the University of California is to focus on advanced training and research, reflecting the emerging model of the American research university.*

The principle that the University should remain a selective institution was reinforced in 1907 during a major era of expansion of public education and political reform. That year, state lawmakers passed an act creating the nation's first network of public junior colleges. The junior colleges, what are today called the California Community Colleges, quickly became the primary entry point into the state's higher education system, providing liberal arts education and vocational training, along with adult education in part intended to integrate immigrants into American society. Thirteen years later, legislation transformed the state's set of teacher training institutions into what would become a network of regionally based four-year colleges – what would emerge in the post-1960s as the California State University with twenty campuses.

In no small part, the development of the junior college and regionally based state colleges helped to both protect and further define the purpose of the University of California. Subsequent policy development in admissions was conditioned by the University's place within the tripartite system. This led to two other important principles:

6. *The University has an obligation to not only admit students within the selective parameters set by the University, but to set admissions standards that forecast a reasonable chance for collegiate success.*
7. *The University must find a place within one of its campuses for all students deemed "UC eligible" under these standards.*

In large part to meet this part of its evolving social contract, the University of California became the first multi-campus university system in 1919. That year UC acquired the state teachers college in Los Angeles.

The annexation of what became known as the "Southern Branch" of the University, and later renamed UCLA, was the result of regional political pressure; hence, it was not the outcome of some internal and rational policymaking process by University officials. A rapidly growing southern California population in the greater Los Angeles environs demanded a campus of their own. In effect, Berkeley alone could not serve the burgeoning higher education needs of the state. The University of California could either expand as a system, or witness the establishment of a rival public institution.

UCLA adopted the same set of principles and standards for admissions that Berkeley had developed. Under these systemwide policies, a student could become "UC Eligible" by passing a set of

courses at the high school level or taking a University exam. While there was no guarantee of which campus a student might attend if they became UC eligible, for most of this century there has been a close match of supply (enrollment spots) to demand (desire to attend a specific campus).

The "One University" model in admissions, as well as in faculty hiring, budgeting and other areas of management, was maintained as UC continued to expand in the number of campuses: Santa Barbara in 1944, and in the post-World War II era new liberal arts programs at Davis, Riverside, San Diego (each of which were previously research stations with limited instructional programs). In the 1960s new campuses were also established in Irvine and Santa Cruz (Douglass, 1997).

Hence, as early as 1920, access to higher education in California was directly correlated to a geographic dispersal of public institutions within a tripartite system, each with a specific mission, each serving designated constituencies, and each linked by matriculation agreements. California's higher education system had become greater than the sum of its individual parts. California's system, built in an era of political and social reform, offered an array of academic and vocational programs and alternative paths for talented students (Douglass, 1996).

The 1960 Master Plan Transition

A major shift in University admissions occurred with the development of the 1960 California Master Plan for Higher Education – a planning effort negotiated by the higher education community with major elements sanctioned by state law. The post-Master Plan era tells the story of the adoption of the Scholastic Aptitude Test (SAT), and the inclusion of race and ethnicity in undergraduate admissions decisions. Two factors forced the University to change its admissions policies and to again broaden the definition of its social contract.

First, California higher education faced the prospect of huge increases in enrollment demand – what was referred to as a tidal wave of students. This would result in the expansion of undergraduate programs and the creation of three new campuses. And second, California began a significant change in the cultural and ethnic mix of the state brought on by large-scale immigration to California. A result was a greater recognition of inequities in educational opportunity among minority populations. Both of these mega-trends resulted in a number of important, if somewhat disjointed, changes in UC admissions policy.

Table I. Census Estimate of California's Population Mix

	1940	1950	1960	1970	1980	1990	2000
Euro-American	96%	94%	92%	89%	76%	69%	55%
Minority	4%	6%	8%	11%	24%	31%	45%

Source: U.S. Census

Note: Possible undercounting of Chicano/Latinos particularly in pre-1970 data.

Pre-Master Plan Policies

Prior to 1960, and as noted previously, University of California admissions remained largely the purview of the University's Academic Senate – the representative body of the faculty established in the University's 1868 charter. The Senate allowed admissions decisions to be made at each campus by a committee of the faculty, supported by administrative staff. Yet the criteria for admissions was universitywide in scope. This included two major routes for access to a campus that in one form or another dated back to the 1880s.

At the freshman level, the majority of students entered as "Regular Admits," based on an average grade of a "B" (or 3 out of a 4-point scale) in required courses at public and private high schools accredited by the University. Approximately 10 percent of all students entered as "special admits," or what is now termed "Special Action." As early as the 1880s, the University recognized that the quality and funding of high schools varied tremendously. Special admissions were specifically designed to admit students from disadvantaged backgrounds, or with special talents or circumstances.

By the 1930s, Special Action admissions grew in importance as one means for the University to meets its social contract, representing between 35 and 45 percent of all freshman admissions at Berkeley

and UCLA in the immediate years following World War II and at the height of the GI Bill. By the late 1950s, Special Action remained an important alternative path for admissions at these two campuses.

These two paths of admissions, Regular and Special Action, offered a dynamic method to pursue the University's social contract, taking into account geographic representation, economic background, and other factors as criteria for admissions. The purpose was to both expand access to the University, and to enrich the academic environment of its campuses.

Two Master Plan Changes: Special Action and the SAT

The 1960 California Master Plan remains an international model for charting the course of a single system of tertiary institutions. Its primary focus was to modify the existing tripartite system to help manage future enrollment expansion. Less well known is the fact that the plan actually reduced access to the University of California.

In the face of dramatically increased enrollment demand, the 1960 Master Plan recommended the University raise its admissions standards. The objective was to reduce the pool of UC eligible students from approximately 15 percent of all high school graduates to 12.5 percent. This would redirect a portion of the University's future enrollment demand to the Community Colleges with lower operating costs, in essence reducing the overall tax burden of expanding California higher education while maintaining access. To accomplish this, the plan urged the adoption of the SAT as a selection tool and the reduction of Special Action to just 2 percent of the total admissions pool to the University. Despite this proposed shift in admissions policy, the UC still faced the prospect of a four-fold increase in enrollment.

In 1961, the University proceeded to lower the special admissions pool from approximately 10 percent to 2 percent. After much debate over the merit of the SAT as a predictor for collegiate success, it was not until 1968 that the University's Academic Senate finally agreed to require the test.

At first, the SAT was used only as an alternative method for a student to gain access to the University. It was, and remains, a secondary factor in determining UC eligibility, with grades in specific courses taken in high school remaining the most important factor for gaining access at the freshman and transfer levels.

By 1979, the University was confronted with the results of an eligibility study conducted by California Postsecondary Education Commission – a study mandated by the Master Plan as a method to insure compliance with the 12.5% standard. An analysis showed that UC was admitting students from the top 14.8% of all high school graduates. Grade inflation in the high schools – a problem that continues today – required another modification to the University's admissions practices.

In response, UC's Academic Senate then adopted the "Eligibility Index," a sliding scale index of GPA and SAT scores. The Eligibility Index provided a mechanism for recalibrating who was admissible. It also provided a guidepost for students to quickly ascertain if they were eligible to enter the University. Standardized tests grew in importance under the Index, but they remained secondary to grades: for example, students with a 3.2 GPA in required courses where UC Eligible, they simply needed to take the SAT. Their scores remained irrelevant in determining eligibility. Test scores became a factor for determining eligibility if a student's GPA was below this threshold. The scale, however, could be adjusted.

Race and Affirmative Action as a Counterbalance

Race did not emerge as a distinct part of the social contract until the 1960s, even though society at large remained deeply divided by race. Statistics verify that UC had more women enrolled than any other land-grant institution around the turn of the century, but there is no reliable source of historical data to account for minority enrollment beyond the registration of international students. In fact, beginning in the 1930s, University policy forbade the tracking of racial identity. Regental and Academic Senate policy deemed such data as "in conflict" with the goal of making admissions and hiring decisions "without regard to ethnic background."[2]

The raising of admissions standards, the reduction in Special Action admits, the shift to the SAT and the adoption of the Eligibility Index, however, conflicted with notable social and ethnographic changes. California's rapidly shifting demographic mix, the rise of the Civil Rights movement and the passage of the 1965 federal Civil Rights Act, each elevated the consciousness of Californians to inequities in access to higher education for minorities and economically disadvantaged groups (Takaki, 1993; Kinder *et al.*, 1996; Thernstrom, 1997). Under new federal mandates, the University began to systematically gather data on ethnicity in 1966. New data tracking California's population growth made it apparent that disparities were significant – particularly with large-scale immigration from Mexico and the Pacific Rim that has significantly altered the demography of California.

The desire of UC officials to reshape the social contract to include race, in part the result of external political pressure from state lawmakers and increasingly vocal minority groups, led the University to more directly address the problem of access for minorities. In particular, lawmakers in the state capital of Sacramento demanded that the University keep pace with the demographic shift.

At first, the University attempted a marginal resurrection of Special Action to help increase minority enrollments. In 1968, the same year the SAT was adopted, the University's Board of Regents approved expanding Special Action to 4 percent, to explicitly expand the enrollment of students "whose ethnic or economic background has disadvantaged them." In 1979, the year the Eligibility Index was adopted, Special Action was increased again to 6 percent – the official figure that is now used in University admissions, although many campuses do not make full use of this maximum allowance.

Yet this marginal use of Special Action as a tool for expanding diversity proved insufficient. In 1974, the California legislature mandated the eighth general principle for admissions for not only UC, but also CSU and the Community Colleges**:**

8. *University enrollment should reflect the racial, ethnic, gender, and economic composition of California's high school graduates.*

While the language adopted by the state legislature and the UC Board of Regents included traditional criteria, such as economic background, the political emphasis was on race and ethnicity.

In recent decades, America's political predilection has been to ignore issues of economic class and to define issues of equity and socio-economic mobility in racial terms. The legislature's 1974 action, combined with a genuine desire to increase diversity by the University's leadership, eventually led to the use of race and ethnicity in the Regular admissions process at UC.

Eligibility versus Selection

The University of California had created a policy framework in which eligibility was primarily based on school-specific criteria: grades in a prescribed set of courses. The SAT provided a comparative and non-site specific tool – largely an alternative path for eligibility. The University's social contract designated a place within the system for each eligible student. This provided UC with an ability to manage enrollment growth by, in essence, matching demand to capacity within the University's eight general campus system. However, two confluent factors changed the political context of decisionmaking and set the stage for the demise of affirmative action.

- Internal: University officials sought an undergraduate enrollment population that reflected the ethnic diversity of the state, and proceeded to make this a campus by campus goal – although the intent of lawmakers and the University's governing board was that it should be a universitywide goal. A parity model emerged for each campus to achieve. Its exact perameters remain undefined: should each campus mirror the demography of California, the ethnic mix of high school enrollment, or the ethnicity of the graduating class of public schools? The intent of the 1974 legislation was the high school graduating class. But the University left this undefined in its internal policies perhaps to avoid creating a set of standards that was, in the final analysis, virtually impossible to achieve in the near term.

- External: The growing perception among a California public that access to the University of California was not only a public good, but that an eligible student should have a right to attend the campus of their choice. Increasingly, and with the emergence of race-based interest group politics (a natural process in the wake of California's rich demographic mix), access to a particular campus became the focal point of public debate over equity.

The parity model and the public pressure for access to particular campuses combined to create a conundrum. In the early 1980s, the number of UC-eligible applicants increasingly exceeded the number of enrollment slots available at Berkeley and UCLA. The saliency of a Berkeley and UCLA degree, both real and imagined, helped to drive an insatiable demand for access to these two campuses, each of which have been relatively fixed in their total enrollment capacity. In 1975, for example, 7.7 out of 10 UC eligible students were accepted at Berkeley at the freshman level; by 1990, the ratio was 3.8 out of 10; and in 1999 the ratio was 2.7 of 10.

Moderate projections of growth in the number of applications, combined with Berkeley's long-term plan to maintain its total enrollment, provide a picture of continued competitiveness: by 2010,

approximately 1.7 out of 10 will gain admission to Berkeley – unless other non-traditional mechanisms are employed to expand enrollment, including instructional technologies.

Within the context of increasing competition for a limited supply of enrollment slots, beginning in the 1980s grades and test scores grew dramatically in importance in the selection process. As shown in Table 2, substantial and persistent disparities exist in UC eligibility rates. Within the eligibility pool, the same disparities arise in both grades and test scores. Both Euro-Americans and the state's rapidly growing Asian-American population have thus far achieved much higher scores in what is termed an "Academic Index" (GPA and test scores combined and weighted favoring grades, and providing the best indicator of academic success at the collegiate level as determined by collegiate grades). University officials, desperate to achieve greater diversity in campus enrollment, and with Special Action relegated to a relatively minor role as a selection tool, decided to reshape the selection process.

Table 2. Ethnic Composition of UC Eligibility Pool

	1983	1990	1996
African-American	3.6%	5.1%	2.8%
Chicano/Latino	4.9%	3.9%	3.8%
Asian-American	26.0%	32.2%	30.0%
Euro-American	15.5%	12.7%	12.7%
Total HS Graduates	13.5%	12.3%	11.3%

Source: California Postsecondary Education Commission

By the late 1980s campuses such as Berkeley and UCLA, largely on their own volition, created two Regular admissions tracks: one for Euro-Americans and Asian-Americans, and another for what is termed "underrepresented" groups. The selection criteria differed significantly. Race became an easy marker for effecting change in the student body. Within the zero-sum nature of admissions, affirmative action – relegated over time to the idea of racial preferences – had become not only a tool for inclusion, but also a widely perceived method for exclusion.

A Political Backlash and the End of Racial Preferences

In my view, the use of race, ethnicity, and gender in undergraduate and graduate admissions is historically consistent with the University's effort to meet its social contract – a variable as logical as geographic representation, the consideration of economic disadvantage, veteran status, and the University's past efforts to expand the number of foreign students to enrich the cultural life of the academy. How to balance the two goals of a meritocracy and the social contract of a public university is not a new debate. What has changed is the value of a higher education, and both the definition and the evaluation of merit and this contract.

In simplistic terms, and reflecting a deep political divide, merit has increasingly been defined in restrictive terms: grades and test scores. Both are quantifiable and, in theory, equitable standards for making admissions decisions. Similarly, the University's social contract has also been transformed into a restrictive formula: race and ethnicity, and to a lesser extent gender. As competition increased for access to campuses like Berkeley, opponents and advocates of affirmative action became more entrenched, the politics became more complicated.

University officials had aggressively pursued a policy of affirmative action not only in undergraduate admissions, but also in graduate admissions, the hiring of staff and faculty, and contracting. While providing few explicit policy statements supporting this program, previous members of the Board of Regents had given tacit approval. Fueled by the political attack on affirmative action as "reverse" discrimination, and a decidedly conservative swing by the Board of Regents, yet another addendum to admissions policy was made in July 1995.

9. *The University will not use race or ethnicity, or national origin, as criteria for admission to any program of study.*

The gist seems banal within the social constructs of a nation that professes equality. However, this edict rejected affirmative action in admissions, and reversed a substantial administrative machinery bent on meeting a goal of the institution that remains salient: attaining an undergraduate enrollment that

reflects the demographic mix of California. Indeed, in 1995 the Board of Regents reiterated its adherence to this policy goal. The source of debate has come in the appropriate process to reach this general goal. Two years later, and under a campaign managed by the same Regent that convinced the board to reject race preferences, Ward Connerly, the state constitutional amendment was passed by California voters as Proposition 209.

The consternation produced by the Regents' decision to ban racial preferences is considerable, but is not the focus of this article. While the debate over affirmative action has been divisive, one positive outcome has been a healthy and much needed review of how UC should approach the difficult issue of selecting and rejecting students. The end result has been a drift toward a more dynamic process for accepting students – one that reflects earlier, pre-Master Plan admissions principles. Revisiting the role of socio-economic and geographic diversity constitutes one part of the answer; resurrecting and modifying the University's outreach efforts another. Reducing the role of the SAT in the selection process is another potential variable that is being analyzed – although any change must be carefully evaluated, for each action has a consequence.

In allocating a limited resource, there will always be winners and losers. Within the evolving structure of interest group politics and a continuing debate over equity, public scrutiny and protests over perceived exclusion will expand and become perhaps even more heated.

A Preliminary Assessment of Impact

A great strength of the University of California has been its adherence to a "One University" concept. Articulating the University as a system of campuses, not simply a lose confederacy, helped to rapidly expand the number of campuses in the post-World War II era and manage enrollment growth. Within the stated obligation of UC to find a place for every eligible student, enrollment demand could be routed to campuses with excess capacity or room for enrollment expansion. Each new campus within the system, while steeped in the rationale of meeting regional economic needs, has had as its primary purpose enrollment expansion. A long-anticipated new campus now being planned in California's Central Valley is proceeding under this rubric.

The mechanics of enrollment management, including "redirecting" UC eligible students to a campus with capacity, has largely worked. And until relatively recently, Californians accepted it, understanding that meeting UC eligible criteria would result in access to a campus of the University; but not necessarily the campus of their choice.

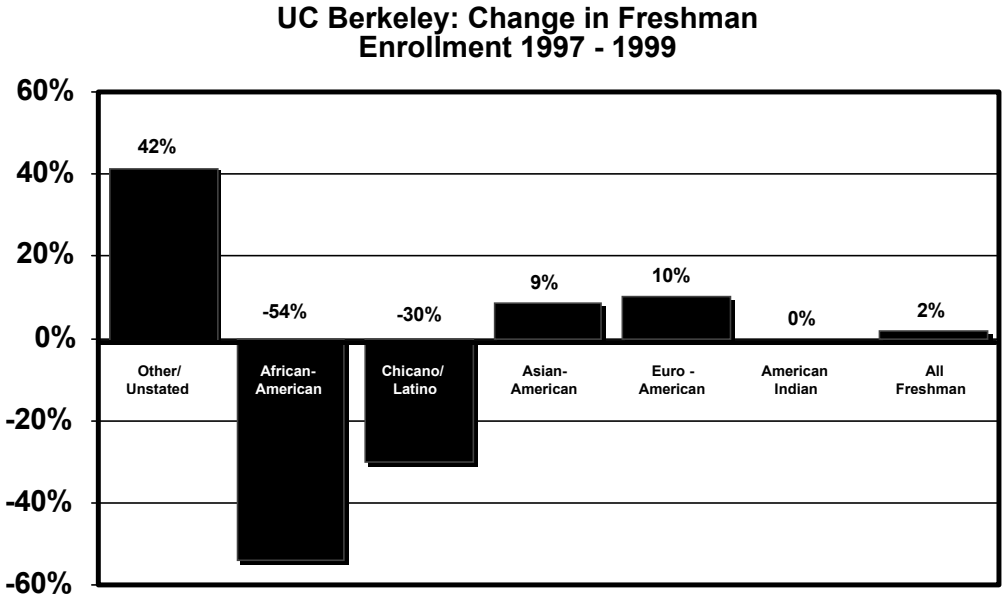
A Public Focus on Campus Level Analysis

The dynamics of increased enrollment demand at particular campuses, the elevation of race within the UC admissions process, and the parity model articulated for each campus, however, has significantly reshaped political discourse. There is a mismatch between UC's historic social contract and public perceptions – a mismatch exacerbated by a number of University management decisions, and more generally the difficulty of articulating the purpose of the UC's admissions policies within the context of increased demand and a heated debate over race and equity.

As a result, public discussion over the impact of ending racial preferences has focused on the enrollment mix at individual campuses, and particularly on the two most selective campuses, Berkeley and UCLA – although San Diego and a number of other campuses are becoming increasingly selective. Further, the attention of the media and critics of the Regents edict and Proposition 209 have tended to look at the course of freshmen enrollments as the primary indicator of the University's progress in pursing equity, while the role of transfer students has been largely ignored. Historically, transferring into UC from community colleges has been the most important route for low income and disadvantaged students to gain access to the University. Within the increasing aspirations and expectations of a California public, access at the freshman level has been viewed as the sole indicator of equity.

Within the limited framework of freshman admissions, the ban on affirmative action has had a significant impact on the ethnic composition at Berkeley, UCLA, and San Diego. At Berkeley, the oldest campus which has garnered the most national attention in the post-Proposition 209 era, freshman enrollment of African-Americans and Chicano/Latinos has dropped significantly: between 1997, when the ban went into effect, and 1999, African-American enrollment declined by 54 percent (see Figure 1).

Figure 1



Source: Office of the Associated Vice Chancellor - Admissions and Enrollment, University of California - Berkeley.

Perhaps more importantly, Chicano/Latino enrollment declined by 30 percent. California's Chicano/Latino population is the fastest growing segment of the population, followed by Asian-Americans, each currently representing approximately 35 percent and 18 percent of the state's people respectively. In contrast, African-Americans remain at around 8 percent of California total population, and will likely decline as a percentage.

A number of factors limit analysis of the post-Proposition 209 era. The structure and process of data accumulation on ethnicity is voluntary and reflects categories developed in the 1960s. This has raised increased skepticism regarding the validity of the data. Anecdotal evidence indicates that at least some applicants are savvy of the implications of identifying their race within an "underrepresented" group, and may do so fraudulently.

Others, it appears, have voiced their protest of any categorization by refusing to enter ethnic data. "Unstated" has been one of the fastest growing categories, exemplifying a lack of faith that race is truly no longer a factor in the admissions process.

Yet another and growing cohort in California are mixed race students who fit in no particular category or must choose one over another. Similarly, lumping Asian-American students in one category has been a source of criticism. This categorization represents a vast array of ethnic groups, many who are the children of immigrants and are first generation college students and from low-income families. Even with these caveats, ethnic data, particularly regarding self-identification among underrepresented groups, appears reasonably accurate.

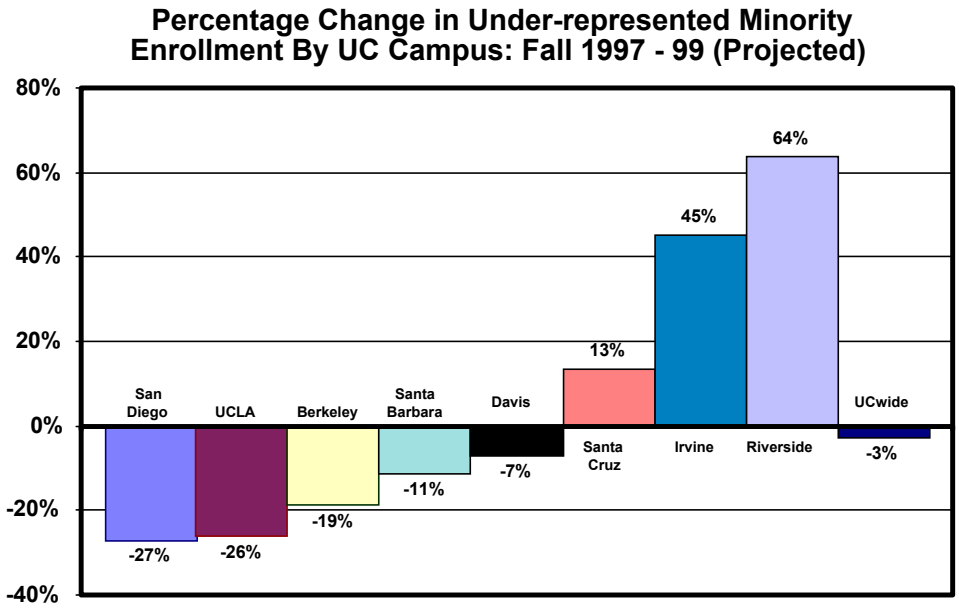
A Universitywide Analysis

A review of post-Proposition 209 ethnic data by campus, and at the universitywide level provides a more sanguine glimpse into the impact. As shown in Figure 2, preliminary data on freshman enrollment for Fall 1999 shows an overall drop in underrepresented minorities (African-Americans, Chicano/Latino, and American Indians) of 3 percent.

The significant drop in enrollment of these groups at San Diego, UCLA, Berkeley, Santa Barbara and Davis have been, in part, off-set by gains at Santa Cruz, Irvine, and Riverside – in general, less selective institutions with plans for large-scale enrollment expansion, but each also with high quality academic programs. The decline at the most selective institutions confirms the heavy reliance of pre-Proposition 209 on race in admissions decisions.

Similarly, a longitudinal look at the entire UC system and the impact of two years of admissions without the tool of race and ethnicity (gender being a largely inconsequential factor in undergraduate admissions) demonstrates that the racial composition of the University's undergraduate enrollment remains largely stable. The largest change in the short two-year cycle of admissions since 1997 is within the freshman admissions category of "unstated" – increasing from around 8 percent of all freshman admissions in 1997 to 16 percent in 1998, and now back to around 8 percent. Anecdotal information indicates that most of "unstated" incoming students are either Asian-American or Euro-American. Yet, preliminary indications for the 1999 cycle indicate that applicants have found some form of solace in the official end to racial preferences.

Figure 2



Source: University of California, Office of the President

Taken as a whole, the change in the University of California's eight general campus system is thus far marginal – again, not including the medical campus in San Francisco. Underrepresented minorities have declined by only 1 percent of the universitywide enrollment.

Yet clearly, two years of data does not make a trend. We are seeing the first initial indicators of a shift in the enrollment mix, but it is not clear that this will be a long-term trend. There are a number of variables that will have an impact on the racial and ethnic composition of the University students in future years. In large part, each is relate to the economic vibrancy and social context of a future California. These include:

- College-Going Rates

Historically, and with the exception of Asian-Americans, minority groups have consistently had low "college-going rates" – the number of students graduating from high school and then entering tertiary institution. The percentage of Chicano/Latino and African-American high school graduates who are currently UC eligible (based on the University's Eligibility Index) is only 3.8 and 2.8 percent respectively. In contrast, approximately 12.5 percent of Euro-Americans are UC eligible. Some 30 percent of all Asian-American high school graduates are UC eligible. These dramatic differences define the pool from which UC campuses can draw. The relative stability of these percentages since systematic data collection began in the early 1980s indicates the difficulty of altering the racial mix of students who enter the University.

Current studies have assumed that eligibility rates will remain stable. Recent trends in immigration, the persistent problems with poverty even in the midst of a healthy economy, and the decided decline in the quality of California's public schools, had led University analysts to project few changes in these rates. Hence, University- based analysis provides a bleak picture in the post-affirmative action era.

Table 3. Projected Ethnic Composition of UC Eligibility Pool, 2006

	High School Graduates	UC Eligibility Pool
African-American	8%	3%
Chicano/ Latino	38%	12%
Asian-American	14%	35%
Euro-American	36%	36%
Other/Mixed Race	5%	15%

Source: UC Office of the President

As shown in Table 3, the disjuncture between the number of high school graduates and the number of UC eligible students is greatest within the Chicano/Latino cohort. This group will likely represent some 38 percent of all graduates, but will have only 12 percent eligible to enter UC. A similar disjuncture for African-Americans may mean a decline in the proportion of UC's enrollment who are deemed underrepresented.

Yet the assumption about the limited socio-economic mobility of specific racial and ethnic groups may not be correct. Even a marginal increase in, say, the economic status of a segment of California's vibrant Chicano/Latino population could result in a higher eligibility rate.

A major effort is now underway by UC to help influence the high school experience of students from disadvantaged neighborhoods. Such "Outreach Programs" must avoid the explicit targeting of racial groups.

- Demographic Trends

The size of California's demographic shift will increase the size of UC's minority undergraduate population. A diverse student body is already in place. Indeed, minorities are already a majority cohort in enrollments. As shown in Table 4, Asian-American's constitute the largest single group, representing some 67 percent of the minority enrollment in 1997. But in the long term the tremendous growth in Chicano/Latino students will, even with low eligibility rates, increase their numbers and ultimately their percentage of the undergraduate population.

Table 4. Ethnic Mix of UC Minority Enrollment

	1980	1995	1997
American Indian	2%	2%	2%
African American	14%	7%	7%
Chicano/Latino	21%	25%	24%
Asian-American	54%	63%	67%
% Minorities of UC Total UG	24%	54%	56%

Source: UC Office of the President

- Public Funding for Enrollment Expansion

The University of California has, thus far, maintained its commitment to accept approximately the top 12.5 percent of high school graduates, and to accept all transfer students who have achieved a

minimum GPA in required courses. Yet there remains considerable concern that the University of California may have difficulty in acquiring the funding to sustain this portion of its social contract. In the next ten years, UC is projected to grow in enrollment by 25 percent. A significant erosion in state funding over the last decade has already increased faculty to student ratios. An upswing in the California economy has improved the funding base to UC. But total per student funding remains lower than in 1990.

As a public trust with a relatively high level of autonomy, the University may face important choices: Expand enrollment without adequate funding and the possibility of a decline in the quality of the institution, or limit enrollment and revise its social contract, or increase fees and tuition payments – or pursue both of these last two options. The external pressure by lawmakers who control budgets is to expand access at any cost; the internal predilections of UC officials and faculty is to maintain quality. Raising admissions standards could have a major impact on not only racial diversity, but also economic and geographic diversity. Similarly, increasing the cost of attending a UC campus, even with an aggressive financial aid program, could have a detrimental affect on improving access to disadvantaged groups.

- Changes in Admissions Policy

As noted, UC is already immersed in a process of reviewing and analyzing its admissions policy. The drift back to a more dynamic process of admissions has been accompanied by a renewed effort by the Academic Senate to develop policy and create alternative routes for admissions.

This has included a plan to resurrect school-specific criteria that is rationalized as not only helping with racial diversity, but economic and geographic diversity as well. By 2002, and in addition to the statewide criteria of accepting the top 12.5 percent of California high school graduates, UC will accept the top 4 percent of each high school class. Preliminary projections indicate that this will not have much of an impact on racial diversity; it may, however, improve both economic and geographic diversity. Other options could be considered, including once again expanding Special Action and other variables that are not explicitly race-based. For instance, there is a high correlation of race with economic disadvantage.

The Lost Rubric of Policy Goals

What should be the policy goal of the University of California regarding its undergraduate enrollment? As this essay has detailed, admissions policy has evolved as the institution has developed from a single campus in Berkeley to a huge nine-campus, $10 billion dollar operation. While the nine principles outlined provide a contemporary policy framework, there is no single and comprehensive statement of the goals of the University's admissions process. Instead, policy development has been incremental, and at times disjointed. Admissions policy has shifted and changed in relationship to political pressures, changing social morays and concerns, and in reaction to the practical problems of expanding enrollment within a multi-campus system.

Indeed, as pressure has mounted for access to UC, and a relatively new disjuncture between demand and supply at specific campuses has emerged, the University has tended to avoid specific statements of its policy goals. At least until the heated debate over affirmative action, the University was drifting increasingly toward a decentralized and localized structure of policymaking. The University's governing body, The Board of Regents, was not active in policymaking; nor had the Academic Senate retained its historical role in setting policy. The net result was a political disaster. When an increasingly conservative Board of Regents began to question the use of racial preferences within the context of a larger political movement against affirmative action, University leaders where hard pressed to articulate policy let alone accurately describe the practice at individual campuses.

How then can we assess the University's overall success in meeting its contemporary social contract? The 1974 mandate by the California state legislature, and the subsequent embracement of this policy statement by the Regents, provides one standard. To reiterate, this called for each segment in California's tripartite higher education system to "approximate" the "ethnic, sexual and economic composition of the of recent California high school graduates." Though the current debate is focused on the impact on individual campuses, and individual programs, this policy goal is universitywide in context. The variable of high school graduates is the pool of students that, ultimately, the state's public higher education system is obliged to serve. There has been no articulation of what "approximate" might mean; for example, should it be within 10 percent?

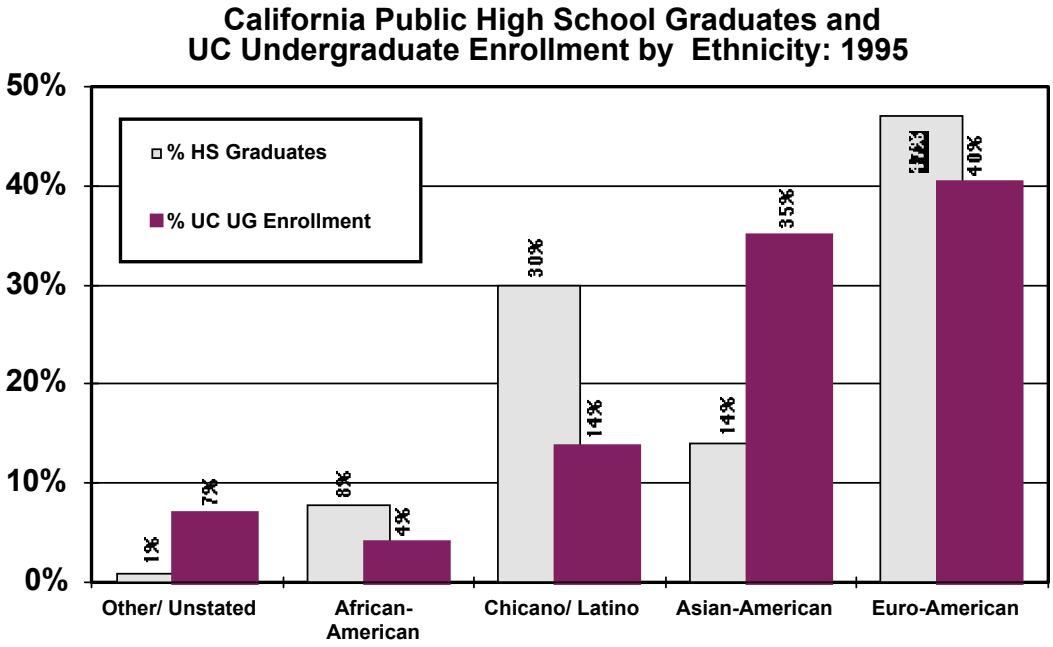
Further, neither the University of California nor the state agencies have attempted to systematically collect and analyze the "outcomes" of admissions policies in regard to this officially stated parity goal. And indeed, while there is sufficient data available to assess the ethnic and gender variables,

these is currently no database on the economic composition of high school graduates, and little on simply high school students.

Ethnicity Under the Parity Model

As shown in Figure 3, the disparity between the number of Chicano/Latino high school graduates is significant, reflecting the data on eligibility rates shown previously. Unknown among policymakers, however, is evidence that Euro-Americans constitute the second largest disjuncture within this parity model – at least in numbers. There is a probability that a number of "unstated" students are Euro-Americans, but even a generous estimate would not alter this peculiarity. Again reflecting data on UC eligibility rates, and a host of socio-economic problems, African-Americans represent 8 percent of the total number of high school graduates, and only 4 percent of UC undergraduate enrollment.

Figure 3



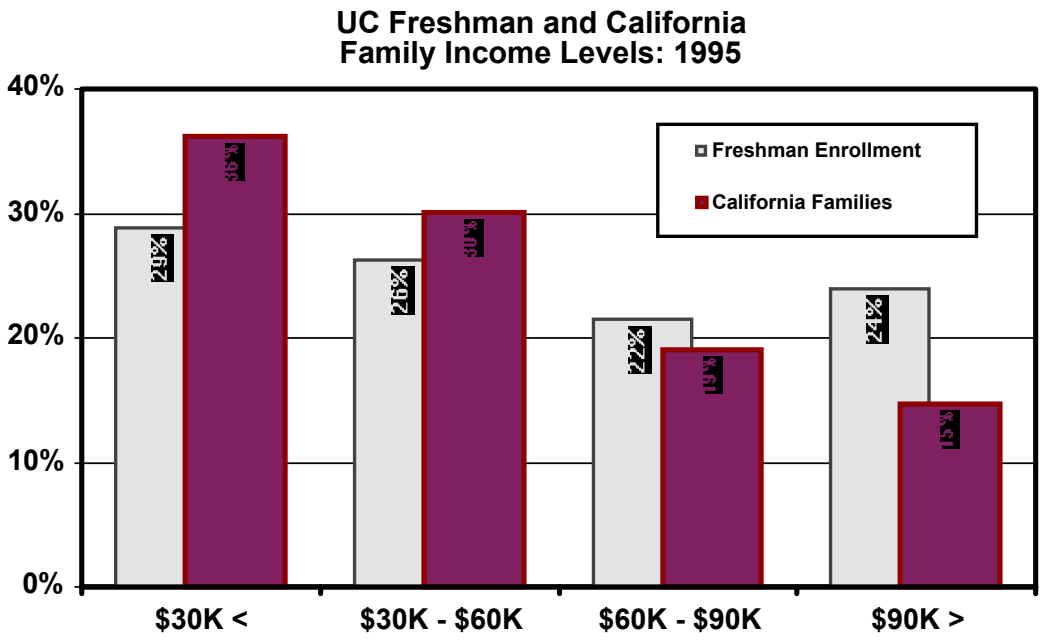
Source: Department of Education, California Basic Educational Data System; University of Califorina, Office of the President

Asian-American high school graduates not only have the highest UC eligibility rates, within that pool they are the most likely to then enroll in a UC campus. The result is that they are "over-represented" (in accordance with the lexicon of the parity model). Asian-Americans, the second fastest growing minority population after Chicano/Latinos, represent just 14 percent of California high school graduates in 1995, and a staggering 35 percent of the UC undergraduate population.

Income Under the Parity Model

As noted, there has been no systematic effort at gathering data on the income levels of high school graduates. However, there is the option of comparing the family income of Californians with the self-reports of UC students entering at the freshman level. Hence, while this does not provide the basis to compare the policy goal of UC enrollment "approximating" the economic composition of high school graduates, it does provide a general sense of the relationship of family income to enrollment at the state's public university.

Figure 4



Source: "Trends in the Distribution of UC Freshman By Parent Income," UC Office of the President, Student Financial Support, April 1997

As shown in Figure 4, there is a direct relationship of family income to enrollment at UC. Students at the lower level of family income, $30,000 or less, are the least likely to enroll at UC; students from families with incomes in excess of $90,000 a year are "over-represented" in this parity model. Perhaps of equal importance, UC appears to be enrolling at the freshman level a relatively close match of students from middle-income families.

Not surprisingly, a direct correlation exists between family income and test scores, with students from the higher income cohort acquiring dramatically higher scores. There is also a high correlation between race with family income. Yet internal UC studies show that restructuring admissions to rely on family income will not provide surrogate for the use of race – in part because many Asian-Americans, as well as many Euro-Americans in rural areas, form a substantial component of the lower-income cohort in California.

Projecting a Policy Future

The political salience of a higher education has brought increased scrutiny of virtually all aspects the academy's operations and culture. Admissions is no exception. Looking only at the policies and practices of the University of California, however, is to inspect the tree without looking at the forest. California's higher education system is only as good as the public school system that ultimately bears the burden of educating and encouraging students to enter a postsecondary institution.

Hence, the issue of diversity, of educational opportunity, and ultimately of the socio-economic well-being and prosperity of California, rests not only at the entrance gate to the University. The logic of California's pioneering public higher education system depends on a healthy and equitable network of schools. While there is much room for reducing the bureaucracy and improving the management and curriculum of California's schools, there is also a tremendous need to simply bring California to the national average on per pupil costs, or higher. Since the 1960s, California has plummeted from a per pupil spending average that ranked it among the top ten highest-spending states in the nation. Today it ranks among the lowest ten within the 50 states.

In the aftermath of the ban on racial preferences, the state of California and the University of California have attempted a more concerted effort to improve local public schools. UC has expanded its outreach programs, essentially attempting to inspire and improve the academic abilities of minorities and disadvantaged groups. The wholesale and singular embracing of race-based programs has given way to

more broadly-scoped programs and a more politically palatable criteria: economic disadvantage, geographic representation and special circumstances (for example, special talents and or family hardship). Similarly, the admission process is incorporating these variables in decisionmaking – essentially, a return to a more dynamic approach (Geiser, 1998).

The constructs of UC's admissions policy will continue to change. But what is the goal in regard to diversity? The parity model remains the formal policy of the University. Precisely because it is problematic, essentially elevating a larger societal goal over the rights of individuals, it remains a vague doctrine that neither UC officials nor the public fully comprehends. While it is steeped in the rationale of egalitarianism, the politics of its logical conclusion are substantial: only by limiting access of one racial group (or one economic category) can another "underrepresented" group gain increased access. This would mean systematically constraining access by "overrepresented" groups – namely, Asian-American students. The irony of such a path illustrates the complexity of seeking social redress.

Such conundrums point to the need for a larger policy framework for constructing and managing the process of admissions. As competition has increased in the game of admissions, the interests of specific groups have tended to drive public discourse, and the mechanics of the admission process has become the target of attention. As noted, it is a political process that can be found in other venues where public resources are allocated in an increasingly competitive environment.

It behooves the higher education community to attempt the difficult task of more clearly articulating its social contract, to define policies, and articulate goals. From this foundation arises a stronger ability to shape public discourse and public expectations. Certainly, this is a challenge in an era of increased government influence, court cases, reorganization of higher education systems, and often internal strife within the academy itself.

Yet academic institutions such as the University of California must more aggressively seek control of fundamental policy issues. Unless there are major structural changes that reduce the marketability of a university education (for example, the growth of virtual universities), the complexity of establishing a policy framework will only become more difficult as the post-industrial age matures.

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[1] This essay reflects a pending article in the *European Journal of Education* and is based in part on the forthcoming book *Affirming Opportunity: An Historical Analysis of the Battle Over Admissions at the University of California* (Vanderbilt University Press).

[2] Collecting data on ethnicity had been the source of considerable debate. In 1963 Governor Edmund G. (Pat) Brown requested ethnic data on the ethnicity of UC employed. The University refused. But the passage of the 1965 Civil Rights Bill and creation of a higher education data base and Federal funding altered the universities position.