The Gender Impact of the Proposed Michigan Civil Rights Initiative
Executive Summary

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March 2005
The Michigan Civil Rights Initiative (MCRI) is a proposed amendment to the state constitution, (submitted to be on the ballot in November 2006), that would prohibit all state and local government entities, including schools, from discriminating or granting preferential treatment based on race, sex, color, ethnicity or national origin in public employment, public education or public contracting. Although described as a civil rights initiative, the MCRI appears to confer no additional civil rights on the basis of race, gender, ethnicity or national origin. With proper enforcement, existing state and federal laws are clear and adequate. This research is an attempt to explore the program and policy areas that may be affected in Michigan, and the potential impact on the lives of women, their families and their communities should the MCRI gain passage in 2006.

The language of the MCRI is very similar to California’s Proposition 209, which is used as the basis for analysis of potential impact in Michigan. Prop 209 has been interpreted broadly by the California courts, resulting in the erosion of efforts by state and local governments to reach out to women and minorities in order to reverse historic discrimination and exclusion by providing fair and equal access to opportunity. Many programs providing access and exposure to education, employment and business opportunity for girls or women and minorities have been challenged, eliminated or amended, including breast cancer screening, battered women’s shelters, science and math programs for girls, summer and after-school programs and teacher training programs. A lawsuit currently pending under Prop 209 challenges all programs providing services or funding targeted for women in California. This suggests that Michigan programs that consider gender, as well as race and ethnicity, could become illegal if the MCRI is passed.

Immediately following the passage of Prop 209 women experienced a number of losses. Women-owned businesses reported a dramatic decline in the number of bid opportunities and contracts for state work. The University of California also reported an immediate decline in the number of women hired for tenure-track positions. Enrollment of women in non-traditional programs such as engineering, computer science and mathematics also declined. The number of women employed in the skilled trades dropped by a third. The impact of the elimination of pipeline programs such as summer and after school education and outreach is emerging. Elimination of pipeline programs has been linked to declining enrollment in non-traditional fields such as computer science and engineering.

The MCRI is intended to apply to “all functions and all levels of state and local government in Michigan.” It does not provide for exceptions for the health and well-being of affected populations, but instead seeks a blanket ban on targeted programs based on gender, race and ethnicity. Should the initiative pass, and implementation proceed according to the intent of the amendment, the following kinds of programs could be vulnerable:
Gender-specific community or public health programs, such as breast, cervical and prostate cancer screening, breastfeeding promotion, or prenatal smoking cessation.

• Domestic violence programs.

• Science, math or technology programs for girls or minorities.

• Summer and after-school programs for either boys or girls.

• Recruitment and support programs for high school and community college students in career education programs that are nontraditional for their gender, such as men in nursing or women in skilled trades.

• Apprenticeship, education and training programs for non-traditional occupations.

• Higher education funding for minority health professionals, who are more likely to practice in under-served communities.

• Outreach and funding for women and minority math, science and technology teachers.

• Review systems designed to monitor and address barriers to achieving full participation, such as discrimination based on race, ethnicity, gender, age, or disability.

• Government outreach programs that ensure that women- and minority-owned businesses have a fair chance to secure government contracts.

• Scholarships, fellowships and grants for women and minorities at all levels of education.

Women have made significant gains in employment and education during the last thirty years, helped along by civil rights laws that forbid discrimination and require efforts to promote equal opportunity; however, the average woman working full time still earns less than the average man. In Michigan, a woman who works full time, year round earns $.67 to every dollar earned by a comparably employed man. Additionally, women's life experiences can differ from men's in ways that constrain their educational and employment opportunities and cause them to need particular services from government, employers, or educational institutions more often than men do. Barriers women face more often than men include:

• Being single parents,

• Being impoverished by divorce,

• Having primary responsibility for child care and home-making,

• Experiencing domestic violence or sexual assault as obstacles to education and employment,

• Being involved in the welfare system, which supports only very limited education, and

• Receiving lower wages.

Women still lag significantly behind men in physical science, technology, engineering, mathematics and business degrees, especially at advanced levels, and therefore in the jobs for which those degrees are required, as well as in the skilled trades and other heavily “male” jobs. “By 2010, one in four new jobs will be ‘technically oriented,’ or involve computing,” however women fall far
behind in earning computer technology degrees and working in computer technology related professions\textsuperscript{14}.

In the last 35 years, families have come to rely on two incomes in order to reach or remain in the middle class\textsuperscript{15}. In fact, increases in real income for families since 1979 are in large part the result of women entering the workforce.\textsuperscript{16} In Michigan, the loss of manufacturing jobs is accelerating these trends. Redevelopment of the Michigan economy from a manufacturing to a knowledge-based economy will require a highly qualified and technologically educated workforce, in which women’s talents and skills will be indispensable.

Evidence from California suggests that Prop. 209 has eroded access to education, job training, and other opportunities for women. There is ample evidence to support expectations that passage of the MCRI in Michigan would result in a similar pattern of lost services and restricted opportunities. Full access to opportunity strengthens not only women but their families, communities, and the state.

To view the full report go to: \url{http://www.cew.umich.edu/PDFs/pubs/mcri05.pdf}

\textsuperscript{2} “Proposition 209”, passed November 5, 1996, enacted, now embodied in the California Constitution, Article I, Section 31.41. Hereafter Prop. 209.
\textsuperscript{3} After Prop. 209 passed, Governor Pete Wilson filed suit against five state agencies that maintained mandated affirmative action programs. Three were upheld, and two disallowed (women- and minority-owned business participation goals and bond service contracts). Ward Connerly filed an appeal (then Governor Gray Davis chose not to appeal), and in Connerly v. State Personnel Board the Court reversed the lower court decision, finding all five state agencies in violation of Prop. 209. The National Coalition of Free Men then filed suit against the State of California regarding more than 30 programs that target women based on this finding (NCFM LA v. State of California, pending hearing date); Blumhorst v. Haven Hills (challenging domestic violence shelters for women, suing shelters directly) and NCFM LA v State of California (challenging all programs targeted to women).
\textsuperscript{4} California Education Code 8630 and 8631: The California Summer Science and Technology Academy was “developed and operated to identify public high school pupils with high academic potential in mathematics, science, and technology, with an emphasis on females and minority members, to participate in university-based research programs.” Post Prop. 209, reference to females and minority members was removed from program.
\textsuperscript{9} Gurur, Denise, Camp, Tracy. “Investigating the Incredible Shrinking Pipeline for Women in Computer Science: Final Report NSF Project 9812016.” Association for Computing Machinery’s Committee on Women in Computing. 1997
“Mission Statement”

http://www.umich.edu/~urel/admissions/new/mbp_faq.html#michigan


http://www.epinet.org/content.cfm/webfeatures_snapshots_20050105