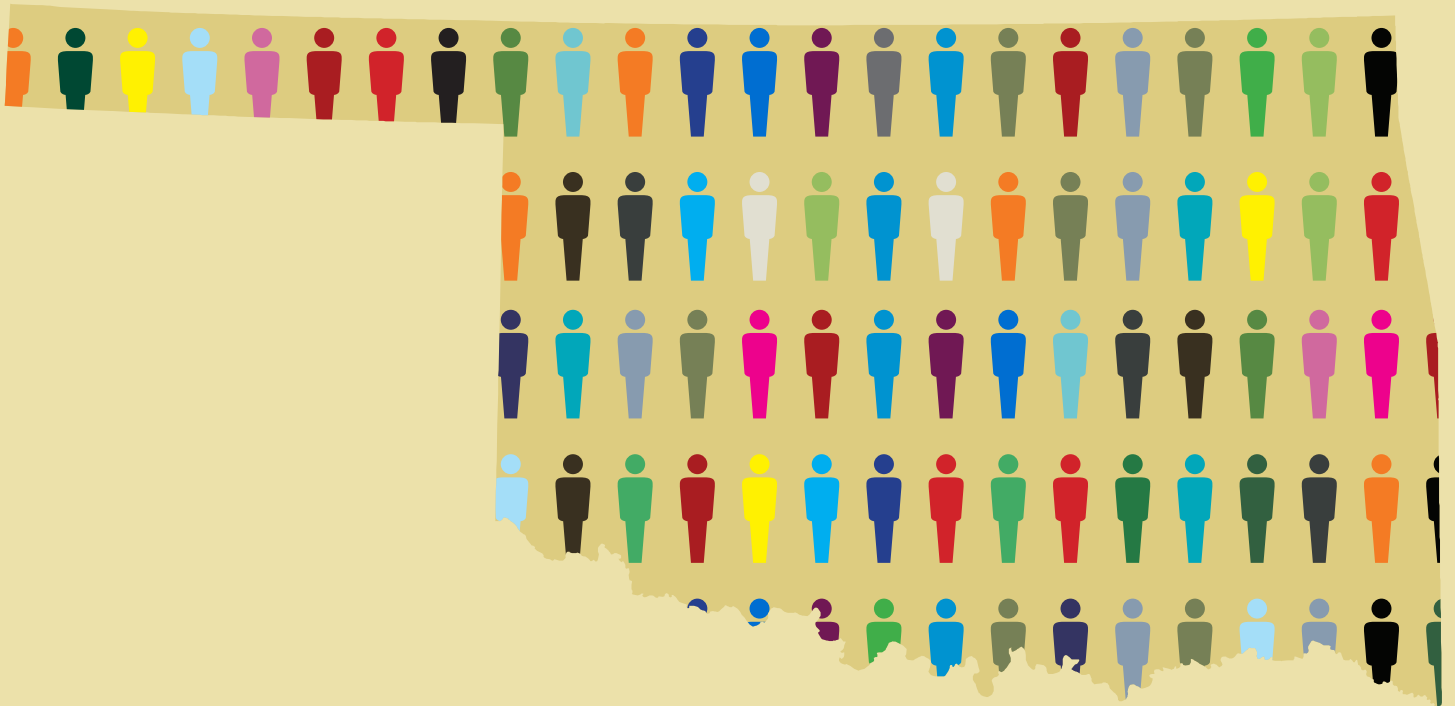


EQUAL OPPORTUNITY: THE EVIDENCE FROM OKLAHOMA



A report on equal opportunity in the State of Oklahoma, including evidence of inequality and a review of diversity in the public sector.

A companion report provides a national overview of equal opportunity, including its importance and history, key lessons, and a list of additional resources.

Download these reports at:
law.berkeley.edu/files/EOTTheEvidenceOklahoma
law.berkeley.edu/files/EOTTheEvidence

EQUALITY IN OKLAHOMA

OPPORTUNITY AND DISPARITY

Although all people face challenges, there is ample evidence that Oklahoma's women and people of color still face significant barriers to opportunities. In 2012, Oklahoma faces an important decision about the future of equal opportunity.

OKLAHOMA'S VOTE ON EQUAL OPPORTUNITY

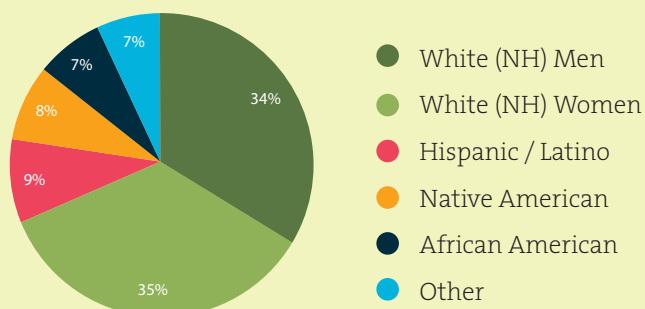
Equal opportunity is deeply rooted in the American ideals of fairness, justice, and equality. Programs to meet the goals of equal opportunity seek to realize these basic values. Moreover, equal opportunity not only helps individuals but also helps communities in need and benefits our larger society.

In Oklahoma, people of color and women continue to face discrimination and disparity. In an effort to respond to these imbalances, Oklahoma utilizes traditional affirmative action and other equal opportunity measures. On the November 6, 2012 general election ballot, Oklahoma voters will decide whether to ban the use of traditional affirmative action and equal opportunity measures within the state.

The measure—State Question 759 (SQ 759)—was placed on the ballot during the Oklahoma 2011 legislative session after a failed attempt to place it on the ballot via signature-gathering in 2008. The current ballot measure is the latest in a line of nearly identical ballot measures designed to limit equal opportunity efforts in several states.

This report assesses the current state of disparity and discrimination in Oklahoma, including the areas most directly affected by public equal opportunity efforts within the State of Oklahoma: public education, employment, and contracting. While we can't know the impacts of an affirmative action ban in Oklahoma, states that have passed similar bans have seen reduced opportunity for people of color and women in a number of different areas. Additional details are available in the companion report, *Equal Opportunity: The Evidence* (law.berkeley.edu/files/EOTTheEvidence).

DIVERSITY IN OKLAHOMA



2010 Census Summary File 2, Tables PCT3 and PCT4
U.S. Census Bureau

Compared to the national average, Oklahoma is somewhat less racially and ethnically diverse. Oklahoma has fewer Hispanic/Latinos, African Americans, and Asian Americans than the United States overall. Because of its unique history as the destination of Native Americans forced to relocate in the 19th century, Oklahoma's Native American population is much higher than the U.S. average. Together, men and women of color and non-Hispanic White (White (NH)) women constitute 66% of Oklahoma's population.

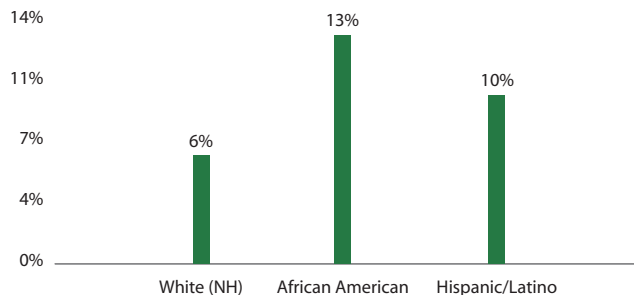
EVIDENCE OF INEQUALITY

Regrettably, though progress has been made, there is ample evidence that equality remains elusive for some Oklahomans. In fact, **women and people of color face disparity and discrimination in employment, homeownership, poverty rates, education, and health.**

UNEMPLOYMENT RATES

The unemployment rate for African Americans in Oklahoma was more than twice that of White (NH) Oklahomans in 2010 and higher for Hispanic/Latinos as well.

Unemployment Rate



Source: Bureau of Labor Statistics

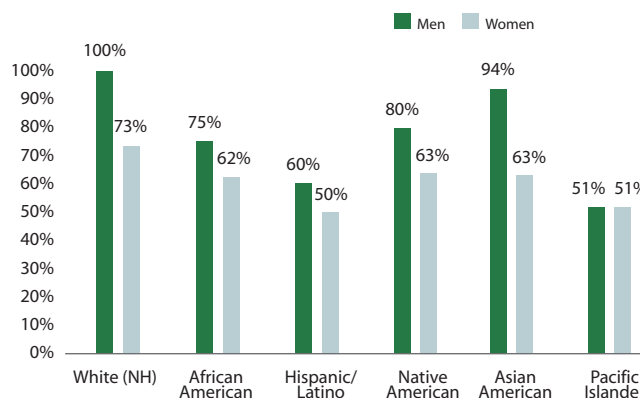
Employment Status of the Civilian Noninstitutional Population by Sex, Race, Hispanic or Latino Ethnicity, Marital Status, and Detailed Age, 2010 Annual Averages
Bureau of Labor Statistics
www.bls.gov/lau/table14full10.pdf

Oklahoma's Unemployment Gap: The Labor Market Isn't Colorblind (The first of a three-part series.)
Oklahoma Policy Institute
okpolicy.org/blog/economy/oklahomas-unemployment-gap-the-labor-market-isnt-colorblind

COMPENSATION

In Oklahoma, between 2006 and 2010 for full-time employees, women earned, on average, nearly \$10,000 less per year compared to men (\$30,391 to \$40,366). White (NH) women, women of color, and men of color all earned substantially less per year than White (NH) men.

Earnings Relative to White (NH) men



Source: U.S. Census Bureau, 2006-2010 American Community Survey

Median Earnings in the past 12 Months (in 2010 Inflation-Adjusted Dollars) by Sex by Work Experience in the Past 12 Months for the Population 16 Years and Over with Earnings in the Past 12 Months
U.S. Census Bureau, 2006-2010 American Community Survey

Gap Grows for Income of Whites, Nonwhites
Tulsa World analysis of U.S. Census Bureau data
www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20120102_11_A1_Theinc511853

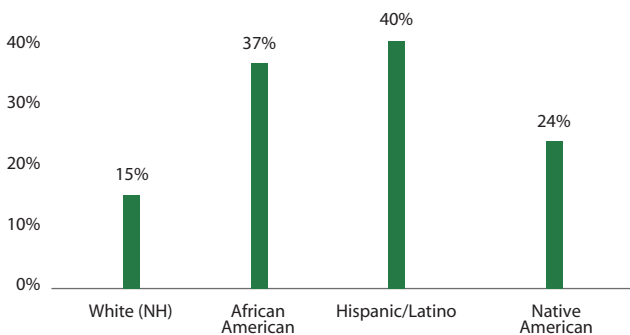
EQUALITY IN OKLAHOMA

OPPORTUNITY AND DISPARITY

POVERTY

In 2009/2010, people of color in Oklahoma were much more likely to live in poverty. The poverty rates for African Americans and Hispanic/Latinos were each more than double the rate for Whites (NH).

Population in Poverty



Source: Urban Institute and Kaiser Commission on Medicaid and the Uninsured analysis of U.S. Census Bureau data

Poverty Rate by Race/Ethnicity, States (2009-2010)

Urban Institute and Kaiser Commission on Medicaid and the Uninsured estimates based on the Census Bureau's March 2010 and 2011 Current Population Survey (CPS: Annual Social and Economic Supplements)

www.statehealthfacts.org/comparebar.jsp?ind=14&cat=1

HOMEOWNERSHIP

In 2010, people of color in Oklahoma were less likely to own their own homes. Only 54% of people of color were homeowners relative to 73% of Whites (NH).

Homeownership by Race

Corporation for Enterprise Development, Assets and Opportunity Scorecard, Analysis of 2010 American Community Survey scorecard.assetsandopportunity.org/2012/measure/homeownership-by-race?state=ok

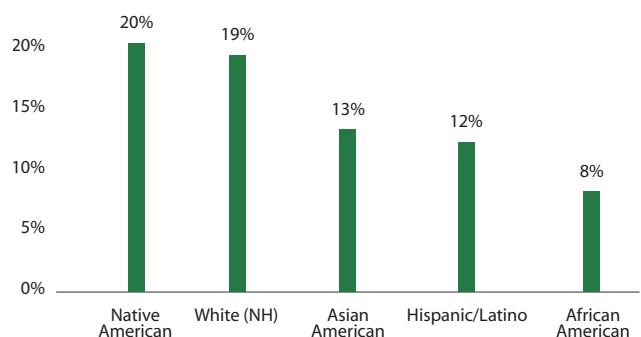
Wealth and Worth: What's Race Got to do With It?

Oklahoma Policy Institute okpolicy.org/blog/financial-security/wealth-and-worth-whats-race-got-to-do-with-it

EDUCATION

Asian Americans, Hispanic/Latinos, and African Americans were less likely to be enrolled in well-resourced, high-performing schools in Oklahoma.

Students Enrolled in Well-resourced, High-performing Schools

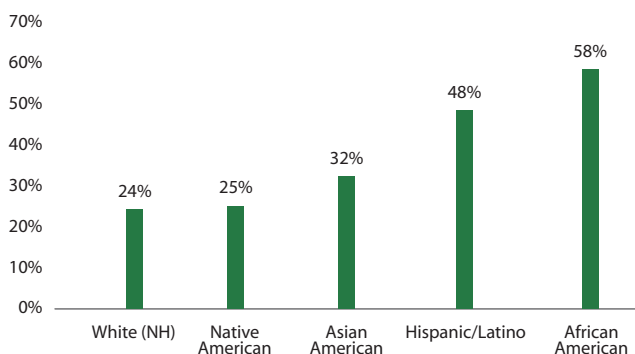


Source: Schott Foundation for Public Education analysis of National Assessment for Education Progress data (redesigned by authors)



On the other hand, Asian Americans, Hispanic/Latinos, and African Americans were more likely to attend poorly-resourced, low-performing schools.

Students Enrolled in Poorly-resourced, Low-performing Schools



Source: Schott Foundation for Public Education analysis of National Assessment for Education Progress data (redesigned by authors)

State Data and Analysis: Oklahoma

Schott Foundation for Public Education, National Opportunity to Learn Campaign

www.otlstatereport.org/states/oklahoma

Additionally, as of 2008, the diversity of teachers and principals did not match that of Oklahoma's students, accounting for less than half of the diversity that would be expected given the student population or the state's population. In Oklahoma's K-12 public schools, people of color make up:

- 41% of the students
- 15% of the teachers
- 14% of the principals

School and Staffing Survey (SASS), "Public School Data File," 2007-08
U.S. Department of Education, National Center for Education Statistics
nces.ed.gov/surveys/sass/tables/sass0708_2009321_sls_03.asp (students)
nces.ed.gov/surveys/sass/tables/sass0708_2009324_tls_02.asp (teachers)
nces.ed.gov/surveys/sass/tables/sass0708_2009323_pls_02.asp (principals)

HEALTH

Oklahomans of color face greater health risks than White (NH) Oklahomans:

- African Americans were more likely to rate their health as only fair or poor (24%) relative to Whites (NH) (17%).
- People of color were more likely to be uninsured than Whites (NH), including Hispanic/Latinos (45%), African Americans (27%), Native Americans (20%), relative to 15% for Whites (NH).
- Diabetes was more common among Native Americans (15%) and African Americans (14%) relative to 9% for Whites (NH).
- Prostate cancer is more prevalent among African American men (12%) than among White (NH) men (3%).
- There are a few exceptions to these trends. For example, Hispanic/Latinos were less likely to have been diagnosed with heart disease than Whites (NH).

2008 Behavioral Risk Factor Surveillance System (BRFSS)
Oklahoma State Department of Health
www.ok.gov/health/documents/HCL_BRFSS2008.pdf

DIVERSITY IN THE PUBLIC SECTOR

THE AREAS MOST LIKELY TO BE AFFECTED BY SQ 759

This section summarizes recent research about Oklahoma's diversity in three areas of the public sector that would be directly affected by the anti-affirmative action State Question 759.

PUBLIC CONTRACTING

Data from the Oklahoma Department of Transportation (DOT) were used to analyze public contracting. As one of the largest public contracting agencies in the state, the Oklahoma DOT awarded over 650 million dollars in 2011.

The Oklahoma DOT, as required by federal law, operates an equal opportunity program called the Disadvantaged Business Enterprises (DBE) program, which is aimed at small businesses owned by people of color, women, and disabled veterans. The Oklahoma DOT monitors the performance of its DBE program by recording the percentage of contracts awarded to the program's target groups. Data from 2003 through 2011 were obtained from the Oklahoma DOT for this report.

Historically, the Oklahoma DOT set a goal of 9%, on average, for the percentage of awards it expected to be won by small businesses owned and operated by people of color and women. This goal was met in many, but not all, years.

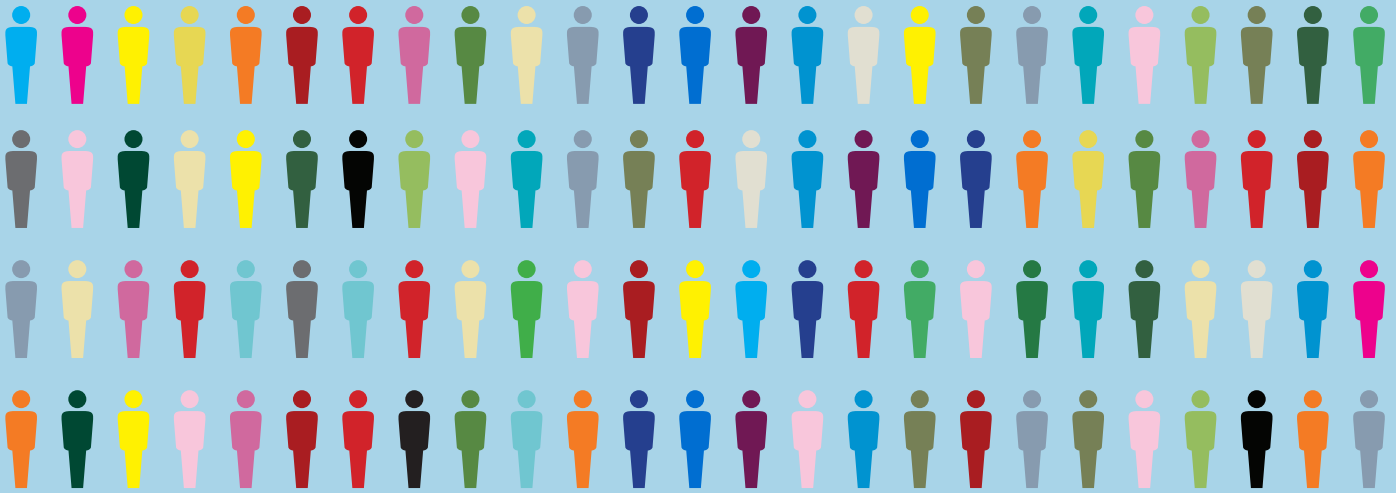
Awards and Goals to Businesses Owned by People of Color and Women



Source: Oklahoma Department of Transportation

Nine percent of awards to people of color and women is a much lower rate than the demographics of Oklahoma would suggest is possible, where 65% of the population aged 18 to 64 are people of color or White (NH) women. This 9% figure also represents a much lower level of diversity than is present in public employment (even in top positions) or in students or instructors at public schools, colleges, or universities.

Source: Data provided by the Oklahoma Department of Transportation



DISPARITY STUDIES

A disparity study measures the amount of public contracting dollars that might be expected to go to businesses owned and operated by people of color and women in a non-discriminatory environment compared to what they actually receive.

A recently published disparity study examined contracts awarded by the Oklahoma DOT from 2004 through 2009. Overall, the study found no evidence of disparity. However, the strong performance of White (NH) women- and Native American-owned businesses in some areas obscured evidence of disparity in others. For construction contracts, there was evidence of disparity for African American-, Asian American-, and, in some cases, Hispanic/Latino-owned businesses. For engineering contracts, all businesses owned by people of color and women, even Native Americans and White (NH) women, faced disparity.

Additionally, this study found evidence that people of color and women were limited in their ability to form successful businesses, thus reducing the diversity of contractors available to work on public contracts.

In 2010, the City of Tulsa published results of a disparity study. The study found evidence of disparity in prime contracts (contracts directly with the city) for people of color, and for both people of color and White (NH) women in subcontracting (contracts in which a smaller company reports to a prime contractor). The report noted that there was evidence to support the re-establishment of an equal opportunity/affirmative action public contracting program.

A Study to Determine DBE Availability and Analyze Disparity in the Transportation Contracting Industry in Oklahoma
BBC Research and Consulting for the Oklahoma Department of Transportation
www.okladot.state.ok.us/dbeinfo/disparity/dbe_dis_final-report.pdf

City of Tulsa Business Disparity Study
Presented June 8, 2010
participationpartners.com/Portals/0/docs/City%20of%20Tulsa%20Oklahoma.pdf

DIVERSITY IN THE PUBLIC SECTOR

THE AREAS MOST LIKELY TO BE AFFECTED BY SQ 759

PUBLIC HIGHER EDUCATION

Oklahoma's public higher educational system includes two top-tier research universities (Oklahoma State University and University of Oklahoma), 11 regional universities, and 12 community colleges.

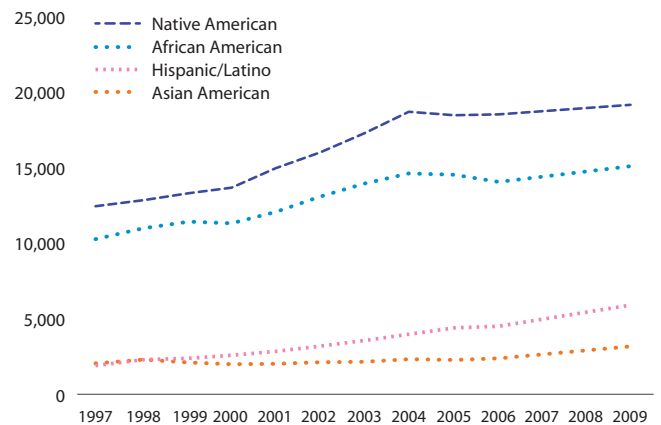
People of color make up 35% of the system-wide student population, but far fewer of the lecturers and faculty, including only 15% of tenured faculty (relative to 30% of the state's population aged 18 to 64 and 38% of those aged 18 to 24).

The percentage of people of color in Oklahoma's university system:

	System-wide	Top-Tier Research Universities
Students	35%	28%
Lecturers	23%	30%
Non-tenured faculty	22%	29%
Tenure-track faculty	26%	33%
Tenured faculty	15%	16%

Native Americans and African Americans are the two largest non-White (NH) groups in Oklahoma. Both groups saw increased attendance at Oklahoma's higher education facilities during the late 1990s and early 2000s, but since 2004, their rates have held steady.

Number of Students of Color Attending Oklahoma Higher Education Facilities



Fall 2009 Unduplicated Headcount by Ethnicity and Gender Within the State System

Oklahoma State Regents for Higher Education

www.okhighered.org/oeis/enrollment/Ethnicity/Fall_2009_Undup_Headcount_Enroll_by_Race_Gender.html

Full-Time Faculty at Oklahoma Public and Private Institutions by Tenure Status and Race/Ethnicity Fall 2007

www.okhighered.org/oeis/faculty-staff/FacultyCounts/FTTenuredbyRaceTable.htm

The Graduation Gap: Many minority students attend, but don't complete college

Oklahoma Policy Institute

okpolicy.org/blog/education/the-graduation-gap-many-minority-students-attend-but-dont-complete-college

PUBLIC EMPLOYMENT

In 2010, the State of Oklahoma employed 61,922 full-time and 26,828 part-time employees. Local governments (cities, counties, etc.) employ even more people: 138,816 are full-time and 23,042 are part-time employees.

In 2010, people of color were less likely to be employed by the State of Oklahoma than would be expected from their percentage of the population aged 18 to 64. However, that rate of public sector employment was similar to rates in the private sector. White (NH) women were more likely to work in the public sector compared to both their rate in the private sector and in the population aged 18 to 64.

	Public Sector	Private Sector	Population (18-64)
People of Color	23%	23%	30%
White (NH) Women	57%	46%	35%
White (NH) Men	35%	42%	35%

Furthermore, people of color and women are overrepresented in lower level positions, such as Paraprofessionals and Administrative Support, while White (NH) men are underrepresented in these lower level positions. For higher level positions (notably Officials and Administrators), people of color are employed by the state at rates substantially below their percentage of the general population in Oklahoma, though often at rates similar to the private sector.

DIVERSITY IN THE PUBLIC SECTOR

THE AREAS MOST LIKELY TO BE AFFECTED BY SQ 759

However, White (NH) women are employed by the state in top positions at rates similar to the private sector and to their percentage of the general population. White (NH) men fare better; they are employed by the State of Oklahoma and by the private sector at rates higher than their percentage of the population.

Thus, it appears that while White (NH) women have made significant inroads into upper management positions (though some departments remain gender imbalanced), White (NH) men are overrepresented and people of color continue to struggle for top positions.

U.S. Census
www2.census.gov/govs/apes/10stok.txt
www2.census.gov/govs/apes/10locok.txt

Equal Opportunity and Affirmative Action Status Reports
The Oklahoma Office of Personal Management
www.ok.gov/opm/Reports_and_Publications/index.html

LEARN MORE ABOUT EQUAL OPPORTUNITY IN OKLAHOMA

The following groups aim to promote equal opportunity in the State of Oklahoma:

ACLU of Oklahoma
www.acluok.org

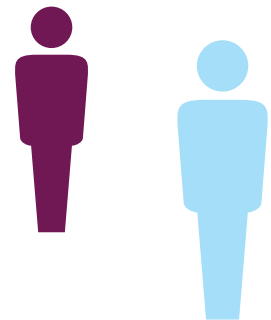
Change Oklahoma
www.changeoklahoma.com

Coalition for the American Dream
www.adctulsa.org

NAACP – Oklahoma Branch
www.oknaacp.org

Oklahoma Policy Institute
www.okpolicy.org

YWCA Tulsa
www.ywcatulsa.org/pages/affirmative_action





eliminating racism
empowering women
ywca
tulsa

OKPOLICY.ORG
Oklahoma Policy Institute

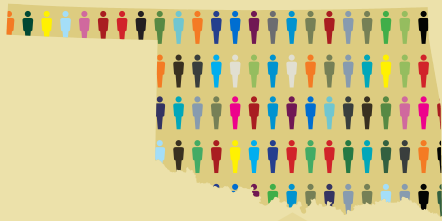
SUMMARY

There is ample evidence that disparity is still prevalent in the State of Oklahoma. While there are some promising trends in the public sector, it is clear that discrimination and disparity have not yet been fully remedied in housing, education, employment, and other sectors.

While it is unknown what the impact of the anti-affirmative action SQ 759 would be in Oklahoma, a helpful guide is the evidence from states that have already limited equal opportunity. Research from these states offers compelling evidence that affirmative action bans limit the opportunities available to people of color and women.

For an overview of equal opportunity at the national level and details on current research in states where equal opportunity efforts have been limited, please see the companion packet to this report:

Equal Opportunity: The Evidence
law.berkeley.edu/files/EOTheEvidence



EQUAL OPPORTUNITY: THE EVIDENCE FROM OKLAHOMA

THE HENDERSON CENTER FOR SOCIAL JUSTICE, BERKELEY LAW
IN PARTNERSHIP WITH THE MWM CONSULTING GROUP, LLC

JULY 2012



The MWM Consulting Group, LLC conducts research and provides technical assistance to advance concepts of fairness, diversity, and inclusion in the public and private sphere. Toward the goal of elevating a collective consciousness and implementing policies that promote fairness and diversity, the MWM Consulting Group, LLC facilitates processes to remove structural barriers to equality and justice for all.

www.mwmconsultinggroupllc.com



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Berkeley, CA 94705-7220
www.law.berkeley.edu/HendersonCenter.htm

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