On November 5, 1996, 54% of voters in California cast a ballot in favor of Proposition 209, the California Civil Rights Initiative, which “prohibits the state, local governments, districts, public universities, colleges, and schools, and other government instrumentalities from discriminating against or giving preferential treatment to any individual or group in public employment, public education, or public contracting on the basis of race, sex, color, ethnicity, or national origin.” Initially, Proposition 209 had a devastating effect on the racial and ethnic diversity of the student body at several schools within the University of California system.

Initial anti-affirmative action efforts in Michigan failed, with residents voting against the initiative. The Supreme Court also upheld the constitutionality of the University of Michigan Law School’s admissions program when it issued its decision in Grutter v. Bollinger in 2003. However, on November 7, 2006, 58% of voters in Michigan cast a ballot in favor of Proposal 2, which amended the state constitution to “prohibit state and local government from discriminating against or granting preferential treatment to any individual or group based on race, sex, color, ethnicity or national origin in the areas of public employment, public contracting and public education.” The effects of Proposal 2 on diversity at the University of Michigan are still unknown, but they are likely to be more devastating than those of Proposition 209 at schools such as the University of California-Berkeley and UCLA.

Unlike the state of California, which is richly diverse in terms of race and ethnicity, the state of Michigan is over 80% white. The diversity of perspectives that is cherished and celebrated by the University of Michigan community and MJR&L is threatened with the passage of ballot initiatives like Michigan’s Proposal 2, which bans the use of race and gender in school admissions. With the recent passing of Proposal 2 and the Supreme Court decisions regarding voluntary desegregation in public schools, it is crucial to maintain an open dialogue regarding race and education.

The Symposium will explore a broad range of questions concerning the current effects of Proposition 209 in California and the potential effects of Proposal 2 on public university education and leadership within the state of Michigan, potential legal alternatives to affirmative action, and existing and emerging efforts to remedy K-12 educational disparities, among other things. Most notably, we present this Symposium with the hope of preserving the University of Michigan’s long-standing commitment to diversity and as an answer to University of Michigan President Coleman’s request to “Show others what a U-M education looks like.”
Saturday, February 9, 2008

8:45 a.m. Breakfast
9:45 a.m. Keynote Address
Dean Frank Wu
10:10 a.m. Break

This panel focuses on the likely impact of the passage of Proposal 2 on public university education in Michigan by examining the effect of Proposition 209, the California constitutional amendment similar to Michigan’s, on California public universities. Panelists will examine whether Michigan universities will have an equivalent experience to California universities by looking at the similarities and differences between the two states in regards to economics and class, racial and ethnic diversity, and local and statewide politics.

Panel II: Measuring Diversity in Other Ways: Potential Legal Alternatives to Affirmative Action

The focus of this panel is on the use of anti-discrimination laws to achieve racial diversity. Topics will include the relationship between race consciousness and other demographic characteristics that could be used to obtain and maintain racial diversity.

Panel III: Existing and Emerging Efforts to Remedy K-12 Educational Disparities

This panel focuses on public efforts to achieve classroom diversity. Panelists will discuss the methods public universities have embraced when faced with restrictions on the use of race and gender classifications.

3:10 p.m. Break
3:25 p.m. Panel II: Measuring Diversity in Other Ways: Potential Legal Alternatives to Affirmative Action

5:05 p.m. Break
5:15 p.m. Closing Keynote Address
Dean Guy-Uriel Charles

6:30 p.m. Dinner Banquet (Campus Inn)

Symposium Panels


Panel II: Measuring Diversity in Other Ways: Potential Legal Alternatives to Affirmative Action

Panel III: Existing and Emerging Efforts to Remedy K-12 Educational Disparities

Speakers

Susan Benton, Partner, Winston & Strawn LLP, Chicago

Guy-Uriel Charles, Interim Co-Dean & Russell M. & Elizabeth M. Bennett Professor of Law, University of Minnesota

Sumi Cho, Professor of Law, Depaul University College of Law

Matthew Fletcher, Assistant Professor of Law & Director of the Indigenous Law & Policy Center, Michigan State University College of Law

Kim Forde-Mazrui, Justice Thurgood Marshall Distinguished Professor in Law, University of Virginia School of Law

Luis Fuentes-Rohwer, Associate Professor of Law, Indiana University School of Law-Bloomington

Cheryl Harris, Professor of Law, University of California at Los Angeles School of Law

Emily Houh, Professor of Law, University of Cincinnatti College of the Law

Michael Kaufman, Professor and Associate Dean for Academic Affairs, Loyola University Chicago School of Law

Freada Kapor Klein, Founder and Board Chair, Level Playing Field Institute

Margaret Montoya, Professor of Law, University of New Mexico School of Law

Daria Roithmayr, Professor of Law, University of Southern California Gould School of Law

Frank Wu, Dean and Professor of Law, Wayne State University Law School