



A Color-Coded Professoriate?

By Frederick M. Hess

Race-based hiring practices are commonplace in today's colleges and universities. Not even our country's highest court has been able to put a stop to them. What is needed to end them are determined efforts by alumni and trustees, strong voices within universities, and an engaged public.

Optimists imagine that race-based distinctions in America's colleges and universities peaked in the past decade and receded following the Supreme Court's 2002 ruling prohibiting explicit racial preferences and several state bans on race-based preferences in hiring and admissions. But such hopes would be far-fetched in a nation in which CBS's *Survivor* sought to boost ratings this fall by separating whites, blacks, Hispanics, and Asians into competing tribes.

While the Supreme Court ruled in 2002 in *Gratz v. Bollinger* that explicit racial preferences in higher education were unconstitutional, proponents of racial preferences have found much to embrace in former justice Sandra Day O'Connor's controlling opinion in *Gratz* and its companion case, *Grutter v. Bollinger*. They have found particularly useful her celebration of "diversity" and the assertion that colleges benefit from a "critical mass" of minority students or faculty.

"Equity and Diversity" in Universities

O'Connor's ruminations have become touchstones for an aggressive new era of race-conscious recruiting, hiring, and programming that emphasizes "diversity" rather than "affirmative action." Even in Washington State—where voters in 1998

passed a referendum prohibiting "preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting"—hiring practices look anything but colorblind.

In 2004, Washington State University created an office of the "vice president for equity and diversity," which has an annual budget of \$3 million and a full-time staff of fifty-five. The staff includes an assistant vice president for research who tracks the university's progress in meeting minority enrollment, graduation, and faculty recruitment goals. The university set a goal of increasing its percentage of minority faculty from 12 percent today to 16 percent by 2010.

Washington State's equal-employment office (called the Center for Human Rights) coordinates with faculty committees to encourage minority hiring. This fall, the Center for Human Rights hired a firm called Diversity Works to conduct workshops for academic deans and faculty committees on uncovering "hidden biases" in hiring. The provost's office awarded \$800,000 in grants for departments to carry out "diversity-hiring" plans.

The office for equity and diversity has provided "diversity training" to more than a thousand university personnel and is renovating campus properties to open African-American and Hispanic "cultural centers." The university's liaison to American-Indian tribes declared, "The current

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developments represent the highest level of commitment to diversity that I've ever seen."

Meanwhile, the University of Washington has been applauded for crafting job descriptions that promote race-conscious hiring in appropriately genteel ways, such as: "The University is dedicated to the goal of building a culturally diverse and pluralistic faculty and staff committed to teaching and working in a multicultural environment and strongly encourages applications from women, minorities," and so forth. This fall, Duke University's general counsel publicly hailed that wording as a model of how institutions can avoid "legal risks when they deliberately seek to increase the racial and ethnic diversity of their faculties" while skirting Titles VI and VII of the 1964 Civil Rights Act (which quaintly prohibit federally funded institutions from discriminating on grounds that include race or ethnicity).

In fact, something of a cottage industry has grown up around fudging prohibitions on racial preferences. In September, Caroline Sotello Viernes Turner, author of *Diversifying the Faculty: A Guidebook for Search Committees* (published by the Association of American Colleges and Universities), explained in the *Chronicle of Higher Education* that universities seeking minority faculty should require "a record of scholarship in areas related to diversity," "previous experience interacting with communities of color," or "interest in developing and implementing curricula that address multicultural issues."

The burgeoning ranks of diversity officers have grown to the extent that they are organizing a new national group that will meet for the first time in 2007: the National Association of Diversity Officers in Higher Education. Doubtless the new group will applaud the \$15 million that Columbia University has committed to minority faculty recruitment, and the University of Southern California program that permits the provost to provide housing allowances, research funds, and other perks for black and Hispanic faculty candidates.

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The Future of Racially Motivated Hiring

Things may get much worse. In June 2005, the University of Oregon's vice provost for institutional equity and diversity announced a diversity plan under which professors would henceforth be assessed on "cultural competency." The resulting uproar forced the university to back off, though the assistant provost for multicultural and international affairs at the University of Connecticut observed only that "Oregon may have tried to move too fast."

Those who believe racially motivated hiring is bad for higher education should recognize that neither Supreme Court rulings nor state referenda have put an end to them. Race-conscious practices are alive and well, regenerating in the dark like virulent weeds. They will be culled only by copious sunshine, strong-willed alumni and trustees, resolute university voices, and an informed and engaged public.