DIVERSITY'S SECOND GENERATION ISSUES: WHY BEST PRACTICES AUDITS OF CONFLICT MANAGEMENT AND RESOLUTION PRACTICES ARE CRITICAL TO CAMPUS DIVERSITY INITIATIVES

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THE SILENCED PARTNERS: MANAGERS OF DIVERSITY

While much is discussed about the importance of diversity, those conversations and the research supporting this dialogue focus primarily on how to achieve diversity in faculty and staff hirings and in student recruitment. Articles present hypotheses and findings regarding the benefits of diversity (also sometimes referred to as multiculturalism) not just to those in the traditionally underrepresented groups, but to all students. The authors of that literature and its researchers also provide suggestions for creating a campus environment or culture that not only tolerates diversity, but welcomes and celebrates diversity

among faculty, staff and students: undoubtedly a worthy goal and a big challenge. These suggestions range from new program initiatives, to curriculum changes, special events promoting diversity, support services, workshops, recognition and award programs, community outreach, training, mentoring, and counseling. Of course, the possibilities are limited only by one's imagination.

While such efforts to achieve diversity have been the subject of much study, far too little attention has been paid to management of the inevitable conflicts that arise in diverse campus populations. Because the development of initiatives and programs to support diversity are continually evolving, and because college and university campus organization is complex, the oversight of these programs has—at times—been assigned on an ad hoc basis to various administrators, offices and departments, without sufficient consideration of the long term impact on other constituencies.   Moreover, the enthusiasm for such initiatives has masked the necessity of recognizing that they will not, in and of themselves, lead to equity and enhanced cross-cultural understanding.   While they have benefit, conflict will arise, and adequate preparation for dealing with conflict is as important as the initiatives intended to create a more harmonious campus environment.

Achieving and supporting diversity in higher education has been such a burning issue that we have spent most of our efforts on those laudable goals without adequate forethought and planning as to how to manage a culturally diverse campus environment. Issues and conflicts that arise once some level of diversity has been met, have been referred in the literature to "Second Generation

Problems." These problems surface "after the arrival of significant numbers of members of previously underrepresented groups. . . ."[1] To say that diversity is a priority of a college or university and to set out to develop programs that will bring about a diverse population, but then to virtually ignore or assign less urgency to the very core of diversity initiatives—how to manage conflict—leads us to question the validity of or investment in the initiatives themselves. Just as institutions expect a diverse faculty and student body to add value to everyone's educational experience, so must it expect that the process of achieving greater diversity will lead to challenges in understanding and utilizing differing perspectives and viewpoints. Issues related to the distribution of power, control and subtle bias are often byproducts of institutional transformation. To ignore this aspect of creating a diverse campus is a recipe for disaster. As history has repeatedly shown us, diversity—with all the attendant benefits—can be a main ingredient of conflict. Thus, colleges and universities must prepare—and prepare well—for this unfortunate, yet inevitable result.

WHAT HISTORY TELLS US ABOUT THE IMPACT OF DIVERSITY

The interest in and focus on diversity has been described by some as a relatively new phenomenon, arising in part from the Civil Rights Movement and resulting legislation in the 1960s, and subsequent court decisions which continue to shape the landscape of our campuses today. In fact, however, the origins of diversity on campus reach much farther back in our history.

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[1] *See Introduction: Special Commission on Meeting the Challenges of Diversity in an Academic Democracy*, Association of American Law Schools.

Neil Rudenstein, a former President of Harvard University, notes in his recent essay, *Diversity and Learning at Harvard: An Historical View*, that former Harvard President Cornelius Felton, in anticipation of the upcoming Civil War, wanted to "promote better understanding across the kinds of geographic, cultural and social barriers" of the time.[2] President Felton wrote in 1860 that he wanted Harvard to have:

> Students from every State and Territory in the Union—without a single exception or secession, [because gathering students together] from different and distant States must tend powerfully to remove prejudices, by bringing [undergraduates] into friendly relations through the humanizing effect of liberal studies pursued in common, in the impressionable season of youth. Such influences are especially needed in the present disastrous condition of public affairs."[3]

Of course, we now know that President Felton's hope that bringing diverse impressionable young students together would eradicate prejudice was overly simplistic and naïve, yet founded on ideas that were well before their time. Rudenstein's essay further buttresses Felton's argument for diversity by revealing that Harvard student, Henry Adams, who was from a wealthy New England family, acknowledged that he himself had benefited from the element of diversity on campus. Adams wrote that "chance insisted on enlarging [his] education by

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[2] Neil L. Rudenstein, *Diversity and Learning at Harvard – An Historical View, in What Makes Racial Diversity Work in Higher Education*, Chapter 5 (Frank W. Hale, Jr., ed. 2004).

[3] Rudenstein, *supra* note 2 (quoting Cornelius C. Felton, *Report of the President to the Board of Overseers*, 1859-60, p. 6).

tossing a trio of Virginians" into his educational experience.[4]   One of those students to whom Adams was referring was "Rooney" Lee, the son of Robert E. Lee.   Rudenstein tells us that Adams and Lee became good friends "although Adams recognized 'how thin an edge of friendship separated' him and the Virginians 'from mortal enmity' on the brink of the Civil War."[5]

Scholars and researchers have confirmed the hypothesis time and time again that exposure to a variety of cultures and races and differences of opinion and perspectives coupled with the opportunity to work together, enhances educational experiences. As one University President noted,

> We need to bring individuals from diverse ethnic and racial backgrounds into the University so as to enrich the discussion and debate that takes place here. . . . We need to be sure many voices are heard and many ideas are expressed in order for the best thinking to occur. . . .   No race or gender or culture has a monopoly on good ideas and intellect, and for the best ideas to flourish many diverse opinions need to be aired.[6]

College and University Presidents all over the country voice these same sentiments in expressing support for achieving and supporting a diverse campus in terms of students, staff and faculty. It has come to be expected of high level administrators, Presidents, Provosts, Deans and others. As former University of Michigan President Lee Bollinger explained

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[4] *Id.* (quoting *The Education of Henry Adams*).
[5] *Id.*
[6] President J. Bernard Machen, from his installation address, September 25, 1998.

> Diversity is not merely a desirable addition to a well-run education, it is as essential as the study of the Middle Ages, of international politics and of Shakespeare. For our students to better understand the diverse country and world they inhabit, they must be immersed in a campus culture that allows them to study with, argue with and become friends with students who may be different from them. It broadens the mind and the intellect—essential goals of education.[7]

So, it seems that while there may be a greater acceptance of the benefits of diversity in the century and a half since former Harvard President Cornelius Felton discussed such benefits, we still struggle with the concept both in how to achieve it and how to deal with what we have asked for.

In the post World War II era, there was an increased effort to end segregation in employment and education.[8] The Presidential Committee on Civil Rights was created by President Harry Truman to address these issues.[9] The Report of the Committee, *To Secure These Rights*, condemned segregation and called for a national civil rights commission. The 1950s brought an intense focus on diversity in public colleges and universities that has continued to this day.[10] Affirmative action was promoted in the 1970s, leading to accusations that affirmative action programs result in an unfair advantage in college admissions to students who were less intellectually deserving. The theory underlying these complaints is that if someone gains an educational opportunity, then someone

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[7] *Racial Diversity Reconsidered,* Rothman et al. March 1, 2003, Issue 151.

[8] *Toward Civility: Assessment as a Means Toward Improving Campus,* College Human Affairs Journal, Chapel Hill, Fall 1988, Vol. 18, Issue 1.

[9] *Id.*

[10] *Id.*

else loses. Some suggest that this belief has added fuel to the fire of existing racial tension.[11]

CONFLICTS ON CAMPUS

Racial, religious, ethnic and cultural tension on college and university campuses is a fact of life. The conflicts these tensions engender have been widely reported. In fact, the Southern Association for College Student Affairs reported in 1998 that "68% of all college presidents cite racial tension as a major problem on their campuses."[12]

Public disclosure of minority conflicts on campus do little to further the institution's goal of attracting a diverse student and faculty body. They can become public relations nightmares and can have distinct and severe financial impacts on colleges and universities. The negative impact on recruiting can be long lasting, as the reputations of such institutions are at the core of their success. Here are a few examples of campus conflicts that made the national press:

Renowned Black Professor Leaves Ivy
League University: Says President
Dishonored and Disrespected Him

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[11] *Id.* ("many white Americans, male and female, hold the view that they are being held back by special treatment for minorities").
[12] *Id.* (citing Gilman, Malaney & O'Conner (1997)).

Ivy League Students Produce and Present
Documentary to Reporters and University
President Claiming Professors
Intimidate Jewish Students in Class

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College Reels from Recent Rash of Racist,
Anti-Semitic and Sexist Hate Crimes

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Allegations of Racism Stir University

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Professor Accused of Bigotry
for Use of Racial Slurs

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University Requests EEOC to Initiate
Federal Investigation to Determine
Whether Pattern of Discrimination
Against Minority Faculty Exists

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Sexual Harassment Alleged
By Student Against Professor

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60 Minutes Reports on Discrimination
Against Minority Professors

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University Report Finds Bias
Supporting Claims of Anti-Semitism

While the immediate response to these examples might be to say that whether true or not colleges and universities can't avoid these types of accusations, perhaps a better reaction might be to question why these issues weren't adequately addressed without resort to the media. We know that campus conflict among a diverse population is a critical challenge, so why not focus on how best to respond to it, utilize it for organizational growth and appropriately manage it? This is the missing element in campus diversity initiatives. This is the area given the least amount of attention—the need that somehow got lost in the sea of enthusiasm for progressive diversity projects and initiatives.

In the fall of 1998, the Southern Association for Student Affairs undertook to summarize and quantify incidents related to race, gender and sexual orientation as reported by the Chronicle of Higher Education for the prior three years.[13] In addition, it identified the part of the country in which the reported incidents were occurring, as well as identifying the targets of the incidents.[14] This review found that 213 cases of race, gender and sexual orientation related issues were published.[15] Students were the targets of 76% of all incidents with faculty and staff as targets of 17.8% and 6.5% respectively. Racial tension represented 38.9% of the total incidents and 84.3% of all student incidents. With respect to faculty, gender was the greatest source of tension. In each category of student, faculty and staff, there was a rise in overall incidents from 1994 to 1995, and

[13] *Id.*
[14] *Id.* Results were categorized by the following nine geographic regions: New England, Middle Atlantic, East North Central, West North Central, South Atlantic, East South Central, West South Central, Mountain, Pacific.
[15] *Id.*

"there was a discernable increase in 1996."[16] During this same time frame there were numerous campus initiatives in each geographic region related to diversity, each dedicating significant dollars to these initiatives, including workshops, lectures, collaborative ventures, and conferences. The Southern Association for Student Affairs questioned how we account for this seeming disconnect, and concluded its article with a call for assessment.

MANAGING CONFLICT ON DIVERSE CAMPUSES

Colleges and Universities have assigned to one or more campus offices and administrators the responsibility for managing diversity. But what does managing diversity really mean? As an initial starting point, we can agree that managing diversity means taking on the responsibility for training, educating, supporting diversity initiatives and marketing of diversity oriented services and programs. It also may include ensuring that the institution's policies are not violated. Inclusive in such policies is the prohibition against harassment, discrimination and retaliation, as well as the requirement of equal opportunity and access, among other things. The responsibilities inherent in this job or jobs, therefore, necessitate the investigation of complaints of violation of policy. All these responsibilities can easily be understood as not just managing diversity, but managing one of the by-products of diversity . . . conflict.

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[16] *Id.*

CONFLICT MANAGEMENT: STUDENT, FACULTY AND STAFF DIFFERENCES

The structure and functioning of American colleges and universities is, in many ways, unlike that of any other institution. Aside from its unique educational mission, it has three distinct constituencies—students, faculty and staff—each possessing its own "rules and regulations." While *all* employees of a for profit corporation or not-for-profit organization generally follow the same rules and adhere to the same guidelines (although executives generally have more flexibility), individuals studying or working in institutions of higher education are held to the "standards of their group." There are certainly violations of a criminal nature that subject anyone, regardless of their role, to the same or similar repercussions, but non-faculty employees, students and faculty generally follow different rules.

An example illustrates this point. A recent discussion about sexual orientation and names commonly attached to gay and straight individuals prompted an interesting analysis. The open and forthright discussion of this topic was deemed very appropriate in the classroom—everyone agreed that academic freedom was an important element of higher education. A discussion of this topic between faculty members, if it was deemed insensitive or inappropriate, might result in a conflict to be handled by a dean or ombudsperson. The student affairs department might handle conflicts between students that might result from such a discussion. Informal or formal mediation would be an appropriate resolution strategy. On the other hand, such a discussion in a college *workplace,* depending on the details of the conversation,

might violate an official workplace regulation or be deemed harassing. Harassment claims can be handled via an informal process, or in some institutions, could come before a formal panel. Most educators would probably agree that this state of affairs is appropriate and necessary to the structure and functioning of institutions of higher education. That discussion is beyond the purview of this paper. But, this *modus operandi* has important implications for the management of conflict on today's diverse campuses.

Non-faculty staff behavior is guided by codified workplace rules, state and federal statutes and institutional standards of civility and respect, while student behavior is guided by "looser" constraints. Due to expectations of student campus culture, young people are often given wide latitude unless there is a criminal violation or behavior that is deemed clearly inappropriate or discriminatory. As indicated earlier, these transgressions are managed by the department of student affairs. In addition to state and federal standards, faculty are guided by faculty handbooks delineating discouraged or prohibited behavior, and institutional expectations of respect and appropriate faculty-student interactions. Faculty typically adjudicate faculty transgressions. Further, when there are institutional policies or regulations that apply to *everyone* (e.g., harassment policies), the process for handling violations of such policies often varies by the class of the complainant and/or respondent. Although this contributes to some degree of inconsistency, it takes into account the clear and important differences between the three campus constituencies.

As discussed earlier in this paper, the increasing diversity of today's college campuses provides a stimulating richness of perspectives and viewpoints, but can contribute to challenges in managing conflict. The complexity of today's college campus diversity is exemplified by the expansion of the Black student population of the 1980's to the present Black college student population that hails from predominantly White high schools, predominantly Black high schools, biracial families, the Caribbean and various African nations. Similarly, Asian student associations on campus are now augmented by Korean cultural groups and clubs, Chinese and Japanese student associations, and several South Asian student clubs and organizations. Hence, many conflicts that challenge college faculty and administration not only involve persons from one or more of the constituent groups, but often involve students, staff and faculty bringing differing perspectives and viewpoints that are informed by cultural norms and/or significant historical markers (e.g., slavery, systemic discrimination).

EXAMINING A HYPOTHETICAL CONFLICT SCENARIO

The conflict scenario that follows provides an opportunity to explore two questions:

> Could an audit of diversity practices provide information that might avert such campus incidents?
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> Could an audit provide a vehicle for sustainable management of conflict?

POLICE PRACTICES AND RACE RELATIONS

AT UNIVERSAL UNIVERSITY

<u>Factual Background</u>

June, 2001:   All campus police officers receive one day of diversity training. The training covers issues of race, class and gender as it relates to their jobs. It also touches on sensitive subjects such as racial profiling and affirmative action. According to internal training plans, diversity training is an annual requirement.

September, 2001: The Universal Police Department issues a written directive to its officers prohibiting racial or ethnic profiling.

June, 2003: Dr. Leonard announces that she will be stepping down as Universal's President in June of 2004 after a decade of successful leadership.

September, 2003: Dr. Santos, Director of Universal's Latin American Studies Program and faculty master at the Hope College House dormitory, sends an e-mail to students in her dorm. In it she mentions owning three bicycles and offers to allow students to borrow them. Due to the positive response she receives, Dr. Santos has the bikes repaired.

The Incident: October 11, 2003

When the bikes were ready, Cal Santos (Dr. Santos' husband) and his friend Juan (both of whom are of African/Hispanic descent), picked them up in Juan's truck and returned to campus. Cal had two of the bikes (one up on his shoulders) while Juan pushed the third one along the sidewalk in front of the Hope College House dorm. It was a Saturday afternoon. As the men were walking, a Universal Police cruiser pulled up alongside.

According to Pam Wilson, Universal's Vice President for Public Safety and a white female, the police officer tried to get the men's attention. They did not respond or identify themselves and continued to walk toward the entrance to the student courtyard. The officer, also a white female, pulled her car onto the entrance walkway, got out and asked the men to speak. When they did not, she told them to stop, to put the bikes down, and to stand against the wall. Juan complied, but Cal Santos did not put the bikes down, according to Wilson. She said that although Cal might have tried to explain himself, the officer, trying to watch both men, was unable to understand him and was concerned that the bicycle could be used as a weapon. The officer warned that she would use pepper spray if Cal did not comply. When he did not, she sprayed and handcuffed him. He was then taken to the hospital to have his eyes washed and was cited for disorderly conduct. The charge was later dropped.

Cal Santos and his friend Juan tell a different story. Cal states that he saw the Universal Police car but at first did not think the officer was speaking to him. After the officer got his attention, Cal responded with something like, "Is there a problem?" The officer said something close to, "The problem is you have two bikes." When the officer told the two men to put their hands on the wall, Cal again said, "Is there a problem?" The officer then warned that she would use pepper spray. Cal said, "Before you pepper spray me, I can explain," but the officer pepper sprayed him anyway. Cal insists that he did not refuse to stop. As soon as he understood the officer was addressing him, he stopped and faced her, remaining in one place. It is true that he did not put down the bicycles, which were his property, to stand spread-eagled against the wall when ordered to do so. More than once he instead said, "I can explain." In discussing the incident later, Cal remarked, "Please remember that I was a man holding my own property and standing at the entrance to my residence."

The Aftermath

Word that a Universal professor's husband was pepper sprayed and arrested by campus police spread quickly throughout the community. The Chair of the Faculty Senate asked for a review because the incident "raises questions of possible racial profiling" and because the versions told by the police officer and Cal Santos were "quite different." The incident led to dueling letters being published in the student newspaper between Cal

Santos and Pam Wilson. A heated debate erupted among students and others, much of which was chronicled on the student newspaper's website. Many of the published statements used inflammatory language and were unsigned. The city newspaper also picked up the story.

Dr. and Mr. Santos were particularly disturbed by a telephone call they received from Vice President Wilson the day after the incident. Dr. Santos took the call and spoke to Pam Wilson for about twenty minutes. The content of that conversation was extremely inappropriate from Dr. Santos' point of view. First, Wilson talked about "cop killing" several times during the conversation, as part of speaking about the police officer's perceptions of her own imminent danger. Second, and more concerning to Dr. and Mr. Santos, Wilson expressed her opinion that Cal Santos should plead guilty to the charge of disorderly conduct because "the sentence for community service would be purely symbolic."

Ten days after the incident, when the Division of Public Safety was referring all comments to Julie Clark, the Vice President for University Communications and a white female, she stated to the student newspaper that she was "99 percent sure Mr. Santos had resisted arrest." Cal Santos quickly stated that he wanted an apology from Clark for that statement. He firmly believed that racial perceptions played a significant part in both the incident and in such a misstatement being made. Both Dr. and Mr. Santos lamented that Universal's officials' attitude was one of "circle-the-wagons, admit no mistake, make no apology."

The Universal Police Department's internal investigation of the incident concluded that the officer followed proper procedures.

A Call to Action

The debate over this incident prodded President Leonard to order a committee to review the October 11th incident and the effectiveness of the campus police ban on racial and ethnic profiling. The Ad Hoc Committee on Racial Profiling was comprised of nine faculty, administrators and students from the existing Police Advisory Board. Their charge was to review the incident to determine how such situations can be prevented in the future, not to determine the guilt or innocence of parties in the incident. The Committee held its first meeting on October 31, 2003 and worked for five months. They reviewed the videotape of the incident, interviewed and/or received written statements from individuals involved and examined Universal Police policies and statistical data regarding pedestrian and car stops. Finally, they also compared police policies from campus and municipal departments across the country.

QUESTIONS:

1) What are the pros and cons of appointing ad hoc committees to address diversity-related incidents on campus?

2) What are the potential pitfalls of a decision not to solicit a determination regarding the conduct of parties involved in such an incident?

3) Should existing mechanisms, such as an Office of Affirmative Action or an Ombuds Office (both of which typically have investigative capabilities) play a role in the University's response?

4) Should there have been an investigation into possible racial discrimination on the part of the police officer?

5) How can the University determine whether or not this incident is a symptom of broader campus climate issues impacting people of color or males of African descent in particular?

The Ad Hoc Committee's report was issued in full to the Universal community on April 27, 2004 accompanied by a letter from Dr. Leonard and a response from Vice President Wilson. The letter from President Leonard was a copy of her letter to Ad Hoc Committee Chair, Dr. Jones. In it she expressed her thanks to him and the committee for their thoughtful and constructive work. Dr. Leonard also stated that she asked Vice President Wilson to develop processes to ensure the implementation of the recommendations offered.

In the Committee report's Statement of the Problem, it articulated, "Given that our University has chosen to assume the responsibility for

public safety and policing on our campus and in our community, the University likewise has a responsibility for assuring that the police department's policies and procedures provide for rigorous training, monitoring and enforcement to protect against bias of any kind, including by perception of race."

The Committee concluded that while the Universal Police Department had taken steps to train its officers, the training policy and implementation of that policy could be improved substantially. Training was not provided on an annual basis as specified in the policy, nor was it required before new officers were placed in service. The content of the most recent training was found to be inconsistent with the spirit of the bias/profiling policy (it was in fact inadvertently reinforcing racial stereotypes). Key recommendations for training and other areas included:

> That cultural diversity training build skills in the area of judgment, discretion, and the interpretation of nonverbal behavior, and include practical cognitive strategies for recognizing when stereotypes may be influencing one's judgment.

> That training be cumulative for officers or offered in a staged or sequential manner (not repetitious year after year).

> That the bias/profiling policy be amended to require an annual review of aggregate data on all pedestrian and vehicular stops, citations, arrests and searches by perceived race, ethnicity and gender. Results should be presented on an annual basis to the Universal Police Advisory Board.

> That while officers must protect their own safety, they should also be careful to seek options that can de-escalate a situation whenever possible, including through enlistment of other officers.

> ➢ That the department should more fully embrace a community oriented policing philosophy to increase interactions between officers and University community members.

Where Do We Go From Here?

Shortly after the report was published, one of the members of the Ad Hoc Committee on Racial Profiling was discussing it with an emeritus professor. The professor mentioned having served on a similar committee a decade earlier. After several telephone calls and a search through the University publication archives, the Committee member obtained a copy of the Report of the Task Force on Public Safety Practices. Interestingly, that Task Force had been constituted by the central administration (prior to Dr. Leonard) in response to problematic interactions between Universal Police and the community, "particularly incidents involving minority group members." The Task Force made recommendations regarding community policing and training that were similar to those made by the Ad Hoc Committee on Racial Profiling. The Committee member shared this earlier report with Committee chair, Dr. Jones. Both were dismayed to learn of Universal's apparent lack of progress on these issues.

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QUESTION:

1) How can universities work to institutionalize agreed upon recommendations resulting from examining such incidents in their effort to promote more inclusive campus cultures?

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In Dr. Leonard's final meeting with her senior advisors in May 2004, she announced that letters of apology had been sent to Dr. and Mr. Santos from Pam Wilson, Julie Clark and herself. The apologies were never reported in the student or city newspapers.

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QUESTIONS:

1) How might the decision to keep these apologies private have been a missed opportunity? What possible significance/perceptions, if any, could be attached to the timing of the apologies?

2) What disciplinary or remedial actions, if any, might have been appropriate for Vice President Clark and/or Vice President Wilson?

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Prior to the end of the spring 2004 semester, the Chief of Police, Kevin Armstrong, left Universal to "pursue other interests."

A Fresh Start?

October, 2004: The Universal Police Department convenes the first quarterly meeting of its Police Advisory Board for academic year '04-'05. New Chief of Police, John Barry, is introduced. The Department announces that it has solicited a diversity training proposal (not yet received) from an outside consultant and asks for volunteers to serve on a training subcommittee. The first training subcommittee is scheduled for November 22, 2004, seven months after the Ad Hoc Committee on Racial Profiling issued its report revealing the use of seriously flawed diversity training.

QUESTIONS:

1) What are the potential risks in delaying implementation of recommendations following a racial incident on campus?

2) What mechanism(s) can/should be in place to ensure implementation?

November 22, 2004: The training subcommittee meets with Vice President Wilson, Chief of Police Barry and two other officers involved

with training for the department. They discuss critical elements for future diversity training and a process for evaluating training proposals that will be coming in from outside consultants.

December 6, 2004: The Police Advisory Board training subcommittee members and the Universal campus community learn via e-mail from a black male student that he allegedly was treated inappropriately by Universal Police (including being handcuffed) in a campus incident on November 21, 2004.   He filed a complaint with the Universal Police Department on November 22, 2004, but decided to go public on this date (two weeks later) due to his perception of a lack of responsiveness by the Department.   On November 21st he was stopped and handcuffed along with three other black males unaffiliated with the university.   Universal Police said the group fit the description of individuals being sought in connection with the theft of a cell phone from new University President Sarah Washington's limousine driver.   The student's complaint is about the use of excessive force, not racial profiling.   Subsequently, students stage a silent protest by marching through the center of campus to the President's office.   The President comes out and invites student leaders into her office for a meeting.   She assures them that the internal investigation will be completed very shortly.   In addition, she asks the Provost to begin a dialogue with faculty, students and staff that could "lead to specific steps we can take to address our mutual concerns."

December 8, 2004: A letter from the President expressing her concern "when any student feels disrespected or devalued" and her plan to initiate dialogue is printed in the student newspaper.

December 9, 2004: An executive summary of the student's complaint against police is published. The internal police investigation concluded that "the actions of the police in this case were within parameters of departmental policy," but that handcuffing the student "could have been avoided if communication and additional resources had been utilized more effectively."

December 20, 2004: The Provost convenes the first meeting of the Ad Hoc Committee on Safety in a Diverse Environment. The Committee consists of 32 faculty members, students and staff. The Committee will look closely at the relationship between the Universal Police Department and people of color, most specifically African American males. The Committee will review relevant police policies, procedures and reports, specifically focusing on the report submitted last spring by the Ad Hoc Committee on Racial Profiling. President Washington has stated that she expects recommendations from the Committee by the end of February.

THE AUDIT MODEL: ACHIEVING SUSTAINABLE MANAGEMENT OF DIVERSITY CONFLICT

Most audits of conflict resolution practices on the diverse campuses of today's colleges and universities, tend to examine and report on discrete activities and systems. Little or no attention is devoted to the complex interaction between the role, responsibilities, rights and governing regulations of the different constituencies, the relevant offices and processes in place at the particular institution, the relevant state or federal statutes and the particular "diversity context" . . . both current and historical. *Understanding the interaction between these four factors is critical.* They do not operate independently. In addition, attention tends to be paid only to individual disputes, as if each instance of conflict is an isolated occurrence.

In contract, an audit methodology such as that employed by the authors sees conflict as an expected consequence of diversity, and takes into consideration the differing roles and rules applicable to the constituent groups present on today's campuses. We believe that our matrix analysis takes into account both quantifiable and overt elements of a conflict and resolution approach, as well as the more qualitative and subtle processes at work. Key elements of this audit model are:

  ➢ Constituent membership;

  ➢ Relevant offices and/or university processes;

  ➢ Relevant state and federal statutes; and

➢ Diversity Context.

A useful audit model, one designed not only to address a single incident of conflict, but designed to create sustainable mechanisms for conflict management, must take each of these elements into account.

An additional—and not to be downplayed—benefit of an audit approach to conflict management is protection from liability in certain instances, while providing the institution the ability to diffuse adverse publicity with the announcement that an independent investigation and appraisal of events and practices has been undertaken. By initiating such an audit, the administration receives the benefit of a neutral fact-finding and independent perspective of events, which can enable prompt and effective remedial action to be taken if needed. Not only might this have the salutary effect of reducing distrust and fostering acceptance of the administration's response to conflict, it might form the basis for a defense in subsequent litigation.[17]

APPLICATION OF THE AUDIT MODEL APPROACH TO MANAGING CONFLICT

Audit processes that assess relevant behaviors contributing to a campus conflict must take into account the group membership of the parties (student, faculty or non-faculty staff). It is, of course, critical to surface the perceptions of

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[17] *See Faragher v. City of Boca Raton*, 118 S. Ct. 2275 (1998); *Burlington Industries, Inc. v. Ellerth*, 118 S. Ct. 2257 (1998). The Supreme Court in these two cases set forth the outlines of a defense available to employers to certain claims of discriminatory harassment.

the incident(s) by each of the parties, but a deep appreciation of their *status* or *membership* enables the auditor to better comprehend the context and expectations of the parties, as well as the appropriate systems for resolution.

On a medium sized college campus in the mid-west, there was an incident where the funding for a program that assisted Latino students was suddenly cut after a study of the program's effectiveness. Students, mostly Latino, immediately wrote to the head of the program and mobilized a protest march. Tensions continued to mount over the ensuing weeks, and the Provost decided to restore the funds and to appoint a committee to review the effectiveness of this and similar programs that were utilized by other students. On another campus, employees sent a petition to the President and demanded a meeting for him to explain proposed staff downsizing as a result of privatizing some of their work. Some employees felt that there were "racial overtones" in the downsizing strategy.

In both of the above examples, there was a need to explore the differing perceptions and resolution structures in place on the campuses and also to examine the rules governing each class of campus community member. For example, in the employee dispute, there was a review of the university's codified work rules. It came to light that there was an ombudsperson who was available to assist in employee-management conflicts. Although on the surface there didn't appear to be a violation of any state or federal statute, it was suggested to management that they carefully explore any possible disparate impact on African-American employees by the downsizing process. In the dispute involving

concerns by Latino students, there was no formal structure in place or "rights" that the students could exercise. Much more of the focus of the inquiry was on the relationship between students and the administration, the effectiveness of the student affairs department and the campus climate for Latino students.

A careful exploration of the "diversity context" is crucial to clearly understanding both situations. In the student situation, important questions include, have there been major incidents in the past involving Latino or other ethnic minority students, how have they been handled, what is the campus climate for Latino students, what supports exist, who was involved in the review? Similar climate issues would need to be explored in examining the workplace concern. Have there been recent charges of unfairness or lack of equity by African-American employees, what are the demographics of the department, the senior administration, etc.?

The audit approach acknowledges that all of these factors are interrelated. They are all factors that contribute to positive or negative perceptions of the learning and/or working environment. Although they have been discussed sequentially, they authors recognize their overlap. Furthermore, because conflict often is to be expected and anticipated in these diverse environments, an audit approach to conflict management which examines the sources of conflict and the development of mechanisms and avenues to address conflict in the future provides an opportunity to fundamentally alter the pattern of conflict development so the same scenarios do not continue to appear

CONCLUSION

The ongoing challenges to successfully building genuinely inclusive campus environments are many. While the U.S. Supreme Court has upheld our right to take race into account for admissions decisions, access to institutions does not guarantee full participation. James J. Duderstadt, President Emeritus of the University of Michigan, reminds us that creating a diverse community requires creativity, commitment and a plan. Our efforts must be proactive, coordinated and linked directly to the concept of excellence. Key elements of the plan include reducing the number of incidents of racism on campus, improving communication and interaction among all groups and providing opportunities for underrepresented groups to impact the change process. Existing policies and practices must be compatible with these goals. What happens at those institutions where one or more of these elements are missing or where there is no plan at all?

The conduct of an audit of diversity policies and procedures is a significant step toward development of sustainable conflict management practices. Knowing that conflict is inevitable, and that at some point decisions will have to be made about how to manage or resolve conflicts that arise, an important task is to put ourselves in a position to address conflicts, to prepare. This preparation requires an understanding of the perspectives of those potentially involved in conflict, their roles and the rules applicable to those roles. It also involves an evaluation of the effectiveness of current practices to disseminate relevant information

regarding diversity issues and the capabilities of staff to respond to indications of developing conflict. In addition to addressing active conflicts, these are functions served by an audit of diversity practices.

This preparation for conflict has three important benefits: (1) the administration better understands the sources of conflict particular to their campus, which makes it better able to focus on activities and practices that are likely to have the most impact and the most likelihood of success in reducing or informally resolving conflicts; (2) when conflict does arise, administration is better equipped to identify the true nature of the conflict and is more competent to effectively address the conflict; and (3) in the event of more formal conflict, such as litigation, the college or university is in a position to demonstrate that it has taken reasonable steps to adhere to accepted practices. Finally, because the audit process focuses, at least in part, on the inevitability of conflict in diverse college and university environments, the development of persistent and sustainable management of conflict over the long term is a natural consequence of the endeavor.