Honorable Board of Trustees of the
San Francisco Community College District

Subject: Resolution No. 960829-S9
Opposition To Proposition 209, The California Civil Rights Initiative, On The November 5, 1996 Statewide Ballot

President and Members:

The California Civil Rights Initiative is a measure which on its face prohibits public entities from engaging in discrimination against or preferential treatment for any individual or group on the basis of race, sex, color, ethnicity, or national origin in public employment, education or contracting. It further explicitly does not prohibit bona fide qualifications based on sex which are reasonably necessary to the normal operation of employment, education or contracting.

However, the term “preferential treatment” is not an existing legal term. It is also unclear how “bona fide” qualifications will be utilized. Thus, the initiative may be subject to unpredictable interpretations such that extremely undesirable outcomes may result. Such outcomes might include the elimination of recruitment programs designed to assist minority youth in applying to college; the elimination of MBE/WBE programs designed to counteract prior discrimination in district contraction; the elimination of outreach and recruitment efforts aimed at encouraging persons belonging to underrepresented groups to apply for entry-level or promotive positions.

The following resolution is recommended for adoption:

WHEREAS: Local governing boards are empowered in Education Code Section 70902 as a legislative enactment of Section 14 of Article IX of the California Constitution to initiate and carry on any activity, or otherwise act in any manner which is not in conflict or inconsistent with any law, or the purposes for which community college districts are established;

WHEREAS: Education Code Section 72121 and Chapter 9 (commencing at Section 54050), Division 2 of Title 5 of the Government Code, require local governing boards to take actions which affect the district at public meetings, where deliberations are available to anyone, and all opinions can be freely aired; and

WHEREAS: It is a responsibility of the local governing board to acquire and analyze information about measures which affect the district; and

WHEREAS: The Board of Trustees of the San Francisco Community College District has thoroughly reviewed information on Proposition 209
and has provided for full and open discussion of the issue at this regularly scheduled meeting of the Board.

NOW THEREFORE BE IT RESOLVED: The Board of Trustees of the San Francisco Community College District concludes that the passage of Proposition 209 would have a detrimental impact on the District and on the educational opportunities of the students it serves.

Recommended for Adoption:

Lawrence Wong
James Haskell Mayo II
Andrea D. Shorter