DATE: May 30, 2002

TO: Board of Trustees

FROM: Dr. Philip R. Day, Jr. Chancellor

Subject: SPECIAL
Opposing the Classification By Race, Ethnicity, Color or National Origin Initiative, known as the “Racial Privacy Initiative”
(Resolution No. 020530-S3)

BACKGROUND INFORMATION:

Effective January 1, 2005, if passed, this initiative would amend the California Constitution to prohibit state and local governments from using race, ethnicity, color or national origin to classify current or prospective students, contractors, or employees in public education, contracting or employment operations. Prohibition also covers persons subject to other operations of government unless Legislature finds compelling state interest, authorizes by two-thirds of each house, and Governor approves. It does not prohibit classification by sex.

"Classifying" is defined as separating, sorting, or organizing persons or personal data. Exemptions include law enforcement descriptions, prisoner and undercover assignments, and action taken to maintain federal funding. The Legislative Analyst and Director of Finance estimate this measure could save the state annually from several million dollars to in excess of $10 million beginning in 2015.

It is vital for school and community college districts and all postsecondary educational institutions to continue to collect race and ethnicity data to assist in ensuring fair and equal access for all to every educational institution, whether as a student or an employee. Furthermore, it is vital for the State of California to determine if the number of people of color who are enrolling in or working for an educational institution is increasing or decreasing.

The “Racial Privacy Initiative”, an initiative that the American Civil Rights Coalition, including the University of California Regent Ward Connerly, is attempting to qualify for the November 2002 California ballot, would make it almost impossible to enforce California’s laws against racial and ethnic discrimination.
Federal law prohibits discrimination on the basis of race and ethnicity. Passage of this initiative would make it nearly impossible for an applicant to bring suit on the basis of disparate impact. Furthermore, it would make it equally impossible for an employer or institution to defend their practices against such a suit.

This initiative would turn forty years of antidiscrimination case law on its head. It goes against the basic tenets of the Equal Employment Opportunity Commission and Title VII. It flies in the face of everything that City College of San Francisco stands for in the area of equal opportunity and access. This initiative contradicts City College’s vision of creating and fostering a diverse and caring community, where all people are afforded equal opportunity to share in the benefits of education and employment.

RECOMMENDATION:

RESOLVED: That the Board of Trustees opposes the passage of the Classification By Race, Ethnicity, Color or National Origin Initiative, an initiative to amend the California Constitution and better known as the “Racial Privacy Initiative”, on the November 2002 ballot.

Trustee Johnnie L. Carter, Vice-President, Originator
Trustee Rodel E. Rodis, President, Originator
Trustee Julio J. Ramos, Originator