

1 **AN ACT** *to create* 36.11 (3) (am) of the statutes; **relating to:** qualifications of students
 2 admitted to the University of Wisconsin System for purposes of student body
 3 diversity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council’s special committee on affirmative action.

Under current law, as set forth by the U.S. Supreme Court in *Grutter v. Bollinger*, 539 US 306 (2003), student body diversity is a compelling state interest that can justify the use of race in university admissions.

The draft specifies that the University of Wisconsin System may not consider the race or ethnicity of an applicant for admission on the grounds that the applicant will contribute to student body diversity unless the applicant has demonstrated knowledge of and experience as a member of a racial or ethnic group, including, when applicable, proficiency in a language other than English

4 **SECTION 1.** 36.11 (3) (am) of the statutes is created to read:
 5 36.11 (3) (am) No institution may consider the race or ethnicity of an applicant for
 6 admission on the grounds that admission of the applicant will contribute to student body
 7 diversity unless the applicant has demonstrated that he or she has sufficient knowledge of and
 8 experience as a member of a racial or ethnic group to provide meaningful diversity to the
 9 student body. The board shall promulgate rules specifying criteria by which an institution may
 10 determine whether an applicant has met the requirements under this section. The rules shall
 11 specify, at a minimum, that an applicant whose ethnicity or racial heritage is that of a

1 non-English speaking culture shall demonstrate proficiency in the native language of that
2 culture.

3 (END)