

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3442-20/FGA
September 17-18, 2020

**IN SUPPORT OF CALIFORNIA PROPOSITION 16, CONSTITUTIONAL AMENDMENT
TO REPEAL PROPOSITION 209 AFFIRMATIVE ACTION AMENDMENT (WEBER)**

- RESOLVED:** That the Academic Senate of the California State University (ASCSU) reaffirm [AS-3436-20/EX In Support of Assembly Constitutional Amendment \(ACA\) 5 \(Weber\) Government Preferences \(As Amended May 4, 2020\)](#) and [AS-2330-96/AA Support for Educational Equity Programs in the CSU - Opposition to the California Civil Rights Initiative](#); and be it further
- RESOLVED:** That the ASCSU support California Ballot Proposition 16 (2020), which would repeal Proposition 209, the 1996 state constitutional amendment that prohibits universities, schools and government agencies from using race, sex, color, ethnicity or national origin in decisions about public employment, education or contracting; and be it further
- RESOLVED:** That the ASCSU recognize that research suggests non-underrepresented racial groups receive little benefit from California Proposition 209 (1996) and their potential displacement by California 2020 ACA 5 is limited or non-existent; and be it further
- RESOLVED:** That the ASCSU distribute this resolution to Assemblymember Shirley N. Weber, the California Legislative Black Caucus, CSU Board of Trustees, CSU Chancellor Timothy P. White, CSU campus Senate Chairs, California Faculty Association (CFA), California State Student Association (CSSA), CSU Emeritus and Retired Faculty & Staff Association (CSU-ERFSA), Academic Senate for the California Community Colleges, and the Academic Senate of the University of California.

***RATIONALE:** Proposition 209, the constitutional amendment passed by California voters in 1996, prohibits universities, schools and government agencies from using race, sex, color, ethnicity or national origin in decisions about public employment, education or contracting. The ASCSU opposed Proposition 209 in [AS-2330-96/AA Support for Educational Equity Programs in the CSU – Opposition to the California Civil Rights Initiative](#) on the grounds that it would potentially perpetuate limited access to higher education for persons from specific racial/ethnic groups and jeopardized CSU*

educational equity programs that address the specific needs of students from underrepresented groups. Acting on behalf of the ASCSU almost 25 years later, the 2020-2021 Executive Committee reaffirms that position.

In June 2020, the killing of George Floyd by a Minneapolis police officer has been a catalyst for the entire country to engage in an unprecedented and very public examination of structural systems of racism that deny opportunity to, and jeopardize the very lives of, citizens of color, especially our Black sisters and brothers. As educators in the California State University (CSU) it is our responsibility to foster in our students the courage and intellect to critically engage those oppressive systems on a personal and social level. Proposition 209 prohibits the very race-conscious programs and initiatives that would allow the CSU to further diversify its faculty and student body, a necessary prerequisite to strengthening students' understanding of structural racism, allowing them to critically engage with and challenge racial stereotypes as participants and leaders in civic life, and preparing them for the workforce in one of the most diverse states in the nation.

The ASCSU joins the CSU Chancellor, the California Faculty Association, the Academic Senate of the California Community Colleges (ASCCC) and over 250 other educational and social justice leaders and groups in supporting ACA 5. California has changed since 1996. ACA 5 is a means for voters almost a quarter of a century later to reconsider the original decision to pass Proposition 209. The ASCSU Executive Committee acts on behalf of the full ASCSU when, as in this instance, there is imminent apposite legislative action.

Sources

- *ACA-5 Government Preferences*
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200ACA5
- *AS-2330-96/AA Support for Educational Equity Programs in the CSU – Opposition to the California Civil Rights Initiative*
- *CSU Chancellor Timothy White Letter to The Honorable Shirley Weber, June 8, 2020*
- *Alexi Koseff, California's affirmative action ban, Proposition 209, targeted for repeal, San Francisco Chronicle, March 10, 2020*
<https://www.sfchronicle.com/politics/article/California-s-affirmative-action-ban-15121025.php>

- *ACA 5 Passes Appropriations Committee, Next Vote in Full Assembly, June 4, 2020*
<https://equaljusticesociety.org/2020/06/04/aca-5-passes-appropriations-committee-next-vote-in-full-assembly/>
- *Zachary Bleemer, Affirmative Action, Mismatch, and Economic Mobility After California's Proposition 209, CSHE 10.20 (August 2020)* <https://cshe.berkeley.edu/publications/affirmative-action-mismatch-and-economic-mobility-after-california%E2%80%99s-proposition-209>
- *Sandra E. Black, Jeffrey T. Denning, and Jesse Rothstein, Winners and Losers? The Effect of Gaining and Losing Access to Selective Colleges on Education and Labor Market Outcomes, October 2019,*
https://economics.yale.edu/sites/default/files/rothstein_-_winners_and_loosers_abstract_10_2019.pdf

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