

# OMAS: Some students call policy 'necessary'; others call it a 'fantasy world'

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same course, there have always been spots available for students who show up on the first morning and complete a five-minute pre-authorization process.

The College Republicans are planning a rally this week to decry the policy, which some members say is unnecessary and unfair. Supporters of the policy held a rally in the EMU Amphitheater on May 18 to say the policy is necessary to create a comfortable space in the classroom for those whose opinions aren't heard in other classes.

One opponent, University senior Melissa Hanks, filed a complaint last week with the U.S. Department of Education's Office for Civil Rights, which she said is planning to look into the policy. No other complaints relating to OMAS have been filed with the office, OCR public records contact Shirley Oliver said.

Those on both sides have filed complaints — between five and 10 — with the University's Bias Response Team, said Kimi Mojica, BRT coordinator and director of diversity education and support services. While the BRT can't change the policy, the complaints are recorded and reported to the University's upper administration, which is looking at the OMAS policy because "they know it's a volatile issue," Mojica said.

## Experts weigh in

Two law professors who each have experience with and knowledge of U.S. Supreme Court cases that have defined affirmative action for the nation for decades were also split on the legality of the OMAS policy.

Gilbert Carrasco, law professor at Willamette University's College of Law and co-author of "Civil Rights Litigation: Cases and Perspectives," said the program serves a valuable purpose and is legal.

"I think this is entirely consistent with the Supreme Court's explanation of 'critical mass' in the case of Grutter v. Bollinger," said Carrasco, who has worked for the U.S. Department of Justice as a special assistant to the deputy assistant attorney general and then as a trial attorney in the department's Civil Rights Division. "The reason I conclude this is the purpose behind eligibility rules ... is to ensure an environment in which students of color will be able to succeed and optimize their chance of making it."

Carrasco filed briefs on behalf of the

Hispanic National Bar Association and the Hispanic Association of Colleges and Universities with the Supreme Court during Grutter v. Bollinger, a 2003 affirmative action case involving the University of Michigan Law School. He said the court recognized in the case that students of color have a different experience than others and that that kind of program supports their achievements.

Willamette University has an academic program at the law school with a class that considers different learning styles. For example, professors in the class mix standardized and other types of tests because minorities have traditionally faced problems when taking standardized tests. The class is very successful, he said.

"I think the (OMAS) program serves a purpose and a purpose that is entirely consistent with the general notion of affirmative action," Carrasco said. "I would say it's entirely legal, beneficial and academically advantageous to the student body as a whole."

Howard Ball, political science professor emeritus at the University of Vermont and author of "The Bakke Case," said that the courts have said race can be used as a positive factor in admissions but that quotas can't be used. The courts have not seen cases that specifically deal with set-aside spots in classrooms.

"The law is absent there," Ball said. "By extrapolation you can argue that Supreme Court opinions have essentially said the quotas are illegal, period."

"You can extend the logic to these quotas."

Ball, who has been chairman or dean of departments at three public universities and has taught at two private ones, said he can understand that the University would create these classes to provide a comfortable environment for minority students but said the University would lose if the policy were taken to court.

The court has said affirmative action programs must be narrowly tailored — for example, they can deal only with admission and not with course materials or other areas — and there has to be a compelling interest for the school in creating the program, he said. The OMAS classes would fail to demonstrate a compelling interest because, in his experience teaching similar required lower-division classes, all students struggle with the material because none of the students excelled

enough in the subjects to test out of the classes.

"Most of them are going to be struggling, and whether you're black or Jewish you're going to be experiencing the same gut-wrenching feeling for doing math," he said.

Ball said programs for minorities that provide extra classroom tutoring in small groups provide the same support.

"I think this is just stirring up a hornets' nest, and frankly I don't think it's necessary," he said.

## Student views on policy differ

University senior Margarita Smith took an OMAS Writing 122 class her freshman year and has worked as a peer tutor for students in OMAS classes as recently as winter term. She said OMAS classes are important because they build confidence for minority students who wouldn't necessarily feel welcome to participate in a class full of white students. The classes also provide relief from the "culture shock" of living in a place where there aren't many people of color.

"I didn't even have a black instructor on this campus until my third term here," Smith said.

Smith said the classes are necessary to build a "critical mass," so minority students can learn and gather the confidence to later demand changes in the curriculum.

"Unfortunately, OMAS serves a necessary experience right now," Smith said.

Smith said the small class size was also important. As a tutor, she helped many students from large urban schools where there were so many students in a class that teachers didn't assign papers because they couldn't grade them.

Smith expressed frustration that the debate focuses on OMAS's policy and not on the conditions that make OMAS classes necessary. She said the OMAS policy is fair "because for every OMAS class there are five or six sections of writing," and white students can still access OMAS classes.

Smith said those who are opposed to the policy are resistant to change that might upset their real or perceived power in society.

"I think it's about fear of change, because if you feel like you have power in society, why would you want anybody to mess with that?" she said.

## OMAS DEBATE DRAWS THREATS

Those on both sides of the debate over the legality and effectiveness of an Office of Multicultural Academic Support policy that reserves class seats for minority students have reported harassment or threats.

Linda Liu, advising coordinator and academic adviser for OMAS, said at a Diversity Workgroup meeting May 19 that she has had a number of death threats and that people have threatened to come to her house.

University President Dave Frohnmayer said in a letter published in the Emerald May 25 that OMAS colleagues had received a "significant amount of vitriolic mail, including personal threats" in response to news stories about the OMAS-sponsored classes.

"While there is no indication that these threats originated within our community, I cannot state strongly enough how we must support civil discourse and avoid personal attacks," Frohnmayer wrote.

University student Anthony Warren, a member of the College Republicans, said he's received numerous vulgar messages via instant messenger, e-mail and Thefacebook.com.

University senior Melissa Hanks, who filed a complaint against the OMAS policy with the education department's Office for Civil Rights, said she also has received harassing e-mails from people on campus. She forwarded one e-mail to the Department of Public Safety to create a record in case the individual's harassment worsens, she said.

DPS Interim Director Tom Hicks said that he reviewed the e-mail and saw there had been no direct threat to Hanks and that the e-mail language was "vulgar but not a crime."

— Jared Paben

News reporter Moriah Balingit contributed to this report

University student Scott Lu, co-board chair for the Oregon Students of Color Coalition, said the classes create a safe space for minorities to speak freely about issues they want to address. Minority students in the classes are able to take the confidence they learn and carry it to other classes, where there may be only one or two minority students.

Lu said that student unions can support minority students in their social lives but that only OMAS classes can provide academic support. Students who've taken the classes say professors cover more issues pertaining to students of color than in other sections, Lu said.

Lu said that students are attacking OMAS because there is a lack of education about the program and that he hopes the Department of Education realizes there is a huge amount of support for the classes.

But College Republicans member Anthony Warren, who filed a complaint with the BRT, said he doesn't understand how anybody could think it's productive to use public money to restrict him from getting into a class. He said the rally in support of the policy shows that these "people live in their own little fantasy world," despite being confronted with an obviously illegal policy.

Senior Dean Scrutton, vice chairman of the College Republicans, said admission to the classes based on race

is wrong, no matter who is excluded from the classes. It's sad more people aren't outraged about the policy because they're blinded by political correctness, he said.

"If you switch the people or races around from who's benefiting from these classes, it would be a huge outrage, and everyone knows it," Scrutton said.

Scrutton said the classes needlessly elicit resentment and are counterproductive because the students are not going to find a workplace with slots reserved for minorities.

"You're giving them a false sense of hope; you're giving them a false sense of reality. And when they get out there they're going to be underqualified," Scrutton said.

Scrutton said that if there is an intimidating environment in a classroom, it should be "dealt with quite harshly" but that the University shouldn't be using educational policy to try to solve problems with people's feelings. He said many students feel uncomfortable in class for different reasons, but it's not the role of the institution to pick some of them and change policies to make them comfortable.

"If we're going to start gearing classes toward making people comfortable," Scrutton said, "I think that's a dangerous precedent."

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