



## The Value of Diversity at the University of Arizona and the Impact of Proposition 107

*A message from President Robert N. Shelton*

Being able to function in a diverse community – one that features diversity in background, culture, religion, politics, ethnicity – is critical to success in our world. Thus, it is critical to the education we provide. We do not live in a homogenous world, and providing a diverse campus experience for our students will help us ensure the greatness that is expected of the University of Arizona.

On the subject of diversity, I want to be absolutely clear. Nothing is going to deter us from our commitment to honor diversity within the University of Arizona. We will vigorously work within the law to ensure that those whose voices are too often ignored or who have been historically underserved by our state will be welcomed at UA.

Proposition 107 is now the law in Arizona. I watched the result of a similar measure in California, and a mistake that was made there was in not communicating about the options for access that still existed at the university within the new legal structure. We will not make that mistake and will communicate broadly on the options that exist to be a part of the UA community. Proposition 107 will not limit access to our University.

At the University of Arizona, we are committed to be open and welcoming to all.

***["We will vigorously work within the law to ensure that those whose voices are too often ignored or who have been historically underserved by our state will be welcomed at UA."]***

Proposition 107 was adopted by Arizona voters on November 2, 2010, as an amendment to the Arizona Constitution. The amendment provides that the “State shall not grant preferential treatment to or discriminate against 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.” The term “State” is specifically defined in the amendment to include the University of Arizona.

## **1. Will the University continue to pursue diversity as one of its goals?**

Yes, the University will continue to pursue diversity in full compliance with Proposition 107. As stated by President Shelton, “On the subject of diversity, I want to be absolutely clear. Nothing is going to deter us from our commitment to honor diversity within the University of Arizona. We will vigorously work within the law to ensure that those whose voices are too often ignored or who have been historically underserved by our state will be welcomed at UA.”

## **2. Will the University consider race, sex or ethnicity in admissions decisions?**

No, the University will not consider race, sex, ethnicity, or national origin in making admissions decisions, consistent with Proposition 107.

## **3. How does Proposition 107 impact scholarship and financial aid programs?**

- University-funded financial aid programs will not consider race, sex, national origin or ethnicity, consistent with the requirements of Proposition 107.
- The University will not offer new scholarships that are awarded based on race, sex, national origin or ethnicity.
- Commitments and awards made prior to Proposition 107 will not be affected. Proposition 107, by its terms, “applies only to actions that are taken after the effective date” of the amendment.
- Federally funded aid is also unaffected, as Proposition explicitly permits the continuation of federally funded programs that include the consideration of such criteria otherwise prohibited by the amendment.
- Proposition 107 does not apply to private scholarships awarded by private entities outside of the University. The University may provide information about these scholarships to current and potential students, but is not involved in the selection process.

#### **4. How will Proposition 107 affect individuals who are members of federally recognized Indian Tribes?**

The United States Supreme Court has recognized that membership and enrollment in a federally recognized Indian tribe is a political classification, rather than a classification based on race or ethnicity. The University has established policies and guidelines that similarly recognize the unique sovereign status of Indian tribes and will continue to honor and develop those relationships. The University remains committed to working with these tribes and welcomes tribal members as students, staff and faculty of the University, consistent with Proposition 107 and the unique political and legal status of Indian tribes.

#### **5. Will Proposition 107 change the University's hiring practices?**

No, the University's hiring practices will not change under Proposition 107. The University does not discriminate in hiring, and those practices will remain unchanged. Obligations under current state and federal law, such as Title VII of the Civil Rights Act of 1964 and the Americans With Disabilities Act, prohibit discrimination in hiring (or other terms of employment) on the basis of race, sex, national origin, ethnicity, disabilities, or religion. The University will continue to seek diverse pools of highly qualified applicants.

#### **6. What about the University's "affirmative action plan" for hiring?**

The University does maintain an affirmative action plan for hiring, as required by federal law ([http://equity.arizona.edu/federally\\_mandated\\_placement\\_goals](http://equity.arizona.edu/federally_mandated_placement_goals)). Federal law requires the University, as a federal contractor, to take affirmative steps in the employment process in order to adhere to the equal employment opportunity and affirmative action provisions of Executive Order 11246 regarding race, gender, color, religion, and national origin. Proposition 107 specifically permits programs that rely on the receipt of federal funds to continue. The University's obligations under the affirmative action plan require the University to seek diverse applicant pools. As stated above, the University does not unlawfully discriminate in hiring decisions.

## **7. Will University clubs and other programs that focus on race, sex, ethnicity or national origin continue to exist under Proposition 107?**

Yes, University recognized clubs and programs are open to everyone and may continue to exist. All University programs and student groups are and have been required to adhere to the University's Non-Discrimination Policy (<http://equity.arizona.edu/policies>), which prohibits discrimination in membership and access on the basis of race, sex, ethnicity, national origin, and other protected categories. While some of these organizations and programs have as their mission the support of particular groups, membership and access are open without regard to those criteria.

## **8. How can the University comply with Proposition 107 and pursue diversity?**

Proposition 107 does not prevent the University from using legally permissible means to create a diverse and high quality student body and educational environment. The University will continue to pursue diversity using factors that are race and gender neutral. For example, race, sex, ethnicity and national origin are not criteria used in selecting Arizona Assurance Scholars, but the program does provide access for qualified Arizona students from low income families (<http://financialaid.arizona.edu/assurance>). For other examples of permissible approaches, see <http://www2.ed.gov/about/offices/list/ocr/edlite-raceneutralreport2.html> ("Achieving Diversity: Race-Neutral Alternatives in American Education, U.S. Department of Education").

## **9. Why does diversity matter at the University of Arizona?**

As stated by President Shelton, "Being able to function in a diverse community – one that features diversity in background, culture, religion, politics, ethnicity – is critical to success in our world. Thus, it is critical to the education we provide. We do not live in a homogenous world, and providing a diverse campus experience for our students will help us ensure the greatness that is expected of the University of Arizona."

Writing for the Supreme Court in *Grutter v. Bollinger*, 539 U.S. 306 (2003), Justice (and Arizonan) Sandra Day O'Connor explained the importance of diversity for education, national security, and the development of our citizens and future leaders:

*[T]he educational benefits that diversity is designed to produce . . . are substantial. . . "[C]lassroom discussion is livelier, more spirited, and simply more enlightening and interesting" when the students have "the greatest possible variety of backgrounds." . . . [N]umerous studies show that student body diversity promotes learning outcomes, and "better prepares students for an increasingly diverse workforce and society, and better prepares them as professionals."*

*These benefits are not theoretical but real, as major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints. . . . What is more, high-ranking retired officers and civilian leaders of the United States military assert that, "[b]ased on [their] decades of experience," a "highly qualified, racially diverse officer corps . . . is essential to the military's ability to fulfill its principle mission to provide national security." . . . .*

*We have repeatedly acknowledged the overriding importance of preparing students for work and citizenship, describing education as pivotal to "sustaining our political and cultural heritage" with a fundamental role in maintaining the fabric of society. . . . For this reason, the diffusion of knowledge and opportunity through public institutions of higher education must be accessible to all individuals regardless of race or ethnicity. . . . Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized.*