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AR 39 In Support of The University of Texas and Its Stance in Fisher v. University of Texas at Austin

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WHEREAS, The University of Texas at Austin student population is currently comprised of 4.6% Black students, 17.8% Asian students, 20% Hispanic students, 0.1% Hawaiian or Pacific Islander students, 0.3% American Indian students, 1.2% multiracial/multiethnic (two or more ethnicity/race excluding Hispanic and Black) students, and 50.4% White (non-Hispanic) students¹; and,

WHEREAS, The State of Texas population is currently comprised of 11.8% Black residents, 3.8% Asian residents, 37.6% Hispanic or Latino origin residents, 0.1% Native Hawaiian and Other Pacific Islander residents, 0.7% American Indian and Alaska Natives residents, 45.3% White (non-Hispanic) residents in 2010²; and,

WHEREAS, President Powers has expressed his commitment to maintaining a diverse student body, as shown in his statement, “As the flagship university of Texas—and as an institution that expects from itself nothing less than the absolute best—The University of Texas at Austin must tap into the diversity that our state embodies.”³; and,

WHEREAS, One of the six core values of The University of Texas at Austin is Individual Opportunity, which includes maintaining “diverse people and ideas”⁴; and,

WHEREAS, Provost Steven Leslie has stated “The University of Texas at Austin values diversity and fosters a climate that is grounded in respect and inclusion,” and “Increasing diversity is absolutely fundamental to the success of the university.”⁵; and,

WHEREAS, The University of Texas, in accordance with the State of Texas HB 588, implemented the Top 10% rule in 1997 in order to pursue a diverse student body.⁶; and,

WHEREAS, The Supreme Court upheld admissions policies similar to the policy used by The

¹ www.utexas.edu/academic/ima/

² www.census.gov

³ http://www.utexas.edu/diversity/about/message_powers.php

⁴ <http://www.utexas.edu/about-ut/mission-core-purpose-honor-code>

⁵ http://www.utexas.edu/diversity/about/message_lelie.php

⁶ <http://www.legis.state.tx.us/billlookup/History.aspx?LegSess=75R&Bill=HB588>

University of Texas at Austin in *Grutter v. Bollinger* in 2003;⁷ and,

WHEREAS, Justice Sandra Day O'Connor, speaking for the Supreme Court in *Grutter v. Bollinger* stated, "that a 'critical mass' of underrepresented minorities is necessary to further its compelling interest in securing the educational benefits of a diverse student body."⁸; and,

WHEREAS, The admissions policy of The University of Texas at Austin is currently under scrutiny in the case *Fisher v. University of Texas*, in which Abigail Fisher is suing the University in hopes of overturning the University's admissions policy that takes race into account as one of a vast number of considerations when evaluating a student's application and potential admittance; and,

WHEREAS, The Federal District Court ruled in favor of The University of Texas at Austin, writing "the Court finds the University of Texas at Austin's admissions policy, and specifically its consideration of race as part of the admissions process, to be narrowly tailored to further a compelling government interest and thus constitutional under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution"⁹; and,

WHEREAS, The United States Court of Appeals, Fifth Circuit upheld the lower Federal District Court's decision, stating "...we affirm the constitutionality of the University's program as it existed when Appellants applied..."¹⁰; therefore,

BE IT RESOLVED, That The Student Government at The University of Texas at Austin asserts that there is a great value to the University and its students, faculty, and staff in maintaining a diverse student body that reflects the vast people and ideas present in the state of Texas; and,

BE IT FURTHER RESOLVED, The Student Government at The University of Texas at Austin supports the University's commitment to maintaining diversity as being an integral component of the university's success and the success of its students; and,

BE IT FURTHER RESOLVED, That the Student Government applauds the university's continued attempts to pursue recruitment and retention of a diverse student body, and would like to see these attempts continue to grow and develop further; and,

⁷ <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=02-241>

⁸ <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=02-241>

⁹

scholar.google.com/scholar_case?case=7056507313427213262&hl=en&as_sdt=2&as_vis=1&oi=scholar

¹⁰ <http://docs.justia.com/cases/federal/appellate-courts/ca5/09-50822/09-50822-cv0.wpd-2011-02-02.pdf>

Final Version

BE IT FURTHER RESOLVED, That the Student Government supports the university and President Powers in their position in *Fisher v. University of Texas*; and,

BE IT FURTHER RESOLVED, That copies of this resolution be delivered to the Board of Regents, the Office of the Chancellor, the Office of the President, the Office of Executive Vice President and Provost, the Vice President of Student Affairs, the Department of Diversity and Community Engagement, the Office of the Dean of Students, the Office of Admissions, the Office of the Vice President of Legal Affairs, The Austin American-Statesman, The Texas Tribune, The Horn, and The Daily Texan.