

Declaration of Octavio Villalpando

I, Octavio Villalpando, hereby declare:

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently as follows.
2. I am the Associate Vice President for Equity and Diversity, Associate Professor of the Department of Educational Leadership and Policy, and Director of the Center for Critical Race Studies at the University of Utah. I received my Ph.D. and Master's degree from UCLA in the field of Higher Education, where I also conducted research in the nationally-renown Higher Education Research Institute.
3. I received postdoctoral research fellowships from the Ford Foundation / National Academy of Sciences and from the California State University system; and have obtained over \$1million in research and assessment grants from public and private sources, including the Spencer Foundation and the American Educational Research Association.
4. My scholarship draws from Critical Race Theory and Latina/o Critical Theory to analyze how inequality in U.S. higher education shapes the educational outcomes and experiences of historically underrepresented students and faculty. My research was recently cited in the U.S. Supreme Court decision on affirmative action as evidence for maintaining affirmative action in higher education admissions, and has been published in national and international journals in the field of higher education.

5. At the University of Utah, I supervise the Ethnic Studies Program, Gender Studies Program, the Center for Ethnic Student Affairs, the American Indian Resource Center, the Lesbian, Gay, Bisexual, and Transgender Resource Center and other related student support services. I also teach courses in the areas of Critical Race Theory, Student Development, Diversity & Multiculturalism in Higher Education, The Impact of College on Students, and Student Affairs. The College of Education has recognized my scholarly contributions by awarding me the Outstanding Faculty Teaching Award in 2002 and the Outstanding Faculty Research Award in 2005.
6. I have spoken frequently on the issue of diversity in education. The anti-immigrant political climate that has been created by some public figures in the State of Utah toward Latinos and Asian Americans in particular has fueled a climate of incivility in our public and higher education. Students' identities are frequently challenged and questioned, especially with regard to their right to receive an education.
7. The presence of Latina/os, Asian Americans, African refugees, and other students of color in educational institutions has come under greater challenge and scrutiny by their peers and some of the public discourse in Utah. They are exposed to questions and comments in and out of the classrooms that challenge their status as "legitimate" and "legal" members of our societies.
8. Students routinely share how difficult it is to study given the constant attacks against undocumented immigrants that are published in the media. Students have shared experiences of being profiled and pulled over on their way to school, and having their identity disparaged in more "benign" public interactions. One Latina student was driving

to campus with her white peers and saw a Latino family in the car in front of them get pulled over by ICE. The family was subjected to ICE questioning and processing. The student was very troubled by this and said that could have been her family – her family could have been stopped and processed by ICE even though they hadn't committed any traffic violation.

9. Latina/o faculty and staff have also shared with me incidents of similar types of racial profiling.
10. There is a strong anti-Latino immigrant and anti-Asian immigrant discourse in the political discourse in Utah. This discourse has worsened with the passage of SB 81 and HB 497, which are both clearly anti-immigrant laws reflecting the hate-filled beliefs of some public officials and representatives. SB81 and HB497 have fueled an anti-immigrant climate that has impacted different sectors of education in Utah, including public education through higher education. U.S. citizens, legal U.S. residents, and undocumented students express concern about HB 497 for themselves and their families. They are worried about being subjected to random searches by ICE or the police and having to carry and provide proper identification at all time. Students are very concerned that as a result of these random searches and racial profiling, their parents and family will also be harassed and potentially deported for a minor traffic infraction the student might have committed. HB 497 has created a general climate of fear among many students of color.
11. Both students and faculty are concerned that HB 497 will exacerbate the racial profiling of legal immigrants and U.S. citizens born of immigrant parents. They shared examples

of racial profiling, even as HB 497 was being debated earlier this year. Faculty reported getting profiled on the way to work. One Latino Professor who was born and raised in the U.S. told me he was picking up a Tongan/Samoan student who was walking to school. A block down the street, he was pulled over. The police officer said there were reports of “criminal activity” and asked for his and the student’s identification. The officer released him after he saw the identification. Both the faculty member and the student are U.S. citizens; they believe they were stopped based on racial profiling.

12. The passage of SB 81 and HB 497 have created a climate of fear and persecution in Utah.

I have personally received hate email for speaking out on diversity issues. The email accused me of being a racist, a communist, a revolutionary, and anti-American. One or two concluded by saying that they would “take me down,” like they had taken down another Latina educator (apparently they made her cry). I reported these incidents to the police.

13. I was also highlighted in a YouTube segment created by a student who was critiquing diversity and who blamed me for the racism on campus. The link was forwarded to me by my brother in San Francisco, so it had pretty wide distribution.

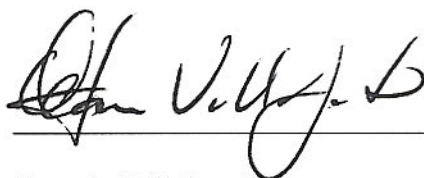
14. What is most disturbing about these personal attacks is that I have been relatively silent on speaking out on these issues publicly. I haven’t been an activist in general or in the media about immigrant rights. When I do comment publicly it is always about the impact of public policies on the educational process for communities of color, which my area of research and teaching as a professor. I don’t speak out in a radical or controversial way,

just as an educator. What little I have -done appears to draw serious and instantaneous negative attention.

15. In general, people are very fearful of speaking out publicly about HB 497. Students are silent in their classes when the issue of immigration comes up because they don't know if they will be turned into ICE by their peers. Students don't speak out in class because they are afraid.
16. Anyone who joins the lawsuit against HB 497 would face the same negative feedback that I received. I believe there will be a backlash for people who come out in the lawsuit against HB 497. Anyone who speaks out against HB 497 publicly will be targeted and receive the same hateful response that I did. Based on my experiences and close observation of the public discourse about immigration in Utah, I fear that any undocumented immigrant who is publicly associated with a lawsuit against HB 497 will be targeted for retribution.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this Second day of May, 2011 in Salt Lake City, Utah.

A handwritten signature in black ink, appearing to read "Octavio Villalpando", is written over a horizontal line.

Octavio Villalpando