

JOINT RESOLUTION #002-2023
TO COMMUNITY COLLEGES NATIONALLY
BY CALIFORNIA COMMUNITY COLLEGE TRUSTEES & ADMINISTRATORS AFFINITY CAUCUSES
DENOUNCING THE SCOTUS DECISION ON COLLEGE ADMISSIONS

WHEREAS, the United States Supreme Court's recent decisions in *Students for Fair Admissions, Inc. v President and Fellows of Harvard College* and *Students for Fair Admissions, Inc. v University of North Carolina* undermined more than four decades of precedent that had legally recognized as compelling interest the educational benefits of racially diverse student populations in higher education.

WHEREAS, we, the affinity caucuses, remain committed to supporting historically underrepresented students in transferring to public and private colleges and universities that may now need to reassess their admissions programs due to the legal restrictions set forth by now the SCOTUS decisions, and we present this joint resolution to convey to community college trustees and administrators nationwide that racial equity could still be promoted despite the SCOTUS decision.

WHEREAS, we are deeply concerned that the judicial decisions of such a daunting nature could have damaging repercussions and chilling effects among college trustees and administrators who are managing these new legal restrictions and could cause them to overinterpret out of fear and take actions far beyond the laws' requirements.

WHEREAS, our caucuses believe that higher education has proven to be the best strategy for the social and economic mobility, including as a promising equalizer for many people of color who have historically faced institutional racism and overt and covert denial of equal opportunity and equitable access to education itself.

WHEREAS, higher education's interest in promoting a racially diverse student population is exceedingly compelling, as the Supreme Court of the United States had previously outlined the educational benefits that arise from racial diversity: "the destruction of stereotypes, the promotion of cross-racial understanding, the preparation of a student body for an increasingly diverse workforce and society, and the cultivation of a set of leaders with legitimacy in the eyes of the citizenry."

WHEREAS, in response to the SCOTUS decision, the leadership of the University of California, California State University, and California Community Colleges have maintained that their respective institutions are still committed to racial diversity, equity, inclusion, and belonging as core values, despite operating under the legal restrictions of Proposition 209 for over twenty-five years, and we, as leaders of the 73 community college districts in California, have continued to make measurable progress on racial equity in student access and success, including racially diversifying California community faculty, despite the legal restrictions of California's Proposition 209.

WHEREAS, the State of California witnessed a decline in the racial diversity of student bodies at universities across the state following the passage of Prop. 209 in 1996 that prohibited the use of race as a factor for admission into institutions of higher education, similar to the Supreme Court's recent rulings striking down race conscious admissions for UNC and Harvard's admission policies;

WHEREAS, community colleges, including California's community colleges, with our open access and already richly diverse and talented student population serve as pathways to diversifying universities, and community colleges will need to continue advancing racial diversity and closing racial student success gaps in transfers to diversify many of the transferring universities, both public and private universities nationally in light of the SCOTUS decisions;

WHEREAS, the **African American Community College Trustees and Administrators Association** (a.k.a., "the Black Caucus") agrees wholeheartedly with Justice Ketanji Brown Jackson in her dissent that "deeming race irrelevant in law does not make it so in life" – a statement that reflects the lived experience of Black students and families, understands the reality that the decision will harm underrepresented communities, and alludes to the constant, real struggle in educating the nation on the state of race relations in our country.

WHEREAS, the **California Association of Latino Community College Trustees and Administrators** (CALCCTA), a statewide coalition of Latino/a/x community college leaders and advocates focused on achieving access, equity, and opportunity for historically underrepresented communities, agrees with Justice Sonia Sotomayor in her dissent that, "The majority's vision of race neutrality will entrench racial segregation in higher education because racial inequality will persist so long as it is ignored" – a statement that affirms the long-standing precedent of affirmative action has benefited Black, Asian Pacific Islander, Native and Latino/a/x students in higher education and that recognizes race-conscious strategies translate to the racial diversification of our colleges and universities nationally, and, hence, the democratization of our society.

WHEREAS, the **Asian American Pacific Islander Trustees & Administrators Caucus** (AAPITA) believes policies that actively fight racism and correct the historic impacts of xenophobia and racism are necessary for a just and diverse society; particularly in college admissions where education is the greatest equalizer; AAPITA stands with the majority of the Asian American Pacific Islander (AAPI) community in supporting affirmative action and denouncing the SCOTUS decision, as AAPI students will not be used as a politically convenient wedge on issues of racial justice.

WHEREAS, the **LGBTQ+ Caucus** is a vibrant and diverse community, representing individuals of different sexual orientations, expressions, gender identities, ethnic and racial backgrounds, and intersecting identities, who deserve equal rights and who as a community continue to be marginalized, the LGBTQ+ Caucus in solidarity with our fellow Caucuses, uphold that affirmative action is a necessary and just approach to rectify past and ongoing injustices, by actively

promoting equal opportunities, representation, and inclusion for LGBTQ+ individuals and all members of the broader community.

WHEREAS, the **California Community Colleges Women's Caucus** (CCCWC), which advocates through an intersectionality lens for change and policies that will identify and advance opportunities and achieve equity for students, faculty, staff, and administrators, CCCWC agrees with Justice Sonia Sotomayor in her dissent that “The majority’s vision of race neutrality will entrench racial segregation in higher education because racial inequality will persist so long as it is ignored” - a statement that understands the differential access and student success for Black and Brown students, persistence of racial bias (unconscious or implicit), and need for greater workplace diversity across higher institutions.

WHEREAS, the **California Community Colleges Veterans Caucus** stands united with our community college colleagues in their support of educating the country on the state of race relations; we recognize that servicemembers of color have served the nation in spite of racial inequalities they have faced and continue to face; as our country grapples with the pervasive issues of race and inequity, we support a national dialog that recognizes this to be true and seeks to educate, enlighten, and inform our citizenry.

WHEREAS, as California community colleges have learned and experienced since the passage of Proposition 209, community colleges across the nation should and could still promote racial equity and equitable protection through anti-racism work at the structural, cultural, and individual levels in areas such as curriculum, teaching pedagogy and andragogy, student services, remedial education reform, focused outreach, racial data analysis and reporting accountability, equitable financial aid, student basic needs, equity programs such as dual enrollment, budgeting, and faculty diversity while still complying with the SCOTUS decisions.

NOW, THEREFORE, BE IT RESOLVED, on this day of September 20, 2023, the caucuses call on trustees and administrators at the 932 public, 35 tribal, and 71 independent community colleges to advance racial equity for students at the structural, cultural, and individual level, while complying with legal restrictions such as the SCOTUS decisions, and to commit to increasing the college’s racial equity efforts for the benefit of students while recognizing that community colleges serve as pathways to racially diversifying the universities;

BE IT FURTHER RESOLVED, the caucuses encourage the colleges to actively push back against repressive legalism and not overreact and overinterpret the SCOTUS decision to the detriment of students of color and their equitable access and success, and to inform their respective campus community about this possible chilling effect caused by the SCOTUS decisions.;

BE IT FURTHER RESOLVED, the caucuses encourage colleges, particularly the counseling division, transfer centers, and financial aid department, to learn more about how the universities are making changes to their admissions process so that historically underrepresented students could still have an equitable opportunity to be admitted and how

they could express how their racial and ethnic identity in their transfer application as allowed under the recent SCOTUS decisions; and

BE IT FURTHER RESOLVED, the caucuses jointly affirm our commitment to racial diversity and racial equity at our college campuses, and encourage every community college across the nation (as we have encouraged our California community colleges) to engage with its students and amplify their students' voices while passing a similar resolution to send a clear message to its students, local communities, and faculty, staff, and administrators of its unyielding commitment to racial equity.

Barbara Calhoun, Trustee, Compton CCD

President, *African American Community College Trustees and Administrators Association (AACCTA)*

Sue Chan, Trustee, Ohlone CCD

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Jose Fierro, President/Superintendent, Cerritos CCD

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Rowena M. Tomaneng, President, San Jose City College

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John C. Hernandez, President, Irvine Valley College

Co-Chair, *Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) Caucus*

Wanden Treanor, Trustee, Marin CCD

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