MEDIA ADVISORY

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Increasing Diversity in Science and Higher Education
New First-of-its-Kind Handbook Offers Legal Resources

28 April Teleconference to Feature Former Education Secretary Riley

How can U.S. universities draw more women and underrepresented minorities into science fields to boost economic and security goals—while minimizing any unreasonable legal risks?

U.S. Supreme Court rulings in 2003 limited the role of race in university admissions. Those rulings didn’t address faculty recruitment, though, and some state laws prohibit any consideration of race in admissions or hiring.

Now, a first-of-its-kind handbook from the American Association for the Advancement of Science (AAAS) and the Association of American Universities (AAU) offers in-depth, cross-referenced legal resources to help promote effective diversity programs for science faculty and students.

Set for release during a teleconference at 1:30 p.m. ET Wednesday, 28 April, the handbook outlines legally sustainable ways to expand diversity on campuses, particularly within science, technology, engineering, and mathematics fields.

**Former U.S. Secretary of Education Richard W. Riley is expected to offer brief opening remarks during the teleconference.**

Other speakers will include representatives of AAAS, EducationCounsel LLC, Fulbright & Jaworski LLP, and the University of Florida. University planners as well as reporters are invited to dial (800) 374-0748 (from the United States or Canada), or (706) 634-9041 (from other locations worldwide). The leader’s name will be Daryl Chubin. The passcode will be “diversity.”

For example, universities can legally promote diversity in science fields by applying strategies such as:

- providing a welcoming, inclusive environment, including appropriate mentoring and other forms of support for minority and women students;
- evaluating race- and gender-neutral criteria such as a track record of inclusive conduct and multi-cultural skills;
• taking into account whether a candidate emerged from a low socio-economic background, or was the first in a family to pursue a four-year college degree;
• the holistic review of each candidate’s merit and prospects for success, including quantitative measures such as test scores and grades as well as qualitative essays, recommendations, and interviews; and
• ensuring that all criteria are relevant to the institution and the academic unit’s mission and goals, and that the same criteria are applied to each candidate.

To help universities navigate complex legal issues, the handbook identifies key questions that have been settled as well as other issues where definitive guidance is lacking.

For instance, characteristics such as multi-cultural skills are “race- and gender-neutral qualities that individuals of any race or gender may possess—or lack,” the handbook notes. When recruiting new faculty or students, a track record of inclusive conduct to create opportunities for multi-cultural problem-solving and issue-spotting, and/or consideration of socio-economic background can be evaluated if those criteria clearly relate to the mission of the institution and academic unit, according to AAAS and AAU.

“These types of approaches don’t place any disparate burden on non-minorities and men so long as the same criteria and the same process are strictly applied to all candidates,” explained Daryl E. Chubin, founding director of the AAAS Center for Advancing Science & Engineering Capacity. “The goal is simply to ensure that all candidates have the same opportunities to compete for positions and benefits.”

In addition, recruitment advertisements can include language explaining the university’s goals for promoting diversity in support of mission-based goals. And interview questions can explore a candidate’s experience with discrimination and barriers, or helping others to overcome barriers as well as efforts to promote a multi-cultural workplace, which can be rewarded with incentives such as special funding opportunities, said Shirley Malcom, head of Education and Human Resources at AAAS.

The new handbook—Navigating A Complex Landscape To Foster Greater Faculty and Student Diversity in Higher Education—offers instruction on how diversity-related state laws may affect interpretations of federal law. It also reviews key legal issues, including:

• the U.S. Constitution’s Equal Protection Clause;
• Title VI, which prohibits discrimination on the basis of race, color, and national origin by public and private recipients of federal funds;
• Title IV, which prohibits employment discrimination on the basis of race, color, sex, religion, or national origin;
• Title IX, which prohibits gender discrimination;
• and an array of specific legal decisions.

WHY IS DIVERSITY IMPORTANT TO SCIENCE?
“Science and engineering are national assets that drive innovation, economic strength, leadership and our national security,” the AAAS-AAU handbook asserts.

The nation’s international economic competitiveness “depends on the U.S. labor force’s innovation and productivity,” the report continues, citing National Science Foundation findings. “A diverse, globally oriented workforce of scientists and engineers” is essential to ensure continued U.S. economic leadership.

“Achieving a more diverse faculty and student body at our universities will enrich their programs of research and scholarship and lead to profound educational advantages for all students,” said Robert M. Berdahl, president of the AAU. “It is important that we understand the legally sustainable efforts our universities can undertake to achieve diversity, and apply that understanding diligently.”

Each section of the AAAS-AAU handbook can be downloaded online via the AAAS Capacity Center Web site, www.aaascapacity.org. In addition, a limited number of print copies will be available at cost upon request to Sabira Mohamed, smohamed@aaas.org.

Representing a culmination of efforts by the AAAS Capacity Center, including two 2009 workshops with counsels and provosts from 35 AAU member institutions, the handbook was funded by The Alfred P. Sloan Foundation. Supplementary project funding was provided by the National Science Foundation.

The Capacity Center was launched in 2004 with seed funding from the Sloan Foundation to provide policy and program advice to research universities to facilitate student and faculty success, especially related to STEM disciplines. See http://php.aaas.org/programs/centers/capacity/.

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ABOUT THE HANDBOOK

The project resulting in the new handbook was led by Chubin and Jamie Lewis Keith, Vice President and General Counsel of the University of Florida, with involvement by Malcom. Executive Vice President John Vaughn represented the AAU.

The project’s legal counsel is a team led by two groups: Arthur Coleman of EducationCounsel LLC with his colleague, Scott Palmer, and Theodore Shaw of Fulbright & Jaworski LLP and his colleague Robert Burgoyne. Mr. Shaw, who is Of Counsel at Fulbright, is a professor at Columbia University law school.

Coleman is also leading the project’s Expert Advisory Board. In addition to Keith, the other members of the Board are Jonathan Alger, Vice President and General Counsel of Rutgers University, John Payton, the Director and Counsel of the NAACP Legal Defense
and Educational Fund; and Lawrence White, General Counsel of the University of Delaware.

ABOUT AAAS

The American Association for the Advancement of Science (AAAS) is the world’s largest general scientific society, and publisher of the journal, Science [www.sciencemag.org] as well as Science Translational Medicine [www.sciencetranslationalmedicine.org] and Science Signaling [www.sciencesignaling.org]. AAAS was founded in 1848, and includes some 262 affiliated societies and academies of science, serving 10 million individuals. Science has the largest paid circulation of any peer-reviewed general science journal in the world, with an estimated total readership of 1 million. The non-profit AAAS [www.aaas.org] is open to all and fulfills its mission to “advance science and serve society” through initiatives in science policy; international programs; science education; and more. For the latest research news, log onto EurekAlert!, www.eurekalert.org, the premier science-news Web site, a service of AAAS.

ABOUT AAU

The Association of American Universities (AAU) is an organization of leading research universities devoted to maintaining a strong system of academic research and education. It consists of 61 U.S. universities and two Canadian universities, divided about evenly between public and private. AAU member universities are on the leading edge of innovation, scholarship, and problem-solving, contributing significant value to the nation’s economy, security, and culture.

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