



MEMORANDUM

TO: ASI Board of Directors **DATE:** October 15, 2020

FROM: **Amanda Tejada**
ASI Board of Directors, CLA **COPIES:** M. Maloney
D. Brummett

Alan Faz
ASI Board of Directors, CENG L. Lee
T. Watson

SUBJECT: Endorsement #21-01: California Proposition 16, the Repeal Proposition 209 Affirmative Action Amendment

Purpose of the proposed Endorsement: The purpose of this endorsement is to officially support California Proposition 16, the Repeal of Proposition 209, the Affirmative Action Amendment. This amendment would support Cal Poly's diversity efforts.

Background: California Proposition 209, the Affirmative Action Initiative, was on the ballot in California as an initiated constitutional amendment on November 5, 1996.

Proposition 209 added Section 31 to the California Constitution's Declaration of Rights, which said that the state cannot discriminate against or grant preferential treatment on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, and public contracting. Therefore, Proposition 209 banned the use of affirmative action involving race-based or sex-based preferences in California.¹

Proposition 16 is a constitutional amendment that would repeal Proposition 209 from the California Constitution. By repealing Proposition 209, the state government, local governments, public universities, and other political subdivisions and public entities would—within the limits of federal law—be allowed to develop and use affirmative action programs that grant preferences based on race, sex, color, ethnicity, and national origin in public employment, public education, and public contracting.² California is just one of eight states that do not allow race or gender to be considered in hiring or accepting students into the state's public colleges or universities.³

1 Proposition 209: Text of Proposed Law - <http://vigarchive.sos.ca.gov/1996/general/pamphlet/209text.htm>

2 State of California Amendment by Repealing Article 1, Section 31 - http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200ACA5

3 Joint Committee on Governmental Relations and Educational Policy agenda of the CSU - <https://www2.calstate.edu/csuo-system/board-of-trustees/past-meetings/2020/Documents/sept-20-23-GOVREL-EDPOL-Binder.pdf>

Cal Poly currently ranks as the least diverse student body in the CSU system with 54% of students identifying as white.⁴ As stated by ex officio member of the CSU Board of Trustees Lt. Gov. Eleni Kounalakis, the passing of Proposition 16 would remove a roadblock that hinders Cal Poly's ability to fight for more inclusivity in education and hiring.⁵

The CSU Board of Trustees endorsed Proposition 16 on September 23, 2020.

Requested Action: It is requested that the ASI Board of Directors endorse California Proposition 16, the Repeal Proposition 209 Affirmative Action Amendment and once endorsed it is sent to Jeffrey D. Armstrong, University President, and Justin Wellner, Director of Government Relations.

4 CSU First Time Freshmen Summary - [https://tableau.calstate.edu/views/FirstTimeFreshmanandCollegeTransfers/SummaryView? =true& embed=y&:render=true&:showAppBanner=false&:display_count=no&:showVizHome=no](https://tableau.calstate.edu/views/FirstTimeFreshmanandCollegeTransfers/SummaryView?%3Dtrue&embed=y&:render=true&:showAppBanner=false&:display_count=no&:showVizHome=no)

5 CSU Trustees endorse repeal of Affirmative Action Ban - <https://edsources.org/2020/csu-trustees-endorse-repeal-of-affirmative-action-ban/640467>