As we consider the theme of *diversity and the future of higher education*, it is hard to ignore the elephant in the room, that is the pervasive backlash at this moment of considerable turmoil in the national landscape following the Supreme Court ruling endorsing a “colorblind” approach to college admissions (and I say that in quotes, as it is hard to conceive of anything in this nation or world as genuinely colorblind), alongside some forty states introducing anti-DEI legislation for higher education, and many school districts banning books and curriculum that forthrightly tackle our history of systemic racism, as well as several high profile court cases backsliding on school integration plans, protections against discrimination on the basis of sex and sexual orientation, and pathways to citizenship for Dreamers.

At this moment of turmoil and backlash, I am reminded of what I know our dear friend and scholar-hero, the late Clem Price, would surely have said and that is, to look forward, we first need to look back and ask how we got here. So, I want to begin this conversation with some reflections on that journey, using the Roberts decision\(^2\) in the affirmative action cases as an entry point, even as our concerns need to go well beyond selective admissions as we forge ahead in transforming higher education to reflect the expansive talent pool in our own backyards – what demographer Bill Frey\(^3\) called the diversity explosion in our demographic map – and to reap what systems theorist Scott Page\(^4\) called the diversity bonus in a knowledge economy.

Ultimately, I will argue that diversity and the future of higher education have to go well beyond the students at our table – as critical as that new generation is to our future – encompassing, for example, a new professoriate committed to publicly-engaged scholarship and a fulsome embrace of the knowledge of the lived experiences of our community partners, as we play out our role as anchor institutions intimately linked to equitable growth in the places we call home. Yet, I do want to begin with the trials and tribulations surrounding affirmative action in admissions, as they poignantly reflect the long-running and persistent reluctance of this nation to reckon with our past (and its long-arm today), even as we try to set a different course for our future. For, as our keynote speaker today, my friend and another scholar-hero like Clem, Khalil Gibran Muhammad rightly reminded us in his 2017 *New York Times* opinion piece entitled “No

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1 Remarks delivered at Building an Inclusive Academy: Diversity Plan Progress Summit at Rutgers University, November 15, 2023, New Brunswick, NJ.
2 *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College.* 2023. 20-1199 (Supreme Court of the United States, June 29).
Racial Barrier Left to Break (Except All of Them),” we have a long way to go on that reckoning road.5

The Legal Move from Reparative Justice to Diversity for All

Looking back at the history of affirmative action jurisprudence in the higher education realm, we saw in Justice Powell’s decision in Regents of the University of California v. Bakke,6 forty-five years ago, the ground being laid for a move from a rationale based on achieving equity and reparative justice – that is, taking down what civil rights scholar Gary Orfield calls the “walls around opportunity”7 that have persistently sidelined students and communities of color for so long. Instead, Powell moved to a much more general, shall we say inclusive focus on achieving the educational benefits of diversity for all students. Powell argued for the race-as-one of many plus factors in admissions approach explicitly to exonerate any contemporary responsibility for reversing a history of “societal discrimination” (in his words) and to focus instead on the important but general benefits that all students receive from learning together in a diverse environment. Interestingly, and often forgotten, four other justices (Brennan, Blackmun, Marshall, and White) who agreed with Powell on the diversity as a compelling interest in and of itself argument, also argued strongly that a reparative framework was constitutional.8 Nevertheless, the Powell framework set the stage for all of the cases that came next, up until the latest Roberts decision, and moved us to a broad focus on diversity per se, and away from questions of equity as reparative justice. Moreover, as I’ll return to later in considering what our moves forward should look like, the strong pivot away from a reparative framework also left us without an answer to, or even a focus on, the key question of whether it is really possible to achieve the educational benefits of diversity for all without dismantling the very systems that persistently sideline some, especially as those “some” become the majority of the future talent pool. In other words, do we need to reckon in order to equitably move forward together?

Moving from Diversity for All to a Colorblind Status Quo

Much as the Powell decision moved us away from considering the sequelae of systemic discrimination as it impacts the road to opportunity in higher education, all was not lost by any means in that decision as it did prompt a focus on the inherent value of learning and working in a diverse environment. And in this regard, I should lay my bias as a social psychologist on the table, as to the importance of valuing diversity per se as an educational and civic and social asset. Or, as one of my favorite organizational theorists, the late Katherine Phillips,9 asked us to consider: why do we so passively accept homogeneity as the default norm for our institutions, when we endlessly ask for justifications of the value of diversity? As Earl Lewis and I have

8 California v. Bakke.
argued in our book series entitled Our Compelling Interests: The Value of Diversity for Democracy and a Prosperous Society, full participation is critical to higher education’s role as an engine of social mobility, innovation, and civic health – if we do not engage with and learn from each other, bringing to our work a diverse panoply of lived experiences, we will not fulfill our public purpose. And, interestingly, in Supreme Court Justice Sandra Day O’Connor’s opinion in Grutter v. Bollinger, upholding Powell’s basic compelling interest of diversity argument, we see a hint of the reparative/equity rationale breaking through, as she argued that “the path to leadership must be visibly open to talented and qualified individuals of every race and ethnicity…” in order to uphold the democratic legitimacy of our civic institutions (including higher education). In so doing, she implicitly readdresses the need to take account of the systemic obstacles along the way to making those paths to leadership open to all.

Unfortunately, the most recent court ruling by Justice Roberts for the majority, takes us away from the door that O’Connor opened to connecting the compelling interest of diversity in higher education to recognition of the need for assertive action. Roberts goes back all the way to Powell’s hesitancy in Bakke, enshrined in a colorblind perspective which Roberts had articulated often in the past: “the only way not to discriminate is not to discriminate,” countering as Jeannie Suk Gersen noted in her New Yorker piece entitled “Education After Affirmative Action,” what Justice Blackmun had written in his Bakke opinion: “In order to get beyond racism, we must first take account of race. There is no other way.” And so, we come full circle. As Earl Lewis wrote after the Grutter decision in his historical account of debates on race-consciousness vs. colorblindness: “The debate about affirmative action in the United States is fundamentally about how to reconcile tension between the need to include and the desire to limit that inclusion.” And, to reinforce his point, I would say that the Roberts decision takes us further along an old road in which a zero-sum divisive framework overshadows even the compelling interests of diversity itself, never mind the morale and practical force of a reparative justice reckoning. How can we embrace the value of reaping the diversity bonus in our collaborative educational and scholarly and publicly-engaged teams if we focus selectively on a zero-sum battle for a seat at an exclusive table?

Looking Back to Move Forward: What Have We Lost?

As we look back then, in the service of moving forward, over this forty-five year history of affirmative action battles, culminating in this return to a zero-sum, exclusionary perspective on educational access and opportunity, we are left with a framing that goes well beyond student admissions to perpetuate a colorblind philosophy that eschews any recognition of the need to dismantle inequities that prevent full participation of our diverse populace, be they students, scholars, community partners, or employees writ large. Moreover, we are also left at the same time with a framing that even devalues a focus on realizing the very benefits of diversity for innovation across the board. In other words, the ripple effects are considerable and we must

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recognize what we have lost in the process and where we need to focus energy to recapture any progress moving forward. And while this retreat both from pursuing equity as reparative justice connected to democratic legitimacy, as Jeffrey Lehman described the O’Connor framework,\textsuperscript{14} and from pursuing diversity itself as a valued goal tied inextricably to the quality of the educational experience, as Powell argued in \textit{Bakke} and as our Michigan team argued in \textit{Grutter}, is at once discouraging, I will argue here that it also lays out a clear mandate for what we need to recognize and pursue (by any “legal” means necessary) as we consider diversity and the future of higher education. We have our marching orders, plain and simple.

\textit{Looking Forward: Numbers Matter, So Take Down the Walls}

So, as we think about these marching orders post the Roberts colorblind decision, I would start with a very basic but I believe often lost assumption behind all of this work and that is that \textit{numbers matter} both to achieving some equity on the way to diversity (by reckoning with reparative justice, by taking down systemic barriers, by replacing a deficit frame with an asset frame) and ultimately, then, to realizing the basic value of diversity (for education, for innovation, for public trust). What do I mean, you might ask, by the assertion that numbers matter?

Well, first off, I would say that underlying both the Roberts decision, and the arguments of the plaintiff’s in the Harvard case that pit Asian American students against other students of color, is a fundamental zero-sum, exclusionary approach to admissions (and applicable to employment more generally). This exclusionary stance has characterized higher education’s competitive zeitgeist for all too long, as the late legal scholar and activist, Lani Guinier wrote long ago in her treatise, on \textit{The Tyranny of the Meritocracy}.\textsuperscript{15} In other words, we approach our value as a scarce commodity – a private good to be gained versus a public good to be shared. Or to say it another way, we haven’t internalized the essence of the Kerner Commission report 45 years ago,\textsuperscript{16} post the race rebellions of the late sixties, that “everyone does better when everyone does better.”

Of course, you might reasonably say, well that is all well and good, but there are only a few seats at our table, so numbers do matter, but not in the positive way that I am proclaiming would chart a new path forward. Or to say that another way – you might ask, can we afford to include rather than exclude? Well, my retort is – just look at the demographics of our future talent pool (of students, faculty, and staff, not to mention community partners) and tell me how we are going to thrive and garner the public’s trust and therefore investment in higher education without taking down those walls around opportunity and learning how to collaborate in order to include more than we exclude? Yes, this will require a very different approach to recruiting from an expansive talent pool, often one, frankly, sitting before our very eyes if we only learn to

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\textsuperscript{15} Guinier, Lani. 2015. \textit{The Tyranny of the Meritocracy: Democratizing Higher Education in America}. Boston, MA: Beacon Press.
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look in our own backyards, and to dismantle the deficit frame with which we inspect “quality” in so many under-served communities, typically segregated by race and class in ways highly reminiscent of our Jim Crow past.17

This is where reparative justice enters the picture, not only to take down the walls over which the next generation talent pool can’t jump, but also to radically alter our vision of who exactly they are and what they can positively contribute by being who they are. This will require that we stretch and see the assets of our community’s next generation, such that we can begin to collaborate on the ground with our K-12 schools (and our community college colleagues where the vast majority of first-generation students have their first taste of higher education) to make college and graduate school appealing, accessible, attractive, affordable, avenues for these future, fastest growing talent pools. This will require, at the level of faculty recruiting that we stop our penchant for what our business school colleague Nancy DiTomaso calls out, that is our in-group bias to hoard opportunities for those who look like us, who came from the same schools, who perpetuate the same norms of “traditional” scholarship and publish alone (without collaborators) in the select few journals our disciplines endorse as representing excellence.18 This will require that we start co-creating with community partners who have better answers than we often do to reversing the societal challenges that the public expects us to address (from climate injustice to policing to public health and so many more). It will require us to do what a long-time community activist in Syracuse told me to do: “Just ask us, Nancy, we lay our heads down here at night.”

Now, I’m not arguing that we all become open access institutions (though I do believe we would benefit by seeing their value and collaborating across our ecosystem) nor am I arguing that faculty recruitment become a lottery system (though I do believe that we way over-invest in artificially narrow measures of background, quality and productivity to our detriment) or that publicly-engaged scholarship produced in collaboration with community partners become our only knowledge-making genre (though I do believe that our fields are all the richer for those efforts). But I am arguing that we interrogate our norms and traditions—how we recruit from schools and communities more at a distance than close up and how we depend upon narrow assessment tools like standardized tests, how we value quantity over quality in scholarly records, how we isolate ourselves from communities in our “cult of the expert” approach, to quote from Harry Boyte.19 For if we don’t change, we will learn the lesson that numbers matter, the hard way. Think about the “enrollment cliff.” Think about who the next generation STEM professoriate and innovators will be when “less than 2 out of ten full professors are of color,” as Caroline Turner and Christine Stanley note in their terrific, edited volume on the torturous path to full professor of scholars of color.20 Think about why states or the federal government will feel any need to increase funding for higher education when public trust in science and higher

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education more generally is at an all-time low. We need to learn to value numbers, or should I say to value the right numbers.

Looking Forward: Diversity Matters

As we consider what it means to value the right numbers amongst a more truly expansive, diverse talent pool of the future – and to eschew the value we too often place on the wrong numbers, be they standardized tests that better predict where you came from than where you could go or the number rather than the value-add of your faculty publications or the length of your pedigree or absence thereof as the bar for entrance as a community-collaborator – I want to return to what we have lost with the re-imposition of a colorblind mandate. And, to say it simply, we’ve lost a lot.

First, the loss will be felt in terms of the success of individuals from underrepresented groups who will feel the weight of stereotype threat and solo status and the pressure of representation if and when a critical mass of diversity diminishes, as my dear friend, social psychologist Claude Steele so eloquently previewed some time ago in his famous treatise, “Whistling Vivaldi and Other Clues to How Stereotypes Affect Us.”21 Indeed, the literature on belonging in social psychology could not be clearer in underlining the importance of critical mass, and the on-the-ground experience at the University of Michigan after proposition 2 banning affirmative action in college admissions went into effect in the state proved the point, as the following quote from their amicus brief in the recent cases confirms: “This reduction in diversity not only denies students the educational benefits of a diverse campus, it negatively affects students’ well-being: Fully one-quarter of underrepresented minority students surveyed indicated that they did not belong at U-M, a 66 percent increase over the last decade.”22 Additionally, when critical mass is diminished, not only do underrepresented individuals unfairly feel unwelcome, isolated, and under inspection, but everyone – be they in the majority or the minority -- is denied the experience of seeing that there is as much variation within a group as between groups – making us all victims of implicit biases and stereotypes – and prey to what Rupert Nacoste brilliantly called out as our own “hibernating bigotry,” that isn’t hibernating much in our world anymore.23 And, add to increasing stereotype threat for already underrepresented groups and exacerbated hibernating bigotry on everyone’s part, the effects of loss of critical mass – of numbers that matter -- on diminishing public trust when the public doesn’t see itself adequately represented in and welcomed as assets to our institutions. These are real consequences to be concerned about whether the Roberts court recognizes them or not.

Moreover, if we believe in the compelling interest of the educational, scholarly and community benefits of diversity in and of itself -- learning from each other and producing scholarship and contributing to societal progress based on the collective intelligence of diverse

teams, as Scott Page demonstrates in his volume, *The Diversity Bonus*, then we have lost a great deal. We will fall behind in our core enterprises if we fail to find ways to produce classrooms, disciplines, and community-engaged collaboratives that are as “colorful” as the diversity of our lived experiences can ensure, regardless of the comfort that some may feel in clinging to the value of homogeneity in a “colorblind” world that Roberts seems to believe is possible and preferred, demography and history be darned. And this brings me to my second step in our moving forward journey – that is, why diversity itself matters in a direct way, in addition to the important indirect impact of a diverse environment on individuals’ success and development, as Powell articulated in *Bakke*, and on the perceived legitimacy and trust of institutions, as O’Connor argued in *Grutter*.

I want to argue that while numbers matter to achieve and sustain diversity, and taking down the walls around opportunity with reparative justice interventions matter in achieving those numbers, diversity itself also matters directly to the excellence and impact of our actual work itself. We all know this to be true if we just stop and think about the last time you heard something that truly taught you something. For me, I think about my recent experience giving the commencement address inside the Edna Mahan Maximum Security Correctional Facility and reading the senior theses of our incarcerated Bachelor’s Degree candidates (through the New Jersey Scholarship and Transformative Education in Prisons—NJ STEP—Program based at Rutgers-Newark), focusing as only they could on what trauma outside and trauma inside means for human development. If ever there was a curriculum unmatched in its trenchant observations, that was it, demonstrating the value of lived experiences transported from the world to the classroom – just what we get when we bring an expansive diverse talent pool of students to the table.

Moving, then, from the educational value of diversity itself, to the richness of the scholarship we produce, there is no doubt in my mind that the data being collected on the impact that culturally-and-linguistically-responsive teachers have on the academic achievement of students in urban public schools simply wouldn’t have the breadth and credibility it has were it not for the lived experiences that our diverse urban education faculty bring to this effort. And the positive contribution of diverse perspectives transcends disciplines, as I was reminded while serving on the NSF’s Committee on Equal Opportunity in Science and Engineering and listening to the significant impact on models of climate change in the “new Arctic” from indigenous knowledge-makers – good models follow from good diverse teams, and everyone has something to bring to that collaboration. After all, half the battle in scholarship is knowing what questions to ask to begin with and here again it really helps to have some direct connection to the content under study.

Furthermore, and as a final example of the direct value of diversity on the work we do at Rutgers-Newark, the highly influential *Newark Public Safety Collaborative* – a university-community city-wide collaboration in Newark for which we serve as a backbone organization – demonstrates the value of diverse lived experience literally on the ground, every day in our city. Specifically drawing on the collective intelligence of a highly diverse, cross-sector group of

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some forty or more community residents along with law enforcement professionals, and using what they call a data-informed community engagement model (DICE) that draws on data on the characteristics of the places where crime occurs (from our faculty’s risk terrain models) -- they are able to design on-the-ground public safety interventions that not only work to reduce crime but garner the trust of the citizens in the neighborhoods most affected by crime. In other words, just as the incarcerated graduates at Edna Mahan teach as much as they learn in part because of their lived experiences with being women in our carceral state, and the faculty in urban education ask the right questions when they too can directly relate to the experiences of teachers of color in an urban district segregated by race and class, so too can the community who lay their heads down here at night sharpen the effectiveness of public safety interventions well beyond what even the best intentioned but still too distant researchers can imagine.

As these examples suggest, and consistent with Scott Page’s evidence about the performance bonus associated with diverse teams that know how to collaborate, I would argue that we will all do better if we just take down the walls around our institutions and build on the asset that lived experiences constitutes for our collective intelligence. We will all do better by welcoming and appropriately valuing the contributions of those whose numbers do count as we go forward in an ever-more demographically diverse world.

Moving Forward – Three Strategies

In summary, then, my message today is rooted in what we have lost over the last forty-five years of jurisprudence on diversity and higher education, and more specifically, in the strength and fortitude I believe we must show to recapture momentum and gain (or re-gain) public trust locally, even if the national picture pivots to some altered reality of a colorblind world. And I have suggested three strategies that I believe can be pursued even within the legal confines which we unfortunately now face. Strategy one is to take numbers seriously by recognizing that there is a highly diverse and expansive talent pool growing by the day in our own backyards (and those backyards may vary in size and breadth) and that there is nothing illegal about digging deep into it with collaborations and coordination across the educational ecosystem. The same, I would argue is true for faculty and graduate student recruitment, even as the backyard may be larger, as we collaborate beyond the usual places and with more varied interest in what constitutes exciting scholarship. I’m not a lawyer, though I spent many an hour with them in organizing the Grutter defense, but I genuinely believe that collaboration in an expansive pool of geography, institutional partners and talented community members is the key, even as we currently must shy away from explicit race-conscious methodologies.

However, and this is where strategy two comes in, in order to realize the direct and positive effects of diversity – the scope and breadth and numbers that in turn determine individual and institutional success -- we must be ready to go beyond our “normal” traditions and work to take down those walls – that is, to address equity via reparative work. This is especially true in student recruitment and success, as we know that the rigidity of our meritocracy must bend, if we are to see through the barriers that cloak the expansive talent pool in a deficit frame. We must be ready to provide the kinds of supports that speak affirmatively to the reality of life for more and more of the next generation (be it through fulsome financial aid and pre-college
counselling or legal supports for Dreamers – as just two examples).\textsuperscript{25} And the same is true for faculty and staff – we need to act affirmatively to build social capital networks, not assuming that they are already “naturally” in place as might be the case for the “old boys.”\textsuperscript{26} We need to rethink the “received wisdom” passed on to junior faculty and staff, wisdom that likely under-, or even de-values, the range of engaged, collaborative work a new generation may most value. Perhaps most counter to our institutional assumptions about merit, we must learn to value community-making, mentoring, dialoguing, co-creating, as part and parcel of the excellence of the work we do – otherwise we won’t reap the value of numbers, even if we manage to build a robustly diverse university community.

And building that robustly diverse community brings me to the final strategy I see as critical to moving forward. We need to spread the word and the action behind our commitment to reaping the direct benefits of diverse teams in everything we do: from the curriculum we teach (and the people from whom we learn), to the disciplinary and interdisciplinary teams in which we do our research, to the operational units who make the organization work, and, as importantly, across our many interactions with community collaborators beyond the gates of the university. This requires pursuing what our speaker today, renowned educator Adrianna Kezar calls a shared equity leadership model – baking in the benefits of working in diverse teams, of learning to listen and talk and act across a varied interpersonal terrain, deeply into the mission of everyone and every unit in the institution must become the north-star.\textsuperscript{27} Or, to say it simply, if we are going to do the hard work, especially in these times of trials and tribulations, to pursue an expansive talent pool and to take down the obstacles that prevent the numbers that count from taking enough seats at our table to matter, then we better learn how to embrace the value of that diversity for everything that higher education is about and that the public expects us to accomplish. We better show the world that diversity matters, in a good way, and that a colorful world is actually a plus factor for everyone.

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