

PADP 7920
EEO, Affirmative Action, and Diversity
in the Public Sector
Fall 2021

Thursdays 7:00 – 9:50 pm
Baldwin Hall, Room 104

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706-424-1125 (Cell)

Office Hours: Thursdays 4:00 – 5:00 pm.
Other hours available by appointment

Coronavirus Information for Students

Face coverings:

Following guidance from the University System of Georgia, face coverings are recommended for all individuals while inside campus facilities.

How can I obtain the COVID-19 vaccine?

University Health Center is scheduling appointments for students through the UHC Patient Portal (https://patientportal.uhs.uga.edu/login_dualauthentication.aspx). Learn more here – <https://www.uhs.uga.edu/healthtopics/covid-vaccine>. The Georgia Department of Health, pharmacy chains and local providers also offer the COVID- 19 vaccine at no cost to you. To find a COVID-19 vaccination location near you, please go to: <https://georgia.gov/covid-vaccine>. In addition, the University System of Georgia has made COVID-19 vaccines available at 15 campuses statewide and you can locate one here: <https://www.usg.edu/vaccination>

What do I do if I have COVID-19 symptoms?

Students showing COVID-19 symptoms should self-isolate and schedule an appointment with the University Health Center by calling 706-542-1162 (Monday-Friday, 8 a.m.-5p.m.). Please DO NOT walk-in. For emergencies and after-hours care: <https://www.uhs.uga.edu/info/emergencies>.

What do I do if I test positive for COVID-19?

If you test positive for COVID-19 at any time, you are **required to report it** through the [DawgCheck Test Reporting Survey](#). We encourage you to stay at home if you become ill or until you have excluded COVID-19 as the cause of your symptoms. UGA adheres to current Georgia Department of Public Health (DPH) quarantine and isolation [guidance](#) and requires that it be followed. Follow the instructions provided to you when you report your positive test result in DawgCheck.

Guidelines for COVID-19 Quarantine Period:

Students who are fully vaccinated **do not** need to quarantine upon exposure unless they have symptoms of COVID-19 themselves. Students who are not fully vaccinated and have been directly exposed to COVID-19 but are not showing symptoms **should self-quarantine for 10 days**. Those quarantining for 10 days must have been symptom-free throughout the monitoring period and continue self-monitoring for COVID-19 symptoms for a total of 14 days. You should report the need to quarantine on **DawgCheck** (<https://dawgcheck.uga.edu/>), and communicate directly with your faculty to coordinate your coursework while in quarantine. If you need additional help, reach out to Student Care and Outreach (sco@uga.edu) for assistance. Students, faculty and staff who have been in close contact with someone who has COVID-19 are no longer required to quarantine if they have been fully vaccinated against the disease and show no symptoms.

Well-being, Mental Health, and Student Support:

If you or someone you know needs assistance, you are encouraged to contact Student Care & Outreach in the Division of Student Affairs at 706-542-7774 or visit <https://sco.uga.edu/>. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services. UGA has several resources to support your well-being and mental health: <https://well-being.uga.edu/> Counseling and Psychiatric Services (CAPS) is your go-to, on-campus resource for emotional, social and behavioral-health support: <https://caps.uga.edu/>, TAO Online Support (<https://caps.uga.edu/tao/>), 24/7 support at 706-542-2273. For crisis support: <https://healthcenter.uga.edu/emergencies/>. The University Health Center offers FREE workshops, classes, mentoring and health coaching led by licensed clinicians or health educators: <https://healthcenter.uga.edu/bewelluga/>

Monitoring conditions:

Note that the guidance referenced in this syllabus is subject to change based on recommendations from the Georgia Department of Public Health, the University System of Georgia, or the Governor's Office. For the latest on UGA policy, you can visit coronavirus.uga.edu.

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 debates 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. Because some of the topics covered have generated controversy, our classroom will provide a safe environment in which we may engage the material through thoughtful and respectful discussion and acknowledgement of historical context. The goal is to promote understanding, and where warranted, recognition of multiple points of view.

Required Texts:

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

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 Structure:

Attendance and Participation: UGA is committed to in-person instruction without restrictions and with full classroom capacity for the fall of 2021. Accordingly, this course will be offered in an in-person format. This means that face-to-face instruction will be provided consistent with UGA requirements. Students are expected to attend class and actively participate.

Student Presentations: Students will prepare and present summaries of key issues, books, or individual leaders associated with the struggle for civil rights and equality of opportunity. These presentations should be approximately 10 to 15 minutes in length and should make use of PowerPoint slides, videos, or other media. Students may work alone or with a partner. You should think of these presentations as brief instructional seminars in which you inform your colleagues (and your instructor) of important aspects of the selected topic or individual. Possible topics for presentation are listed on this syllabus, but you may also present on other subjects in which you have an interest.

Term Paper: A term paper summarizing and assessing the literature and primary arguments surrounding a key issue associated with the material covered is required. The paper must be a minimum of 15 pages in length. A one-paragraph paper proposal outlining the topic selected by the student and explaining its significance is due on **September 9** at 7:00 pm to kellough@uga.edu. Students may write papers on the same topics covered by their formal presentations. Papers are due at 7:00 pm on **December 2** to kellough@uga.edu.

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 **December 2** and will be due by 7:00 pm on **December 9** by email to kellough@uga.edu.

Grading: If your performance in this class is “excellent” you will receive a grade of “A” or “A-.” If you have good or very good performance, you will receive a “B” or “B+.” Those, if any, who do not have a basic mastery of the material will receive a grade of “C.” Grades below a “C” are uncommon.

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 Presentation	20%
2. Term Paper	40%
3. Final Exam	40%

Computers, Cell Phones, and other Electronic Devices: You may bring a laptop computer to class, and you are encouraged to do so. You may, of course, also bring your cell phone, iPad, or other similar device. Please make sure that your phone is silenced during class time.

Students with Disabilities: If you have a disability and would like to request specific accommodations, please contact your instructor. If you plan to request accommodations for a disability, please register with the UGA Disability Resource Center, 114 Clark Howell Hall, Athens, GA 30602. Phone: 706.542.8719, Email: drc@uga.edu.

Prohibition on Recording Lectures. In compliance with University of Georgia guidance, students may not make visual or audio recordings of any aspect of this course, unless they have written authorization from the UGA Disability Resource Center. Students who have a recording accommodation agree in writing that they:

1. Will use authorized recordings only for personal academic purposes during the specific course.

2. Understand that faculty members have copyright interests in their class lectures and agree not to infringe on these rights in any way.
3. Understand that the faculty member and students in the class have privacy rights and agree not to violate those rights by using recordings for any reason other than their own personal study.
4. Will not release, digitally upload, broadcast, transcribe, or otherwise share all or any part of the recordings. They also agree that they will not profit financially and will not allow others to benefit personally or financially from lecture recordings or other course materials.
5. Will erase/delete all recordings at the end of the semester.
6. Understand that violation of these terms may subject them to discipline under the Student Code of Conduct or subject them to liability under copyright laws.

Preferred Name and Pronouns: Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, culture, religion, politics, sexual orientation, gender, gender variance, and nationalities. Class rosters are provided to the instructor with the student's legal name. I am eager to address you by your preferred name and/or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.

CLASS SCHEDULE

August 19: INTRODUCTION

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

August 26: 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.

September 2: 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), Introduction and Chapters 1 – 3.

Topic for Presentation:

The Moore's Ford Lynching

September 9: 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.

Paper Proposal Due

Topics for Presentation:

A. Philip Randolph
Roosevelt's "Black Cabinet"

September 16: 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 US 424 (1971).

Topics for Presentation:

Roy Wilkins
James Baldwin's *The Fire Next Time*

September 23: THE BAKKE CASE

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

Ball, Chapters 1 – 4.

Topic for Presentation:

Defunis v. Odegaard, 416 US 312 (1974)

September 30: THE DECISION IN BAKKE

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

Ball, Chapters 5 – 8.

Topic for Presentation:

Thurgood Marshall

October 7: 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 US 193 (1979).

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

Topic for Presentation:

Ward Connerly

October 14: 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 US 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).

Topic for Presentation:

Edward Blum – Anti-Affirmative Action Legal Strategist

October 21: THE MICHIGAN CASES

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

Perry, Chapters 1 – 4.

Topics for Presentation:

Eleanor Holmes Norton

The 1619 Project

October 28: THE COURT’S DECISIONS IN *GRATZ* AND *GRUTTER*

Consideration of the implications of the Court’s decisions.

Perry, Chapters 5 – 8.

Topics for Presentation:

Fisher v. University of Texas (2016)

Students for Fair Admissions, Inc. v. President and Fellows of Harvard College

November 4: 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.

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.

Topics for Presentation:

R. Roosevelt Thomas, Jr.

The Black Lives Matter Movement

November 11: DISCRIMINATION AND SEXUAL ORIENTATION

A discussion of the issue of discrimination against the LGBT 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).

Topics for Presentation:

Bostock v. Clayton County, Georgia, 590 US ____ (2020)

The Equality Act

Obergefell v. Hodges 576 US 644 (2015)

November 18: MORAL DISAGREEMENT

Reviewing arguments on both sides of affirmative action.

Kellough, Chapters 4 and 7.

Moses, Chapters 1 – 3.

Topics for Presentation:

Critical Race Theory

Ta-Nehisi Coats' *Between the World and Me*

November 25: Thanksgiving Holiday – No Class

December 2: Final Class Meeting: What We Have Learned?

Kellough, Chapter 8.

Moses, Chapters 4 – 6.

Paper Due by 7:00 pm by email to kellough@uga.edu

Final Exam Distributed by 7:00 pm

December 9: No Class

Final Exam Due by 7:00 pm by email to kellough@uga.edu