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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF SAN LUIS OBISPO**

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10 RITA GARCIA, an individual; ERIKA  
MEDINA, an individual; MIGUEL  
11 PUENTE, an individual; LILIA GARCIA, an  
individual, and the LEAGUE of UNITED  
12 LATIN AMERICAN CITIZENS, an  
organization,

13 Plaintiffs,

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15 vs.

16 CALIFORNIA POLYTECHNIC STATE  
UNIVERSITY, SAN LUIS OBISPO;  
17 CHARLES B. REED, Chancellor, California  
State University System; WARREN  
18 BAKER, President of California Polytechnic  
State University, San Luis Obispo; JAMES  
19 MARAVIGLIA, Executive Director of  
Admissions and Recruitment at California  
20 Polytechnic State University, San Luis  
Obispo.

21 Defendants.  
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Case No. \_\_\_\_\_

**COMPLAINT FOR INJUNCTIVE  
AND DECLARATORY RELIEF**

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**I. INTRODUCTION**

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1. Plaintiffs are applicants to California Polytechnic State University, San

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Luis Obispo, (“Cal Poly SLO”), a taxpayer, and a community organization. Plaintiffs bring this

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1 score incorporates the total points that Cal Poly SLO awards in the tier one formula plus the  
2 points Cal Poly SLO awards in tier two.

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4 6. Cal Poly SLO admits applicants based on their final admissions score.  
5 When Cal Poly SLO arrives at a final admissions score for applicants, it incorporates two  
6 discriminatory criteria, the SAT I and ACT component and the geographic preference  
7 component.

8 7. Plaintiffs have suffered an injury resulting from these discriminatory  
9 criteria. Plaintiffs include applicants who were denied admission to Cal Poly SLO and were  
10 subjected to these rigid, discriminatory mathematical admissions formulas. Plaintiffs also include  
11 organizations whose members include individuals subjected to these rigid, discriminatory  
12 admissions formulas. Finally, Plaintiff taxpayer challenges the illegal expenditure of taxpayer  
13 monies in Cal Poly SLO's discriminatory admissions formulas.

## 14 II. PARTIES

15 8. Plaintiff Rita Garcia is a student who applied for admission to Cal Poly  
16 SLO as a high school senior. At the time she submitted her application in or around the fall of  
17 2001, Plaintiff Rita Garcia resided in Salinas, California and attended Alisal High School.  
18 Plaintiff Rita Garcia graduated as the valedictorian of her high school class, was on the Principal's  
19 Honor Roll each of her semesters in high school, and was a Seal Bearer for the California  
20 Scholarship Federation, among other honors and achievements. Cal Poly SLO subjected  
21 Plaintiff Rita Garcia to its admissions practices and denied Plaintiff Rita Garcia admission in or  
22 around the spring of 2002. Plaintiff Rita Garcia is currently attending another university.

23 9. Plaintiff Erika Medina is student who applied for admission to Cal Poly  
24 SLO as a high school senior. At the time she submitted her application in or around the fall of  
25 2002, Plaintiff Erika Medina resided in Commerce, California and attended Bell Gardens High  
26 School. Plaintiff Erika Medina was ranked in the top 5 percent of a class of 500 students, was

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1 on the Principal's Honor Roll each of her semesters in high school, and was a Gold Lifetime  
2 Member of the California Scholarship Federation, among other honors and achievements. Cal  
3 Poly SLO subjected Plaintiff Erika Medina to its  
4 ///  
5 admissions practices and denied Plaintiff Erika Medina admission in or around the spring of  
6 2003. Plaintiff Erika Medina is currently attending another university.

7 10. Plaintiff Miguel Puente is a student who applied for admission to Cal Poly  
8 SLO as a high school senior. At the time he submitted his application in or around the fall of  
9 2002, Plaintiff Miguel Puente resided in Bell Gardens, California and attended Bell Gardens High  
10 School. Plaintiff Miguel Puente received the California Governor's Scholars Award each of his  
11 four years in high school, among other honors and achievements. Cal Poly SLO subjected  
12 Plaintiff Miguel Puente to its admissions practices and denied Plaintiff Miguel Puente admission in  
13 or around the spring of 2003. Plaintiff Miguel Puente is currently attending an airline flight  
14 academy.

15 11. Plaintiff Lilia Garcia is a taxpayer in the State of California.

16 12. The League of United Latin American Citizens (LULAC) is a membership  
17 organization whose goals include advancing the educational attainment, economic condition,  
18 political influence, and civil rights of the Latino population. Cal Poly SLO's admissions policies  
19 directly affect LULAC's membership. Similarly, Cal Poly SLO's admissions policies directly  
20 affect LULAC's core mission.

21 13. Defendant Cal Poly SLO is a California public university and a part of the  
22 California State University System.

23 14. Defendant Charles B. Reed is the Chancellor of the California State  
24 University System. As the Chancellor, Charles B. Reed supervises and oversees the California  
25 State University System schools, including Cal Poly SLO. Consequently, Charles B. Reed  
26 approves, selects, supervises, and/or implements Cal Poly SLO's admissions practices.



1 (“MCA”) formula. In its admissions system, Cal Poly SLO uses its admissions formula with  
2 slightly different numerical weights depending on the proposed undergraduate major of the  
3 applicant. The Cal Poly SLO MCA models utilize five factors: college preparatory grade point  
4 average (“GPA”); additional core course work beyond minimum requirements; overall GPA  
5 (“Overall GPA”); SAT I Verbal score and Math score; and co-curricular activities. By applying  
6 its admissions formula, the university arrives at a numerical score for each applicant. Cal Poly  
7 SLO can award applicants a maximum of 5,000 points based on these five factors.

8           21. Cal Poly SLO allows applicants to substitute ACT scores in the place of  
9 SAT I scores for admissions purposes. Using a conversion table, Cal Poly SLO treats ACT  
10 scores as the equivalent of SAT I scores. Consequently, for each formula and criterion  
11 discussed below, applicants can substitute the ACT for the SAT I.

12           22. As with its other factors, Cal Poly SLO weights the SAT I scores  
13 differently in each of its five variations of its MCA formula. The SAT I is a significant factor in  
14 Cal Poly SLO’s first tier of admissions, ranging from 25 to 35 percent of the total points an  
15 applicant can receive.

16           23. For each variation of its MCA formula, Cal Poly SLO sets an initial  
17 minimum score that students must receive in order to proceed for further consideration. For  
18 applicants scoring below Cal Poly SLO’s designated minimum, the university denies admission.

19           24. Cal Poly SLO’s rigid, formulaic use of the SAT I and ACT results in a  
20 disparate impact against Latino applicants. In California, during 2002, Latino SAT I and ACT  
21 test takers scored significantly lower than whites and Asian Americans. These disparities in SAT  
22 I and ACT test score outcomes between whites and Asian Americans on one hand and Latinos  
23 on the other are consistent from year to year.

24           25. Through Cal Poly SLO’s overreliance on the SAT I and ACT and its  
25 formulaic application of SAT I and ACT scores, Cal Poly SLO systematically discriminates  
26 against Latino applicants. Because of Cal Poly SLO’s misuse of this discriminatory criterion,

1 Latino applicants are being unfairly and unjustly denied admission. At tier one of the admissions  
2 process, the discriminatory SAT I and ACT scores translate to lower admissions scores for  
3 Latinos.

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7 **B. Admissions Process: Tier Two, Cal Poly SLO Awards Additional Points  
Based on a Discriminatory Geographic Preference**

8 26. After eliminating students who do not meet the initial minimum threshold  
9 score, Cal Poly SLO awards additional points to students in the remaining applicant pool based  
10 on six categories including awarding 250 points to students living within a specific geographic  
11 area around the Cal Poly SLO campus, its so-called “service area.” This area stretches from  
12 Kings County to Lompoc.

13 27. Cal Poly SLO’s geographical preference for applicants living within its  
14 “service area” also results in an adverse disparate impact against Latino, African American, and  
15 Asian American students. For high school aged individuals residing within Cal Poly SLO’s  
16 designated “service area,” whites are overrepresented, while Latinos, Asian Americans, and  
17 African Americans are underrepresented in comparison to their populations statewide.  
18 Therefore, Latinos, Asian Americans, and African Americans are eligible for the “service area”  
19 bonus at lower rates than whites. These differential rates result in a discriminatory effect on  
20 Latinos, African Americans, and Asian Americans.

21 **C. Tier Three: Cal Poly SLO’s Final Admission Score for Applicants  
Rigidly Incorporates Discriminatory SAT I and ACT Scores and a  
22 Discriminatory Geographic Preference**

23 28. At the end of the process, each applicant who met the initial minimum  
24 threshold receives a total score. The total score is the applicant’s score on the possible 5,000  
25 point total from Cal Poly SLO’s MCA formula plus the point total added in the second tier of  
26

1 evaluation process for specific criteria, including the 250-point geographic bonus. Cal Poly SLO  
2 admits applicants based on this total score by the applicant's major.

3 29. Thus, Cal Poly SLO incorporates two discriminatory criteria, which it  
4 applies in arriving at a final admissions score for an applicant. The final admissions score includes  
5 both the SAT I and ACT component and the geographic preference component.

6 30. In its admissions process, Cal Poly SLO relies on criteria of limited and  
7 questionable utility in distinguishing among qualified applicants. Moreover, the flaws in

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9 the admissions process unjustifiably reduce the admissions opportunities of Latino, African  
10 American, and Asian American applicants.

11 31. It is not educationally necessary to use the SAT I in the manner in which  
12 Cal Poly SLO currently employs the exam because Cal Poly SLO assigns unjustifiable weight to  
13 the SAT I and ACT test scores in a manner that erects barriers to qualified Latino applicants  
14 competing for admission to Cal Poly SLO.

15 32. Nor is it educationally necessary to award extra points for living in the  
16 geographical service area, and this criterion discriminates against Latinos, African Americans,  
17 and Asian Americans.

## 18 **FIRST CLAIM FOR RELIEF**

19 **(Cal. Gov. Code § 11135; Cal. Code Regs. tit. 22 § 98101 )**

### 20 **Injunctive Relief**

21 33. Plaintiffs reallege and incorporate by reference all allegations contained in  
22 paragraphs 1 through 32 above.

23 34. Cal Poly SLO is a state university that is funded directly by the state and  
24 receives financial assistance from the state.

25 35. Cal Poly SLO's current admissions process, including its use of SAT I  
26 scores and its geographic preference, has a significant discriminatory effect on Latinos.

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1 100.3(b)(2).

2 44. Cal Poly SLO is a program or activity receiving federal financial assistance.

3 45. Defendants violate the implementing regulations of Title VI through their  
4 use of discriminatory admissions criteria, including the use of the SAT I and the geographic  
5 preference.

6 **Prayer For Relief**

7 Plaintiffs respectfully request the following relief:

8 A. For a declaration that Cal Poly SLO's admissions process is unlawful due to a  
9 misuse of the SAT I and ACT and an improper geographical preference;

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12 B. For permanent injunctive relief prohibiting Cal Poly SLO's admissions process  
13 from utilizing the SAT I and ACT as it currently does and prohibiting the use of  
14 Cal Poly SLO's geographical preference;

15 C. For the costs of the Suit;

16 D. For an award of Attorneys Fees to counsel from MALDEF; and

17 E. For such other equitable or legal relief as the Court deems just and proper.

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19 Dated: January 6, 2004

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE  
AND EDUCATIONAL FUND

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By: \_\_\_\_\_  
Victor Viramontes

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Attorneys for Plaintiffs.

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