



# EXECUTIVE SUMMARY 2004



**THE ALLIANCE**



THE DIVERSITY COLLEGIUM  
AMERICAN INSTITUTE FOR  
MANAGING DIVERSITY INC.

*Advancing the  
Field of Diversity*

**DIVERSITY SYMPOSIUM 2004**



**“The Court expects that, 25 years from now, the use of racial preferences will no longer be necessary to further the interest (race-conscious admissions programs) approved today (in higher public education).”**

**Justice Sandra Day O'Connor,**  
**2003 Supreme Court Decision *Grutter v. Bollinger***

## Background

Affirmative action may be one of the most controversial and misunderstood issues in the United States since its inception in 1965. Numerous lawsuits at the local, state and Supreme Court levels have challenged the fairness and equity of affirmative action. Proponents cite past and current exclusion of women and minorities from full participation in education and the workforce as a compelling reason for affirmative-action policies. Opponents say that the playing field has been leveled, and that affirmative action leads to preferential treatment and discrimination against members of the dominant group. From a global perspective, some countries have looked to the United States as a model for their own equity legislation and regulations, while others have just started to grapple with issues of inclusion.

The most recent challenges to affirmative action were the University of Michigan's 2003 Supreme Court cases, one challenging affirmative action at its law school and the other in its undergraduate programs. The lower courts issued differing decisions concerning the University of Michigan Law School's admissions program. However, the Court held in *Grutter v. Bollinger* that it is constitutionally permissible for the University of Michigan's Law School to use a race-conscious admission program that is narrowly tailored to meet a compelling state interest.

However, Justice Sandra Day O'Connor has deemed that affirmative action will not be necessary in 25 years. Her view raises myriad questions; the Symposium set out to address some of them.

## The Host

The 2004 Diversity Symposium, *Equity, Affirmative Action and Diversity: From Past to Present to a Promising Future*, was hosted by The Alliance, a strategic partnership between The Diversity Collegium and the American Institute for Managing Diversity (AIMD).

In 1991, seven diversity practitioners founded The Diversity Collegium to advance the emerging field of diversity. Since its inception, the group has expanded to 23 members and serves as a think tank to provide thought leadership in the field. Over the years, the Collegium has sponsored symposia and published papers in an effort to deepen understanding and contribute to the body of knowledge about diversity.

One of the Collegium founders, Dr. R. Roosevelt Thomas, Jr., had previously founded AIMD in 1984. It was the first national, nonprofit organization to demonstrate the power and potential of diversity management through research, education and public outreach. AIMD has developed many widely used diversity management tools, books and curricula and has conducted conferences designed to generate a constructive public dialogue around issues of diversity.

The two groups recognized the synergy between them and structured the Alliance to take advantage of their respective strengths.

## Why this topic?

The Alliance selected the topic of affirmative action for its first collaborative effort, anticipating the Supreme Court's controversial decision in the University of Michigan case.

While most affirmative action advocates declared the decision a "win," Justice O'Connor's pronouncement about the waning need for affirmative action deserved some exploration. The Alliance decided to assemble experts and opinion leaders and begin to shape the dialogue about affirmative action's future.

In 1965, Executive Order 11246 created affirmative action as a temporary measure to level the playing field for groups who had been previously discriminated against in employment prior to the Civil Rights Act of 1964, which made such discrimination illegal. It was never supposed to be a permanent program. No time parameter had been attached to affirmative action until O'Connor voiced her opinion in 2003. Even though she merely ventured her own assessment, it is safe to assume that others share her opinion and that many would vote for its immediate end.

The Symposium set about sifting through the wide range of opinions about the need for affirmative action and whether it should inevitably end, at least in its current form. Will there be a need for affirmative action in 25 years? If it does need to end, how can we impact an "orderly" conclusion? What, if anything, might replace it? What are the global implications of ending affirmative action? Leaders and attendees discussed these and other related questions over the two day Symposium.

**Some 130 participants from the United States, Canada and South Africa joined the Alliance to engage in dialogue and debate and to make recommendations on the future of affirmative action.**

## The Process

The Alliance invited three experts in affirmative action and diversity to write or share related papers and present opinions at the Symposium. Attendees received and were asked to read the papers in advance.

R. Roosevelt Thomas, Jr. D.B.A. named by the Wall Street Journal as one of the top consultants in the country, founder of AIMD and president of R. Thomas Consulting and Training, Inc, wrote and presented *Affirmative Action: 25 Years and Counting*.

Jeffrey A. Norris, J.D. president, Equal Employment Advisory Council, and partner in McGuinness Norris & Williams LLP, wrote and presented *The Impact of the University of Michigan's Affirmative Action Decision on the Corporate and Community Dialogue*.

Karen Narasaki, J.D. a nationally recognized expert on immigrant, voting and civil rights issues and president of the Asian American Justice Center, presented *Affirmative Action in a Global Context: Diversity and the Intersection of Civil and Human Rights*.

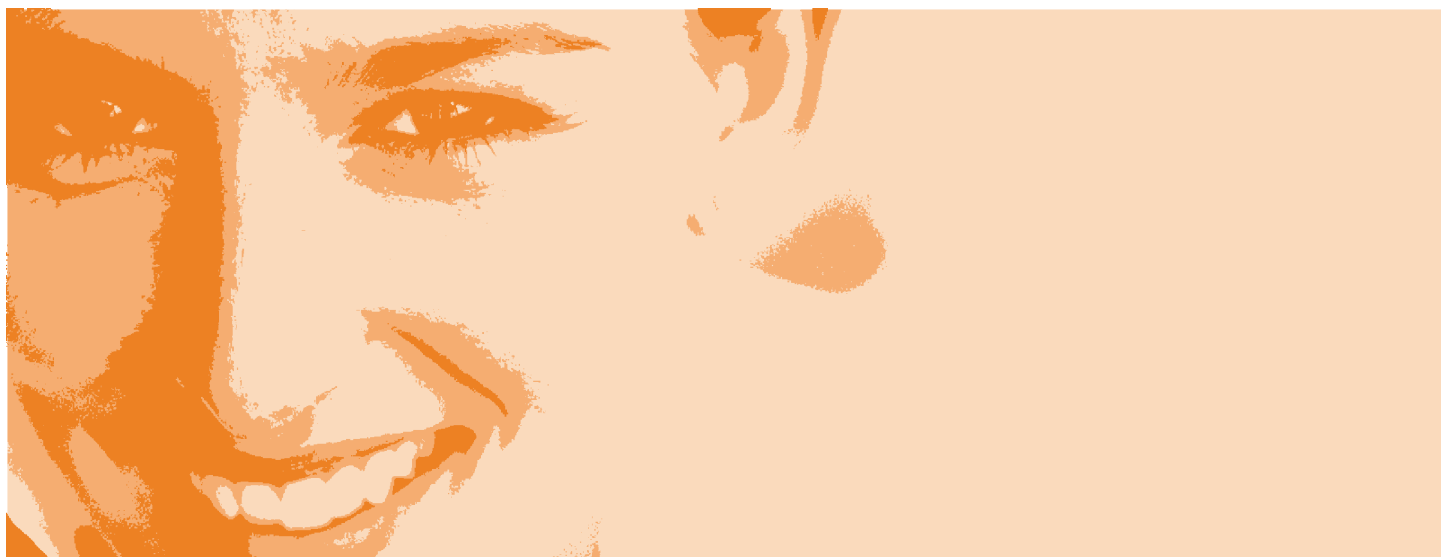
In addition, several Collegium members formed a panel on global diversity.

On the second day of the Symposium, Price Cobbs, M.D. seminal figure in the diversity field and author of several books, including *Cracking the Corporate Code*, and *Black Rage*, presented *Moving Forward by Respecting our Beginnings and Honoring our Endings*, insightful comments and observations culled from the discussions of the previous day.

### Attendees

Attendees were invited to the Symposium based on their depth of knowledge in the field of diversity and affirmative action. Some 130 participants from the United States, Canada and South Africa joined the Alliance to engage in dialogue and debate and to make recommendations on the future of affirmative action.

Attendees listened to the three presenters, the panel discussion on global diversity issues and Cobbs. They asked questions after each presentation and had two opportunities for in-depth discussion during two breakout sessions. Full-group plenary sessions also provided the opportunity for sharing opinions.



# The Outcome

Armed with the insights from the presenters and their own wide-ranging experience, participants engaged in two small-group dialogue sessions.

## Breakout Discussion 1

Participants formed 11 smaller groups to explore the following questions:

1. It is 2028. Affirmative action policy within EEO legislation has run its course. Most individuals and organizations have embraced the values of fairness, justice, respect and equal opportunity resulting in inclusive work environments. What significant actions made this happen?
2. It is 2028 and most industrialized countries have supported an equal employment opportunity principle. However, in some countries, members of minority communities or economically disadvantaged groups are struggling. What systems, policies and practices are unfair? What went wrong?
3. What gives you hope that the spirit and principles of affirmative action/equity legislation will continue?

## These key themes emerged:

- Change will only occur when we become uncomfortable with the current state.
- We have never apologized in this country for past injustices. Before we can move forward, we need to acknowledge the pain of the past.
- We need more authentic opportunity for dialogue about these issues.
- Affirmative action has not been implemented properly; therefore, it is too soon to talk about exiting.
- We should focus on the learning methods of the next generation. One group coined the term *equitize* to describe the need to level the playing field.
- We should embrace the concept of framing affirmative action from a human rights perspective.
- Should we change our language for the convenience of others, or keep the language and educate better? There are unintended consequences for changing the language.
- Another group coined the new term *plout*, a combination of power and clout. Underrepresented groups need both.

- We must perform three key actions to reach “nirvana” by 2028: Acknowledge United States’ past history around these topics; reform education (teach social justice and peace at an early age); focus on youth and values.
- The Pledge of Allegiance could be changed to include human rights.
- There should be a global summit to establish a “Declaration of Respect for Diversity and Human Rights.” People could wear a symbolic bracelet to show their solidarity.
- Equity and diversity are different, but they should coexist and collaborate. Equity is about legislation, and diversity focuses on education, leading to the word, *legucation*.
- If we are not successful by 2028, it will lead to *conflama*, more conflict and drama.

## Breakout Discussion 2

As a result of the first day’s dialogue groups, eight key topics emerged. Guided by their interests and motivations, attendees selected the topic of their choice for the second breakout discussion. Each group developed the following breakthrough strategies and key messages for leaders:

1. **Power and Influence: Us and Others:** There are many different types of power including collective, reward, coercive, economic, personal, charismatic, positional, etc. We need to be more conscious of our power. The vision for 2028: “We have authentic power in all facets of society. We are the leaders we have been waiting for.” The exit strategy: In 2028 we will not exit from affirmative action, but transition from coercive power to the reward and expansion of power.
2. **Privilege and Entitlement:** We are all privileged in some way. The question is what level of privilege are we entitled to as human beings. We should stop positioning privilege and entitlement as an “either-or” discussion, but rather as “both, and.”
3. **Social Justice, Civil Rights and Economic Change:** The focus of this discussion was the impact of anti-affirmative action referenda. Seattle was cited as an example. As a result of dismantling affirmative action, there have been significant declines in minority business development and minority college admissions.
4. **Research, Empirical Evidence of EO/AA impact:** There is a need for qualitative and quantitative evidence of the impact of affirmative action on the corporate world as well as on society as a whole in order to develop an effective exit strategy. The challenge is to conduct nonpartisan research that goes beyond assessing progress in representation but also explores areas such as economic gain, voter registration, home ownership, homelessness, etc. We also need to consider the global impact of outsourcing and immigration.
5. **Personal Transformation:** Diversity practitioners must explore their own blind spots and know themselves very well to effectively impact change in their respective organizations. As experts in this work, we need to understand the competencies required of practitioners. Organizational transformation will not occur without personal transformation. Diversity professionals must “walk the talk.”
6. **Shift in Educational Thinking:** There is a need to form more effective and powerful alliances between schools and corporate



America. Currently schools receive money from corporations without accountability. Students are under-educated and mis-educated for the business needs of the future. Students need training in diversity and inclusion.

- 7. Values, Dissonance and Ethics:** The first step is to better understand our own personal values and then determine how our cultural values may clash with organizational values. The key question is, who gets to decide the values?
- 8. Human Rights:** Diversity should be positioned as a component of human rights.

## Conclusions/Next Steps

**Although affirmative action as a set of legal mandates may end, the spirit and intent needs to live on in new paradigms for achieving an inclusive society.**

Most agreed that we still need affirmative action, however imperfect, to ensure that our institutions represent the increasing diversity in the population. Affirmative action alone, however, is not strong enough to create an inclusive society. Dr. R. Roosevelt Thomas, Jr. believes affirmative action principles (hiring and promotion practices to increase the presence of underrepresented groups) should be integrated into broader concepts such as managing workforce diversity and managing strategic diversity beyond the workplace in areas of customer relations, families and communities.

The groups concurred that we need a new way to frame the spirit and intent of affirmative action. The very term conjures up different, often negative definitions, because in many instances, affirmative action has been ineffectively implemented. The speakers suggested that we should consider finding other less politically and emotionally charged terms to promote the issues of affirmative action, equity and diversity. Most of the attendees, however, felt strongly that we should keep the current language, but do a better job of educating society.

Attendees were enthusiastic and hopeful about introducing the concept of human rights to reposition the principles of affirmative action, as Karen Narasaki urged. Human rights is a term that resonates better globally (although barely used in the United States) than affirmative action and elicits the notion of rights as inherently the same for all people rather than defined specifically for a particular group (e.g. "women's rights," "immigrants rights," etc). Rights should not be defined by a controversial law, but rather by what we believe to be inalienable rights because we are human.



**The group concluded that the work of diversity, affirmative action and equity professionals in the next 25 years should target the following actions to develop an effective exit strategy from current affirmative action programs:**

- Use human rights doctrine to reframe/reposition the affirmative action/diversity/EEO conversation.
- Develop strategies within organizations to integrate human rights with diversity/affirmative action and EEO initiatives.
- Develop race, gender and ethnicity neutral processes for attracting, selecting and retaining a representative workforce.
- Engage in authentic, consistent and systematic education to clarify goals, objectives, and definitions of diversity, equity, affirmative action and human rights. It is up to us as practitioners to ensure that the general public has a better understanding of these concepts.
- Legitimize the dialogue and debate about alternatives to current affirmative action practices. Encourage forums, think tanks and other conversations to spark innovative and creative new approaches.
- Focus future conversations more globally.
- Conduct research to better understand the impact of affirmative action on society.
- Encourage diversity/EEO/affirmative action/human rights professionals to continue with their own personal growth and development to become more competent in diversity management.