



Conflict, Affirmative Action and Campus Diversity

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Purpose of Presentation

As colleges and universities strive to become more diverse, legal and political conflicts pertaining to diversity-related issues will continue to challenge our campuses. In this session, the presenter will discuss the current status of the University of Michigan's two lawsuits which the U.S. Supreme Court has been asked to hear.



Events that led to lawsuits

- Texas and California decisions.
- The University of Michigan rapid growth in student of color enrollment and its reputation for institutional diversity.
- U-M's use of race and ethnicity as one of many admissions' selection criteria as permitted in the 1978 Bakke Decision (25,000 applications for an entering class of 5,300).



Percentage increases in of students of color enrollment over past twenty years at the University of Michigan (1981–2001)*

<u>Enrollment Year</u>	<u>Total Percent</u>
1981	9.4%
1987	13.6%
1991	20.5%
2001	26.1%

* Students of color are defined as Asian Pacific Americans, African Americans, Latino/Hispanics, and Native Americans.



The two lawsuits filed against the University of Michigan

- The two lawsuits: commonalities/differences
 - The law school lawsuit.
 - The undergraduate school (Literature, Science and Arts) lawsuit.
 - Michigan's admissions process.



Legal arguments in the lawsuits

Principles guiding U-M's legal defense:

- Institutional diversity as an educational benefit to all students and the campus community.
- the importance of social science data from the Michigan Student Study and other data sources.
- The landmark Bakke decision is still the law of the land.
- Students coming from segregated communities.



Legal arguments in the lawsuits

- The Intervener's perspective:
 - Equity/Social Justice approach - addressing past practices of discrimination.
 - Bakke is the law of the land.
 - Climate issues.
 - Irreparable harm to future students of color ability to attend U-M.



Legal arguments in the lawsuits

- The Center for Individual Rights' Perspective:
 - Bakke should not be the law of the land.
 - Michigan's puts too much emphasis on race and ethnicity in its admissions process.
 - Michigan admissions' policies discriminates against better qualified white student.



The two lawsuits filed against the University of Michigan - *current*

- Legal decisions by the U.S. District Court.
- Legal decisions by the U.S. Sixth Circuit Court of Appeals.
- Petitions to the U.S. Supreme Court.
 - CIR
 - The Interveners
 - University of Michigan



Michigan's Position Relative to the case being heard by the U.S. Supreme

- Requesting that the Court not hear the two cases - what's U-M's rationale for this decision?
- U-M's position if the U.S. Supreme Court decides to hear the law school case.
- "Possible" timetable if the U.S. Supreme Court decides to take one or both cases.



The impacts that the lawsuits have had on the U-M's campus

- Considerable time, energy and costs.
- Living with the legal defense team and learning the legal language.
- Impact on students and student organizations.
- Impact on the rest of the campus community.
- Perceptions of slowed down progress - at a time when much more still needs to be done.



The impacts that the lawsuits have had on the University of Michigan campus

- Impact on recruitment and admissions.
- Review of programs and re-affirmation of our commitment to diversity.
- Importance of sustained leadership and commitment from various constituents (e.g., community leaders, alumni association, Board of Regents, corporate community, campus community, and donors).
- Starting to think about post-lawsuit era.



Implications for the higher education community

- Who will be impacted?
- What will be impacted?
- The 1978 Bakke Decision could be re-affirmed, modified or overturned.
- Could be far-reaching decision - beyond the access/admissions processes.
- Continued national critique on the fairness of testing and grades.



Now it's your turn!

- Additional questions that you might have.
- Discussion on topics covered in the session.
- Information sharing best practices and practices to be avoided.
- Differing perspectives and view points.

For Additional Information



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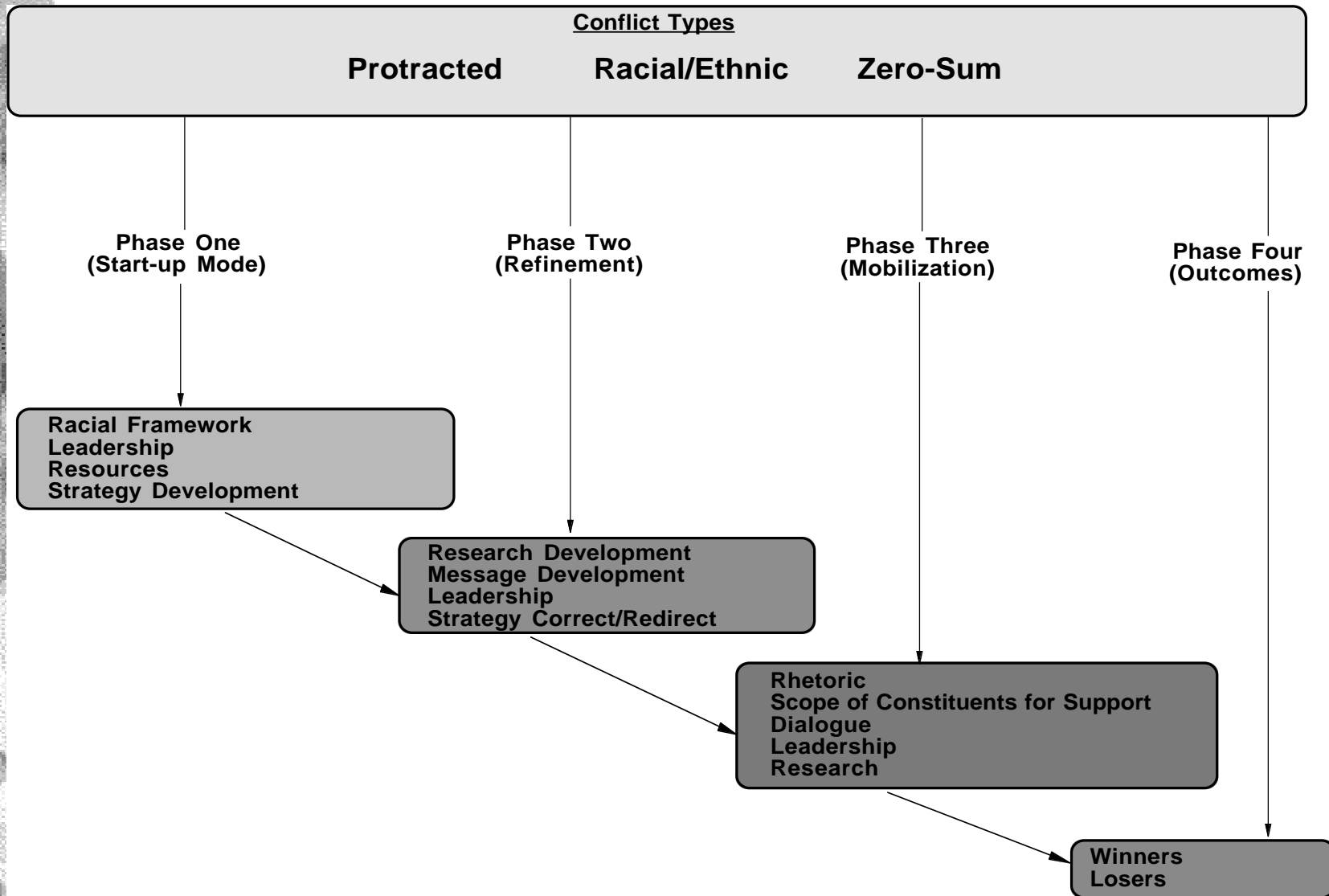


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**A Legal Update and Lessons Learned from The University of Michigan's
Court Challenges**

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University of Illinois at Urbana-Champaign**

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Lessons Learned

- **Orientation to Divisive Issue**
- **Communication Strategies**
- **Leadership Characteristics**
- **Utilization of Research**
- **Coalition Building**



Orientation to Divisive Issue

- **Assess dominant perceptions.**
- **Determine institutional stance.**
- **Maintain institutional stance.**



Communication Strategies

- **Determine a clear message.**
- **Articulate message to campus and constituents.**
- **Educate the media.**
- **Facilitate campus dialogue.**



Leadership Characteristics

- **Team leadership approach**
- **Division of labor**
- **Demonstrated commitment**
- **Willingness to correct failed strategies**



Utilization of Research

- **Recognize importance of research.**
- **Develop research effort to investigate validity of position or assumptions.**
- **Use findings to refine and strengthen message.**
- **Share findings with campus and constituents.**



Coalition Building

- **Target potential allies.**
- **Solicit public support from opinion makers.**
- **Facilitate dialogue.**
- **Report significance of research.**
- **Recognize and address constituents' interests.**



Contact Information

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