

PADP 7920

EEO, Affirmative Action, and Diversity in the Public Sector

Spring 2019

Wednesdays 3:35 – 6:35 pm
Baldwin Hall, Room 202

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Office Hours:
Wed. 1:30-3:00
Other hours by
appointment

Course Description and Objectives:

This course focuses on the development of efforts to combat historic patterns of racial, ethnic, sex, and sexual orientation discrimination by public sector institutions and contractors doing business with those institutions. We will consider the evolution and growth of various programs, the controversies they have engendered, federal court rulings, and associated moral/philosophical arguments. The course will be conducted in a seminar format with weekly meetings consisting of lecture, discussion, and analysis of assigned materials.

Required Texts:

Howard Ball, *The Bakke Case: Race, Education, and Affirmative Action*, (Lawrence: University Press of Kansas, 2000).

Frederick W. Gooding, Jr., *American Dream Deferred: Black Federal Workers in Washington, D.C., 1941-1981*, (Pittsburgh, University of Pittsburgh Press, 2019).

J. Edward Kellough, *Understanding Affirmative Action: Politics, Discrimination, and the Search for Justice*, (Washington D.C.: Georgetown University Press, 2006).

Michele S. Moses, *Living with Moral Disagreement: The Enduring Controversy about Affirmative Action*, (Chicago: University of Chicago Press, 2016).

Barbara A. Perry, *The Michigan Affirmative Action Cases*, (Lawrence: University Press of Kansas, 2007).

Additional reading material is available on eLC.

Course Requirements:

Class Participation: Class attendance is required and expected. Students are expected to complete all reading assignments and actively participate in class discussions.

Term Paper: A paper (20 pages in length) summarizing and assessing the literature and primary arguments surrounding a key issue associated with the material covered is required. A one-paragraph paper proposal describing the topic selected by the student and explaining its significance is due on **February 13**. The paper will be evaluated on the basis of the thoroughness and accuracy of arguments presented and the adequacy of references to the literature. The manuscript should conform to the style suggested in the *Publication Manual of the American Psychological Association*. Papers are due on **April 24**.

Final Exam: There will be a take-home final examination covering the reading, lecture, and discussion material addressed in the course. The exam will be distributed on **April 24** and will be due by 5:00 pm on **May 1**.

Grading: All grades will conform to the following scale:

A	93 – 100%	C-	70 – 72%
A-	90 – 92%	D+	67 – 69%
B+	87 – 89%	D	63 – 66%
B	83 – 86%	D-	60 – 62%
B-	80 – 82%	F	Below 60%
C+	79 – 77%		
C	73 – 76%		

Final Letter Grades for the course will be based upon:

<u>Course Component</u>	<u>Weight</u>
1. Class Participation	20%
2. Term Paper	50%
3. Final Exam	30%

Academic Honesty: All students must read and abide by the University of Georgia policy regarding academic honesty. All academic work must be performed without any form of cheating, lying, stealing, or receiving assistance from any other person or using any source of

information not appropriately authorized or attributed. The University policy on academic honesty may be accessed at <http://www.uga.edu/honesty/>.

CLASS SCHEDULE

January 9: INTRODUCTION

A review of course requirements...general discussion of the content of the course.

January 16: THE CHALLENGE OF DISCRIMINATION

A historical look at the problem of discrimination in the United States

Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy*, (New York: Harper and Row, 1944), Introduction and Chapters 1 and 9.

Samuel Krislov, *The Negro in Federal Employment*, (Minneapolis: University of Minnesota Press, 1967), Introduction and Chapter 1.

Maribel Morey, "A Reconsideration of 'An American Dilemma,'" *Reviews in American History*, Vol. 40, Issue 4, (December 2012), pp. 686-692.

January 23: THE QUESTION OF FEDERAL EMPLOYMENT: THE EARLY YEARS

The struggle for equal opportunity in the federal civil service.

Frederick W. Gooding, Jr., *American Dream Deferred: Black Federal Workers in Washington, D.C., 1941-1981*, (Pittsburgh, University of Pittsburgh Press, 2019).

January 30: INITIAL RESPONSES TO THE PROBLEM

A closer look at early efforts to address the problem of discrimination.

Kellough, Chapters 1 and 2.

"Let's March on Washington 10,000 Strong, Urges Leader of Porters," *Pittsburgh*

Courier, January 25, 1941, (Note: This is an early call for a march on Washington D.C. by A. Philip Randolph), in *For Jobs and Freedom: Selected Speeches and Writings of A. Philip Randolph*, Andrew E. Kersten and David Lucander, eds. (Amherst: University of Massachusetts Press, 2014), pp. 202-204.

A. Philip Randolph, “Address at the March on Washington for Jobs and Freedom: 1963,” in *For Jobs and Freedom: Selected Speeches and Writings of A. Philip Randolph*, Andrew E. Kersten and David Lucander, eds. (Amherst: University of Massachusetts Press, 2014), pp. 261-264.

Franklin D. Roosevelt, Executive Order 8802, June 25, 1941.

Harry S. Truman, Executive Order 9980, July 28, 1948 and Executive Order 10308, December 6, 1951.

Dwight D. Eisenhower, Executive Order 10479, August 13, 1953 and Executive Order 10590, January 19, 1955.

John F. Kennedy, Executive Order 10925, March 8, 1961.

February 6: CONGRESS ACTS AND JOHNSON SAVES AFFIRMATIVE ACTION

Analysis of the Civil Rights Act of 1964, Johnson’s EO 11246, and the Philadelphia Plan.

Kellough, Chapter 3.

Civil Rights Act of 1964, (78 Stat. 241).

J. R. Aiken, E. D. Salmon, and P. J. Hanges, P.J. “The Origins and Legacy of the Civil Rights Act of 1964,” *Journal Business Psychology*, Vol. 28, Issue 4, (December 2013) pp. 383 – 399.

Lyndon B. Johnson, Executive Order 11246, September 24, 1965.

Griggs et al. v. Duke Power Company, 401 U.S. 424 (1971)

February 13: THE BAKKE CASE

A look at the basis for Mr. Bakke’s challenge to affirmative action.

Ball, Chapters 1 – 4.

Paper Proposal Due

February 20: THE DECISION IN *BAKKE*

A discussion of the outcome of the Bakke case and its implications.

Ball, Chapters 5 – 8.

February 27: STATUTORY CHALLENGES TO AFFIRMATIVE ACTION

Consideration of the *United Steel Workers of America v. Weber* and *Johnson v. Transportation Agency* cases.

Kellough, Chapter 5

United Steel Workers of America v. Weber, 443 U.S. 193 (1979).

Johnson v. Transportation Agency, Santa Clara County, 480 U.S. 616 (1987).

March 6: A REVIEW OF SUBSEQUENT CONSTITUTIONAL AND STATUTORY CASES

An assessment of the state of the law at the end of the 1990s.

Kellough, Chapter 6

Fullilove v. Klutznick, 448 U.S. 448 (1980).

Wygant v. Jackson Board of Education, 476 US 267 (1986).

City of Richmond v. J.A. Croson Company, 488 US 469 (1989).

Adarand Constructors v. Federico Pena et al., 515 US 200 (1995).

March 13: SPRING BREAK

March 20: THE MICHIGAN CASES

The background of the *Gratz* and *Grutter* cases from 2003.

Perry, Chapters 1 – 4.

March 27: THE COURT’S DECISIONS IN *GRATZ* AND *GRUTTER*

Consideration of the implications of the Court’s decisions.

Perry, Chapters 5 – 8.

April 3: THE RISE OF DIVERSITY MANAGEMENT PROGRAMS

A discussion of the emergence of the diversity management movement.

R. Roosevelt Thomas, Jr., “From Affirmative Action to Affirming Diversity,” *Harvard Business Review*, Vol. 68, NO. 2 (1990), pp. 107-117.

E. Kelly and F. Dobbin, “How Affirmative Action Became Diversity Management: Employer Response to Antidiscrimination Law, 1961 – 1996, in *Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America*, James D. Skrentny, ed. (Chicago: University of Chicago Press, 2001), pp. 87 – 117.

R. Roosevelt Thomas, Jr. “The Management of Workforce Diversity: A Continuing Evolution,” *Employment Relations Today*, Vol. 38, No. 3, (2011), pp. 1 – 9.

Y. Hur and R. Strickland, “Diversity Management Practices: Do They Make a Difference? Examining the Consequences of Their Adoption in Local Government, *Public Administration Quarterly*, Vol. 70, No. 3, (Summer 2015), pp. 325 – 347.

H. Wyatt-Nichol and K. B. Antwi-Boasiako, "Diversity Management: Development, Practices, and Perceptions among State and Local Government Agencies," *Public Personnel Management*, Vol. 41, No. 4, 749 – 772.

Warren E. Watson, Kamalesh Kumar, and Larry K. Michaelson, "Cultural Diversity's Impact on Interaction Process and Performance: Comparing Homogeneous and Diverse Task Groups," *Academy of Management Journal*, Vol. 36, No. 3 (June 1993), pp. 590 – 602.

April 10: DISCRIMINATION AND SEXUAL ORIENTATION

A discussion of the issue of discrimination against the LBGT community and efforts to combat that discrimination.

Charles W. Gossett, "Lesbian, Gay, Bisexual, and Transgendered Employees in the Public Sector Workforce," in Norma M. Riccucci, eds. *Public Personnel Management: Current Concerns, Future Challenges*, fifth edition, (New York: Longman, 2012).

Ilan H. Meyer, "The Elusive Promise of LGBT Equality," *American Journal of Public Health*, Vol. 106, No. 8, (August 2016), pp. 1356-1358.

J. Feder and C. Brougher, *Sexual Orientation and Gender Identity Discrimination in Employment: A legal Analysis of the Employment Non-Discrimination Act (ENDA)*, (Washington, DC: Congressional Research Service, 2013).

April 17: MORAL DISAGREEMENT

Reviewing arguments on both sides of affirmative action.

Kellough, Chapter 4.

Moses, Chapters 1 – 4.

April 24: LOOKING TO THE FUTURE

A discussion of progress made and prospects for the future.

Kellough, Chapters 7 and 8.

Moses, Chapters 5 and 6.

Paper Due

Final Exam Distributed

May 1: Final Exam Due at 5:00pm