

The Demise of Affirmative Action Presents Another Barrier for Chicanos/Latinos in Higher Education

By Isidro Ortiz, Ph.D. and Patrick Velasquez, Ph.D.
Co-Chairs, San Diego Chicano/Latino Concilio on Higher Education

The June 2023 decision by the U.S. Supreme Court declaring affirmative action policies a violation of the constitution and therefore illegal presents yet another barrier for Chicano/Latino communities that seek access to higher education. As in other recent decisions, the court ignored years of SCOTUS precedent that affirmed the educational value of a diverse student body, along with diverse faculty and curriculum. The evidence of such educational benefits was well documented by higher education scholars, including Chicanas/os such as Sylvia Hurtado at UCLA.

Of course, affirmative action policies in California's public life has been illegal since the passing of Proposition 209 in 1996. Those in California higher education committed to racial equity have spent the past twenty-seven years applying surrogates for race in admissions, scholarships, retention programs, and faculty and staff hiring. Some selective universities adopted the practice of assigning weight in the admissions process to students from "educationally disadvantaged" high schools, as Black and Chicano/Latino students, respectively, tend to be well represented at such schools. Colleges and universities sometimes required faculty candidates to submit a "diversity statement" to document how their research, teaching, and mentoring would contribute to institutional diversity and equity.

Some of these strategies have been relatively effective. Among the undergraduate University of California campuses, California's most selective public institutions, most are Hispanic Serving Institutions, i.e., at least 25 percent of their enrollment is Chicano/Latino students. Not surprisingly, three campuses that are not an HSI, UC Berkeley, UC Los Angeles, and UC San Diego, are the most selective and uncommitted to equity. At least UCB and UCLA have a timeline in which to become an HSI. UCSD does not.

Most of the country will now have to consider strategies used in California since 1996. That's assuming that they have the will to do so. Even though several other variables are used in college admission to provide students greater likelihood of admission, such as low-income status, first-generation college status, foster youth status, athletic and other talent, alumni status, etc., we are now in an era in which white people are seemingly more reluctant than ever to acknowledge the impact of systemic racism on Chicanos/Latinos and other people of color. Numerous California scholars such as Rodolfo Acuña and Mario Barrera, and more recently, Kelly Lytle Hernandez, have documented the establishment and maintenance of a racial hierarchy that consigns Chicanos/Latinos to a subordinate racial position in all aspects of U.S. society. It is estimated that by 2030, Chicanos/Latinos will be one third of the nation's K-12 students. The increase in our Chicano/Latino population has been accompanied by racial demagoguing that capitalizes on anxiety, fear, and animus among whites. Thus, the strong

reluctance among whites to accept affirmative action, as doing so would require acknowledging that all whites benefit from the unearned privilege provided by systemic racism.

Here in San Diego, our SD Concilio continues to monitor the enrollment of Chicano/Latino students in our local colleges and universities. Applying a benchmark that we make up over 30 percent of San Diego County, most local institutions have reached parity in their enrollment. Some, such as California State University San Marcos and Southwestern College, have far surpassed that percentage. Our greater focus, which will be required in colleges and universities throughout the U.S., is on the institutional conditions that contribute to successful outcomes among our Chicano/Latino students. Again, we look to the scholarship of Chicanas/os such as Gina Garcia, who coined the term “servingness” to describe how higher education institutions must transform their conditions. Many factors that our SD Concilio has fought for over decades, such as Chicano/Latino leadership, faculty, and curriculum, provide the elements of such servingness.

Another California scholar, Shaun Harper at the University of Southern California, responded to the recent SCOTUS condition by listing several likely outcomes from the court’s decision. One prominent outcome is the likelihood that colleges and universities will also pull back from any consideration of scholarships, retention programs, and faculty hiring that use race as a factor, even though the SCOTUS decision only addressed college admissions. Harper also emphasized that any institution committed to transforming toward authentic equity must develop and implement a strategic plan to do so. No longer can our colleges and universities pursue equity and diversity in a haphazard manner with inadequate resources, administrative priority, coordinator, and community input. Racial equity must be a top priority in our colleges and universities, and symbolic gestures are insufficient.