

**Enhancing Diversity
Office of the General Counsel
Guidance on Article I, Section 30 of the State Constitution**

Effective December 10, 2008, Article I, Section 30 was added to the Constitution of the State of Nebraska, which provides in part that the state, including the University of Nebraska, “shall not discriminate against or grant preferential treatment to any individual or group on the basis of race, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.” (For simplicity, this guidance will refer to race, color, ethnicity and national origin collectively as “race or ethnicity.”)

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In keeping with the pronouncements of the Supreme Court of the United States, the Board of Regents has repeatedly recognized the compelling interests in diversity to provide the quality education required for our students and our state to remain competitive in the global economy. The Board of Regents has

1. *Data Collection.* The University is permitted (and sometimes required by federal or state law) to collect data on the gender, race or ethnicity of its students, employees, contractors, and of

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legal purposes.

2. *Policies and Statements.* The University and its campuses, departments, and other units may

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programs, such as outreach programs and informational events, that may, because of their content, be of particular interest to members of particular racial groups or one gender, if they are open to all. For example, a conference on women's issues in higher education may attract more women due to the nature of the topic, but it may not be offered exclusively to women.

7. Use of Neutral Selection Criteria. The University may choose to advance its educational goals, including diversity, by considering gender/race/ethnicity neutral selection criteria in both admissions and employment decisions. Economic disadvantages, first generation college attenders, neighborhood or community circumstances, low-performing secondary schools, and the impact of an applicant's experiences are permissible criteria, which may promote greater diversity. (Note: the University's long tradition of admitting any Nebraska undergraduate student who meets campus academic requirements generally eliminates questions of preferential admission.)

8. Contributions to a Rich Campus Environment. The University has a legitimate interest in its students, faculty, and staff contributions to a rich and diverse campus environment. How it will do it