

## Diversity Management in American Universities

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## Diversity Management in German Higher Education

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### Introduction

Social diversity has always been both a great asset, as well as a considerable challenge, for the United States. A nation built by wave after wave of diverse immigrant populations, from the early European settlers to African slaves and their descendants, Asian workers, and more recently dominated by immigrants from Latin America (both legal and illegal). With each migration, America has been reshaped in demographics and in culture, but always growing in prosperity and strength. In fact, the United States is today, and always has been, a nation of immigrants benefiting immensely from their energy, talents, and hope.

A personal comment is appropriate here. In case you might be wondering why your speaker, who is, after all, named after a German city, Duderstadt, is speaking in English, it is because I, like most Americans, am a mongrel when it comes to national heritage. Although my grandfather came from Germany (the Goslar region), the surnames of my other grandparents were Johnson, Bramhall, and McCleary – English and Irish! And that, of course, is the case of most Americans. Almost none of us have a pure national ancestry!

But this leads to another important characteristic of the United States today. At a time when aging populations, out-migration, and shrinking workforces are seriously challenging the productivity of developed economies

throughout Europe and Asia, the United States stands apart because of immigration. Immigration is expected to drive continued growth in the U.S. population from 300 million today to over 450 million by 2050, augmenting our aging population and stimulating productivity with new and younger workers. In fact, over the past decade, immigration from Latin America and Asia contributed to 53% of the growth in the United States population.

As it has throughout our history, immigration continues to change the ethnic character of the United States. Demographers project that by 2050, America's minority population will rise to 42% of our population. Already several of our states, including our largest state, California, no longer have a population with an ethnic majority. And this is likely to be the case for my nation in the later half of this century.

The increasing diversity of the American population with respect to race, ethnicity, and national origin has long been perceived as one of my nation's greatest strengths. A diverse population gives us great vitality. A diversity of perspectives and experiences is also vital to sustaining an innovation-driven economy, perhaps the United States' most significant core competency in a global, knowledge-driven economy. And, of course, such diversity helps us to relate to a highly diverse world. However, today it is also one of our most serious challenges as a nation since the challenge of increasing diversity is complicated by social and economic factors. Far from evolving toward one America, our society continues to be hindered by the segregation and non-assimilation of minority cultures, as well as a backlash against long-accepted programs designed to achieve social equity (e.g., affirmative action in college admissions).

Our schools, colleges, and universities have played a major role in assimilating each wave of immigrants. A distinguishing characteristic and great strength of American higher education is its growing commitment over time to serve all segments of our pluralistic society. Higher education's broadening inclusion of talented students and faculty of diverse ethnic, racial, economic, social, political, national, or religious background, has allowed our academic institutions to draw on a broader and deeper pool of talent, experience, and ideas than more exclusive counterparts in other places and times. This diversity

invigorates and renews teaching and scholarship in American universities, helping to challenge long-held assumptions, asking new questions, creating new areas and methods of inquiry, and generating new ideas for testing in scholarly discourse.

Our institutions have benefited immensely from their contributions, challenged by their needs and strengthened by their energy and talent. Indeed, the world-class leadership of United States research universities today is due in no small measure to the extraordinary talent of European refugees fleeing the persecution and conflict of the World Wars and later, the Cold War. But just like our nation, our universities have also faced very considerable challenge, both internally in developing mechanisms to achieve diverse campuses and externally in lack of public acceptance of their aspirations for diversity across a broad range of social characteristics.

For example, today, minorities comprise 44% of the Millennial generation of students entering our universities (those born between 1990 and 2003). Yet, the minorities comprising the most rapidly growing components of our population have traditionally had the lowest levels of college attainment, for example, black and Latino students attain college degrees at only one-third of the rate of white and Asian students. Furthermore, since most current immigrants are arriving from developing nations (i.e., Latin America) with weak educational capacity, new pressures have been placed on U.S. schools for the remedial education of large numbers of non-English speaking students.

Clearly our schools, colleges, and universities will not only have to dedicate a much greater effort, but also develop new paradigms capable of serving rapidly growing ethnic minorities still burdened with inadequate K-12 preparation, impoverished backgrounds, and discrimination. American higher education will also have to face a changing political environment that increasingly is challenging in both the courts and through voter referendum long-accepted programs such as affirmative action and equal opportunity aimed at expanding access to higher education to underrepresented communities and diversifying our campuses.

My presentation this morning will review both the strategic issues and approaches used by American higher education and, more generally, address the

challenges and opportunities presented by an increasingly diverse and rapidly changing society. It will also consider the manner in which these efforts are both demanded and challenged by society.

### A Case Study of Diversity in American Higher Education

For the past four decades, I have served as a faculty member, dean, and president of the University of Michigan, one of America's oldest, largest, and most prominent public universities. I might note that in 1850, Michigan was the first of the American institutions to attempt to imitate the Humboldtian model of the German research university (although the Michigan president who introduced the German model to America was eventually fired, a not infrequent hazard for visionary leadership!!!) Today, Michigan ranks as our nation's leading campus both in size (60,000 students, 484 buildings and a budget of \$5.5 B/y), research activity (\$1.2 B/y), and intellectual breadth, spanning all academic and professional disciplines. We also own and operate one of the nation's largest medical centers (\$2 billion/y), as well the nation's largest football stadium, seating 114,000 spectators on weekends in the fall!

Because of its unusual size, intellectual breadth and quality, Michigan tends to take on major projects at scale, e.g., launching the first academic programs in atomic energy in the late 1940s, partnering with IBM to build and manage the backbone of the Internet in the 1980s, and today, being the lead university in the Google book-scan project and the related Hathi-Trust, with 90% of our 8 million volume library already digitized. (Here I should note that one of the finders of Google, Larry Page, was a young engineering student at Michigan during the 1990s!!!)

There are other reasons for selecting my institution as a case study, since such "state" universities are the closest analog to German universities. Like Germany, the constitution of the United States assigns responsibility for public higher education to the states rather than the federal government, both in terms of their funding and governance. Hence, while leading private universities such as Harvard, MIT, and Stanford set much of the pace for excellence in areas such as research, it is our major state universities, such as the Universities of

Michigan, California, Wisconsin, and Texas that are most similar to the public universities characterizing most of higher education around the world.

There is one more important reason for selecting the University of Michigan for our discussion of diversity this morning. When Michigan was founded two centuries ago, its fundamental purpose was to provide “an uncommon education for the common man”. Here, the reference “common man” in the early 19<sup>th</sup> century was to the working class, since the colonial colleges of the East were primarily concerned with educating the elite. But this definition of “common man” rapidly broadened to include African Americans and women in the 1860s. At a time when our state was hostile to immigrants, the University took great pride in the international nature of its student body. In fact, Michigan awarded a Ph.D. to the first Japanese citizen, who returned to play a key role in the founding of Tokyo University. When Jewish students faced quota barriers in Eastern universities, they came west to Ann Arbor where they were welcomed. During the 20<sup>th</sup> century, the Great Migration of African-Americans from the segregated South to dominate the populations of northern cities such as Detroit, presented new challenges to overcome the racism and poverty of our blighted urban cores. Most recently, the surging immigration from Latin America has once again presented challenges to overcoming language, culture and even legal barriers to educate these new Americans.

Today, Michigan continues to define its aspirations for diversity in the broadest sense including gender, race, ethnicity, national origin, class, sexual orientation, and economic circumstance – everything, I might add, except academic aptitude and achievement! Of course, this long-standing commitment of the University, both to diversity and educational opportunity, was sometimes not well received, either by the public at large or our elected leaders. Michigan has long been at ground zero in our nation’s struggles to achieve and adapt to an increasingly diverse society. Fortunately, the University’s unusual constitutional autonomy and its rather weak reliance on state appropriations (now comprising less than 10% of our operating budget) gave it the control of its own destiny to embrace diversity as a key mission.

Yet our high visibility continues to make us both a target and a battleground on many of these issues. In 2003, the University of Michigan was

the focus of two landmark cases before the United States Supreme Court that reaffirmed the importance of diversity in higher education as an interest of the state, but also redefined the mechanisms that could be used to achieve it. In fact, I was personally a named defendant in both of these cases—an interesting ploy by the plaintiff lawyers, who attempted to intimidate university leaders by naming them personally as defendants rather than simply suing their institution. Since this was a class action suit, and during my presidency probably 200,000 applicants had been denied admission, I had a particular interest in the outcomes of these cases. When the decision was first made available on the court's website, I went immediately to the footnotes to make certain I had been granted "sovereign immunity" as a public employee!!!

But I had another interest in these important legal decisions beyond being a defendant. During my presidency I had led an effort during the 1980s and 1990s on our campus that had proven remarkably successful in not only doubling the number of underrepresented minorities among our students and faculty, but had achieved some of the highest rates of minority graduation rates and success in faculty promotion and tenure decisions in the nation. In fact, I suspect it was the success of this effort that made Michigan become a high profile target for those conservative groups who were attempting to challenge the methods higher education has used for the past several decades to achieve a diverse campus and provide educational opportunities for underserved populations.

While we won the battle before the Supreme Court, the challenges continued, first with popular referendum that changed the language in our state constitution to ban the methods we had used to achieve diversity, and then later, as the key resources used to sustain our diversity programs were gradually reduced across the nation. Actually today, I have many scars from waging battles on behalf of equity and social justice, so this was really nothing new! The war continues!

## The Case for Diversity

In both the narrow and broader sense, it is important to set out a compelling rationale for seeking diversity in higher education. Of course, first and foremost, the case for diversity in higher education rests on moral responsibility and democratic ideals, based on our social contract with society. Furthermore, our campuses have a unique opportunity to offer positive social models and provide leadership in addressing one of the most persistent and seemingly intractable problems of human experience—overcoming the impulse to fear, reject, or harm the “other.”

Nevertheless, universities are social institutions of the mind, not of the heart. While there are compelling moral and civic reasons to seek diversity and social equity on our campuses, the most effective arguments in favor of diversity to a university community tend to be those related to academic quality.

### 1) Educational Quality

Perhaps most important in this regard is the role diversity plays in the education of our students. We have an obligation to create the best possible educational environment for the young adults whose lives are likely to be significantly changed during their years on our campuses. Their learning environment depends on the characteristics of the entire group of students who share a common educational experience. Students constantly learn from each other in the classroom and in extracurricular life. The more diverse the student cohort, the more opportunities for exposure to different ideas, perspectives and experiences and the more chances to interact, develop interpersonal skills, and form bonds that transcend differences.

There is ample research to suggest that diversity is a critical factor in creating the richly varied educational experience that helps students learn. Since students in late adolescence and early adulthood are at a crucial stage in their development, diversity (racial, demographic, economic, and cultural) enables them to become conscious learners and critical thinkers, and prepares them to become active participants in a democratic society. Students educated in diverse

settings are more motivated and better able to participate in an increasingly heterogeneous and complex democracy.

## 2) Intellectual Vitality

Diversity is similarly fundamental for the vigor and breadth of scholarship. Unless we draw upon a greater diversity of people as scholars and students, we cannot hope to generate the intellectual vitality we need to respond to a world characterized by profound change. The burgeoning complexity and rapidly increasing rate of change forces us to draw upon a broader breadth and depth of human knowledge and understanding. For universities to thrive in this age of complexity and change, it is vital that we resist any tendency to eliminate options. Only with a multiplicity of approaches, opinions, and ways of seeing can we hope to solve the problems we face. Universities, more than any other institution in American society, have upheld the ideal of intellectual freedom, open to diverse ideas that are debated on their merits. We must continually struggle to sustain this heritage and to become places open to a myriad of experiences, cultures, and approaches.

In addition to these intellectual benefits, the inclusion of underrepresented groups allows our institutions to tap reservoirs of human talents and experiences from which they have not yet fully drawn. Indeed, it seems apparent that our universities could not sustain such high distinctions in a pluralistic world society without diversity and openness to new perspectives, experiences, and talents. In the years ahead, we will need to draw on the insights of many diverse perspectives to understand and function effectively in our own as well as in the national and world community.

## 3) Serving a Changing Society

Our nation's ability to face the challenge of diversity in the years ahead will determine our strength and vitality. We must come to grips with the fact that those groups we refer to today as minorities will become the majority population of our nation in the century ahead, just as they are today throughout

the world. The truth, too, is that most of us retain proud ties to our ethnic roots, and this strong and fruitful identification must coexist with—indeed enable—our ability to become full participants in the economic and civic life of our country. Pluralism poses a continuing challenge to our nation and its institutions as we seek to build and maintain a fundamental common ground of civic values that will inspire mutually beneficial cohesion and purpose during this period of radical transformation of so many aspects of our world.

#### 4) Human Resources

Today, higher education's capacity to serve the educational needs of a diverse population has become even more important as our world has entered a period of rapid and profound economic, social, and political transformation driven by a hypercompetitive global economy that depends upon the creation and application of new knowledge and hence, upon educated people and their ideas. It has become increasingly apparent that the strength, prosperity, and welfare of a nation in a global knowledge economy will demand a highly educated citizenry enabled by development of a strong system of tertiary education. It also requires institutions with the ability to discover new knowledge, develop innovative applications of these discoveries, and transfer them into the marketplace through entrepreneurial activities.

The demographic trends we see in our future hold some other significant implications for national economic and political life and especially for education. Our clearly demonstrated need for an educated workforce in the years ahead means that America can no longer afford to waste the human potential, cultural richness, and leadership represented by minorities and women.

#### The Michigan Mandate

Although the University of Michigan sustained its commitment to diversity throughout the 20th century, its progress reflected many of the challenges facing our society during the years of discrimination based upon race, religion, and gender. Many were the times we took one step forward toward

greater diversity, only to slide two steps back through later inattention. The student disruptions of the 1960s and 1970s triggered new efforts by the University to reaffirm its commitments to affirmative action and equal opportunity, but again progress was limited and a new wave of concern and protests hit the campus during the mid-1980s, just prior to the appointment of our administration.

By the late 1980s, it had become obvious that the University had made inadequate progress in its goal to reflect the rich diversity of our nation and our world among its faculty, students and staff. Of course, here we faced many challenges: prejudice and ignorance persist on our nation's campuses, as they do throughout our society. American society today still faces high levels of racial segregation in housing and education in spite of decades of legislative efforts to reduce it. In an increasingly diverse country, deep divisions persist between whites, blacks, Hispanics, Native Americans, and other ethnic groups.

There is nothing natural about these divisions. They are not immutable facts of life. Rather, they are a consequence of a troubled and still unresolved past. Racial and ethnic groups remain separated by residence and education. There are unfortunately few places in American society where people of different backgrounds interact, learn from each other, and struggle to understand their differences and discover their commonality.

We also faced a particular challenge because of our geographic location. As a state university, we draw many of our students from the metropolitan Detroit area, a region with an unusually large black population (90% of Detroit public school students) resulting from the Great Migration of the descendents of slaves to the northern cities during the early 20th century. In fact, Detroit is the second most segregated metropolitan area in the country. Many suburban communities on the borders of Detroit have remained almost completely white despite their proximity to adjoining minority-dominated city neighborhoods. Drawing a significant fraction of our undergraduate enrollment from such a racially segregated environment presented a particularly serious challenge and responsibility for the University.

Yet, there are other significant ethnic challenges. Another Michigan community, Dearborn, has the highest concentration of Arab-Americans in the

nation. At the same time, the historic openness of the University to Jewish students, particularly from large eastern cities such as New York, coupled with our institution's size (42,000 full-time students), gives Michigan the largest enrollment of Jewish students in the nation. Hence, we also experience many of the ethnic tensions now characterizing the Middle East. And the list goes on...

It was apparent that although the University had approached the challenge of serving an increasingly diverse population with the best of intentions, it simply had not developed and executed a plan capable of achieving sustainable results. The University would have to leave behind many reactive and uncoordinated efforts that had characterized its past and move toward a more strategic approach designed to achieve long-term systemic change. Sacrifices would be necessary as traditional roles and privileges were challenged. In particular, we foresaw the limitations of focusing only on affirmative action; that is, on access, retention, and representation. We believed that without deeper, more fundamental institutional change these efforts by themselves would inevitably fail.

More significantly, we believed that achieving our goals for a diverse campus would require a very major change in the institution itself. Hence, we began to think of the challenge of diversity as, in reality, the challenge of changing an institution in a very fundamental way—not an easy challenge for university leaders in an institution where change tends to occur “one grave at a time!” Our diversity agenda would be, in fact, a major exercise in institutional transformation.

The challenge was to persuade the university community that there was a real stake for everyone in seizing the moment to chart a more diverse future. More people needed to believe that the gains to be achieved through diversity would more than compensate for the necessary sacrifices.

The first and most important step was to link diversity and excellence as the two most compelling goals before the institution, recognizing that these goals were not only complementary but would be tightly linked in the multicultural society characterizing our nation and the world in the future. As we moved ahead, we began to refer to the plan as: *The Michigan Mandate: A Strategic Linking of Academic Excellence and Social Diversity*.

The mission and goals of the Michigan Mandate were stated quite simply:

1. To recognize that diversity and excellence are complementary and compelling goals for the University and to make a firm commitment to their achievement.
2. To commit to the recruitment, support, and success of members of historically underrepresented groups among our students, faculty, staff, and leadership.
3. To build on our campus an environment that seeks, nourishes, and sustains diversity and pluralism and that values and respects the dignity and worth of every individual.

A series of carefully focused strategic actions was developed to move the University toward these objectives. These strategic actions were framed by the values and traditions of the University, an understanding of our unique culture characterized by a high degree of faculty and unit freedom and autonomy, and animated by a highly competitive and entrepreneurial spirit. The strategy was both complex and all-pervasive, involving not only a considerable commitment of resources (e.g., fully-funding all financial aid for all minority graduate students) as well as some innovative programs.

A good example here was our Target of Opportunity program for recruiting minority faculty. Traditionally, the faculty appointments of American universities have been driven by a concern for academic specialization within their respective disciplines. Too often, in recent years, the University had seen faculty searches that were literally “replacement” searches rather than “enhancement” searches. To achieve the goals of the Michigan Mandate, the University had to free itself from the constraints of this traditional perspective.

Therefore, the central administration sent out the following message to the academic units: “Be vigorous and creative in identifying minority teachers/scholars who can enrich the activities of your unit. Do not be limited by concerns relating to narrow specialization; do not be concerned about the

availability of a faculty slot within the unit. The principal criterion for the recruitment of a minority faculty member was whether the individual could enhance the department. If so, resources will be made available to recruit that person to the University of Michigan.”

Note there was another shoe to drop in this effort. Since we did not have any new resources to launch this program, instead we simply established a debt against future resources each time we authorized a new faculty hire under the Target of Opportunity program. At the end of the year, we would then add up these debts and subtract the total off the top of the next year’s budget, whatever the amount. In effect, this budget strategy amounted to shifting dollars away from those academic units that sat on their hands on diversity initiatives to reward those who embraced the goals (e.g., it took Internal Medicine several years to realize that their inactivity in recruiting diverse faculty candidates was transferring a chunk of their budget each year to aggressive programs such as English Language and Literature!).

Of course, because of the top-down management culture of American universities, we were also able to take a few actions that would not be possible in European universities. For example, we included diversity achievement (such as enrollments or graduation rates) as a factor in determining the salaries of our key academic leaders, deans and department chairs. Furthermore, on several occasions, we actually removed and replaced several senior officers who stubbornly resisted change (including our director of admissions).

The Michigan Mandate was one of those efforts that required leadership on the front lines by the president, since only by demonstrating commitment from the top could we demand and achieve the necessary commitments throughout the institution. During the startup phase, I met with hundreds of groups both on and off campus, not only giving speeches, but more importantly, listening carefully to their concerns and ideas. To encourage buy-in, every so often we would redraft and redistribute the documents describing the Michigan Mandate to demonstrate we were not only listening to the campus community, but using their ideas in shaping the evolution of the effort. (I numbered these documents like computer software, e.g., 1.1, 1.2. There was never a final

document. The last one I can recall was numbered 13.8!) (Web-links to the Michigan Mandate can be found at: <http://milproj.dc.umich.edu/>).

By 1995, Michigan could point to significant progress in achieving diversity. By every measure, the Michigan Mandate was a remarkable success, moving the University far beyond our original goals of a more diverse campus. The representation of underrepresented students and faculty more than doubled over the decade of the effort. Minority student enrollments rose to one-third of our enrollments, reflecting levels in the more general American population. For example, increasing African-American student enrollments to 9.5%. In fact, when I stepped down as president, 5 of the University's 10 executive officers were African American, including my successor.

But, perhaps more significantly, the success of underrepresented minorities at the University improved even more remarkably, with graduation rates rising to the highest among public universities, promotion and tenure success of minority faculty members becoming comparable to their majority colleagues, and a growing number of appointments of minorities to leadership positions in the University. The campus climate not only became far more accepting and supportive of diversity, but students and faculty began to come to Michigan because of its growing reputation for a diverse campus. And, perhaps most significantly, as the campus became more racially and ethnically diverse, the quality of the students, faculty, and academic programs of the University increased to the highest level in history. This latter fact seemed to reinforce our contention that the aspirations of diversity and excellence were not only compatible but, in fact, highly correlated.

### Studies of the Impact of Diversity on the Educational Experience

Since Michigan has long had great strength in the quantitative social sciences, early in our efforts we began rigorous efforts to measure the impact of increasing diversity on the educational experience (The Michigan Student Study, 1994 to the present). For the past 25 years, we have accumulated data on student attitudes and experiences from entering students, graduating students, and alumni. In fact, this substantial project has led to nine PhD dissertations over the

past two decades. This effort has not only been critical for guiding our diversity efforts in a changing world of legal challenges, ballot initiatives, budget crises, shifting demographics, and changing workforce needs, but it has also proved essential in defending diversity both in the courts (e.g., the Supreme Court cases) and to the body politic.

Some of the key conclusions from the studies have been: the majority of students agree with the key premises that social diversity creates a stimulating and challenging environment that benefits the learning of ALL students; that it prepares students for participation as citizens and leaders in our increasingly diverse nation and interconnected world; and that it fosters preparation for citizenship in our democratic society, a goal that is not irrelevant to our education goals! Most groups were also in support of the methods used to achieve diversity, including affirmative action (although interestingly enough, this support tended to increase as students moved through their academic programs and later life). There was also strong disagreement that the emphasis on diversity fosters division and disunity on campus but rather was a significant influential aspect of the college experience. Almost all alumni felt that the diversity on campus enhanced their ability to work effectively across racial and ethnic differences and to understand the multiple perspectives from which people view the world, skills that were viewed as essential to their later careers. Reports on the Michigan Student Study can be found at:

<http://www.oami.umich.edu/mss/research/index.htm>

## The Michigan Agenda for Women

Even while pursuing the racial diversity goals of the Michigan Mandate, we realized we could not ignore another glaring inequity in campus life. If we meant to embrace diversity in its full meaning, we had to attend to the long-standing concerns of women faculty, students, and staff. Here, once again, it took time—and considerable effort by many women colleagues (including my wife and daughters)—to educate me and the rest of my administration to the point where we began to understand that the university simply had not succeeded in including and empowering women as full and equal partners in all aspects of its life and leadership.

Many of our concerns derived from the extreme concentration of women in positions of lower status and power—as students, lower-pay staff, and junior faculty. The most effective lever for change might well be a rapid increase in the number of women holding positions of high status, visibility, and power. This would not only change the balance of power in decision-making, but it would also change the perception of who and what matters in the university. Finally, we needed to bring university policies and practices into better alignment with the needs and concerns of women students in a number of areas including campus safety, student housing, student life, financial aid, and childcare.

Like the Michigan Mandate, the vision was again simple, yet compelling: that by the year 2000 the university would become the leader among American universities in promoting and achieving the success of women as faculty, students, and staff. Again, as president, I took a highly personal role in this effort, meeting with hundreds of groups on and off campus, to listen to their concerns and invite their participation in the initiative. Rapidly, there was again significant progress on many fronts for women students, faculty, and staff, including the appointment of a number of senior women faculty and administrators as deans and executive officers, improvement in campus safety, and improvement of family care policies and child care resources. Getting women into senior leadership positions was critical – appointing the first women deans of LS&A, Rackham, and the Vice Provost for Health Sciences, leading to

the appointment of Michigan's first woman provost and later its first woman president (our current president, Mary Sue Coleman).

### Other Areas of Diversity and Social Justice

The university also took steps to eliminate those factors that prevented other groups from participating fully in its activities. For example, we extended our anti-discrimination policies to encompass sexual orientation and extended staff benefits and housing opportunities to same-sex couples (and more recently, to transgender students). We had become convinced that the university had both a compelling interest in and responsibility to create a welcoming community, encouraging respect for diversity in all of the characteristics that can be used to describe humankind: age, race, ethnicity, nationality, gender, religious belief, sexual orientation, political beliefs, economic background, and geographical background.

### The Battle Continues

#### 1) Legal Challenges

But, of course, this story did not end with the successful achievements of the Michigan diversity efforts. Beginning first with litigation in Texas and then successful referendum efforts in California and Washington, conservative groups began to attack affirmative action policies, such as the use of race in college admissions. Perhaps because of Michigan's success in the Michigan Mandate, the University soon became a target for those groups seeking to reverse affirmative action with two cases filed against the University in 1997, one challenging the admissions policies of undergraduates, and the second challenging those in our Law School.

Although I had stepped down as president by that time, I was still named personally as a defendant in one of the cases, although I had little influence on the strategies to defend both cases to the level of the Supreme Court, aside from

giving several days of depositions and having all of records of my presidency digitized, archived, and posted publicly by our university history library.

At Michigan, it was important that we “carry the water” for the rest of higher education to defend the value of diversity and the actions necessary to achieve it. Throughout our history, our university has been committed to extending more broadly educational opportunities to the working class, to women, to racial and ethnic minorities, and to students from every state and nation. It was natural for us to lead yet another battle for equity and social justice.

Although the Supreme Court decisions were split, supporting the use of race in the admissions policies of our Law School and opposing the formula-based approach used for undergraduate admissions, the most important ruling in both cases was, in the words of the court:

“Student body diversity is a compelling state interest that can justify the use of race in university admission.”

“When race-based action is necessary to further a compelling governmental interest, such action does not violate the constitutional guarantee of equal protection so long as the narrow-tailoring requirement is also satisfied.”

Hence, the Supreme Court decisions on the Michigan cases reaffirmed those policies and practices long used by those selective colleges and universities throughout the United State. But more significantly, it reaffirmed both the importance of diversity in higher education and established the principle that, appropriately designed, race could be used as a factor in programs aimed at achieving diverse campuses. Hence, the importance of diversity in higher education and the affirmation of methods to achieve it was firmly established by the highest court of the land. We had won. Or so we thought...

Yet, while an important battle had been won with the Supreme Court ruling, we soon learned that the war for diversity in higher education was far

from over. As university lawyers across the nation began to ponder the court ruling, they persuaded their institutions to accept a very narrow interpretation of the Supreme Court decisions as the safest course. Actually, this pattern began to appear at the University of Michigan during the early stages of the litigation process. Even as the university launched the expensive legal battle (\$20 million) to defend the use of race in college admissions following my presidency, it throttled back many of the effective policies and programs created by the Michigan Mandate, in part out of concern these might complicate the litigation battle. As a consequence, the enrollment of underrepresented minorities began almost immediately to drop at Michigan, eventually declining from 1996 to 2002 by almost 25% overall and by as much as 50% in some of our professional schools (Law, Medicine, Business). Although there was an effort to rationalize this by suggesting that the publicity given the litigation over admissions policies was discouraging minority applicants, there is little doubt in my mind that it was the dismantling of the Michigan Mandate that really set us back.

Since the Supreme Court decision, many American universities have begun to back away from programs aimed at recruitment, financial aid, and academic enrichment for minority undergraduate students, either eliminating entirely such programs or opening them up to non-minority students from low-income households. Threats of further litigation by conservative groups have intensified this retrenchment. As a consequence, the enrollments of underrepresented minorities are dropping again in many universities across the nation (including Michigan).

I must say that after the years of effort in building a diverse campus at Michigan and successfully defending our actions all the way to the Supreme Court, it would be tragic indeed if the decisions in the Michigan case caused more harm than benefit to the cause of diversity. Imagine our frustration in fearing that rather than advancing the cause of social justice, our efforts have simply empowered the lawyers on our campuses to block effective efforts to broaden educational opportunity.

## 2) Voter Action

A different challenge first appeared in California with the passage of a public referendum banning affirmative action. The groups pushing the California ban soon broadened to attack diversity policies in other states. In 2006, Michigan voters approved a constitutional referendum to ban the use of affirmative action in public institutions similar to that of California's Proposition 209. This referendum prevents Michigan colleges and universities from using the narrowly tailored prescriptions of the 2003 Supreme Court decision.

### 3) Financial Shifts

In the United States, the primary responsibility for providing educational opportunities to the nation's diverse population has rested with the public universities supported by state governments. In fact, it has been the strong support of the state universities through tax revenues that has enabled their capacity to enroll students of modest economic means and underrepresented minority populations. Yet today, as the global recession has deepened, state after state began to project tax revenue declines and warn their public universities of deep budget cuts in the range up to 20% to 30%. This retrenchment is on top of two decades of eroding tax support of public universities as the states have struggled with the shifting priorities of aging populations. We now have at least two decades of experience that would suggest that the states are simply not able—or willing—to provide the resources to sustain growth in public higher education, at least at the rate experienced in the decades following World War II. In many parts of the nation, states will be hard pressed to even sustain the present capacity and quality of their institutions.

There is a growing sense that the balanced financial model that has sustained American higher education for the past several decades is beginning to fray. Traditionally, the support of American higher education has involved a partnership among states, the federal government, and private citizens (the marketplace). In the past, the states have shouldered the lion's share of the costs of public higher education through subsidies, which keep tuition low for students, enabling access while the federal government has taken on the role of providing need-based aid and loan subsidies. As state support has declined,

public universities have not only become increasingly dependent upon student fees (tuition) but furthermore, they have enrolled increasing numbers of out-of-state or international students subject to much higher tuition. For example, at both the University of California and the University Michigan, in-state students now pay tuition of \$12,000 a year while out-of-state students pay \$36,000 a year, essentially the tuition characterizing private institutions. And the result has been a sharp decline in both the economic and ethnic diversity of the students enrolling in these public institutions. It has become painfully clear that without strong state support, the achievement of diversity will require a new paradigm for financing public higher education.

### The Road Ahead

The key device many institutions have utilized to achieve diversity is “affirmative action”, that is, giving a slight edge to minorities in key university decisions—student admission, staff hiring, faculty promotion. (In the case of racial diversity, this is sometimes relabeled as “racial preference”!) Yet, it is clearly the case that many today believe that despite the importance of diversity, racial preferences are contrary to American values of individual rights and the policy of color-blindness that animated the Civil Rights Act of 1964.

Richard Atkinson, former president of the University of California, suggests that we need a new strategy that recognizes the continuing corrosive force of racial and ethnic inequality but does not stop there. We need a strategy grounded in the broad American tradition of opportunity because this is a value that Americans understand and support. Put another way, we need to shift to strategies and methods that make it clear that all of society has a stake in ensuring that every American has an opportunity to succeed.

Let me suggest two such themes that might suggest such a strategy.

#### 1) Lifelong Learning as a Civil Right

As noted earlier, today we have entered an age of knowledge in a global economy, in which educated people, the knowledge they produce, and the

innovation and entrepreneurial skills they possess have become the keys to economic prosperity, social-well being, and national security. Moreover, education, knowledge, innovation, and entrepreneurial skills have also become the primary determinants of one's personal standard of living and quality of life. Hence, one can argue that today, democratic societies—and state and federal governments—must accept the responsibility to provide all of their citizens with the educational and training opportunities they need, throughout their lives, whenever, wherever, and however they need it, at high quality and at affordable prices. Hence, we could include diversity as a key to achieving a vision for the nation's future that provides citizens with the lifelong learning opportunities and skills they need to live prosperous, rewarding, and secure lives in this world. The theme would be a universal life-long educational opportunity as a fundamental right – a CIVIL right – to all Americans, not a privilege for the fortunate few.

Actually, several years ago, we managed to persuade our colleagues on the Spellings Commission to include this as one of our major recommendations. But the Bush administration largely ignored it. Fortunately, the Obama administration seems more inclined to pay attention!

## 2) Innovation and Creativity

There is a growing recognition in our country that the United States' most important competitive advantage in the global, knowledge-driven economy may, in fact, be its social diversity. As the noted columnist Tom Friedman puts it, "We live in an age when the most valuable asset any economy can have is the ability to be creative — to spark and imagine new ideas, be they Broadway tunes, great books, iPads or new cancer drugs. And where does creativity come from? To be creative requires divergent thinking (generating many unique ideas) and then convergent thinking (combining those ideas into the best result). And where does divergent thinking come from? It comes from being exposed to divergent ideas. It comes from the sheer creative energy that comes when you mix all our diverse people and cultures together."

Friedman also cautions that, “the resistance to diversity is not something we want to emulate. Countries that choke themselves off from exposure to different cultures, faiths and ideas will never invent the next Google or a cancer cure, let alone export a musical or body of literature that would bring enjoyment to children everywhere.”

### Lessons Learned

At the University of Michigan, we remain absolutely convinced that there is a very strong linkage between academic excellence and social diversity. We have both demonstrated and fought to sustain this principle. A similar conclusion can be suggested for the dependence of a nation’s prosperity and security upon social diversity and broad representation in all aspects of American life in a global, knowledge-driven world. Indeed, in an increasingly inter-dependent and diverse world, it is hard to imagine how a nation can flourish without tapping the talent, the wisdom, the experience, and the cultures of all of our citizens.

However, the achievement of diversity in higher education requires major institutional change – indeed, it is a major exercise in university transformation. As with any major change in higher education, there will be strong resistance from within. But it will also face significant resistance from outside, both through public acceptance and political reaction. Hence, this requires both a comprehensive strategic plan and sustained effort over an extended period.

Yet, speaking as a former leader of diversity efforts in a major university, let me caution that defending principles such as diversity, equity, and social justice can be hazardous to one’s health, not to mention one’s career. Not only are they usually controversial, but they also frequently demand strong leadership at the helm of the institution. This is one of the efforts that not only requires strong and determined leadership, but it requires leading the troops into battle, rather than issuing orders far behind the front lines. This is perhaps the reason why so few institutions make progress in complex areas such as social diversity.

My own experience suggests that the political threats to being a leader in diversity can be challenging, such as when our state’s conservative political party

attempt to target me for removal because of the Michigan Mandate. Or when our state's governor and legislature tried to deduct from our funding an amount corresponding to the funds we were spending to provide health-care to the partners of same-sex university couples. (In this case, we ever so politely filed suit against state government to demonstrate that our constitutional autonomy prohibited this funding cut. Actually, throughout our history, our University has sued state government rather frequently to protect our autonomy.) One can even find oneself as a defendant before the Supreme Court in a landmark case on diversity and social justice.

There is an old saying among university presidents cautioning them to take great care in choosing the ditch where they fight from, since that battle may be their last. Yet, I also believe today that I would choose to fight in this ditch again, even knowing the likely personal toll it would take. There are few causes that are clearly worthy of such sacrifices. Diversity, equity, and social justice are certainly among them.