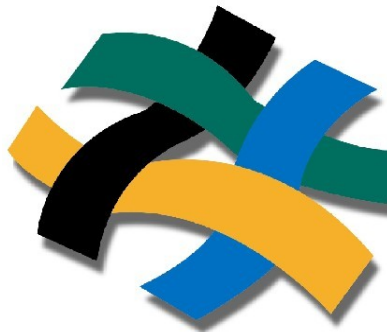


*The University of Kentucky  
President's Commission on Diversity  
presents*

**“While We Were Sleeping: Toward  
Diversity in Higher Education”  
A panel presentation in  
celebration  
of African-American History Month**



**Panelists include:**

**Dr. Doris Y. Wilkinson, Sociology  
Dr. Tamara Brown, Psychology  
Dr. Horace Bartilow, Political Science  
Dr. Yolanda Pierce, English**

**Moderator:**

**Dr. J. John Harris, Vice Chair  
President's Commission on Diversity**

 Selected Publications Pertaining to Diversity 

**Dr. Doris Wilkinson**

Professor, Sociology

Wilkinson, D. (2001, August 26). Achievement gap inseparable from the history of inequality. *The Lexington Herald Leader*, pp. J1, J2.

Wilkinson, D. (2000). Integration dilemmas in a racist culture. In S. Sternberg (ed.), *Race and ethnicity in the United States: Issues and debates* (pp. 154-160). MA: Blackwell.

Wilkinson, D. (2000). Rethinking the concept of minority: A task for social scientists and practitioners. *Journal of Sociology and Social Welfare* 27, 115-132.

Wilkinson, D. (1991). The segmented labor market and African American women from 1890-1960: A social history interpretation. *Research and Race and Ethnic Relations* 6, 85-104.

Wilkinson, D. (1999). The centrality of race in the social structure: A critical social history. In J.A. Belkhir and B.M. Barnett (eds.) *Introduction to Sociology: A race, gender & class perspective* (pp. 3-15). New Orleans: Southern University at New Orleans, Race, Gender & Class Book Series.

Wilkinson, D. (1997). Reappraising the race, class, gender equation: A critical theoretical perspective. *Smith College Studies in Social Work*, 67, 261-276.

Wilkinson, D. (1995). Gender and social inequality: The prevailing significance of race. *Daedalus* 124, 167-178. (Reprinted four times)

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\* Also see, Slater, R. (1996). The first Black graduates of the Nation's 50 flagship state universities. *The Journal of Blacks in Higher Education*, 13, 72-85.

\*\* Professor Wilkinson was a member of the historic undergraduate freshman class to first enter the University of Kentucky in 1954, three months after the U.S. Supreme Court in *Brown v. Board of Education* ruled that "separate schools were inherently unequal" and thus, unconstitutional."

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**Dr. Tamara L. Brown**  
Assistant Professor, Psychology

Brown, T.L., (2000). Gender differences in African American students' satisfaction with college. *Journal of College Student Development*, 41(5), 479-487.

Brown, T.L., (under review). Internet-based research: Is it a viable strategy for increasing the representation of ethnic minorities in psychological research. *Personality and Individual Differences*.

Brown, T.L., Miller, J, Clayton, R. R. (under review). Predicting adolescent substance use: An examination of the moderating effect of race. *Journal of Early Adolescence*.

Miller, J.D., Brown, T.L., Leukefeld, C., & Clayton, R.R. (under review). Racial differences in drug sequencing: Do the stages of substance use differ for African American and Caucasian adolescents and does it matter? *Journal of Research on Adolescence*.

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**Dr. Horace Bartilow**  
**Associate Professor, Political Science**

Bartilow, H. (2000) Dreams of Sustainability: Beyond the Antinomies of the Global Sustainability Debate, *International Journal of Sustainable Development*, 3:4, 370-389.

Bartilow, H. (2000). Beyond Environmental Moralism and Policy Incrementalism in the Global Sustainability Debate: Case Studies and an Alternative Framework, *Sustainable Development*, 8:3, 123-134.

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\*\*Professor Bartilow teaches PS 280 – Institutional Racism and the Politics of Resistance. He also speaks Spanish and French.

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**Dr. Yolanda Pierce**  
**Assistant Professor, English and African American Studies**

Pierce, Y. (2001). Behold! Your Daughters Shall Prophesy: African-American Women's Spiritual Narratives, *The Cambridge Companion to 19<sup>th</sup> Century Women's Literature*. Cambridge University Press.

Pierce, Y. (2001). Narrative of the Life of J.D. Green, A Runaway Slave: Some New Thoughts on an Old Form, *ANQ: A Quarterly Journal of Short Articles, Notes and Reviews*, 14:4.

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\*\*Dr. Pierce has taught the following courses: The African American Performance Tradition, Race & Gender in Early American Literature, Narratives of Slavery, African American Literature and Religion, and Women Writers of African Descent.



## The Many Forms of Affirmative Action

### Plus Factors in the Postsecondary Admissions Process

Legacy

Regional Preferences

Institutional Donor Affiliation

Dean's Admission Prerogative

1944 Service Men's Readjustment Act "GI Bill of Rights"

Vietnam Era Veterans Readjustment Assistance Act 1974

Athletic Set Asides

Religion for Private Institutions

Discipline Preference for Critical Shortage and High Demand

### Other Affirmative Factors

P-12 Public School Funding Formulas

Transportation Subsidies

Chronology of Key Rulings  
in the University of Michigan Affirmative Action Lawsuits  
and Other Higher Education Affirmative Action Suits

Revised: December 11, 2002

- Oct. 14, 1997: Lawsuit filed against University of Michigan regarding undergraduate admissions process. *Jennifer Gratz and Patrick Hamacher v. Lee Bollinger, James J. Duderstadt, the University of Michigan, and the College of Literature, Arts and Sciences*. U.S. District Court, Eastern District of Michigan. (Judge Patrick J. Duggan)
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- Dec. 3, 1997: Lawsuit filed against University of Michigan regarding Law School admissions process. *Barbara Grutter v. Bollinger, Lehman, Shields, Regents of the University of Michigan and University of Michigan Law School*. U.S. District Court, Eastern District of Michigan. (Judge Bernard Friedman)
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- Feb. 5, 1998: Motion to intervene in the *Gratz* case filed by high school students of color and their parents, Citizens for Affirmative Action's Preservation (CAAP), the NAACP Legal Defense & Educational Fund, the American Civil Liberties Union Foundation, the ACLU Fund of Michigan, and the Mexican American Legal Defense & Educational Fund. The motion to intervene was denied by Judge Duggan.
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- March 26, 1998: A motion to intervene in the *Grutter* case filed by University of Michigan undergraduate students, college students at other universities, high school students and their parents, University of Michigan law school students, United For Equality and Affirmative Action, the Coalition to Defend Affirmative Action by Any Means Necessary, and Law Students for Affirmative Action. The motion to intervene was denied by Judge Friedman.
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- Aug. 10, 1999: The Sixth Circuit Court of Appeals reversed the trial court's order and allowed intervention in both cases. Both courts allowed additional time for discovery. Cases delayed for about a year.
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- July 17, 2000: General Motors Corporation filed amicus briefs in both the *Gratz* and *Grutter* cases, about the value of a diverse workforce.\*
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- Oct 16, 2000: Twenty Fortune 500 companies filed an amicus brief in the *Gratz* case.\*
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- Nov. 16, 2000: Oral argument was heard on cross motions for summary judgment in the *Gratz* case.
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- Dec. 13, 2000: Judge Duggan issued his opinion in the *Gratz* case, stating that diversity is a compelling governmental interest and that the University's current undergraduate admissions program meets the standards set by the Supreme Court in *Bakke*. He also ruled that the admissions programs in 1995-1998 were unconstitutional. Both plaintiff and defendants filed appeals with the 6th Circuit Court of Appeals in Cincinnati.
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- Dec. 22, 2000: Judge Friedman heard oral argument on motions for summary judgment in the *Grutter* case; he decided to hold a limited trial.
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- Jan. 16, 2001: A limited trial began on questions relating to the specific operation of the Law School admissions policy. The trial ran through February 16, 2001.
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- Feb. 26, 2001: Judge Duggan dismissed the undergraduate intervenors' claim that the University was justified in using race as a factor in admissions to

remedy the present effects of past discrimination.

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March 27, 2001: Judge Friedman issued his opinion in the *Grutter* case, finding that the law does not permit colleges and universities to use race in admissions. He further found that even if the law permitted race-conscious admissions, the Law School's policy weighs race too heavily. He issued an injunction enjoining the Law School from using race as a factor in admissions. The Court of Appeals issued a stay of the injunction allowing the Law School to continue their policy while the appeal proceeds. Judge Friedman also denied the intervenor's claims.

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May 30, 2001: U.S. Supreme Court refused to review *University of Washington* case. That case (decided by the Ninth Circuit Court of Appeals) upheld the constitutionality of race-conscious admissions.

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May 31, 2001: A number of amicus briefs were filed with the Sixth Circuit Court of Appeals in the Michigan litigation, including the General Motors Corporation, 32 other Fortune 500 companies, the American Bar Association, the United Auto Workers and the American Council on Education.\*

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June 13, 2001: Business, education and social justice organizations filed amicus briefs in the *Gratz* case.\*

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June 26, 2001: Supreme Court refused to review the *Hopwood* case. That case (decided by the Fifth Circuit Court of Appeals) struck down the constitutionality of race-conscious admissions.

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Oct. 16, 2001: The Sixth Circuit Court of Appeals granted the plaintiffs' motion for hearing oral arguments en banc; they were scheduled to be heard before all of the Sixth Circuit judges on December 6, 2001.

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Nov. 9, 2001: University of Georgia announced it would not seek Supreme Court review of a challenge to its race-conscious admissions policy. University of Georgia admissions policy was struck down by the Eleventh Circuit Court of Appeals. The court did not decide whether the law permits race-conscious admissions.

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May 14, 2002: The Sixth Circuit Court of Appeals held in the *Grutter* case that the University of Michigan Law School's admissions policy is constitutional, reversing the March 27, 2001 decision of Judge Friedman. The Sixth Circuit followed the U.S. Supreme Court's *Bakke* precedent, holding that the Law School's interest in achieving the educational benefits that come from a diverse student body is compelling, and that its admissions policy is "narrowly tailored" to serve that interest. The court found that each applicant is considered as an individual in the Law School admissions process, and noted that the pursuit of a "critical mass" of minority students ensures that all students — majority and minority alike — can enjoy the educational benefits of a diverse student body.

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Aug. 9, 2002: The Center for Individual Rights filed a petition for certiorari, asking the U.S. Supreme Court to review the *Grutter* case.

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October 1, 2002: Plaintiffs (*Gratz*) filed a petition for certiorari before judgment.

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October 14, 2002: Intervenors (*Gratz*) filed a petition for certiorari before judgment.

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Oct. 29, 2002: The University filed its response to all three petitions (*Grutter* and *Gratz*) to the Supreme Court.

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December 2, 2002: U.S. Supreme Court granted certiorari before judgment on the Constitutional issue only in *Gratz*, and granted certiorari in the *Grutter* case.

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See [http://www.umich.edu/~urel/admissions/gru\\_amicus/](http://www.umich.edu/~urel/admissions/gru_amicus/) for a complete list of May 31, 2001, amicus briefs filings.

## Ohio State U. Was Blocked by State Attorney General From Backing U. of Michigan on Affirmative Action

By [VINCENT KIERNAN](#)

Ohio's attorney general earlier this month blocked plans by Ohio State University to file a legal brief with the U.S. Supreme Court supporting the University of Michigan's use of affirmative action in admissions decisions.

The attorney general, Jim Petro, must approve all legal filings by Ohio public institutions.

Mr. Petro denied Ohio State's request to participate in a "friend of the court" brief filed with the Supreme Court by the University of Minnesota and other large public universities.

Elizabeth A. Conlisk, a spokeswoman for Ohio State, said that Mr. Petro also refused to permit Ohio's state government to endorse a second legal brief supporting the University of Michigan, which was drafted by several other states.

Mr. Petro's spokeswoman could not be reached for comment over the weekend, but she told reporters in Ohio last week that Mr. Petro believes that Michigan's policies violate the Supreme Court's 1978 decision in *Regents of the University of California v. Bakke*. That decision struck down the use of racial quotas in admissions decisions but did permit race to be a factor.

Ms. Conlisk said that Mr. Petro's decision was "very disappointing" because "we link diversity with excellence."

"It is important that the principles of *Bakke* be reaffirmed," she said.

After Mr. Petro's decision, Ohio State issued a [statement](#) from its Council on Diversity supporting the University of Michigan. "Diversity is not a deficit, but a dividend, not a burden but a blessing, not a fad but our future," the council said in the statement.

Mr. Petro, a Republican, was elected to his first term as attorney general in November after serving eight years as state auditor.

The Supreme Court has taken up two lawsuits challenging the constitutionality of Michigan's race-conscious admissions policies -- one involving its law school and the other its chief undergraduate school, the College of Literature, Science, and the Arts. The deadline for briefs supporting the challengers in those lawsuits was January 16. The deadline for the submission of briefs by the University of Michigan and its supporters was last Tuesday.

The court is expected to hear oral arguments on April 1, and to issue its decisions in the cases in June or July.

Source: *The Chronicle of Higher Education*  
Monday, February 24, 2003  
<http://chronicle.com/daily/2003/02/2003022401n.htm>