

NAS-COSEPUP

***Committee on Underrepresented
Groups and the Expansion of the
Science and Engineering Workforce
Pipeline***

Standing Our Ground I & II

Daryl E. Chubin, Director

AAAS Capacity Center

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Changing the Culture to Have the Conversation

- ∅ The **language of affirmative action** has been hijacked:
 - Falsely equated with “quotas, preferences, special treatment”
- ∅ **Underrepresentation** matters, not diversity per se:
 - Diversity is a **condition**, a starting point, a means of achieving goals—not an end in itself
 - It’s not the mix (diversity), but **making the mix work** (inclusion)
 - “Diversity” can dilute and circumvent—**ambiguity** breeds contempt
 - Emphasis on “visible diversity” (symbolism) displaces “**enacted diversity**” (deeds)

AAAS-NACME, *Standing Our Ground*, 2004

- Report reviews assets in making U.S. S&E more inclusive:
 - Legal Primer: Remove barriers
 - Design Principles: Affirm opportunities
 - Conference Report: Document trends
- **AAAS Capacity Center (2004à):**
Embodies resources (legal, cultural, research) for changing policies, programs, and practices regarding student success and faculty progress

www.aaas.org/standingourground



Contents

- Legal Primer
- Design Principles
- Conference Report:
 - o Data Compendium
 - o Jackson & Vest Speeches
 - o Background Readings
 - o Kane Reprint
- Responses to FOIA Requests

Legal Primer

- Federal Equal Opportunity Standards
 - Titles VI, VII, IX, & ADA
- Equal Protection & Due Process Clauses
- Significant Federal Legal Opinions
 - *Grutter & Gratz, Bakke, & Adarand*
- State-Based Equal Opportunity Standards
 - CA, WA, FL, TX, MI
- Ongoing Federal Efforts
 - SEEOA, NSF Criterion II, EEO Standards

More Language

- What is permitted & legally defensible on campus
- How do the following apply to programs:
 - o Strict scrutiny
 - o Compelling interest
 - o Narrow tailoring
 - o Race-neutral alternatives
 - o Critical mass

AAAS Capacity Center at a Glance

- **Origin:** Established as a science & engineering human resource development consulting service August 2004 with 3-year, \$400K grant from Sloan Foundation to AAAS (www.aaascapacity.org)
- **Mission:** Through nationally-calibrated research & technical assistance in examining programs & outcomes, foster institutional capacity to . . .
 - ∅ recruit, enroll, & support STEM students
 - ∅ diversify the faculty
 - ∅ change programs, structures, & attitudes
- **Clients/Sponsors:** Institutions of higher education, corporations, federal agencies, & non-profits (e.g., Harvard-PRISE, HP-Teaching with Technology, LSU-LA STEM, NSF-Broadening Participation in Computing, Washington-CAEE, NACME, CT Academy for Education—CONNvene, WEPAN)

Capacity Center Approach

- **Practitioner** perspective, not research or policy (but attentive to both)
- As a **consulting** organization, the Capacity Center bridges performers and sponsors (all are clients)
- We provide **technical assistance** on S&E human resources (by observing department/college practices within institutional culture and encouraging local data-collection, or “scorekeeping”)
- We take **people as the issue**—not a by-product of or add-on to other investments and activities
- We are “**outsiders**” (analytically, if not emotionally)

Richard Florida's *The Creative Class*: Leveraging Talent, not Technology Alone

“The university is perhaps the single most important institution of the creative age. It's certainly what gave the U.S. its huge edge in the 20th century, by virtue of attracting the best and the brightest from all around the world. Unfortunately, it's also the most mismanaged institution in many cases. . . . [T]he single biggest problem with *all* universities these days is their apparent inability—and in some cases blatant disinterest—in educating our population broadly across all social, economic, and ethnic demographics.”

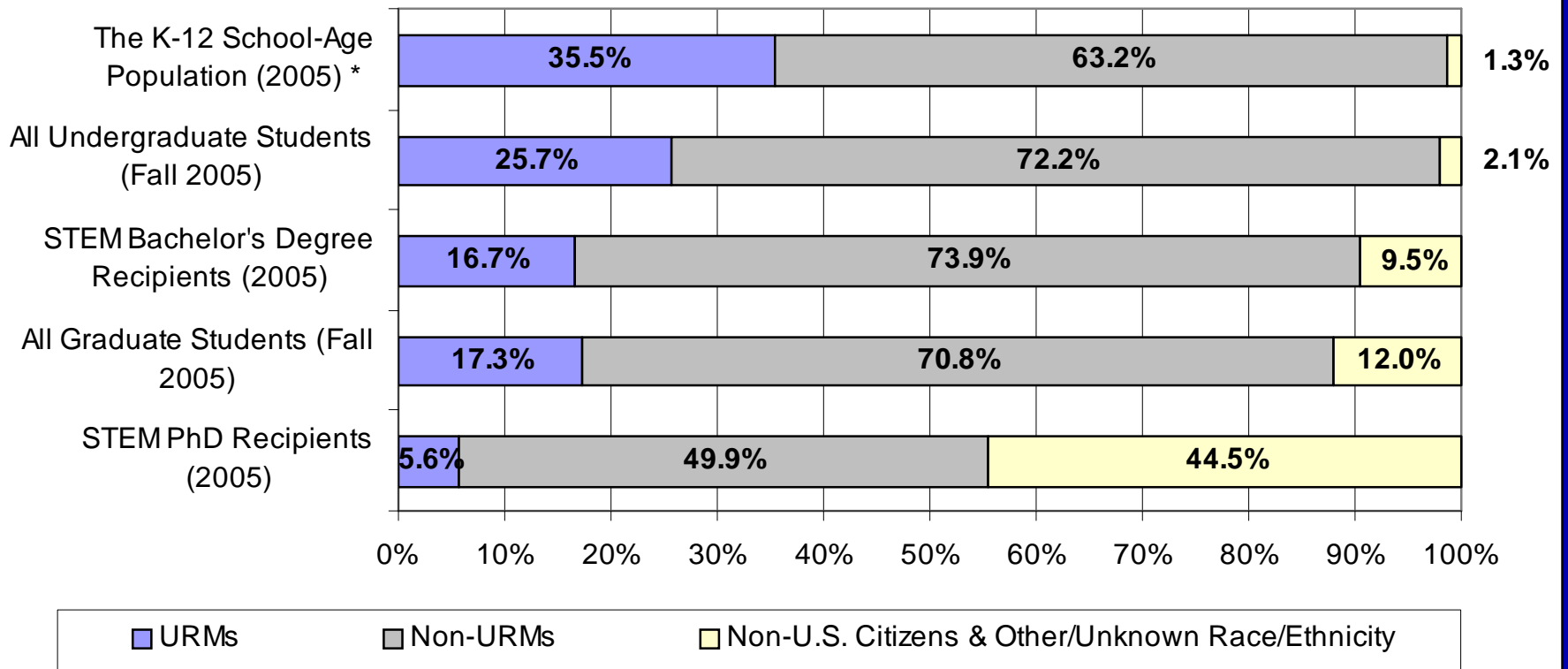
. . . *technology, tolerance, talent*

Source: www.fastcompany.com/articles/2005/11/fastcities_florida.html

Ways to Think about Underrepresentation: Fix the Students, Pathways, or College?

- **Students:**
 - Demographic composition
 - Pre-college academic preparation
- **Pathways:**
 - Intervention programs—add-on to formal education
 - Access to higher education—cost reduces diversity
- **College Environment:**
 - Cultural competence of faculty—teaching diverse students
 - Structural support—climate, career information, mentoring

Underrepresented Minorities (URMs) and non-URMs as a Percent of...



Note: Data for the K-12 population were not available by citizenship, so non-U.S. citizens are included in all percentages.

Source: CPST, data derived from National Science Foundation, WebCASPAR Database, National Center for Education Statistics, *Digest of Education Statistics, 2006*, and U.S. Census Bureau, Population Division

AAAS-NACME *Standing Our Ground II* Roundtable, Washington, DC, Jan. 15, 2008

- 35 invited experts comprising the academic, nonprofit, and business communities
- The event was organized by AAAS (Chubin & Malcom), with support from NACME & the Alfred P. Sloan Foundation
- U.S. Supreme Court decisions in June 2007 (Seattle & Jefferson Co., KY) held that public school districts may not use race as a the exclusive or predominant factor in assigning pupils to particular schools, at least not in order to achieve “racial balancing” of schools and surrounding communities

Three Panels

- Legal Perspectives
- Reactions from Sectors & Organizations (corporate, academic, media)
- Successful Adaptive STEM Programs (UCLA, Georgia Tech, U. of Montana, LSU)

. . . and a fourth panel of rapporteurs assigned to each of the above

AAAS-NACME Roundtable, January 15, 2008



Michael Olivas, Univ. of Houston



Panel on Adaptive Programs



Panel of Rapporteurs



Ted Shaw, NAACP Legal Defense Fund

Some Issues to Consider

- Race, ethnicity, and class (socioeconomic status)—what is gained and lost by substituting one for the other?
- Affirmative action as doctrine that is race/ethnicity-based (or gender-based), and therefore politically charged (Olivas, Shaw)
- Class as race/ethnicity-neutral, and thus more politically palatable (Kahlenberg)—but how effective (a la 10% admissions plans, even if criteria broadened to resemble “holistic review”) re URM’s?
- The “private” alternative—e.g., UCLA Scholars’ Fund (Abrams)

Some Issues (cont.)

- Historically, a desired characteristic—sex, race/ ethnicity, age, etc.—was used as a “plus factor” within merit-based competitions. Now that same characteristic may be labeled “preferential” and the *determining* factor, so “targets” (e.g., black males of college age) are discouraged.
- This is an admixture of language, law, policy, and practice.
- Importantly, the legal precedents treat K-12 and higher education as separate domains. However, we in STEM know that this is a preK-20 pathway and what happens early impacts who emerges later.
- How do we connect the dots to respect the law *and* recognize the realities of educational opportunity?

Some Resources—Pre- & Post-Roundtable

- Select Bibliography Germane to Affirmative Action in STEM Higher Education, 2007
- Michael Olivas paper, “An Essay on Friends, Special Programs, and Pipelines”
- Story by Harvey Leifert, “Hard Times for Diversity in Higher Ed,” posted Feb. 4 at http://www.aaas.org/news/releases/2008/0204diversity_intro.shtml
- AAAS report (April 2008)
- NACME Symposium (May 2008)
- ***Proposed workshop with General Counsels and select AAU universities***

Workshop Idea

- Sloan Foundation interest in pursuing the legal community
- General Counsels and Presidents need expert, detailed legal support for specific effective approaches to increasing racial and gender diversity in STEM, & university-wide
- Such approaches must be legally sustainable without creating unreasonable risk
- AAAS is conferring with Jamie Lewis Keith (General Counsel, U. of Florida) to organize a two-day workshop with 4-5 volunteer AAU teams

Possible Flow of the Workshop

- Day 1— AM: General Counsels meet alone with (consultant) legal experts to discuss, become comfortable with, legal support for proven approaches (based on SOG & other sources)
- PM: Counsels codify in “mini-brief” form* most legally sustainable approaches without compromising program effectiveness
- Day 2— AM: Counsels brief university teams on legal requirements re:
- Undergraduates
 - Graduate students
 - Faculty
- PM: University teams (Counsel, Administrators, Dean or Chair) review their respective plans to carry back to campus for implementation

***Note: Mini-briefs to be disseminated through AAU, AAAS, & other outlets**

To continue the conversation. . .

Daryl Chubin, Ph.D., Director

dchubin@aaas.org

202-326-6785

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