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<u>Exhibit</u>	<u>Description</u>
A	Full text of the Amendment to the Michigan Constitution
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EXHIBIT A

ARTICLE I, SECTION 26:

Civil Rights.

1. The University of Michigan, Michigan State University, Wayne State University and any other public college or university, community college, or school district shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.
2. The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.
3. For the purposes of this section "state" includes, but is not necessarily limited to, the state itself, any city, county, any public college, university, or community college, school district, or other political subdivision or governmental instrumentality of or within the State of Michigan not included in sub-section 1.
4. This section does not prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state.
5. Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting.
6. The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Michigan anti-discrimination law.
7. This section shall be self-executing. If any part or parts of this section are found to be in conflict with the United States Constitution or federal law, the section shall be implemented to the maximum extent that the United States Constitution and federal law permit. Any provision held invalid shall be severable from the remaining portions of this section.
8. This section applies only to action taken after the effective date of this section.
9. This section does not invalidate any court order or consent decree that is in force as of the effective date of this section.

EXHIBIT B



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JOHN D. CHERRY, JR.
LT. GOVERNOR

EXECUTIVE DIRECTIVE
No. 2006 - 7

PROMOTING DIVERSITY IN MICHIGAN

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963 each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963 the Governor is responsible to take care that the laws be faithfully executed;

WHEREAS, under Section 29 of Article V of the Michigan Constitution of 1963 the Michigan Civil Rights Commission is obligated to investigate alleged discrimination against any person because of religion, race, color, or national origin in the enjoyment of the civil rights guaranteed by law and by the Michigan Constitution of 1963 and to secure the equal protection of those rights without discrimination;

WHEREAS, on November 7, 2006, a majority of electors adopted Proposal 06-02, a proposal to amend the Michigan Constitution of 1963 to prohibit government programs that grant preferential treatment to groups or individuals based on their race, gender, color, ethnicity or national origin for public employment, education or contracting purposes;

WHEREAS, the adoption of Proposal 06-02 may impact the programs and activities of numerous state departments, agencies, authorities, and educational institutions;

WHEREAS, the continued promotion of diversity in Michigan is a vital component in the state's educational efforts and an important aspect of Michigan's economic development efforts;

WHEREAS, Michigan's educational and business communities have communicated that in order to compete globally, Michigan's workforce must be diverse and experienced in interacting with men and women from a variety of cultural, ethnic, and religious backgrounds;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, direct the following:

1. Within 14 days, the Michigan Civil Rights Commission will begin to investigate the impact of the adoption of Proposal 06-02. The investigation shall include, but is not limited to, the review and identification of all of the following:

a. Existing state laws and regulations relating to contracting, employment, diversity, and equal protection efforts that may be affected by the adoption of Proposal 06-02.

b. The impact of the adoption of Proposal 06-02 upon state educational institutions and educational programs.

c. The impact of the adoption of Proposal 06-02 upon state economic development efforts and the ability of the State of Michigan to compete within the global economy.

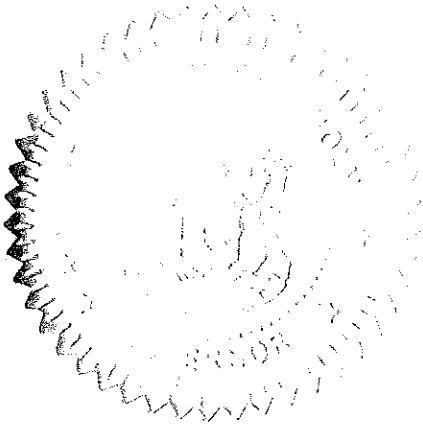
2. Within 90 days, the Michigan Civil Rights Commission shall issue a report detailing its findings and offer recommendations on how affected public institutions may continue to promote diversity and equal protection in the operation of public employment, public education, or public contracting within any constraints imposed by Proposal 06-02. In the report, the Commission shall identify any state laws relating to the operation of public employment, public education, or public contracting that may be affected by the adoption of Proposal 06-02. The Commission also shall propose legislative changes necessary to serve the purpose of promoting diversity in Michigan to the fullest extent possible, while complying with any restrictions imposed by Proposal 06-02.

3. The Michigan Civil Rights Commission shall work cooperatively with, and engage the assistance of state departments, agencies, authorities, and institutions when implementing this Directive.

4. State departments, agencies, authorities, and institutions subject to the Governor's supervision under Section 8 of Article V of the Michigan Constitution of 1963 shall cooperate with and actively participate in the Michigan Civil Rights Commission's investigation of the effects of Proposal 06-02 as provided under this Directive.

5. Other governmental entities within the State of Michigan not subject to the supervision of the Governor under Section 8 of Article V of the Michigan Constitution of 1963, are urged to cooperate with and actively participate in the Michigan Civil Rights Commission's investigation of the effects of Proposal 06-02.

This Directive is effective upon filing.



Given under my hand this 9th day of November in the year of our Lord, two thousand and six.

A handwritten signature in black ink, appearing to read "Jennifer M. Granholm", is written over a horizontal line.

JENNIFER M. GRANHOLM
GOVERNOR

EXHIBIT C

AFFIDAVIT OF TERESA A. SULLIVAN

I, Teresa A. Sullivan, being duly sworn, hereby declare the following:

I. Background

1. I am the Provost and Executive Vice President for Academic Affairs at the University of Michigan (the "University"). I have served in that capacity since June 1, 2006. From 1981 until my appointment as Provost of the University, I served on the faculty at the University of Texas at Austin in sociology, women's studies, and law. From 1977 to 1981 I taught at the University of Chicago. From 1975 through 1977 I taught at the University of Texas at Austin. While at the University of Texas, I held a number of administrative positions, including chair of the Department of Sociology, Vice President and Graduate Dean, and Executive Vice Chancellor for Academic Affairs of the University of Texas System. I am a graduate of Michigan State University and received my Ph.D. in Sociology from the University of Chicago.
2. As Provost of the University, I serve as the chief academic officer and chief budget officer for the Ann Arbor campus of the University. My responsibility includes general oversight and supervision of the admissions and financial aid processes of each of the schools and colleges, the Office of Undergraduate Admissions, and the Office of Financial Aid, at the University's Ann Arbor campus.

II. Admissions

3. There are over 130 units that make undergraduate, transfer, professional, and graduate admissions decisions at the University's Ann Arbor campus.
4. Each unit at the University's Ann Arbor campus sets its own policies, procedures, and deadlines for admissions, and designs its admissions applications and processes to align with the individual unit's particular educational mission and goals. Moreover, to create a dynamic learning environment for all students, the faculty of each program, school, or college crafts their admissions policies to enable that unit to assemble a single class of students who are both highly qualified academically and who represent a wide range of backgrounds and experiences. Accordingly, an admissions decision with respect to any particular application is made based on a careful and holistic evaluation of the individual applicant's likely contribution to the class as a whole. Those policies vary widely in a number of ways, including with respect to how they seek to achieve diversity. Some of those units do not consider certain factors (for example, gender) because their applicant pool naturally yields a class diverse in that respect. Other units, by contrast, do consider such factors as part of their holistic review processes in order to ensure an array of backgrounds and experiences in each class.
5. By Summer 2006, the faculty of each unit across the Ann Arbor campus had established its admissions processes for the present cycle. The admissions cycle for each of these units typically runs from September through May.

6. Each unit at the University widely advertises its admissions processes and deadlines to prospective applicants, their parents, and high school principals and counselors, including through websites and recruitment letters, as well as through open houses and fairs at high schools and colleges across the state and the country. Admitting offices to graduate programs actively recruit prospective applicants during the spring, summer, and fall, with events on the Ann Arbor campus and in cities around the state and the country. Many programs, especially in the sciences, send faculty and recruiters to attend scientific and disciplinary conferences, and distribute information about the University's graduate programs to interested students in attendance.
7. In addition, each unit spends hours training its admissions committees (comprised of application readers and admissions counselors at the undergraduate level, and faculty for graduate and professional programs) on the unit's established admissions processes. In particular, admissions committees are trained to evaluate each applicant's likely contribution to the creation of a dynamic learning environment in an individualized and holistic manner, consistent with the U.S. Supreme Court's guidance in the *Grutter v. Bollinger* and *Gratz v. Bollinger* decisions.
8. Changing policies in the middle of an admissions/financial aid cycle would contradict information the University has widely disseminated. Prospective students, parents, and high school counselors, both nationally and internationally, were informed of the University's admissions guidelines and criteria well before the beginning of the current admissions cycle in Summer 2006. The application process, which is well underway for each unit, was begun using these published criteria and applications have been and will be submitted on the assurance that our admissions and enrollment decisions will be based on the criteria published prior to the commencement of the admissions cycle.
9. Given the complexity and number of units that make admissions decisions, I will not describe each unit's policies, processes, and experiences to date in detail. The following example from the undergraduate level, however, is generally representative of how units operate their admissions processes.
10. The Office of Undergraduate Admissions ("OUA"), which coordinates freshman admissions to all of the University's undergraduate programs at the Ann Arbor campus, receives the largest number of applications each year. These undergraduate programs are housed in six academic units: the School of Art & Design; the College of Engineering; the College of Literature, Science, and the Arts; the School of Music, Theatre & Dance; the School of Nursing, and the Division of Kinesiology.
11. The OUA admissions process is designed to further the University's compelling interest in achieving the educational benefits of a diverse student body in a manner consistent with the Supreme Court's decisions in *Gratz* and *Grutter*. To that end, at the beginning of each review cycle each of OUA's 56 readers and admissions counselors undergo an initial training period of approximately 20 to 50 hours, beginning in mid-August and concluding for the majority of staff by the first week in October. The training covers the guidelines for application evaluation for each of the schools and colleges for which OUA is responsible for evaluation and/or recruitment.

12. Each of OUA's trained and experienced readers and admissions counselors considers a broad range of criteria during their thorough, individualized, comprehensive, and holistic review of every complete application. For example, OUA's readers and admissions counselors consider factors that illustrate the student's academic achievements and potential, such as high school grades, standardized test scores, the choice of curriculum, and the student's educational environment. Other factors that are considered by the readers and counselors include, but are not limited to: geographic location, personal achievement, leadership, alumni connections, socioeconomic status, underrepresented minority identification, identification as a possible scholarship athlete, special skills or talents, unique experiences, the quality and content of the student's essay and short answers, and counselor and teacher recommendations. High school grades and test scores are important, but only in the context of the entire set of factors. Each application undergoes a minimum of two thorough, individualized, and holistic reviews.
13. By August 2, 2006, OUA had made available to prospective applicants the online application for undergraduate admission; the hard copy application was available by August 15, 2006. In addition, the OUA undertook a comprehensive effort to help explain the application process to prospective applicants. During Fall 2006, this effort included conducting 464 high school visits and attending 95 college fairs in the State of Michigan, as well as 1,452 high school visits and 217 college fairs around the country. A total of 12,062 in-state high school students and 37,700 out-of-state students attended these various events to learn more about the University's admissions policies and procedures. OUA also explained those policies and procedures to an additional 8,462 high school students (along with 11,976 parents) who attended on-campus visitation days between January and November 2006. Further, OUA reviewed its admissions guidelines with 350 Michigan high school counselors at a state-wide counselor conference in September 2006, and with 158 Michigan high school counselors at its Counselor Workshop in late October.
14. For those programs for which OUA handles admissions, each prospective student seeking admission for the 2007-2008 academic year is required to submit, along with the required application fee, a completed application, including two short-answer essays and a longer essay. Once the student submits these materials, the application is considered "live." In addition, applicants must request that the following information be submitted in support of their applications: a high school counselor recommendation; a teacher recommendation; and official ACT and/or SAT scores. Each high school counselor submitting a recommendation letter must also send OUA the applicant's official high school transcript and a completed copy of the high school's profile sheet, which asks for a variety of statistics about the school.
15. As early as August 2, 2006 – the very day the on-line application became available – prospective students had begun to apply to the University's various academic programs, throughout the Ann Arbor campus, for admission for the 2007-2008 academic year. Again by way of example, as of December 4, 2006, OUA has received approximately 16,000 applications for admission, from students all over the world, for the 2007-2008 school year; approximately 1,600 of those applications were received over the one-week period from November 27, 2006 through December 3rd. Of the approximately 16,000

applications received by December 4th, approximately 5,400 have been fully reviewed and approximately 3,100 students have been accepted for admission. In addition, approximately 6,000 applications have been fully completed by the student (and are therefore considered “live”) but cannot yet be reviewed because they are missing one or more of the supporting materials to be submitted by the high school or by the educational testing agencies. An additional approximately 4,500 applications are completed but have not yet been fully reviewed by OUA’s readers and admissions counselors; the remaining applications have been fully reviewed but a final enrollment management decision has not yet been issued. Based on its experience, OUA expects that it will receive approximately 4,000 additional applications between December 4th and December 22nd, for a total of approximately 20,000 applications by that date.

II. Financial Aid

16. The University recognizes the important role that financial aid plays in encouraging admitted students to enroll at the University and in enabling current students to complete their education. Accordingly, although the precise application deadlines may vary from program to program, the University’s financial aid program deadlines generally correspond with the relevant admissions deadlines. Thus, the financial aid award cycle is already in progress. In fact, for many undergraduate aid programs, submission of an application for admission to OUA is used to consider that applicant’s eligibility for a range of merit- and need-based award programs at the University.
17. On the Ann Arbor campus, the University administers more than 5,500 financial aid programs – private-, federal-, state-, and University-funded – as well as over 2,800 endowment programs that help to provide grant, loan, and fellowship support to its students. These financial aid programs have different eligibility criteria, application processes, and deadlines, but as with admissions, are each calibrated to serve important educational goals.
18. Many of the aid programs administered by the University do not consider race, ethnicity, gender, or national origin at all; other aid programs consider race, ethnicity, gender, or national origin as one of many factors in a manner consistent with the Supreme Court’s guidance in the *Grutter* and *Gratz* decisions. Because the University’s various aid programs work together and complement one another, and because of the uncertainty surrounding the implications of Proposal 2 for these types of aid programs generally, immense hardships would ensue – both to the University’s prospective and current students and to the University itself – were the University required to alter its financial aid programs in the midst of the ongoing award cycle.
19. For example, financial aid is particularly important in encouraging admitted students to enroll at the University. Because many admitted students receive offers of funding from the University of Michigan and also from other universities to which they apply, the admissions offer is just the beginning of the process of attracting high-quality students to the University. Accordingly, financial aid deadlines are timed to follow the admissions processes very closely. Because of the role that financial aid plays in encouraging admitted students to enroll at the University, any uncertainty regarding the University’s

ability to offer financial aid would have tremendous negative repercussions on the University's ability to attract and enroll high-quality applicants in its various programs.

III. General Efforts to Promote Diversity

20. Consistent with the Supreme Court's guidance in *Grutter* and *Gratz*, the University, through its faculty, regularly reviews its policies and procedures to ensure that they are consistent with the educational mission and goals of the University and of the relevant school, college, or program, as well as to determine the extent to which those faculty-set policies and procedures lawfully promote the creation of a dynamic learning environment of academically talented individuals from a variety of backgrounds. As a result, the University has made various revisions to its policies, including, for example, its undergraduate admissions policies. To date, however, the University has not identified any means, other than the consideration of race, ethnicity, and gender, among other factors, to achieve its compelling interest in diversity.
21. Since passage of Proposal 2, the University has redoubled its efforts to seek to promote a diverse and desegregated learning environment through means other than the consideration of race, ethnicity, gender, or national origin as one of many factors.
22. For example, since passage of Proposal 2, the University launched a "Diversity Blueprints" taskforce, which I head along with Lester P. Monts, Senior Vice Provost for Academic Affairs, and which will include students, staff, faculty, alumni and administrators. That taskforce is intended to encourage brainstorming and creative thinking among all segments of the University community on the question, "How can we maintain and enhance diversity at U-M in the years ahead?," and is charged with leaving no stone unturned as the University explores ways to encourage diversity within the boundaries of the law. The task force will seek specific input regarding faculty and staff recruitment, precollege/K-12 outreach, admissions, financial aid, mentoring/student success, climate, curriculum/classroom discussions, diversity research and assessment, and external funding opportunities. The ideas submitted in these areas may range from general insights to detailed plans, and all ideas will be considered regardless of how ambitious or unconventional they may seem. The taskforce expects to issue an interim report by February 2007, with a final report due in March 2007. The University will commit significant resources to some of the best and most promising recommendations that the Diversity Blueprints task force identifies in its report.
23. Given the complex nature of this undertaking and the experiences of those states that have banned public affirmative action through initiatives similar to Proposal 2, it is not possible for the University, by December 23rd, to craft new policies and procedures that will promote the University's recognized compelling interest in diversity – in the context of the particular educational mission, goals, and circumstances of each of the 130 units that makes admissions decisions – let alone to adequately educate its prospective students, parents, and high school counselors about the new guidelines, or to train its faculty and staff regarding implementation of those new policies and procedures by that date.

I hereby certify that the facts contained in this affidavit are true and correct to the best of my knowledge.

Teresa A. Sullivan
Teresa A. Sullivan

Subscribed and sworn to before me on this 11th day of December, 2006.

/s/ *Kathleen D. Bauer*

Notary Public, State of Michigan, County of Washtenaw.

My commission expires June 28, 2011.

Acting in the County of Washtenaw.

KATHLEEN D. BAUER
Notary Public, State of Michigan
County of Washtenaw
My Commission Expires Jun. 28, 2011
Acting in the County of Washtenaw

EXHIBIT D

AFFIDAVIT OF KIM WILCOX

I, Kim A. Wilcox, being duly sworn, hereby declare the following:

1. I have served as Vice President and Provost of Michigan State University ("MSU") since August, 2005.

2. As Provost, I act as MSU's chief academic officer and chief budget officer. My responsibilities include general supervision of MSU's admissions and financial aid processes.

Admissions

3. Michigan State University has several different admitting units on its East Lansing campus. MSU's Office of Admissions reviews undergraduate freshman and transfer applications. Each of the professional schools, the College of Human Medicine, the College of Osteopathic Medicine, and the College of Veterinary Medicine, conducts its own review of applications and makes its own admission decisions. The Graduate School admission process takes place within individual graduate departments.

4. The admissions cycle typically begins in September/October and may run as late as June/July. Each admitting unit broadly distributes information about its admissions process, requirements, and deadlines publicly on web sites, by written communications (recruitment materials, correspondence), and through a wide array of public forums, including both on- and off-campus presentations, programs, and recruitment activities. Each of these admitting units determines its admissions standards. Application review committee members consider a multi-faceted list of academic and other factors that contribute to predicting success for the individual applicant and creating a vital learning environment.

5. A significant number of admission offers already has been made for Fall semester 2007. In some cases, these decisions have resulted from multiple committee reviews that have taken place over a period of up to three months. For example, by December 23, 2006, MSU expects that it will have offered admission to over 9000 undergraduate applicants, or 53% of its projected admission target. Any Proposal 2-related adjustment to the review process mid-cycle would likely lead to a delay in the remaining undergraduate admissions decisions. It is of even greater concern to me that such an adjustment, with its attendant publicity, might well lead to the perception by any number of the 24,000 freshman applicants that the MSU admission standards by which those admitted after December 23 are judged are inconsistent with the standards used for those admitted before that date. Since all applicants received the same information about the admissions process, and since many individuals have already been admitted under that process, it would be justifiable for applicants to believe that the same standards under which they submitted their applications should apply throughout the same admissions cycle. MSU's reputation will suffer irreparable harm as a result of any Proposal 2-triggered change to its admission process in the midst of this cycle. Further, our best efforts to implement any changes to the

undergraduate admissions process in future years will be suspect and subject to groundless challenge.

Financial Aid

6. Financial aid plays an important role in encouraging admitted students to enroll at MSU and in enabling current students to complete their education. MSU's financial aid programs extend the opportunity to attend MSU to those who otherwise might not be able to afford this education.

7. The financial aid award cycle for the 2007-2008 academic year already is underway. MSU administers in one academic year more than 190,000 financial aid awards, totaling over \$ 405,000,000, to support its 33,000 students, including private-, federal-, state-, and University-funded grants, loans, and scholarships. MSU works hard to award all of its financial aid dollars to help maximize access to the University. This requires a complex process of assigning dollars from various funds to individual students. Eliminating just one potential funding source from this process would lead to an adjustment to MSU's entire financial aid award process. Furthermore, most financial aid recipients understandably expect to receive comparable aid packages from year-to-year. Even a temporary reduction in available resources due to changes or reviews prompted by Proposal 2 could impose a significant burden on these continuing students, and will likely cause an additional burden on MSU as it works to ensure comparability of support for all students in future years.

8. Financial aid is also critical to MSU's ability to attract and retain a diverse student body. This is important for all students on campus, not only because enrolling a diverse student body enhances the learning experience for all students, but also because all students benefit from the University's attractiveness to corporations which seek to recruit a talented and diverse workforce from among our graduates. Indeed, corporations sponsor numerous programs on campus at both the undergraduate and graduate levels, including scholarships, internships, and grants, because these donors view diversity as essential to the success of their corporate missions. This is evidenced by the number of brand name companies that attend the Diversity Career Fair every year (over 100 in 2006). The corporate representatives on MSU's Employer Partnership Program advisory board include 3M, Abbott Laboratories, Aetna, Boeing, Bosch, Dow, Ford, General Electric, IBM, Macy's, Microsoft, Norfolk Southern, Pfizer, Shell, and Siemens. Many of these companies target diversity-focused student organizations as part of their recruiting initiatives to ensure that their applicant pools have the broadest possible representation. Many "majority" students benefit from MSU's attractiveness as a school with a diverse population, in the same way that students from a variety of majors gain access to companies who target MSU's business and engineering graduates.

9. Although the majority of financial aid opportunities administered by MSU do not consider race, ethnicity, gender, or national origin at all, some do. MSU manages privately-funded loans and scholarship awards that require that special consideration or encouragement, of varying degrees, be given to individuals of a certain race, ethnicity, gender, or national origin. The overwhelming majority of the existing privately funded

scholarship awards have been funded via corporate and individual endowment and other written agreements. More than 2,000 written agreements between MSU and private donors exist. MSU must review each agreement to determine whether it involves a scholarship; whether the criteria for awarding the scholarship are compatible with Proposal 2; and whether the agreement contains any provision permitting a change in the criteria if any become illegal. Out of the more than 8,000 MSU scholarship awards funded through private dollars, MSU estimates that Proposal 2 could be construed to affect as few as 200. Nevertheless, reviewing all 2,000 agreements is a daunting task.

10. A comprehensive review of private donor agreements will result in varying degrees of change to the scholarships and funds that give special consideration or encouragement to individuals of a certain race, ethnicity, gender, or national origin. For some agreements, MSU will be required to file a court action. For other agreements, MSU will be required to contact the donor to formulate new ways to achieve the diversity the donor seeks. These efforts will be complicated when there are multiple donors or the donor is deceased or difficult to locate due to the passage of time. Given these many variables, it is unlikely that the MSU's efforts could be concluded in time to permit the affected funds to be used during the 2007-08 award cycle. Requiring this effort, especially in the middle of the financial aid award cycle, poses an immense burden on MSU and its private donors.

11. For MSU to undertake an intensive examination of private donor agreements in the middle of the 2007-08 award cycle, with the attendant delay in financial aid awards or reduction in the pool of financial aid available, would pose an extreme hardship on MSU and limit access to students requiring such funds to matriculate or remain at MSU. More importantly, implementation of Proposal 2 would pose a hardship on the incoming students who may not be able to afford to attend MSU without aid, as well as students in the middle of their academic careers who are counting on these scholarship awards to complete them.

I hereby certify that the facts contained in this affidavit are true and correct to the best of my knowledge.


Ken A. Wilcox

Subscribed and sworn to before me this 11th day of December, 2006.


Notary Public

County of Ingham, Michigan

My Commission Expires: August 30, 2011

JUDITH E. PELL
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires Aug. 30, 2011
Acting in the County of Ingham

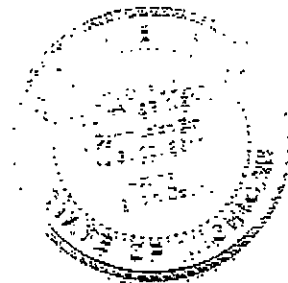


EXHIBIT E

AFFIDAVIT OF NANCY BARRETT

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

Being duly sworn, I, Nancy Barrett, state the following:

1. I am employed by Wayne State University as the Provost and Senior Vice President for Academic Affairs. I have been so employed since June 15, 2003. Prior to coming to Wayne, I was provost at the University of Alabama from 1996 to 2003 and provost at Western Michigan University from 1991 to 1996. I have a Bachelor's degree from Goucher College and a Masters and PhD degrees in Economics from Harvard University.

2. As Provost, I am the senior academic official at Wayne State University. I am responsible for both graduate and undergraduate education. My duties include supervising the deans of the 12 Colleges and Schools, planning, organizing, and advising academic units and programs, interacting with the Academic Senate, supervising tenure and promotion, and directing budgetary and academic personnel issues. I also oversee selected Centers and Institutes, as well as the departments of Admissions and Financial Aid.

3. Wayne State's Graduate and Professional enrollment is one of the largest in the nation. The Graduate School administration establishes and maintains broad admissions parameters for admission to over 250 masters, doctoral and postbaccalaureate certificate programs. Over 3200 students are admitted to participate in these programs annually.

4. Although the Graduate School maintains minimum requirements for admission, admissions decisions are primarily made by the faculty and administrators in the separate academic departments that teach these academic programs. The faculty of these departments may adopt and impose additional standards and criteria for admission, as they deem educationally necessary and appropriate.

5. The standards and criteria for graduate admission correspond to the educational mission of the individual departments, and may vary widely. Some disciplines are far more selective than others. Many of these programs recognize the need to take constitutionally appropriate measures to enhance diversity in their incoming class while others are able to achieve educational diversity without doing so. Different departments may avail themselves of differing means by which to further educational diversity, and to make other decisions involving the composition of their entering classes.

6. The admissions process for each of these units for the 2007-08 academic year began in August of 2006. Extensive training takes place for the admissions staff and faculty committees in order comply with the current admissions standards for each department, college and school.

7. Wayne State and its colleges, schools and departments extensively market and advertise its academic programs and its admissions process to prospective students not only throughout Michigan but also throughout the nation and internationally. In addition to its many outreach programs, Wayne State representatives attend various open houses, college fairs and conferences to market its various programs to prospective students. This process is ongoing, but typically begins in August for the following academic year.


8. Wayne has received several thousand applications for admission to our graduate and professional schools in the 2007-08 academic year, and the process of reviewing these applications for possible admission year is well underway. Some students have already been admitted under existing admission policies; in many other instances, the evaluation process leading to admission or denial of admission is in process. Wayne will continue to receive applications for admission in graduate and professional programs in the 2007-08 academic year for the next several months.

9. Due to the decentralized nature of the admissions policies and the vast array of graduate programs available, Wayne State will be unable to review these policies entirely by December 22, 2006 to determine whether any of them fail to comply with Proposal 2. If Wayne determines that certain of these policies do not comply with Proposal 2, it will be extraordinarily difficult to implement timely changes consistent with Proposal 2 that will continue to promote educational diversity. Further, in light of the extensive amount of time it takes to train admissions staff and faculty on the changes with the admissions policy, it would be extremely difficult to train staff and faculty on any new changes to admissions policies by December 22, 2006.


10. Numerous reviews are underway outside the University to help understand the application of this very complex amendment. It is in everyone's interest that the various reviews interpreting Proposal 2 be completed prior to the Wayne State implementing any final changes, so Wayne State can be well informed by whatever guidance they might offer.

11. Wayne State offers many different types of financial support to its both graduate and undergraduate students, including scholarships, grants, loans and other

forms of financial aid. Although most financial support offered through the University is made available without consideration race, gender, ethnicity, or national origin, to the extent it is made available to students who themselves have been admitted under policies that may require modification, it will be necessary to evaluate the continued availability of financial support. The abrupt loss of such financial support would be devastating to such students, and may be expected to deprive many of ongoing educational opportunities. If I am called to testify at a hearing in this matter, I have personal knowledge of the facts that I have stated above and I would be competent to give such testimony.


Nancy Barrett

Subscribed before me this
11th day of December, 2006


Notary Public

KWAMALA L. SEAL
Notary Public, State of Michigan
County of Wayne
My Commission Expires Aug. 31, 2011
Acting in the County of _____