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## Brief 16: In Search of Equity: An Institutional Response

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# NERCHE BRIEF

New England Resource Center for Higher Education  
April 03

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The following Brief from the New England Resource Center for Higher Education (NERCHE) is a distillation of the work by members of NERCHE's think tanks and projects from a wide range of institutions. NERCHE Briefs emphasize policy implications and action agendas from the point of view of the people who tackle the most compelling issues in higher education in their daily work lives. With support from the Ford Foundation, NERCHE disseminates these pieces to a targeted audience of higher education leaders and media contacts. The Briefs are designed to add critical information and essential voices to the development of higher education policies and the improvement of practice at colleges and universities.

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## **In Search of Equity: An Institutional Response**

The United States Supreme Judicial Court is currently deliberating the University of Michigan Affirmative Action lawsuits involving three white students who claim they were discriminated against because of race-conscious admissions policies. Organizations, such as the Center for Individual Rights, which sponsored the Michigan plaintiffs, and the Center for Equal Opportunity, have spearheaded drives to evaluate affirmative action programs in light of equal protection under the law. Viewed in this light, these policies appear to be unfair to white candidates. Examined more closely, concerns about equitability are missing from arguments about fairness. NERCHE's Multicultural Affairs Think Tank members discussed the changed environment brought about by these lawsuits and its implications for colleges and universities.

Even students far removed from the Michigan cases are feeling the effects. Think tank members report that assertions about fairness are credible to more and more traditional-aged white students, many of whom tend to understand the concept only in

terms of their own experience. These students are often unaware of the numbers of white students that are admitted to colleges and universities because their parents had either attended the school or possess the ability to underwrite the full cost of a four-year education. At the same time statistics can be used to bolster any argument. The claim, for example, that 100 percent of African American candidates, while only 20 percent of white candidates, gained admission to a program, loses its persuasive power when placed in the context of understanding that there were 15 African Americans and 250 whites in the pool.

The impact of the Michigan cases on nonwhite students can be especially harsh. They are labeled as recipients of undue privilege that has all but obliterated an ongoing history of discrimination based on race. Their presence on campus is viewed as a consequence of race rather than of qualifications. Such a context can further erode minority students' trust and confidence in the higher education system and the society that it serves. Even if the Court's finding supports the University of Michigan, these students will continue to carry this burden.

To date only public universities have been the targets of lawsuits challenging admissions policies that include race in a complex formula that seeks to shape a student body that best serves the educational needs of students. Private institutions, however, are also vulnerable because they receive federal monies. They may be subject to lawsuits for operating race-exclusive programs, such as orientation programs for minority students. On some campuses, these concerns are already being translated into programmatic changes, such as changed entrance requirements for summer orientation programs that had originally been intended for minorities.

There is more at stake than admissions policies that uphold the value of diversity or new student orientation programs that recognize that many minority students have languished for years in public schools that are woefully inadequate. Also under scrutiny are faculty hiring policies, course offerings, and the existence of centers and institutes that benefit minority populations. In the end, these lawsuits jeopardize a college or

university's ability to create a diverse educational environment to enhance student learning and growth. An attack on diversity is an attack on each institution, and responses to these attacks should be institution-wide.

Directors of multicultural programs and affairs have important roles to play, not only because their programs may be at risk in the current climate, but also because of their skills at reaching across various constituencies of the institution. They need to be proactive and strategic, as well as responsive. Members of the Multicultural Affairs Think offer the following suggestions for campus-wide responses.

### Recommendations

- **Assess** In order to decrease the vulnerability of programs with diversity objectives, Directors of Multicultural Affairs and related programs can enlist a team of faculty, staff and students to analyze the vision, mission, and strategic initiatives of diversity programs with the goal of grounding each solidly in the educational mission of the campus. Regardless of the outcome of the cases, these centers and programs should make their relationship to the mission explicit. The same considerations should be taken into account when designing multicultural programs.
- **Organize** While it is diversity programs that are under the spotlight now, other campus programs may soon find themselves in that uncomfortable position. It makes good sense to develop alliances with other campus groups, such as women's centers that are involved in efforts to protect Title IX.
- **Support** Many non-minority faculty are eager to include diversity topics in their classrooms but may feel ill equipped to handle sensitive issues. Administrators can offer faculty development on diversity issues, along with such things as released time and other supports that signal institutional commitment.

- **Educate** The Michigan cases and their many reverberations threatens to turn loosely defined groups on campus into factions. Faculty can hold forums, events, and teach-ins on issues emanating from the cases. The spotlight on the Michigan cases offer opportunities to teach and also to give voice to members of the campus community in an educational setting.

As educators, we are all obliged to make certain that students understand how to decipher information accurately. Every effort should be made to teach students and other members of the community to debunk lines of reasoning that rest on weak and misleading “facts”--especially in such nationally prominent cases with potentially enduring consequences.

- **Reach out** Over the past two years more than 70 Fortune 500 companies along with the members of the United State military and a number of professional, educational, and social justice institutions have filed amicus briefs in support of the University of Michigan. It is critical that individuals understand the degree to which the opponents of affirmative action are out of step with the rest of society.
- **Recommit** Beyond their commitment to educate students and the campus community, institutions need to publicly reaffirm their responsibility to serve the best interests of the wider public in preparing a well-educated work force and citizenry that can participate actively in a democracy. Addressing the conflict around equity and the obligations of a just society is an appropriate role for higher education-regardless of the outcome of the Michigan cases.

Do you have a response to the issues raised in this Brief? NERCHE welcomes your comments. Would you like more information on Nerche think Tanks and other programs: Please contact us at:

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