

# CA PROPOSITION 209 AND BEYOND

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# CA PROPOSITION 209

- (a) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.
- (b) This section shall apply only to action taken after the section's effective date.
- (c) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting.
- (d) Nothing in this section shall be interpreted as invalidating any court order or consent decree which is in force as of the effective date of this section.

- (e) Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state.
- (f) For the purposes of this section, "state" shall include, but not necessarily be limited to, the state itself, any city, county, city and county, public university system, including the University of California, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the state.
- (g) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then-existing California antidiscrimination law.
- (h) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section

# IMPACT OF PROP 209

- Prop 209 took effect with the entering classes of fall 1998
- For the initial years, black and brown admissions to UCs and CSUs dropped by 40 per cent
- While both systems are still recovering, the UC system is having a harder time t its most elite campuses
- In the CSU system, several campuses are struggling to regain the admissions of black students
- Prop 209 had fall reaching effects beyond student admissions
- Recruitment and hiring of faculty and staff of color
- Even requesting race-based information, such as email addresses of black students for campus black graduation ceremonies was difficult
- Prop 209 attempted to establish color-blind campuses

# FIGHTING BACK

- Universities and colleges must decide what their campus communities should look like—who is represented
- Campuses must double down on diversity, equity and inclusion efforts—must move this commitment beyond buzz words to structural and systemic transformation
- Campuses should move to remove or minimize the role of standardized tests in admission decisions; these tests are culturally biased and emphasize a white cultural lens

# SDSU

- Campus Diversity works proactively to address systemic inequities . . . We aim to foster an affirming campus culture based on the core values of excellence, equity, diversity, belonging, and inclusion through:
- Recruitment and retention of faculty and staff who are reflective of the diverse student body and communities served by SDSU, and recruitment of students who are representative of the rich diversity of the region and the world;

- Enhancing the career pathways of a diverse faculty and staff, and enhancing the pathways, progress and success of diverse students in and through higher education;
- Cultivating relationships with the local community that advance the well-being of diverse individuals and communities;
- Strengthen institutional infrastructure for diversity, equity, and inclusion;
- Fostering an environment that is welcoming, affirming, and empowering for students, faculty and staff of all backgrounds.
- Close equity gaps and embed anti-racism across the curriculum

# FIGHTING BACK

- Strategic and significant outreach to communities of color must be a priority to increase the applicant pool of students of color, especially black and brown students. This can be done without even mentioning race
- Campuses must create welcoming communities so that black and brown students will want to apply to their school. Black, brown and other identity student resource centers, other retention efforts and hiring faculty who look like the students who campuses want to be a part of their community must be prioritized and financially resourced. Well-crafted cluster hires can be useful here



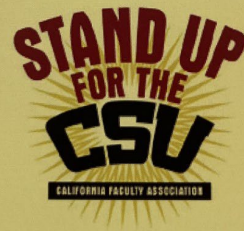
# RACIAL RECKONING

- During the summer of 2020 after the murder of George Floyd, almost every college and university in the nation made statements on how they were going to address systemic racism. They must be held accountable for these statements and we must demand that they put substance and resources behind them. If we eradicate systemic racism on our campuses we will attract, recruit, and retain the diverse students and faculty, especially black and brown ones

# Affirmative Action in CSU Employment

## Permissible Action in the Wake of Prop. 209

Pursuant to federal law, the CSU—a federal contractor—is required to institute Affirmative Action Programs to create a diverse faculty.



California Faculty Association • [www.calfac.org](http://www.calfac.org) • 916-441-4848



# CFA'S WORK: OUR WAY FORWARD

- Value Black lives.
- Uphold rights to protest anti-Black racism.
- Protect Black LGBTQIA+.
- Defund and remove armed, militarized policing from our campuses.
- Support the Ethnic Studies graduation requirement Assembly Bill 1460.
- Resource/establish Black Studies/Ethnic Studies Departments and Black Student/Resource Centers on each campus and other identity resource centers.
- Provide free tuition for Black, Native, and Indigenous students.

# CFA'S WORK: OUR WAY FORWARD

- Prioritize resources for mental health counseling, including hiring Black counselors.
- Establish and resource programs for criminal justice system-impacted students
- Implement racial pay equity.
- Recognize and reward the scholarship/creative works of Black faculty.
- Relieve cultural taxation of Black faculty and faculty of color.
- Transform the leadership of the CSUs so that it is truly representative of the communities served by the CSU.