

## Abstract

How the University of California has adapted to a race-conscious ban on faculty hiring

In 1996, California voters passed Proposition 209, which effectively banned state and local government affirmative action programs, including those in public education, when they granted “preferential treatment” on the basis of race, sex, color, ethnicity, or national origin. By 1998, enrollment of African-American and Hispanic/Latino(a) students at the University of California (UC) system dropped precipitously. Although some losses have been recouped, student enrollment diversity still lags that of graduating high school seniors. But lagging even more is faculty diversity: systemwide, only 13% of ladder-rank and equivalent faculty are from underrepresented ethnic groups. All UC campuses have experimented with strategies for hiring - not primarily to achieve diversity (which would be illegal in California) - but instead to hire faculty demonstrably committed to extending educational opportunities to students from groups that have been historically underrepresented or underserved. There are ways UC campuses have achieved incremental success with this goal, while remaining fully compliant with California legal restrictions, but the approaches require strategies that are innovative and non-traditional, sometimes controversial, and yet appear to be consistent with the recent Supreme Court of the United States ruling: “At the same time, as all parties agree, nothing in this opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.”