

## THE PRACTICAL AND THEORETICAL UNDERPINNING OF INCLUSION FOR COLLEGE STUDENTS AMIDST DIVERSE INTERSECTIONALITY

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**ABSTRACT:** *American higher education is facing another major transition with escalating costs, an influx of diverse students, and an over all question about the return on investment for higher education. Within these complexities, this essay will consider the practical history and theoretical underpinning which inform the experience for students with complex intersectionality. After reflecting on the higher education legal issues and Duboisian theory, the essay will provide recommendations for students and higher education personnel.*

**KEYWORDS:** *intersectionality, race, higher education*

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With the expectations set by the Obama administration to have 60% of the United States population college educated (Congress, 2008), the non-traditional educational sector in two-year colleges, for-profit colleges, and other workforce development initiatives saw a boom especially just after the 2008 recession (Hollis, 2016). The outrageous cost of education, and tuition rates 46% higher than before the recession (Mitchell et al., 2016), disproportionately affected women and people of color who earn less money and granted less opportunity to access economic stability (Hollis, 2016a). The postionality based on racial lines and gender lines serve as barriers for many, who are in turn locked out of education. Swail for example, reported a steady decline in enrollment for students of color (2003). This trend can reasonably parallel the escalated higher education costs that became financial obstacles to equal opportunity (Hollis, 1998). Professional women in higher education also faced challenges. With the rise in single parent homes and declining employment opportunities (Dozier, 2010; Hacker, 2010; Moynihan, 1997) women heads of households had and continue to have a difficult time accessing education, yet sometimes turn to the growing online modalities in a effort to juggle work, school, and family (Hakim, 2012; Hollis, 2016b). These dynamics align with social dominance theory in which society has positioned women to make choices restricted by assumed gender responsibilities such as childcare, elder care, and other domestic responsibilities (Broadbridge, 2010; Pratto, Sidanius et al., 1999; Stallworth, & Malle, 1994). In short, women's choices are limited given the social restraints and expectations assigned to them.

Therefore, the purpose of this essay is to reflect on both the practical and theoretical. The practical history includes a series of lawsuits in which the forgotten and overlooked use the legal process in an attempt to exact justice as they see it. The theoretical emerges from DuBois (1969), and continues with Hine (1993) in a reflection on the complexity of postionality in the United States.

### **The Practical Vantage Point**

The contention around race and discrimination hit all-time highs in the midst of the 2008-2009 recession. Discrimination cases based on race, religion, and disability were filed at higher rates than the previous year. Researchers stated that harassment and aggression on the job probably occurred at higher rates during this financial downturn (Weber, Powell & KRC Research, 2013). The trend of heightened harassment continued in the recession with age discrimination reaching its second highest level. Thirty-six percent of complaints were based on race and another 30% of complaints were based on gender. Retaliation complaints were also high, at 36%; the EEOC won \$294 million in damages and settlement for discrimination complainant (EEOC, 2017). This record high illustrated the United States' ubiquitous and omnipresent strife around race and gender; undeniably such consternation encompassed education.

Race and gender have been elements, which fostered exclusion through the history of education (Bowman, 2016). With each group that the dominant culture wished to exclude, the need for a new type of school developed. For example, differences in religious beliefs yielded religious based schools like Yeshiva University, Brigham Young University, and Notre Dame University. Segregation and intense prejudice resulted in historically black colleges such as Howard University, North Carolina Agriculture and Technical, and Lincoln University. The need for women's education resulted in women's schools such as Smith College, Wellesley College, and Trinity Washington University. Even President Truman through executive order recommitted to the community college sector as a low-cost way to educate veterans returning home from World War II (Truman Library & Museum, 2010). Since that time, Hispanic Serving Institutions have evolved to serve the United States' increasing Hispanic population.

These competing interests along racial, gender, and religious lines led to court cases defending the rights of those excluded from education. In *Mendez v. Westminster* (1946) Mexican American parents sued the California school districts for segregating the schools, claiming that it violated the children's constitutional rights (Martin, 1997). This case which challenged the separate but equal application of the 14<sup>th</sup> Amendment (U. S. Const. amend. XIV).

served as an important precursor to *Brown versus the Board of Education*. *Brown v. the Board of Education* (1954), as the landmark Supreme Court Case ruled on the federal level that separate did not mean equal access to educational opportunities. Despite the passing of *Brown v. Board*, Southern states resisted compliance. Further, secondary and post-secondary schools are more segregated than they were in 1954 (Burgess, Wilson, & Lupton, 2005).

Some higher education institutions turned to racial quotas to desegregate. Black students began attending predominately white post-secondary institutions in record numbers. The unprecedented access gave way to a growing educated black middle class. However, the practice of racial quotas later contested in 1978 in *the University of California Regents v. Bakke*. The ruling stated the racial quotas were a violation of the 14<sup>th</sup> Amendment, yet race could be considered in admissions. But in 2001, the rule was again trimmed in *Johnson v. The University of Georgia*, when schools were prohibited from adding points to applicants of color, and that such a point system was an unfair method for creating campus diversity. Yet again, in 2003 *Grutter v. Bollinger*, the Supreme

Court did uphold the decision for colleges and universities to consider race in the admissions process.

In *Fisher v. the University of Texas-Austin*, Fisher (2013), who attended Tulane University after being denied admission to the University of Texas Austin, The Supreme Court stated that affirmative action is lawful, and that affirmative action programs should be closely monitored. After more restrictions were put on affirmative action in college admissions, the case was returned to the 5<sup>th</sup> Circuit. In 2016, the case was ruled in favor of University of Texas-Austin that did pass standards showing the Supreme Court that its race-conscious admissions process worked within the bounds of the United States Constitution.

Education has been a major battleground for gender equality as well. Since June 23, 1972, Title IX has been in place to protect people, men and women, against discrimination in education and other federally funded entities, on the basis of gender. In early years after Title IX was passed, the application of Title IX granted women equal access to sports (Boyce 2002; Pauline, 2012). Pieronek (2004) and Walters and McNeely(2010) applied Title IX to science, technology, engineering and math careers (STEM) as women are traditionally underrepresented in these arenas. The diminished presence for women in STEM careers evolved from the lacking presence of female college students; women avoided the field as many were not comfortable when professors discredited their viability to operate in the science and technology spaces.

As late as 2016, a student filed a sex discrimination case against the University of Cincinnati for gender discrimination in her physics lab. The school had originally told the complainant, Helmecki, that she could only have a same-sex physics lab partner. She claimed this violated Title IX; the school settled with her out of court for \$22,500 and \$85,000 to the law firm for fees (Murphy, 2016).

In education, the battle for access and equity continued. Access and equity issues had a new frontier of fighting for the rights of the transgender community (Buzuvis, 2013). Transgender students do not often experience the same protections, while they should, as such students continue to struggle to gain fair access to sports (Skinner-Thompson, & Turner, 2013; Sykes, 2006). In 2015, *Johnston v. University of Pittsburgh of the Commonwealth System of Higher Education*, Seamus Johnston sued the University of Pittsburgh for rights to use the bathroom of choice based on a sex assignment transition. The court ruled against Johnston, “alleging that Johnston had not transitioned enough (i.e. undergone sex reassignment surgery) and that there are no protections based on gender identity to be found under Title IX or the Equal Protection Clause of the Fourteenth Amendment: (Ford, para. 2, 2015). Often seeking refuge in the LGBTQ community of students (Hollis & McCalla, 2013), gender and sexual minorities still struggle to gain acceptance an inclusion on campus (Cullen, & Smart, 1991; Rabelo & Cortina, 2014).

### **The Theoretical Vantage Point**

What has become increasingly complex is the intersectionality of positions that are embodied in college students. Specifically, Closson (2010) commented diversity of positionalities that students might struggle through when attending post-secondary education. Similarly, Hayes and Colin (1994) were some of the first researchers to consider the multiple positions (race, gender, age, religious, sexual orientation) within students. Therefore, contemporary education and andragogy

need to remain cognizant of these multiple positions and approach students with culturally sensitive curriculum materials, and teaching methods.

A pioneer in the area, W.E.B. DuBois offered insight to the cultural dynamics and intersectionality many multicultural students face. DuBoisian theory provided some insight as to how a marginalized group can progress through the university cultural. While DuBois spoke of “the Negro” the status of said “Negro” was parallel to the status of contemporary marginalized groups with complex positionality.

After the Egyptian and Indian, the Greek and the Roman, the Teuton and the Mongolian, the Negro is a sort of seventh son, born with a veil, and gifted with a second sight in this American world, a world which yield to him no true self consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in assumed contempt and pity (DuBois, 1969, p.45)

Being ‘too different’ or kept at a distance, the ‘Negro’ Du Bois spoke of shared a similar status of marginality with others struggling to emerge from the margins. This is consistent with Brislin’s commentary of the discomfort felt by the disenfranchised (Brislin, 1993). In order to maneuver through a world that “looks on in amused contempt and pity” those with the multiple positionalities need to be aware of themselves and how society reflects on that positionality. In addition to the DuBois commentary, Clark-Hine (1993) advanced and complicated DuBois double-consciousness theory. While DuBois referred to a duality of vision- focusing specifically on the black male experience, Hine considered the multiplicity in marginalization due to the complex amalgam of religion, sexual orientation, gender, class, nationality or other attribute outside of a patriarchal and Caucasian experience (Hine, 1993).

Had DuBois specifically included the experiences and the lives of black women in his lament, he probably would have had to modify his prose. For DuBois, race was the master key to understanding American reality and the most post factor shaping identity.... He considered the issue of gender, instead of writing “one feels his twoness” he would have mused about how one feels her “fiveness:” Negro, American woman, poor, black woman. An examination of the separate realities and complex identities of black women offers a great illumination of the power relations that operate along the interlocking grid of race, sex and class in America (Hine, 1993, p.39).

Consequently, the practical and legal issues reflected upon in this paper are applicable to a variety of multiplicity positions, gay, Latino, and female; or black, Muslim, and female; or even Native American, female and disabled. Regardless of the combination, the intersectionality further subjugates the person in the complex position. Twoness as expressed by DuBois, quickly burgeoned to multiple combinations, all with their different perspectives from which they gaze, and different lens for how they are gazed upon. Once one grapples with and embraces the self-awareness, social status and individual foundation, an individual can better understand the cultural stratification and develop methods to succeed in this constraint or stratification (Hollis, 2016).

The responsibility of the institution is to provide proper training for faculty, student support. Further policy makers should understand how this multiplicity for students is also a resource for the campus community. Institutions need to actively promote multiculturalism. Without leadership to truly embrace the diversity and multiplicity, they will in turn embrace the status quo and “perpetuate the privileged position of the group in power” (Barr, 1988 et al., p. 86).

## RECOMMENDATIONS

1. Clear training for student service personnel and faculty to understand all students ((Hollis, 2016b). Research shows that even for the most at risk student, caring and civil university personnel increase academic performance.
2. As more students from the gay and lesbian community present themselves openly, the campus community should do more than provide tacit acceptance. Involve the LGBTQ community in event planning, and policy development. Provide sensitivity training for faculty and staff.
3. Encourage multicultural symposiums with financial support, grants and progress of students’ activities that address intersectionality. This not only encourages student engagement, it educates the campus community.
4. Given the multiplicity of students and staff on campus, potential conflict remains a constant part of the environment. Hiring and maintaining an ombudsman can mitigate the conflict (Hollis, 2016c). Ombuds are trained to be impartial and to catalog trends in different departments. Such data can inform administration and be considered during policy development.

## CONCLUSION

While both race and gender inequalities have evolved over time, it is evident that post-secondary environments have historical issues that continue to have an effect on diverse learner. Regarding gender, women, continue to excel in areas in which men lack. In the area of race Closson (2010); however women regardless of race are locked out executive positions in all sectors. These trends show that higher education still falls short in creating equality opportunity (Hollis, 1998) for all students. In turn, this paper not only calls for need for culturally sensitive teaching, but cultural sensitivity...period. An example of such is the Rooney Rule (Maravent, 2006) applied to the American National Football League (NFL) in which each search for head coach must include a person of color. Such a commitment to diversity is a winning situation for all involved. From another vantage point, the same applies to admissions and hiring; people from different backgrounds bring different and unique contributions to the organization. The recent Fisher (2013) decision may make racial inclusion more difficult, but it does allow for the reasonable justification for considering diversity as part of any institutional mission.

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