

# Standing Our Ground

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A Guidebook for STEM Educators  
in the Post-Michigan Era

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October 2004



ADVANCING SCIENCE, SERVING SOCIETY



## **Acknowledgment**

AAAS, NACME, and the authors of this report are indebted to over 180 colleagues who participated in the January 2004 conference, and to another 20 who contributed case materials and reviewed various pieces of what follows. None of them is acknowledged by name. The climate of intimidation that dominates discussions of policies and programs today on the issue of inclusion (commonly referred to as “affirmative action”) makes it imprudent and risky to highlight their participation lest they and their institutions become subject to harassment and the targets of critics. Many believe that our problems are over and the need for special efforts is long past. The data belie those beliefs; educational preparation and opportunity are not yet evenly distributed by race, ethnicity, gender, and geography. This guidebook can help level the playing field, but we are far from that state of grace. An exception to our anonymous acknowledgment is a hearty thank-you to the Alfred P. Sloan Foundation (grant no. 2004-6-12), which funded the conference, and in particular, to Dr. Ted Greenwood, Program Director.

## **Disclaimer**

The interpretations and conclusions contained in this guidebook are those of the authors and do not represent the views of the AAAS Board of Directors, its Council, and membership; the NACME Board of Directors; or the Alfred P. Sloan Foundation.

Printed in the United States of America  
ISBN 0-87168-699-6

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American Association for the Advancement of Science  
AAAS Center for Advancing Science & Engineering Capacity  
1200 New York Avenue, NW  
Washington, DC 20005 USA

Layout by AAAS Publication Services  
Cover by Ann Williams, AAAS EHR

## **About AAAS**

The American Association for the Advancement of Science (AAAS) is the world’s largest general scientific society, and publisher of the journal, *Science* ([www.sciencemag.org](http://www.sciencemag.org)). AAAS was founded in 1848, and serves some 265 affiliated societies and academies of science, serving 10 million individuals. *Science* has the largest paid circulation of any peer-reviewed general science journal in the world, with an estimated total readership of one million. The non-profit AAAS ([www.aaas.org](http://www.aaas.org)) is open to all and fulfills its mission to “advance science and serve society” through initiatives in science policy; international programs; science education; and more. For the latest research news, log onto EurekAlert!, [www.eurekalert.org](http://www.eurekalert.org), the premier science-news Web site, a service of AAAS.

## **About NACME**

Since 1974, NACME (the National Action Council for Minorities in Engineering) has provided leadership and support for the national effort to increase the representation of successful African American, American Indian and Latino women and men in engineering and technology, math- and science-based careers. For details on NACME programs, partners and sponsors, see [www.nacme.org](http://www.nacme.org).

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# Foreword

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The phone rings at 8:00 AM one Thursday. The call is from the office of the university counsel. They want to see you as soon as possible about a letter just received that raises questions about minority-focused programs, including the program you run to bring more minorities into the College of Engineering.<sup>1</sup>

You knew this was coming; similar letters had been received by friends and colleagues who run programs in other institutions. Their counsels are advising that the programs be opened to all students. Before your program began there were few applications from minority students, low retention of those few who did enroll, and mediocre performance by those who remained to graduate. After 20 years of effort all of those trends have been reversed: progress is being made, though not nearly enough to warrant abandoning the program. Could it really be dismantled? Your first reaction is panic, followed by anger and then confusion. You think, “How can this be happening? I thought the Michigan decisions affirmed the value of diversity.”

While the specific event described is fictional, it is based in fact. Program implementers are being challenged about their initiatives. Universities are changing participation requirements beyond what might be needed to satisfy the letter and spirit of the Supreme Court rulings in *Gratz v. Bollinger* and *Grutter v. Bollinger*. Race-conscious decision making is allowed under certain circumstances. Race-neutral strategies must be considered but *do not have to be adopted* if program goals cannot be achieved using these. Research findings challenge the effectiveness of most of these strategies,<sup>2</sup> and the embrace of many have yielded perversions that defy logic. Some coun-

sels have advocated giving ground to avoid lawsuits; others down the road, in institutions with similar initiatives, have chosen to stand pat.

While the fictional encounter *could have* happened, an incident that *did* occur was much more troubling. An administrator in a major public university system bemoaned the slow rate of change to the makeup of the science and engineering faculties at her institution. She acknowledged that it was hard to change the situation since special efforts at outreach and recruitment of persons to apply for such positions could not be undertaken. We pointed out that this was not so and that, in fact, since the university was a federal contractor, it was subject to Executive Order 11246, which means that it had included a standard “equal opportunity clause” in each of its nonexempt contracts. Under this standard clause, the university must develop an Affirmative Action Plan that includes an analysis of the utilization or underutilization of minorities and women. Essentially, the Executive Order *required* that efforts be undertaken to employ a diverse faculty. The campaign of intimidation has indeed succeeded when *supporters* of diversity on campuses surrender their rights in the confusion of what is legally permissible, or, in this case, what is required.

Perhaps if more post-*Grutter* and -*Gratz* guidance had been forthcoming from the Bush Administration, such as that provided to universities after the Bakke decision, there might be less confusion and more consistent behavior. But as of the writing of this document, such guidance has not been offered. Instead, the Administration, through the Department of Education’s Office of Civil Rights, has issued two dif-

ferent papers on “race neutral alternatives.” They comprise only a piece of the overall strict scrutiny analysis in which a university employing race-conscious decision making must engage. Moreover, the Administration offers advice concerning these race-neutral alternatives to the exclusion of any other approaches in the face of research to the contrary. This research suggests that so-called alternatives (such as the Texas 10% “solution”) look less and less each day like viable alternatives if the goal is diversity and fairness.

*Standing Our Ground* seeks to provide practical advice based on the specific nature of the problems of bringing minorities into science, technology, engineering and mathematics (STEM), the details of the types of programs developed to address the problems, and the significance of the opinions rendered by the Supreme Court. This document does not offer legal advice. But data, research, and anecdotes needed to inform legal advice are provided. Strategies undertaken and language adopted by other institutions are shared. Readers are advised to conduct a careful analysis of individual program components. The discussion that follows will inform that analysis.

Rather than simply give up effective programs that can be sustained within the bounds provided by the Supreme Court, university leaders need to determine how important diversity really is to the educational missions that they pursue. A white male engineering student, for example, will be greatly disadvantaged if he enters the corporate world unaware of and unprepared to work in a multicultural team environment, being asked to develop products for a diverse market. A white medical student who has few opportunities to interact with minority classmates, has not acquired some level of cultural competence, or come to a practical rather than just an intellectual understanding of health disparities, will lack insights critical for treating a shifting patient-client base.

Any students who do not have the experiences of education with men and women of different races and ethnic backgrounds in the long term will be short-changed. As we all learn to live together, learn together, create together, work to build a diverse America, realizing our democratic ideals, let us resolve that it is time to stand our ground.

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#### ENDNOTES

1. See sample letter sent by National Association of Scholars in Peter Schmidt, “Foes of Affirmative Action Push Colleges to Reveal Policies on Race-Conscious Admissions,” *The Chronicle of Higher Education*, Mar. 23, 2004, and Appendix D, this report.
2. References are cited throughout the sections that follow.