



# EQUAL OPPORTUNITY

Last legislative session, Rep. Curt Oda (R-Clearfield) introduced HJR 24, a resolution that urges adoption of a constitutional amendment banning equal opportunity programs. While the resolution was not successful in gaining passage last year, it appears that it will be reintroduced in the 2011 session.

Those pushing HJR24 insisted that it was simply an attempt to ensure that “the government will treat everyone the same.” This assertion reflects several common misconceptions about equal opportunity policies, also known as affirmative action programs. It assumes that without equal opportunity efforts, no racial biases or gender discrimination currently would influence hiring and admission procedures in Utah. Although the United States is often thought of as a “meritocracy,” where only hard work – in a fair competitive environment – ensures an individual’s success, race and gender still play a large role in who gets the best jobs, and who gets into a particular college or university.

However ardently we might wish it were not so, race and gender do still matter in Utah and in the United States. Equal opportunity programs allow local and state agencies to remove discriminatory barriers that can limit the diversity of skills, experience and viewpoints represented on their staffs and among those they serve.



## **THE ACLU OF UTAH’S POSITION:**

Equal opportunity programs ensure that all Utahns have the same opportunity to succeed in our state. These programs strengthen our state’s economy and our diverse communities.

## **TALKING POINTS ON EQUAL OPPORTUNITY:**

Legislation that would eliminate equal opportunity programs in public education, employment and contracting in Utah is unnecessary and mean-spirited.

There is no evidence suggesting that current equal opportunity programs are hurting Utahns. Additionally, we do not know the ways in which adopting such a constitutional ban might have unintended and harmful consequences within our state. This issue demands careful, deliberate consideration and study before being voted on by the legislature.

Equal opportunity policies are not “quota programs.” Quotas have been unconstitutional for decades. Rather, equal opportunity programs take many forms, including: outreach, recruitment efforts, and the use of non-traditional criteria for hiring and admissions. Under current law, state and local agencies are able to tailor their own equal opportunity policies, but they are already prohibited

from discriminating against anyone on the bases set forth by HJR24. We hope that legislators will see this proposed amendment for what it truly is: an unnecessary attempt to tie the hands of policymakers at state and local agencies, colleges and universities as they design equal opportunity programs specifically tailored to their own needs.