

PADP 7920
EEO, Affirmative Action, and Diversity
in the Public Sector
Spring 2024

Wednesdays 7:10 – 9:55 pm
Baldwin Hall, Room 102

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706-424-1125 (Cell)

Office Hours: Wednesdays 6:00 – 7:00 pm.
Other hours available 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 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

Required Texts:

Howard Ball, *The Bakke Case: Race, Education, and Affirmative Action*, (Lawrence: University Press of Kansas, 2000). Available at no cost at:

https://www.jstor.org/stable/j.ctt1jd94rn?saml_data=eyJzYW1sVG9rZW4iOiIwNWFiMDI3YS0xZDRmLTQ1MjctOGQxYS05OTQwYWM1NTU3ZDkiLCJlbWFpbCI6ImtlbGxvdWdoQHVnYS5lZHUlLCJpbmN0aXRldGlvbkklkcyI6WyJIMWE2ZWYyNy0xMWQ4LTQ0NGYtOTM3ZS01ZjNhNDEzMzIwNTkiXX0

J. Edward Kellough, *Understanding Affirmative Action: Politics, Discrimination, and the Search for Justice*, (Washington D.C.: Georgetown University Press, 2006). Available at no cost at: <https://ebookcentral.proquest.com/lib/ugalib/detail.action?pq-origsite=primo&docID=547803>

Additional reading material is available on eLC.

Course Structure:

Attendance and Participation (10% of your final grade): Students are expected to attend class and actively participate. If you need to miss a class for a legitimate medical or other emergency, please notify the instructor as soon as possible. Your grade for participation will reflect your participation in class discussion and your attendance.

Student Presentations (20% of your final grade): 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 (40% of your final grade): 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 **January 31** at 7:00 pm to kellough@uga.edu. Students may write papers on the same topics covered by their formal presentations. Papers are due, in MS Word format, at 7:00 pm on **April 24** to kellough@uga.edu.

Final Exam (30% of your final grade): 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, in MS Word format, by 7:00 pm on **May 1** by email to kellough@uga.edu.

Grading: All grades will conform to the following scale:

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|----|-----------|----|-----------|
| 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 | 10% |

| | |
|-----------------|-----|
| 2. Presentation | 20% |
| 3. Term Paper | 40% |
| 4. Final Exam | 30% |

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

January 10: INTRODUCTION

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

January 17: 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 24: 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

January 31: 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.

Paper Proposal Due

Topics for Presentation:

A. Philip Randolph
Roosevelt's "Black Cabinet"

February 7: 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.

Topics for Presentation:

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

February 14: THE BAKKE CASE

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

Ball, Chapters 1 – 4.

Topic for Presentation:

Carter, Stephen L., *Reflections of an Affirmative Action Baby* (New York: Basic Books, 1991).

February 21: 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

February 28: 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

March 6: SPRING BREAK

March 13: 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

March 20: THE MICHIGAN CASES

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

Perry, Barbara A., *The Michigan Affirmative Action Cases*, (Lawrence, Kansas: University Press of Kansas, 2007), Chapters 1 – 4.

Topics for Presentation:

Eleanor Holmes Norton

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

Consideration of the implications of the Court’s decisions.

Perry, Barbara A., *The Michigan Affirmative Action Cases*, (Lawrence, Kansas: University Press of Kansas, 2007), Chapters 5 – 8.

Topics for Presentation:

Fisher v. University of Texas (2016)

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.

Topic for Presentation:

The Black Lives Matter Movement

April 10: 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).

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)

Obergefell v. Hodges 576 US 644 (2015)

April 17: MORAL DISAGREEMENT

Reviewing arguments on both sides of affirmative action.

Kellough, Chapters 4 and 7.

Topics for Presentation:

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

April 24: WHERE ARE WE GOING: WHAT HAVE WE LEARNED?

Kellough, Chapter 8.

Kellough J. Edward, Ellen V. Rubin, Keith P. Baker, and Youjung Song. "The End of Affirmative Action? Examining Arguments and the Decision in the UNC and Harvard U.S. Supreme Court Cases"

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

Final Exam Distributed by 7:00 pm

May 1: No Class

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