

Mr. Levin
Spring 2007

POLS 5212
Civil Liberties

If you so choose, write a 4-5 page (maximum of 5 pages) memorandum in clear and grammatically correct English on the following case. You should briefly note the facts, isolate the relevant constitutional questions, and discuss those questions referring to the cases we have read in class.

North East Western Tech v. Feminists for Engineering Equity

Assigned April 5, 2007. Due April 12, 2007.

North East Western Tech (NEWT - its athletic teams are the "Fightin' Amphibians") is a state-supported university located in Boonie, Idontknow. Until 1969, NEWT did not admit African-Americans, a situation which it has actively attempted to remedy. Admission to the entire university is moderately selective, but admission to its School of Engineering, one of the nation's most mediocre, is particularly competitive. Students apply to the Engineering school in the second semester of their sophomore year, after compiling three semesters of grades at NEWT, and taking the EAT (Engineering Aptitude Test). As part of its attempts to remedy past racial discrimination, and as a response to critics who argue that the EAT discriminates against racial minorities, NEWT has a program to recruit African-Americans. Although African-Americans compete on an equal basis with other applicants for admission to NEWT, African-American applicants to the School of Engineering are credited with an additional 2 tenths of a point on their GPAs. Under a different program, the School of Engineering credits veterans with 2 tenths of a point on their GPAs as well.

Feminists for Engineering Equity (FEE), a women's group on campus, argues that the School of Engineering's affirmative action program improperly discriminates against white, Asian and Latina women by effectively preferring African Americans and veterans, who are predominately male, in their admissions. FEE argues that women as a whole have historically suffered discrimination in the field of engineering and are as underrepresented in the profession as African-Americans. They also argue that the veteran's preference serves no well-justified purpose, but instead has a disparate impact on women, who are less likely to be veterans and therefore less likely to gain admission to the School of Engineering. They also note that the state has historically assigned traditionally male professional programs to North East Western Tech, while segregating traditionally female programs at Idontknow Homemakers University (IHU - Idontknow Housewives University before the age of PC) located in Pokafella. FEE has filed their claim under Title VI of the Civil Rights Act of 1964, which prohibits racial discrimination in programs receiving federal dollars, and Title IX of the Education Act of 1972, which requires that such institutions provide equal opportunities for men and women (its most visible result is improved women's athletics). In its defense, NEWT argues that its plan follows one adopted by the Federal Government to increase minority and veteran's presence in engineering at its prestigious Institute for Salmon-Killing Hydropower Projects. Who should prevail? Does NEWT need to change its admissions standards?

Please note: This hypothetical requires that you review the cases on race AND affirmative action, also one of the summarized cases on p. 1504.