

Kentucky Public Postsecondary Education Diversity Policy And Framework for Institution Diversity Plan Development

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Introduction:

The Council on Postsecondary Education (CPE) affirms diversity as a core strategy in its strategic planning process. Diversity should change the institution, not just students, and reflect an institutional willingness to examine its programs, policies, practices, and procedures and how they impact various populations. As indicated in expert testimony by John Matlock, Gerald Gurin, and Katrina Wade-Golden in support of *Gratz, et al. v. Bollinger, et al.*, No. 97-75321 (E.D. Mich.) and *Grutter, et al. v. Bollinger, et al.*, No. 97-75928 (E.D. Mich.), “institutions of higher education have an obligation, first and foremost, to create the best possible educational environment for the young adults whose lives are likely to be significantly changed during their years on campus.” One goal embraced by most colleges and universities is to prepare students for active participation in the increasingly diverse democratic society.

As discussed in the *Grutter* opinion, student body diversity “helps to break down racial stereotypes”¹ and “diminishing the force of such stereotypes is both a crucial part of [a university’s] mission, and one that it cannot accomplish with only token numbers of minority students.”² The Court further noted that “‘ensuring that public institutions are open and available to all segments of American society, including people of all races and ethnicities, represents a paramount government objective.’ . . . And, ‘[n]owhere is the importance of such openness more acute than in the context of higher education.’ . . . Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized.”³

For almost three decades the state of Kentucky operated under the provisions of a federal finding that required remedial attention to de jure segregation in its public colleges and universities. In December 2008, the United States Department of Education Office for Civil Rights released Kentucky from the remedial planning process. Following the action by the federal government, the CPE directed its Committee on Equal Opportunities (CEO), in collaboration with the public institutions to assure that the significant progress campuses have made in this regard is preserved and enhanced throughout public postsecondary education.

Diversity Policy:

It is the policy of the CPE that to truly prepare students for life and work in an increasingly diverse society the public postsecondary institutions within the Commonwealth shall embrace diversity within constitutional and legal parameters, seek to reflect that diversity in their student body and workforce, and commit to eliminate achievement gaps among all students. This policy is the expression of a vital governmental interest, but does not compel or advocate racial balancing or the establishment of quotas.

¹ *Grutter*, 539 U.S. at 330.

² *Id.* at 330.

³ *Id.* at 332 (quoting Brief of the United States as *Amicus Curiae* 13) (citations omitted).

Diversity Definition:

Diversity, as a concept, describes an inclusive community of people with varied human characteristics, ideas, and world views related, but not limited, to race, ethnicity, sexual orientation, gender, religion, color, creed, national origin, age, disabilities, socio-economic status, life experiences, geographical region, or ancestry. Diversity in concept expects the creation by institutions of a safe, supportive, and nurturing environment that honors and respects those differences. The policy “focusing on a diverse student body and workforce” advocates the inclusion of students and employees from historically underserved populations, both historical and ongoing.

Vision and Guiding Principles:

The vision of the CPE is for all public postsecondary institutions to implement strategies, programs, and services that fulfill the educational objectives set forth in HB 1, and address the needs of and support the success of diverse populations, particularly those most affected by institutional and systemic inequity and exclusion. The following principles shape the priorities and will guide decisions for the Commonwealth’s vision of diversity.

- Recognize diversity as a vital component in the state’s educational and economic development.
- Affirm the long-standing commitment that Kentucky’s African American students are represented at the public colleges and universities.
- Challenge stereotypes and promote awareness and inclusion.
- Support community engagement, civic responsibility, and service that advance diverse and underserved populations/groups.
- Nurture, train, and produce students with the ability to interact effectively with people of different cultures, i.e., cross-cultural competence.⁴
- Prepare for Kentucky’s businesses a workforce that is diverse, culturally competent, and highly educated to compete in a global economy.

Institutional Diversity Planning:

To implement this policy, the CPE requires that each public institution submit to CPE for approval, no later than March 15, 2011, a campus-based diversity plan which shall set forth specific strategies that promote diversity and measurable goals that reflect institutional demographics in comparison to population. Nothing in this policy shall be construed as a requirement that institutions attain and/or maintain specific percentages of minority group enrollment. The campus-based diversity plans will, at a minimum, address four areas: (1) student body diversity that reflects the diversity of the Commonwealth or the institution’s service area, (2) achievement gaps, (3) workforce diversity, and (4) campus climate. The plans will be developed using a framework which includes guiding principles, commitments, and action statements that will assist institutions as they develop or refine their own diversity plans. Institutional plans shall be narrowly tailored so as to further those areas of interest set forth above. Each campus-based plan shall:

- Assure consistency with systemwide and institutional diversity policies and practices.

⁴ K. Bikson & S.A. Law, Rand Report on Global Preparedness and Human Resources: College and Corporate Perspective, (1994).

- Describe diversity and equal opportunity for students, faculty, administrators, and staff in action plans that address the campus environment.
- Implement a system of institutional accountability by using metrics that are specific and measurable.
- Recognize that equal opportunity is essential to all members of the campus communities.
- Preserve broad access to high quality postsecondary education opportunities.

Examples of best practices used by Kentucky institutions and that are available from other institutions are provided as an appendix.

Strategy Development:

Subject to legal requirements, campus diversity should reflect the world into which its students graduate and, at a minimum, the communities that each institution serves. To that end, cross-cultural competence is among the most important attributes for ensuring effective performance in a global marketplace. Kentucky’s businesses need a diverse, culturally competent, and highly educated workforce to compete in a global economy.

For the section titled “Student Body Diversity,” each campus will ascertain the diverse makeup of the Commonwealth or the institution service area. Institution service areas are defined by the map at <http://www.cpe.ky.gov/NR/rdonlyres/CF332EBE-ECB2-485C-8FEC-BF8AB6E65975/0/RegionalStewardshipAppendixMap.pdf>. That data shall then be compared to similar information specific to each campus’ student enrollment. The combined data shall then be used to guide each campus in developing strategies in the campus diversity plan, to assure that, over a reasonable period of time and within established constitutional parameters, the student body reflects the diversity of the community served. The data gathered shall not be used to impermissibly influence admission policies or practices.

For the section titled “Workforce Diversity,” an institution may utilize the affirmative action plan developed per Title VI of the Civil Rights Act of 1964, 42 U. S. C. A., Title VII of the Civil Rights Act of 1964, 42 U. S. C. A., or Executive Order 11246 (Part I: nondiscrimination in government) [superseded by EO 11748, 1968] to address this area. The employment section of this policy is intended to accomplish the compelling governmental interest in the educational benefits that accrue from having both a diverse faculty and diverse student body, including improved learning environments, greater cross-racial understanding, and the breakdown of racial and ethnic stereotypes.⁵

Performance Metrics and Assessment:

Using data analysis and gap analysis, institutional performance in each strategic area will be measured to establish the status of each institution toward achieving the objectives of the diversity policy and campus diversity plan. Nothing in this policy shall be construed as a requirement that institutions attain and/or maintain specific percentages of minority group enrollment or employment. Instead, each institution will be assessed according to its implementation of specific strategies designed to achieve, within established constitutional parameters, diverse populations among students, faculty, and staff. The following areas, at a minimum, are to be addressed in each campus based plan.

I. Student Body Diversity

⁵ 113 Nev. 90, 97, 930 P.2d 730, 735 (1997).

- a. Undergraduate student enrollment
 - b. Graduate student enrollment
- II. Student Success
- a. Student retention
 - b. Graduation rates
 - c. Degrees conferred
 - d. Credentials conferred
- III. Workforce Diversity
- a. Faculty
 - b. Staff
 - c. Executive/Administrative/Managerial
- IV. Campus Climate (written report submitted by institutions)
- a. Campus Environment Team
 - b. Comprehensive assessment of strategies and best practices implemented in support of the institutional and KCTCS diversity plans
 - c. Employment retention and promotion

Adoption of Institutional Diversity Plans:

Institutions will develop and submit campus diversity plans to the Council on Postsecondary Education for review and approval.

Council staff will use a consensus review process to evaluate proposed campus plans prior to review and action by CPE. Consensus review includes acknowledgement of receipt of the plan, preliminary review to assess how well a plan addresses the areas outlined in the diversity policy, identification of revisions (if required), submission of plans to institution board for approval, and approval by CEO/CPE.

Upon receipt of a plan proposal that has been approved by the institution's board, the institutional plan will be included in the CEO/CPE agenda at the next regular scheduled meeting for action.

Institutional Status (annual assessments):

Assessments related to compliance with KRS 164.020 (19) will be implemented through Administrative Regulation 13 KAR2:060. The Administrative Regulation (13 KAR 2:060) will be revised following adoption of the statewide diversity policy. Compliance with the institutional diversity plan is not a substitute or in lieu of obligations under the statute (KRS 164.020 (19)).

Reaffirmation of the long-standing commitment that Kentucky African American students are fully represented at the public colleges and universities:

Due to Kentucky's past history of operating a de jure segregated system of higher education, vigilance is required to ensure that recent gains in enrollment, retention, and graduation for resident African American students continue and will be monitored and the status reported by CPE as a component in each institution's plan evaluation. The continuing commitment to resident African Americans complements the broader diversity goals.

Policy Oversight:

Pursuant to the direction of the Council, the Committee on Equal Opportunities shall provide oversight of the diversity policy.

Follow-up and Revisions:

Strategies that support the Kentucky Public Postsecondary Education Diversity Policy and Framework for Institution Diversity Plan Development are established for a period of five years and will be reviewed during the fifth year. The duration of a campus-based diversity plan may be greater but not less than the five-year duration of the state policy. The evaluations, along with any institutional self-studies, will provide the context and foundation for revisions to the diversity policy and campus-based plans.