

Supreme Court Decision Round-up



In the last month the United States Supreme Court has issued several opinions on cases that touch upon issues of equity and diversity. Below are summaries of two key cases:

Fisher v. University of Texas at Austin

Fisher challenged the University of Texas at Austin's use of race in its undergraduate admissions process. The original lawsuit was filed by Abigail Fisher, a Caucasian woman who applied to and was rejected by UT Austin. Fisher then filed a lawsuit, arguing that she had been a victim of racial discrimination because the University had admitted minority students with less impressive credentials than hers. Lower courts found in favor of the University, however, proponents of affirmative action feared that the Supreme Court would strike down the University's affirmative action policy as well as affirmative action generally by overturning its 2003 decision in *Grutter v. Bollinger*. In *Grutter*, the Supreme Court ruled that the University of Michigan Law School could consider race in its admissions process as part of its efforts to achieve a diverse student body. Ultimately, a majority of the Court did not overrule *Grutter* but instead held that affirmative action should not be outlawed but that affirmative action policies must be reviewed using a test known as "strict scrutiny" to determine whether or not the use of affirmative action is "narrowly tailored" and thus constitutional. Although the Supreme Court's ruling was limited to the use of race in

admissions to state- or local-government-operated colleges, the decision also has implications for the use of race in government job recruitment.

United States v. Windsor

In *United States v. Windsor*, a closely divided Court struck down a provision of the federal Defense of Marriage Act (DOMA) which defines marriage as the union of one man and one woman only. This definition is used for one thousand federal laws and excludes married same-sex couples from any of the benefits or opportunities provided for in the applicable laws. The Plaintiff in the original lawsuit, Edith Windsor, argued that DOMA is unconstitutional because it tramples on her right to equal protection under the Fifth Amendment of the United States Constitution. "DOMA," the Court majority stated, "writes inequality into the entire U.S. Code." Now that the Supreme Court has declared DOMA unconstitutional, same-sex couples who are legally married in their own states can receive federal protections and benefits such as Social Security, veterans' benefits, tax benefits, hospital visitation rights, health insurance, and retirement savings.

Listening For Understanding

Communication is a two way process that involves a person speaking and a person listening, then they reverse the roles and the speaker listens while the listener speaks. Therefore, listening is an essential tool in communication that is sometimes overlooked.

As individuals we listen about 50 % of the time but we listen at only 25 % of our potential. We do this because we ignore, forget, distort and misunderstand about 75% of what we hear. Listening is a problem because we can listen at a speed of 600 words per minute but speakers can speak at the speed of only 150 to 250 words per minute. Therefore, we can listen much faster than a speaker can speak. That forces us to fill the gap with our own thoughts while the speaker is between words. It's actually difficult not to think of our own thoughts while a speaker is speaking. That's why it's important to learn techniques that will allow us to focus our thoughts on the speaker instead of other thoughts.



10 Effective Listening Techniques:

1. Put yourself in a receptive mode.
2. Empathize: Put yourself in the shoes of the speaker
3. Demonstrate that you are listening
4. Do NOT interrupt the speaker in the middle of a sentence
5. Pay attention to the speaker's body language
6. Stay on the active side of listening
7. Summarize facts and feelings
8. Look for points of agreement in what you've heard
9. Focus on the future
10. Summarize what you've learned from listening

NOTE FROM THE ASST. VC AND DIRECTOR

Since its inception the *Diversity Matters* newsletter has been written based on an assumption that the concepts diversity, inclusion, equity, diversity management and cultural competence are common terms with reader familiarity. The next few paragraphs will be an attempt to increase your knowledge and understanding of the aforementioned concepts.

Diversity

According to Merriam-Webster [diversity](#) is the condition of having or being composed of differing elements. In higher education environments the diversity focus typically focuses on people as it relates to primary and secondary dimensions. Consequently, Loden and Rosener (1991) advised there are two major dimensions of diversity (i.e., primary and secondary) that expound on the differing elements of people. Primary dimensions focus on age, race, ethnicity, gender, physical qualities and sexual orientation. These characteristics are viewed as being immutable with most being protected characteristics under federal law (i.e., Title VI; Title VII; Title IX), and characteristics people are most sensitive about. Secondary dimensions are viewed as being mutable characteristics like income, education, religious beliefs, military experience, marital status, parental status and geographic location. To learn more about the prevalence of primary and secondary dimensions present in your neighborhood or job location for comparisons by zip code go to <http://www.zipskinnny.com/>.

Equity

In education environments, secondary and postsecondary, “equity” is an often used word because it implies fairness with everyone playing by the same rules. Basically “equity” infers access to knowledge for students, the opportunity to be considered for employment and treatment after being hired. There are compliance

standards in place like Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Equal Pay Act of 1964 and the Equal Employment Opportunity Act of 1964 for protection regarding policies, programs and practices. According to Dictionary.com, “[Equity](#)” implies giving as much advantage, consideration, or latitude to one party as it is given to another.

Inclusion

The College and University Professional Association for [HR Officers](#), describes inclusion as being the active, intentional, and ongoing engagement with diversity – in people, in the curriculum, and in communities (intellectual, social, cultural, geographical) with which individuals might connect – in ways that increase one’s awareness, content knowledge, cognitive sophistication, and empathic understanding of the complex ways individuals interact within [and change] systems and institutions. Moreover, inclusive workplaces accept differences and works to get contributions from everyone to achieve organizational objectives and mission.

Diversity Management

[Diversity Management](#) is the practice of addressing and supporting multiple lifestyles and personal characteristics within a defined group as stated by [businessdictionary.com](#). Management activities includes educating the group and providing support for

the acceptance of and respect for various racial, cultural, societal, geographic, economic and political backgrounds. Some examples would be supporting single parent employees, assisting sandwich generation employees, or managing employees that are veterans of the armed forces in the workplace.

Cultural Competence

If you have the ability to recognize and respond to the differences and similarities of the world around you and to make better decisions based on that understanding that is a good start for being culturally competent. According to Campinha-Bacote (2007) cultural competence is an ongoing process for health care professionals. More specifically, the process requires developing cultural awareness, knowledge, and skills in order to treat all patients as uniquely as possible and it has gained national attention. The American Medical Association (AMA) advised that “Cultural and linguistic competence is a set of congruent behaviors, knowledge, attitudes, and policies that come together in a system, organization, or among professionals that enables effective work in cross-cultural situations.” Grey’s Anatomy provides two excellent examples of cultural competence in a health care setting as it relates to understanding [religious beliefs](#) and [culture](#).

As the reader your knowledge and understanding has now increased as it relates to the concepts of diversity, equity, inclusion, diversity management, and cultural competence.



2013 Religious Holidays

<http://faithinmemphis.com>



Equity & Diversity Training Classes

To be determined, please contact OED for more information at 901-448-2112.

All qualified applicants will receive equal consideration for employment and admissions without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status.

Eligibility and other terms and conditions of employment benefits at The University of Tennessee are governed by laws and regulations of the State of Tennessee, and this non-discrimination statement is intended to be consistent with those laws and regulations.

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, The University of Tennessee affirmatively states that it does not discriminate on the basis of race, sex, or disability in its education programs and activities, and this policy extends to employment by the University.

Inquiries and charges of violation of Title VI (race, color, national origin), Title IX (sex), Section 504 (disability), ADA (disability), Age Discrimination in Employment Act (age), sexual orientation, or veteran status should be directed to the Office of Equity and Diversity (OED), 920 Madison Avenue, Suite 420, Memphis, Tennessee 38163, telephone 901-448-7382 (V/TTY available). Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Equity and Diversity.

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