Affirmative action, discrimination discussed at Purdue workshop

By Marc B. Geller, Journal and Courier

About 15 people got a good lesson in the difference between affirmative action and discrimination measures during a recent Purdue University workshop.

Diana Prieto, director of Purdue's Affirmative Action Office, which primarily oversees affirmative action in employment, led the free workshop, "Affirmative Action 101," with her colleagues, Gina Kerr, assistant director for compliance and disability services, and Chad Martinez, assistant director for conflict resolution.

Part of a summer workshop series on equal access and equal opportunity, Wednesday's workshop was intended to provide a basic understanding of affirmative action, dispel myths and misconceptions, explain the difference between affirmative action and discrimination, and discuss the University of Michigan Supreme Court cases.

Among those who attended the workshop was Mary A. Sadowski, the School of Technology's new associate dean of undergraduate programs in learning, whose responsibilities include promoting diversity.

"The best thing I got out of this whole presentation was the difference between discrimination and affirmative action," Sadowski said. "And I actually was very interested in hearing about the Michigan cases too."

In July, in two split decisions involving the University of Michigan, the U.S. Supreme Court ruled that colleges may consider race in admissions decisions "to further a compelling interest in obtaining the educational benefits that flow from a diverse student body," Justice Sandra Day O'Connor wrote. But what's not acceptable is using inflexible or automatic racial preferences.

The court's decisions underscored that a point-based screening system that takes race into account is unconstitutional but left room for the nation's public universities -- and by extension other public and private institutions -- to seek ways to take race into account.

Purdue uses affirmative action in its marketing and recruitment of students but not in its admissions policy, which was unaffected by the Supreme Court rulings.

The key elements of those decisions, Prieto said, are that diversity is a compelling interest and that affirmative action programs must be narrowly tailored.

To meet the narrowly tailored requirement, affirmative action programs must provide for case-by-case review of applicants, periodic review of the program to determine if the same outcome could be achieved with race-neutral alternatives, and avoidance of undue harm to non-underrepresented groups.
This guidance is relevant not only for college admissions but also for employment, Prieto said.

Affirmative action derives from a 1965 executive order by President Lyndon Johnson which sought to prevent discrimination by government contractors and subcontractors against employees and applicants on the basis of race, color, religion, sex or national origin. Enforcement of the order falls to the U.S. Department of Labor's Office of Federal Contract Compliance Programs.

As a recipient of federal research funding, Purdue is obligated to abide by the affirmative action mandate. Part of that obligation is satisfied by the two affirmative action plans the university maintains. One deals with ethnic minorities and women; the other deals with veterans and people with disabilities.

Prieto said several myths about affirmative action persist, including the belief that it's a quota system, that it requires the hiring of unqualified applicants, that it undermines the self-esteem of affirmative action hires, and that it's outdated.

"Quotas are not allowed," she said. "What you must do is you must set goals. But goals are different from quotas, because with quotas we're generally talking about a specific number."

Setting goals, Prieto said, is not equivalent to setting aside a specific number of slots for a particular group of people.

Instead, employers must recognize when the demographics of their employment base don't mirror the demographics of their employment pool. They then must set a goal of improving outreach to qualified individuals in the labor pool and increasing the number of employees from underrepresented groups.

"If affirmative action is implemented correctly, you are capturing qualified individuals, so the person that you're hiring -- if they put forth the effort required -- is going to succeed in that position," Prieto said.

"In an effort to increase your diversity, do not reach down in your pool and raise an underrepresented individual to your short list to try to meet diversity goals. That's a recipe for disaster."

Prieto also observed that although Indiana is an at-will employment state -- an employment relationship for no specific duration may be terminated at any time at the will of either the employer or the employee for any or no reason -- employees have considerable protection through antidiscrimination laws.

"The at-will part is not as expansive as one might first think that it is," she said. "Individuals have a lot of protection in employment. The termination has to be for a nondiscriminatory reason."

Other Campus News Headlines from Monday, August 18th 2003

4,000 Boiler freshmen go for the gold
1,100 new international students expected
Aphids cause problems for farmers