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## Equity-minded leadership in a post affirmative action environment - Part 2

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# Equity-minded leadership in a post affirmative action environment - Part 2

**Mary J. Lomax-Ghirarduzzi**

Vice President for Diversity, Equity, and Inclusion

Professor of Communication

January 31, 2022

UNIVERSITY OF THE  
**PACIFIC**

# This California kid...





**Honoring Tyre Nichols a father, son, artist and skateboarder from Sacramento, California**




## **Part 2 (Jan. 31, 2023):**

- Overview/ recap
- Discuss SFFA cases
- Possible outcomes
- Implications for Pacific
- Equity-mindedness
- Academic leader respondent





# Questions

1. How do we create equitable learning and living environments on our university campuses that represent the diversity of our nation?
  2. What is the role of universities to address historical realities that can contribute to current day inequalities?
  3. What is our duty with what we've learned when considering equity in the compositions of our student bodies - *post affirmative action*?
- 

# Today's respondent



**Niraj Chaudhary**  
Dean of William Knox Holt Library



# My Why...



Students protest outside the Supreme Court, November 2022 (photo by Michael Theis, The Chronicle of Higher Education)






# **Race in admissions is not affirmative action**

- Affirmative Action required government contractors to give equal opportunities in employment.
- “The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated fairly during employment processes, without regard to their race, creed, color or national origin.”

President John F. Kennedy, 1961





source: <https://www.history.com/speeches/lyndon-johnson-signs-civil-rights-act-of-1964>

# Civil Rights Act of 1964

- After the Civil Rights Act, President Lyndon Johnson issued an executive order that preceded Kennedy's E.O. that went further.
- Prohibited employment discrimination based on race, color, religion, or national origin by any organization that receives a federal contract or subcontract.
- Required employers to give women and minorities equal opportunities in employment (first time women are included).
- This employment affirmative action policy set the stage for race consideration in college in admissions.

# Affirmative Action as a precursor

- The term affirmative action means taking steps to include those that were historically excluded, initially in the workplace.
- In the context of college admissions, affirmative action as policy was similarly meant to remedy longstanding inequalities in higher education.
- For decades, many colleges barred students from admissions because of their race or color.
- Most colleges and universities in the U.S. did not begin admitting students of color until after the Civil Rights Movement.

In 1978, UC Regents vs. Bakke decision sparked student protests on university campuses nationwide.

# BAKKE RALLY

## MON. OCT. 3

Simultaneous  
Nationwide  
Student  
Demonstrations

10 a.m.  
S.F.



10 A.M. -- DEMONSTRATION  
U.N. PLAZA  
HYDE & FULTON STS.  
(ONE BLOCK DOWN FROM HASTINGS)  
(BEHIND S.F. PUBLIC LIBRARY)

11 A.M. -- SIDEWALK MARCH  
TO THE FEDERAL BUILDING

NOON -- RALLY  
to  
1 P.M. ON THE PLAZA OF THE  
FEDERAL BUILDING  
450 GOLDEN GATE

# Over Four Decades: Aligned Supreme Court Precedent

## 1978: Bakke

- J. Powell
- EBD = Compelling Interest **Concept**

## 1994: USED Title VI Aid Policy

*Rescinded in 2020,  
under review*

## 2013: Fisher I

- Majority
- Rigor on Inquiry/  
**Evidence** re  
Necessity/Race-Neutral  
Strategies

## 1980: USED Title VI Regulations

## 2003: Grutter/ Gratz

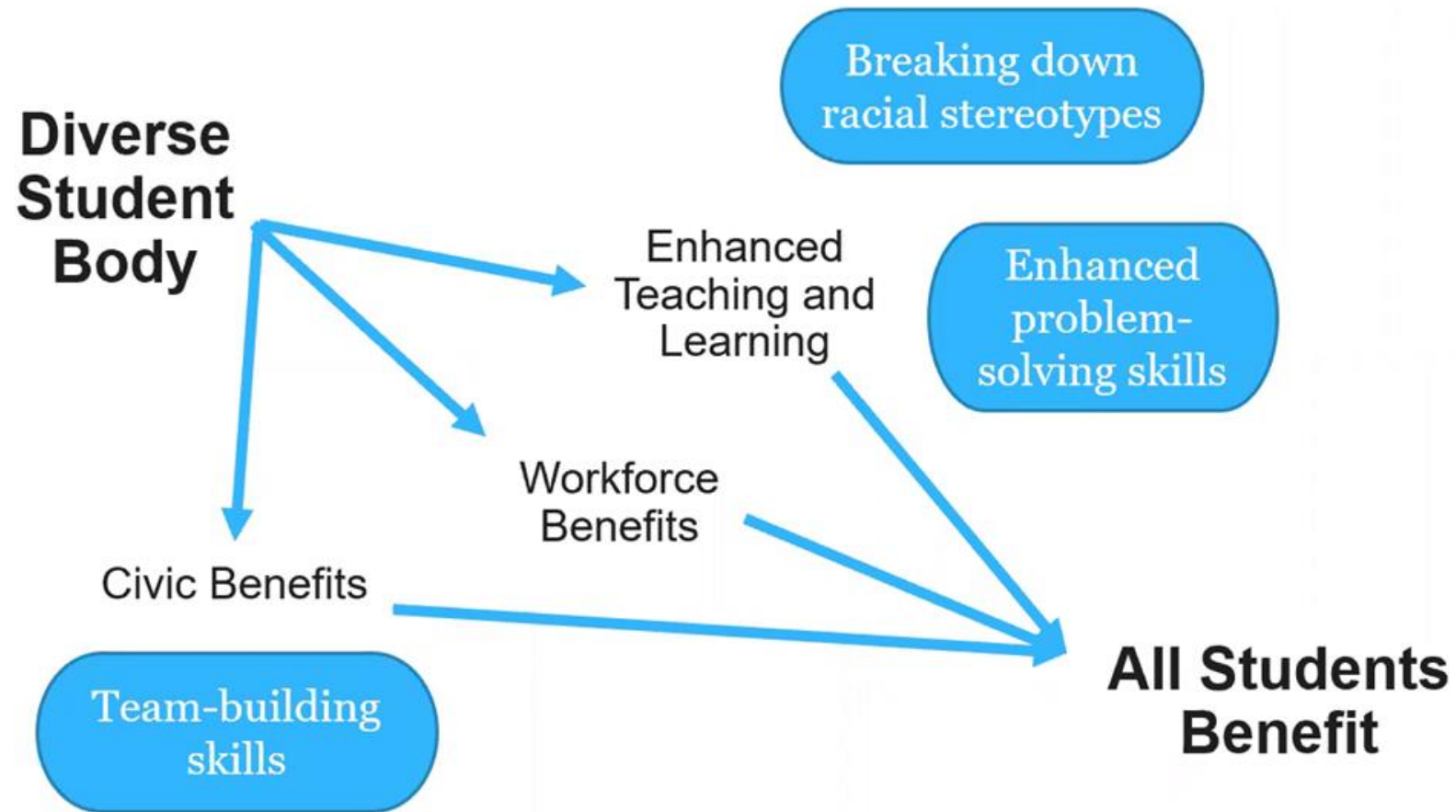
- Majority
- EBD=
- Compelling Interest
- Strict Scrutiny  
**Framework**

## 2016: Fisher II

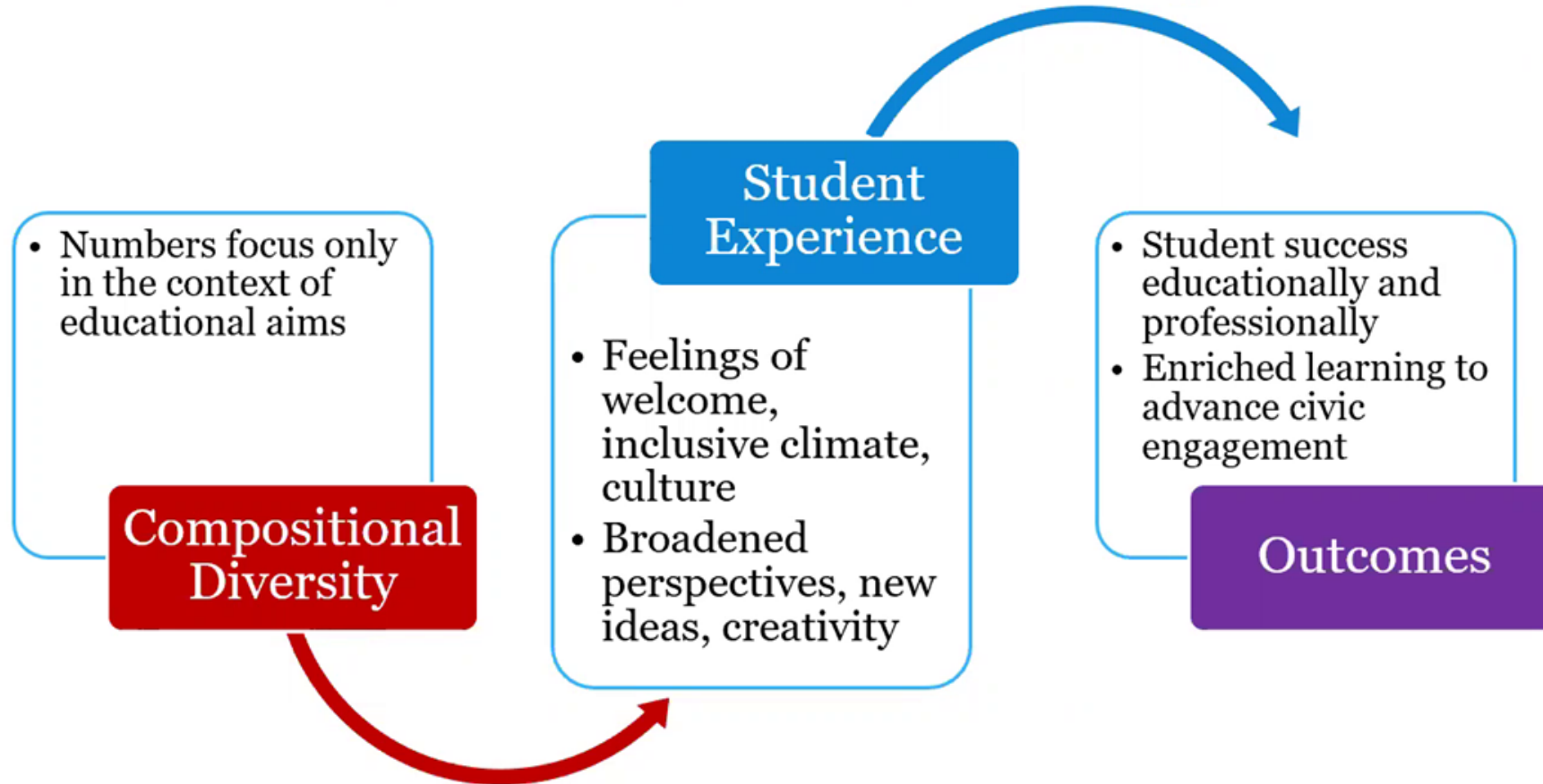
- 4-3 Majority
- Emphasis on  
**Evidence**



# The Educational Benefits of Diversity



# The Theory of Action Behind the Educational Benefits of Diversity Aims





# The SFFA Cases: Questions on Appeal



## Both Cases

Whether the Supreme Court should overrule *Grutter v. Bollinger* and **hold that institutions of higher education cannot use race as a factor in admissions.**



## Harvard

Whether Harvard College is violating Title VI of the Civil Rights Act by penalizing Asian American applicants, engaging in racial balancing, overemphasizing race and rejecting workable race-neutral alternatives.



## UNC

Whether a university can reject a race-neutral alternative because it would change the composition of the student body, without proving that the alternative would cause a dramatic sacrifice in academic quality or the educational benefits of overall student-body diversity.

# SFFA's Aims: Reversal of Decades of Precedent

## Grutter:

- Was “grievously wrong”
  - “Rests on a lie”
- “Endorsed...amorphous and unmeasurable” racial objectives
- Reflects “affirmative action gone wild”

Legal standards under Grutter and progeny are “unworkable in practice” and have not been relied upon by the field

SFFA's Core Arguments

“Our Constitution is colorblind.”



# The SFFA Cases: Possible Outcomes

Harvard & UNC  
Win

- Harvard/UNC prevail on all substantive issues

A Split Decision

- Echoes of *Grutter/Gratz*, SFFA wins one, loses one

SFFA Wins

- Court decides cases on narrow or procedural grounds—  
e.g. specific neutral strategy, process issue

SFFA Wins

- Court significantly limits precedent but permits  
consideration of race tied to individual identity/lived  
experience (vs. assumptions based on racial status)

SFFA Wins

- Court fully sides with SFFA and any consideration of race is  
prohibited

# Equity-mindedness in a post-affirmative action environment

The term “Equity-Mindedness” refers to the perspective or mode of thinking exhibited by practitioners who call attention to patterns of inequity in student outcomes. These practitioners are willing to take personal and institutional responsibility for the success of their students, and critically reassess their own practices. It also requires that practitioners are race-conscious and aware of the social and historical context of exclusionary practices in American Higher Education.

Estela Bensimon, Center for Urban Education, USC

# What is equity-minded leadership?

- Understands that institutions of higher education have been designed by whites for whites, and is therefore intentional about asking race or other DEI-related questions as a standard.
- Takes their responsibility to safeguard racial equity seriously and consistently.
- Understands that they must acquire the funds of knowledge that will enable them to exercise critically race-conscious leadership at all times.

# An equity-minded leader

- Accepts that the advancement of racial equity on university campuses requires naming and decentering whiteness.
- Does not divert from an agenda of racial equity and justice to protect the feelings of hurt, fear, or anger expressed by individuals who perceive a focus on racial equity (or DEI broadly) as an attack on their identity.

# An equity-minded leader

- Acknowledges that developing the funds of knowledge that sustain equity-mindedness is intellectual and practical work - it is not about being nice, caring, or sympathetic.
- Views the agenda of racial and social equity as a project centered on corrective justice for exclusionary and discriminatory practices (many of which still exist today) imposed on students, staff and faculty of color.
- Acknowledges the agenda of racial and social equity as anti-racist.

# Today's respondent




**Niraj Chaudhary**  
Dean of William Knox Holt Library









# Community standards

- Use “I” statements
  - Be present – Mind, Body and Heart
  - Be mindful of different styles of communication
  - Be curious
  - It’s okay to admit you don’t have the answers
  - Expect and accept non-closure
  - Explore Impact, Acknowledge Intent
- 



# Q & A





## **Part 3 (Feb. 28 2023):**

- Overview/ recap
- More than admissions
- Contingency planning
- Our timeline
- Our roles as equity-minded leaders
- Staff respondent
- Pacific's next steps



Sacramento

San Francisco

Stockton

# PACIFIC'S ANTI-RACISM CHALLENGE

**LET'S GROW TOGETHER**  
Every Thursday, Feb. 9 – Apr. 13, 2023 12-1pm  
**PRESENTED IN-PERSON AND VIA LIVESTREAM**

## SAVE THE DATES!

**WEEK 1 - FEBRUARY 9**  
Foundational DEI Definitions  
1-2 pm  
**San Francisco Campus**

**WEEK 2 - FEBRUARY 16**  
Identity-Affirming Part 1  
12-1 PM  
**Stockton Campus**

**WEEK 3 - FEBRUARY 23**  
Identity-Affirming Part 2  
12-1 PM  
**Stockton Campus**

**WEEK 4 - MARCH 2**  
Justice-Oriented Part 1  
12-1 PM  
**Sacramento Campus**

**WEEK 9 - APRIL 13**  
Action Steps and Individualized Plan  
1-2 pm  
**San Francisco Campus**

**WEEK 5 - MARCH 9**  
Justice-Oriented Part 2  
12-1 PM  
**Sacramento Campus**

**WEEK 6 - MARCH 23**  
Reflection Week  
12-1 PM  
**Stockton Campus**

**WEEK 7 MARCH 30**  
Equity-Advancing Part 1  
12-1 PM  
**Stockton Campus**

**WEEK 8 - APRIL 6**  
Equity-Advancing Part 2  
12-1 PM  
**Stockton Campus**



**REGISTER  
HERE**

# References

- National Association of Diversity Officers in Higher Education (NADOHE).
- Specific NADOHE webinars are designed to prepare universities and colleges for the next steps to take when SFFA case at the U.S. Supreme Court is decided (decision expected Spring 2023).
- Additional webinars will be scheduled in the months ahead.
- Strategic Enrollment associations are also providing resources.



**Thank you!**

Contact Office of Diversity, Equity and  
Inclusion at: [dei@pacific.edu](mailto:dei@pacific.edu)

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