

Running Head: AN INSIDER'S PERSPECTIVE

Affirmative Action, Conflict, and the University of Michigan: An Insider's Perspective

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Abstract

Although the legal ramifications of *Grutter* are extremely important for selective institutions, the manner in which the University of Michigan leadership confronted this social conflict has relevance to all sectors of higher education. Knowing what it took for Michigan to win the affirmative action argument is critical to the future of higher education, if leaders wish to achieve greater educational access and equality beyond barriers of race and ethnicity. Grounded in social conflict theory, an analysis of the Michigan case reveals an emergent four phase response model that informs our understanding of institutional responses to conflict phenomena that pertain to issues of race and diversity in higher education. The presentation concludes with a discussion of implications for practice and research.

Affirmative Action, Conflict, and the University of Michigan:

An Insider's Perspective

On June 27, 2003 the United States Supreme Court released the highly anticipated rulings on the University of Michigan (U-M) cases – *Gratz* and *Grutter*. According to the *Grutter* decision, the majority ruled that Michigan's use of race in law school admissions was constitutional and held in *Gratz* that the formulaic use of race in undergraduate admissions was unconstitutional. Overall, the two decisions affirmed the landmark *Bakke* ruling which allowed the consideration of race as one factor among many, as long as certain legal requirements are met. With the *Grutter* and *Gratz* rulings in the public domain, many scholars, activists, policymakers, and education leaders, have examined the rulings to determine how institutions can remain in compliance. However, what can be learned from these cases moves well beyond the confines of the law. Although the legal ramifications of *Gratz* and *Grutter* are extremely important for both private and public, selective institutions, the manner in which the University of Michigan leadership confronted these legal challenges has relevance to all sectors of higher education.

With deciding to defend its race-conscious admissions policies, the University of Michigan leadership not only entered a longstanding political debate, but an on-going struggle pertaining to racial equity and educational access in this country. Since race-conscious admissions policies have served as a means of achieving racially diverse college student cohorts, it was understood that Michigan's response to this social conflict would greatly impact the landscape of American higher education, delineating winners and losers. But more importantly, knowing what it took for Michigan to win the affirmative action argument is critical to the future of higher education if leaders wish to achieve greater educational access and equality across and beyond barriers of race and ethnicity. Hence, the purpose of this case study is to inform our

understanding of institutional responses in the context of social conflict phenomena that pertain to issues of race and diversity in higher education.

Social Conflict Theories and Compliance Studies

Given the major objective of this exploratory study, social conflict theories and affirmative action compliance studies provide the foundation on which this qualitative inquiry was conducted. Since conflict research spans a wide array of disciplines, it is important to provide a guiding definition. According to definitions cited in the literature, the term can denote a struggle, a process, or a situation. For the purposes of this study, social conflict shall be defined as *a process in which two or more social entities intentionally struggle over values and claims to scarce status, power, and resources in which the aims of the parties are to antagonize, neutralize, injure, or eliminate their rivals* (Coser, 1958; Fink, 1968; Oberschall, 1978).

Although the concept lacks a precise definition, theories which attempt to describe the phenomenon continue to provide a means for examining important cases that involve different types of conflict. According to the literature, six phases make up a conflict cycle: 1) sources, 2) causes, 3) mobilization, 4) interaction dynamics, 5) de-escalation, and 6) outcomes (Himes, 1980; Kriesberg, 1998). By assigning game theory, sociological conflict, conceptualizations of conflict responses, and compliance campus studies to specific phases of the conflict process, they provide a means of examining the University of Michigan case.

Game Theory

Game theory is an analytical technique used to determine or clarify a conflict situation, such as war initiation, bargaining, or crisis situations (Boulding, 1962; Harsanyi, 1966; Intriligator, 1982; Nicotera, Rodriguez, Hall, & Jackson, 1995; Rapoport, 1970; Schelling, 1963). The pertinence of game theory with respect to this inquiry is the conceptualization of the

various payoff matrices or sum totals of rewards and penalties resulting from the strategies used (Boulding, 1962; Nicotera et al., 1995; Rapoport, 1970). Given the assumption that all parties involved are aware of their interests, options, and the outcomes of those options, each player is expected to move to a position that maximizes gains and minimizes losses. In zero-sum or constant-sum games, one player's gain is another player's loss. Rewards are merely redistributed (Boulding, 1962). Hence, the payoff is zero, or a constant-sum, regardless of the strategies used. Variable-sum games provide variable payoffs for players, based on the strategies utilized. For positive-sum games there is at least one position in which all parties can be better off. Conversely, negative-sum games have no position in which both parties can be better off. Although it is difficult to apply game theory to real world scenarios, it does provide a framework for examining societal conflicts that are economic or political in nature (Boulding, 1962; Joseph, 1991; Nicotera et al., 1995; Rapoport, 1970).

Social Conflict

Since Marx, conflict theory has always been a major aspect of sociological analysis (Baldrige, 1971; Collins, 1993). While Marx's analysis focused on social conflicts in industrializing England, others, such as Simmel, Coser, and Dahrendorf, have extended the same conflict analysis to modern society (Baldrige, 1971). Given the evolution of the study of social conflict in sociology, four major principles have come to characterize the fundamental basis of the theory.

The first principle is that each limited social resource produces a potential conflict between "those who have it and those who have not" (Collins, 1993, p. 290). Social resources can be conceived to divide into three groups: economic, power, and status or cultural (Himes,

1980; Holton, 1995a). The current distribution of these three scarce resources become the source and eventual goal of the conflict struggle (Bratton, 1997).

The second principle is that conflicts of interest take on the nature of social conflict when groups begin to mobilize to maintain their interests (Collins, 1993). In the process of mobilization, constant contact among members and strong leadership provide a basis to solidify group identity, which subsequently reinforces group interests and cohesiveness (Himes, 1980; Oberschall, 1978). Furthermore, resources, including human, technological, and financial, are mobilized, organized, and used as a means to carry out collective actions against opponents (Collins, 1993; Himes, 1980; Oberschall, 1978).

The third principle is that conflict gives rise to subsequent conflict (Collins, 1993). The basis of this principle is that the "mobilization of interests on one side of a conflict tends to give rise to counter mobilization of the opposing side" (Collins, 1993, p. 292). This counter mobilization occurs as a function of the counter group's ability to galvanize resources (Collins, 1993; Hall, 1995).

The last principle is that conflict diminishes as resources for mobilization become depleted (Collins, 1993). At the depletion point, the conflict deescalates for several reasons, including: 1) needed resources are lacking; 2) group cohesiveness and identity are weakened; and 3) concessions are institutionalized (Collins, 1993). Overall, the four principles detail a causal process whereby each stage is influenced by the stage that precedes it.

Faculty Affirmative Action Compliance Studies

Empirical studies that foreshadowed emergent themes of the present research are faculty affirmative action compliance studies. Although these studies focus on faculty affirmative action, rather than student affirmative action, they reveal response behaviors, along with organizational

contexts, that campus communities have used to address external threats or challenges to their affirmative action policies and procedures.

Hyer (1985) conducted case studies of three institutions that had experienced positive change for women faculty during the 1970s. By examining the implementation of affirmative action for women faculty at three doctoral-granting institutions that were considered successful, one could begin to understand why "affirmative action policies had fallen short of their intended impact" (p. 284). Using a loose framework of four dimensions – leadership, government intervention, coalition group activity, and structural and/or environmental influences – several important cross-site findings were generated.

Similar to Hyer, Hanna (1988) conducted a study on affirmative action for women faculty. She conducted a case study analysis of two institutions, Stanford and the University of California at Berkeley, in order to "determine what changes had occurred over a decade in response to affirmative action considerations" (Hanna, 1988, p. 396). Given her emphasis on organizational context, Hanna (1988) examined five response dimensions: 1) the effectiveness of administrative leadership, 2) the role of faculty liaisons, 3) the influence of external pressure for affirmative action, 4) the limitations of centralized initiatives to affect decentralized judgements, and 5) the cultural context that fosters institutional change (p. 397).

Tobias (1978) also conducted a case study to examine the response of Wesleyan University to government regulation. She found that in order to establish gains for women and minority faculty at Wesleyan, four institutional conditions were needed, including: 1) strong presidential support; 2) a core of minority and women faculty who could develop a supportive and attractive environment; 3) an advocate-strategist in central administration; and 4) exerted pressure from advocacy groups, such as students and alumni. Tobias (1978) added that

institutional forces rather than federal legislation brought about adherence to affirmative action policies.

Several common threads that connect these faculty affirmative action cases are: 1) the role of executive leadership and the context in which that leadership is exercised; 2) coalition building and mobilization of constituent campus groups, including faculty, students, and alumni; 3) the need for liaisons and credible advocates; 4) institutional context in the form of structure, culture, and values are important; and 5) federal regulation has a limited influence, if any.

Although these studies were not framed as conflict studies, they report themes that inform our understanding of social conflict phenomena, including mobilization, interaction dynamics and coalition building.

Research Design

A qualitative case study design was utilized to examine how various members of the University of Michigan community responded to the legal challenges which aimed to eliminate the institution's race-based affirmative action admission policies. Due to the exploratory nature of this study, research questions facilitated case development: How does the University of Michigan case inform our understanding of the social conflict process (guiding research question)? How does an institution respond to a legal challenge to a policy or practice that has been a mark of distinction? How did central administration respond to the anti-affirmative action lawsuits that were filed in October and December of 1997? How did campus constituents react? How did external constituents respond? Who were the major players, and what were their roles? What strategies did they use? How did they interact? What positions did they take with respect to the litigation? Questions were broad to avoid imposing any relationship or directionality

(negative or positive) to any aspect of the phenomenon to allow unanticipated themes or constructs to emerge (Creswell, 1998).

Sampling and Data Collection

Purposive sampling guided my selection of informants. That is, informants who had the potential of providing the greatest information toward case development were selected (Creswell, 1998). Administrators, students, and faculty, either as groups or individuals, were selected based on a combination of three criterion: 1) level of engagement with either the law school or undergraduate lawsuits; 2) level of exhibited behaviors or activities in response to the lawsuits; and 3) the number of public declarations or statements that endorsed or opposed the University of Michigan's admissions policies and practices.

Twenty-six informants participated in the study. Informants included former President, Lee Bollinger; former Law School Dean, Jeffrey Lehman; former Associate Vice President and Deputy General Counsel Elizabeth Barry; and former Provost, Nancy Cantor. These informants, along with others, including the Center of Individual Rights, were critical to providing substantive data that described the interplay between the parties most intimately engaged in crafting and implementing the institution's response strategies from 1997, when the cases were filed, to 2003, when the United States Supreme Court ruled on both cases.

Overall, data were collected over a six year period (1997 to 2003) from four sources: 1) 26 audio-taped interviews of informants – the primary data source collected by 2001; 2) over 100 primary and secondary sources in the form of legal documents, internal reports, memos, electronic messages, web sites, and newspaper articles; 3) participant observations of campus events related to the lawsuits; and 4) the researcher's periodic journaling of reflections and

impressions of interviews and campus events from 1997 to 2002. All interviews were audio-taped and completely transcribed.

Data Analysis and Verification

For the first stage of the analysis, I developed thick, rich case descriptions pertaining to the chronology of events in the case. In the case descriptions, I highlighted the pertinent facts of the case, and described major players, events, interactions, and outcomes related to particular aspects of the case (Creswell, 1998).

Following the initial stage of developing rich case descriptions, open coding was conducted. According to Strauss and Corbin (1990), "open coding is the process of breaking down, examining, comparing, conceptualizing, and categorizing data" (p. 61). During open coding, the interview data and supporting documents were reviewed for "discrete happenings, events, or other instances of phenomena" (p. 61) and categorized under conceptual labels. If conceptual labels seemed to possess similarities, they were grouped into a category and conceptually identified under a label that captured their shared characteristic(s). Categories were analyzed further if they were central to the topic under investigation and/or broached frequently by one or more informants.

During the entire coding process, memoing of relationships and diagramming of categorical relationships were conducted to facilitate data reduction. Coding and data reduction were conducted using, NUD*IST (Non-numerical Unstructured Data Indexing Searching and Theorizing), a qualitative software tool that assisted the researcher in managing transcript data and building conceptual frameworks based on the data.

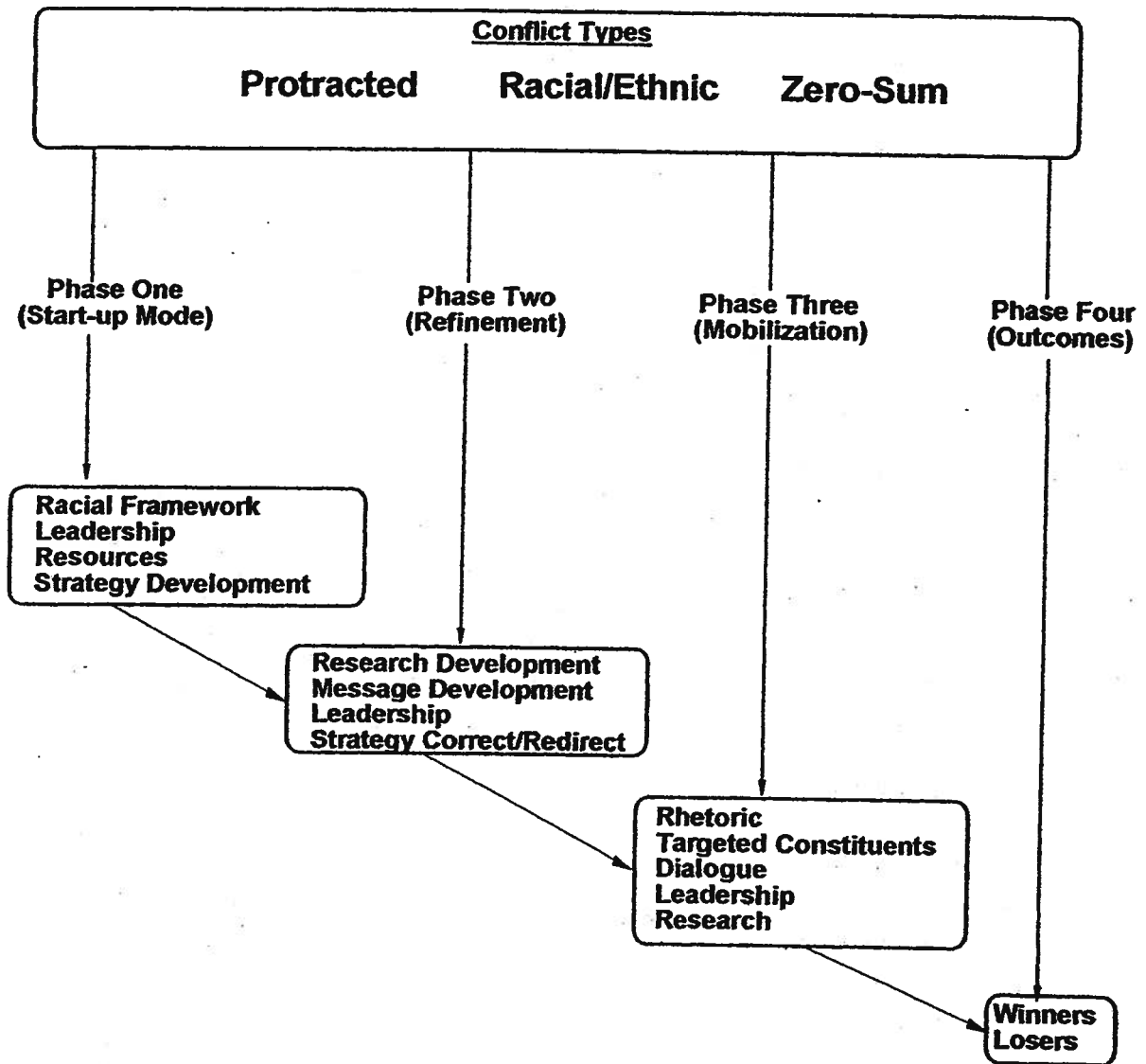
With the completion of case descriptions and open coding, direct interpretation was applied (Creswell, 1998; Stake, 1995). Interpretation involved examining the descriptive narrative and drawing meaning from it according to the social conflict theories and compliance studies discussed above. Interpretation, in this form, required that the data be taken a part and put back together again in more meaningful ways (Creswell, 1998). Categories from open coding aided this interpretive process with the constant comparing of data for conceptual patterns of meaning.

While the data was written into a narrative form to capture the "truth" or accuracy of the accounts described, several verification procedures were followed to ensure credibility and trustworthiness of the study. First, different data sources were used to provide corroborating evidence (triangulation); second, I solicited informants' views of the credibility of the findings and interpretations through sharing rough drafts of findings and conclusions (member checks); furthermore, I provided extensive quotes to allow the reader an opportunity to examine characteristics of the phenomenon and determine the plausibility of the findings (rich, thick description) (Creswell, 1998).

The Conflict Response Process – An Emergent Model

At the outset of this study, the goal was to better understand the nature of the University of Michigan's response to a divisive issue as it engages in a social conflict and policy phenomenon. On the basis of the expressed perspectives of Michigan's executive leaders, an emergent conflict response model was developed (see Figure 1 below). The analysis revealed

Figure 1. The Conflict Response Process



three distinct conflict types – protracted, racial/ethnic, and zero-sum – with four major response phases: start-up, refinement, mobilization, and outcomes. Protracted refers to the length of time needed to allow the lawsuits to move through the judicial system, ending with the U.S. Supreme Court. Since the plaintiffs only challenged the use of race as a factor in admissions decisions and argued to eliminate all consideration of race (*Grutter v. Bollinger*, 2003), this phenomenon may also be characterized as a racial conflict. Lastly, the conflict is automatically placed into a zero-

sum context because the legal rulings determine both winners and losers. As indicated by the length of the bar labeled "conflict types," all three types influence the entire response process.

Startup

Phase one is the start-up phase in which four dimensions are identified: resources, strategy development, leadership, and racial framework. In the start-up phase, resources, such as legal council, technology, and staff, were identified and a comprehensive strategic approach was developed to support the institution's stance. Former President Bollinger spoke to the need to secure quality, legal resources to mount a comprehensive defense:

I ... made the decision to ..., defend our policy fully with as full and complete a legal defense as we could muster. And that meant ... many things. It meant first of all, hiring absolutely first rate ..., lawyers and legal team. And we went to John Payton at Wilmer, Cutler & Pickering and his associates.... And, so that was the first thing, a very significant institutional investment in the quality of legal services.

Furthermore, the leadership role did not rest solely on the president, but on a team of executive leaders. Although former President Lee Bollinger, former President, James Duderstadt, former Law School Dean, Jeffrey Lehman, and former Dean of Admissions at the Law School, Dennis Shields, along with the Board of Regents, were named in either lawsuit, the senior leadership team of the University of Michigan was the hub in which decisions were made to strategically defend the institution and offensively engage in these lawsuits. From 1997 to 2003, many senior level administrators were involved in this process and had various roles, including developing public relations protocol, implementing mobilization strategies, educating the public, and maintaining open, campus dialogues on issues pertaining to the lawsuits. The President's Office, the Office of the Provost, General Counsel, Communications, and the Law School

Dean's Office comprised aspects of this administrative hub that put in place various strategies to address the legal, as well as, social and political dimensions of these cases.

Lastly, but most importantly, a racial framework is identified in the startup phase. Patricia Gurin, Professor of Psychology at the University of Michigan and former Interim Dean of the School of Literature, Science, and the Arts, who provided one of the leading expert witness testimonies, indicated how the issue of race was addressed:

We had to be able to say whatever else is good about various other kinds of diversity, there is something special about race.... That's different from saying that you're [going to] use [race as a] remedy for discrimination as the rationale for the case. Which of course, we didn't, but the intervenors did. But you still, even with our diversity explanation, you still have to make it clear why race is special.... And the other, of course, is that they had to show that race wasn't being used too much; that it was being used in a narrowly tailored way, as one of many factors.

Clearly, the social justice or remedial justification for the use of race and the racial preference or color-blind arguments were rejected by the University of Michigan. However, institutional leaders adopted the diversity rationale and understood that race was needed to make diversity a compelling defense. Adoption of the diversity rationale dictated subsequent responses in later phases.

Refinement

At the initiation of phase two – refinement – four elements became salient: research development, message development, strategy correction/redirection and once again, leadership. Guided by the racial framework, the research agenda was fully developed and empirical studies were launched to develop a research record that explored educational outcomes of racial

diversity. Gurin spoke to this point as well and said, "Michigan is the only place that has tried to develop any evidentiary base on diversity." Former Deputy General Counsel Elizabeth Barry, who was the primary internal lawyer on the cases, noted:

Our view was that, while the *Bakke* case continued to be the law of the land [and] that colleges and universities can consider race in admissions in order to pursue diversity, we simply didn't want to leave it [our defense] at that. We wanted to be able to show the court that that was the right view of the law... which is why we embarked upon creating the record that we have with respect to empirical proof.

During the refinement phase, communication strategies were redirected and/or corrected to achieve a more successful outcome. For example, media relations were handled in the traditional manner, but Barry said,

We recognized early on that [the traditional approach] really wasn't workable in the context of litigationso, we made a decision about a year into the litigation to have a lawyer, mainly me, be the person who handled a lot of the media relations and connections with the legal strategies. That allowed us to be more direct in our approach.

Streamlining media relations with respect to the lawsuits, and changing from a defensive to an offensive approach in the way institutional leaders handled the press, was according to former Dean Lehman of the University of Michigan Law School, "...the key moment..." and "it made a big difference, big difference" (Green, in press). Given the accounts of Lehman and Barry, correcting or redirecting the communication strategy with respect to the media was a critical aspect of the refinement stage.

In addition to adopting new communication strategies, the message was refined and altered for the purpose of constituent and public consumption. Barry indicated that opponents had a "very simple" message "at least on it's face," but Michigan's message was "much more complicated" and was "not reducible to sound bites" in the same manner as the opponents' message, which was a challenge for institutional leaders:

Not a lot of people understand what goes on in college. Not a lot of people understand how admissions are done. So...we have a lot of explaining to do in order to get people to understand our point of view about why this is important....our position is not reducible to sound bites in the way in which our opponent's position is. So getting media, getting journalists to understand, it required a lot of investment of time.

Because the topics of race and admissions processes are perceived as complex and difficult to explain to constituents, again some retooling is needed to better explain the salient issues and interest of the institution. As the research record emerged, University of Michigan leaders were able to support their position with empirical findings drawn from both internal and external studies that indicated racial diversity yields positive educational outcomes. Leadership remained important at this phase because dedication and persistence were essential to withstand the protracted nature of the conflict.

Mobilization

With refinements completed, mobilization is the next phase. At this point, targeting constituents, leadership, dialogue, research, and rhetoric are dimensions that define the mobilization phase. Targeting powerful higher education, political, and corporate leaders, U-M administrators focused their recruitment efforts and sought out prominent constituents who could add credibility and resources to the institution's position. Former President Bollinger explained

that "because many people are suspicious of higher education on this [affirmative action] and other issues," it was strategically important to move beyond the educational sphere. Though securing the support of important political figures, such as former U.S. President and Michigan alum, Gerald Ford, was not a simple task, recruiting key players in corporate American was even more difficult. Though the initiation of formalized dialogue began in 1999, not until the summer of 2000 did Michigan have a breakthrough. The General Motors Corporation (GM) decided to publicly support the University of Michigan and submit an *amicus* brief. Following General Motors' announcement, during the fall of that same year, twenty Fortune 500 Corporations publicly announced their support for the University of Michigan. These companies also filed an *amicus* brief on behalf of the University of Michigan. Former President Bollinger explained how events unfolded:

The next major breakthrough to my mind came through a meeting that I had with Harry Pearce, vice-chairman of General Motors. And I laid out our case and ... our defense, and the importance of both Mr. Pierce and of General Motors speaking out on our behalf. And he had been fully briefed and was fully informed about this....He reached the conclusion that they would support us through an *amicus* brief. And then,...Steelcase helped us to organize other corporations to sign on to this *amicus* brief and that was the genesis of this. And frankly, I had been part of conversations....all through the year prior to this..., with different groups in trying to get... corporations and CEOs to speak collectively to this issue. And we had gotten nowhere is too strong a term, but not very far. It ... was really again, as with President Ford, Harry Pearce's willingness to step forward on behalf of General Motors and to commit ... that major American institution.

Open dialogue between constituents and U-M leadership was important because it exposed myths and misperceptions among constituents. However, open dialogue coupled with informed presentations of empirical research from phase two aided in debunking those myths and misconceptions about race and racial diversity and led to securing important allies.

In the end, supportive constituents were open to the University of Michigan's diversity rationale, but more importantly, they were able to construct and openly articulate their own diversity rationales as they sided with the University of Michigan. Pearce of General Motors referred to the "growing body of research" in a press release to explain why General Motors was supporting the University of Michigan position. Harry J. Pearce, GM vice-chairman, stated:

In doing research on whether GM should involve itself in this lawsuit, we have been impressed with a growing body of research that concludes that college students who experience the most racial and ethnic diversity in classrooms and during interactions on campus become better learners and more effective citizens. Those are exactly the types of persons we want running our global business - - better learners and more effective citizens. ... We call upon others in corporate America who share our concerns to step forward and articulate their position (GM Press Release, 2000).

Lastly, rhetoric had a neutralizing impact on participating parties, such that some messages were heard while others were not. During phase three, polarization was more pronounced. Nonetheless, University of Michigan leaders framed a positive, racial diversity message by forging the connections between democracy, racial diversity, and educational opportunity and access for all, thereby neutralizing, to some degree, the racial preferences camp in order to build a broad-based coalition (Green, in press).

Outcomes

At the conclusion of the conflict process is phase four – outcomes. In the outcomes phase, the zero-sum context determines the winners and losers. Given the racialized nature of this conflict, routinely before each court decision there was speculation as to how the court ruling would determine winners and losers, well beyond the litigants, and how it would impact constituents based on their respective race/ethnicity. Furthermore, educational leaders voiced that institutional losses would result in a less diverse student population and the inability of U-M to address aspects of its institutional mission that speaks to diversity and educational excellence. Former President Lee Bollinger and Former University of Michigan Provost, Nancy Cantor, stated in a Washington Post essay:

CIR seeks to eliminate all consideration of race in college admissions. If it is successful, ... , we will in all probability soon return to a largely segregated system....The country cannot afford to deprive institutions of higher education of the ability to educate generations of young Americans—minority and nonminority—in an environment that enables all to flourish, ..., in a truly integrated society. (Lee & Cantor, 1998)

Since the *Grutter* decision upheld that race may continue be one of many factors taken into consideration in admissions decisions (*Grutter v Bollinger*, 2003), the University of Michigan, as well as other selective institutions in the country, are weighing the ruling against their current policies to accomplish several objectives: 1) compliance with the law, 2) maintenance of a diverse student population and diversity initiatives, and 3) prevention of future lawsuits. As the University of Michigan strives to achieve these objectives, the possible balance of winners and losers is likely to change. For example, though the plaintiffs lost and Michigan won with the “racial diversity” argument, conservative activists are working to overturn this

ruling through pushing a vote on the issue by state (Michigan) referendum or by filing another lawsuit at another institution (citation needed). Furthermore, on the anniversary of *Brown v. Board of Education*, studies show that k-12 schools are more segregated today than before *Brown* (citation needed). Hence, the balance of winners and losers seems to remain in constant flux, keeping the issue of racial equity and inequality at the center of the racial equity and educational access debate.

Discussion and Implications

The story of Michigan's struggle to defend race-conscious admissions policies provides rich data that informs our understanding of different types of conflict, as well as elements of the conflict process. Additionally, this study offers implications for practice and potential agendas for future research that would aid scholars, policymakers, and executive administrators who have an interest in understanding how issues of race, public policy, diversity, leadership, and organizational identity intersect and influence the conflict process in the realm of public higher education.

Implications For Practice

In consideration of implications for practice, there is much to be learned from the University of Michigan case. If administrators and executive officers are seeking to manage conflict scenarios in which the institution is found on the defensive, then the University of Michigan case provides at least three important lessons that concern communicating with constituent groups and planning.

First, a clear message and a strong research record can mobilize allies. Leadership must be persistent in presenting a clear message through different venues to give constituent groups an opportunity to hear the message and review the research that supports the institution's claims.

Having a positive message that is in line with constituents' interests increases the potential for support, but a strong research record may be the necessary key to persuade constituents, political leaders, and other leaders outside of the higher education community.

Second, constantly exposing and sharing the institution's position is a challenge but necessary for combating myths and misinformation. If polarization is likely to occur because articulated perspectives are positioned at opposite ends of the rhetorical spectrum, then counter arguments must operate to neutralize the opposing party's position. In the context of a protracted conflict, because there is a greater chance for the message to be lost or forgotten among the rhetoric, communicating the institution's position must be done often with the media and constituent groups by institutional leadership. ^{more Democratic} Debate, or Persuasion

Third, institutional engagement in a legal conflict that will potentially influence public policy necessitates a comprehensive, multi-pronged strategy. To implement such a comprehensive plan, a management team approach is needed, and the management team should advance the institution's position in multiple arenas, including the courtroom, the media, and communities outside of the local area. The framework demonstrates this comprehensive approach, showing that earlier phases influence later phases of the process, and repeatedly throughout the process, leadership and communication strategies are essential. Ultimately, the model exposes the complexity and multifaceted nature of this phenomenon.

Implications for Future Research

Conflict research in higher education with an organizational and/or macro level focus warrants the attention of scholars in order to inform administrators and policymakers regarding the anatomy of macro-level social conflict in the context in the academy. Findings which emerged from this study point to at least three additional lines of conflict inquiry.

First, replication of the study at different institutions which have encountered similar legal challenges is a useful starting point. As with this study, focusing on their respective campus responses would further the development of a more substantive conflict process framework that is adaptable to the higher education context. Initially, the present model could be tested by conducting similar case studies of other selective, public institutions that survived similar legal challenges and be revised according to the dominant dimensions that emerge.

Second, development of paradigms which specifically address the intersection of leadership, diversity, and conflict management is also another line of inquiry. The case data provided an example of the interplay between leadership, diversity-related conflict, and conflict responses. If the focus changed to incorporate different types of diversity, different conflict scenarios that executive level administrators address, or different conflict scenarios that diversity (multicultural or minority affairs) administrators address, then scholars can gain a greater understanding of how the three constructs interact and influence one another in the higher education context. Furthermore, development of a diversity leadership paradigm will become more useful as institutions continue to address diversity related problems on campuses.

Third, given the richness of the data from the case, and its focus on constituent groups and affirmative action, the same data could potentially be used to examine issues from other theoretical perspectives. For example, the case lends itself to an examination from either critical race theory or a decision-making framework.

Lastly, although earlier affirmative action case studies examined campus reactions, case data was not used to explore dimensions of social conflict from a theoretical perspective. Furthermore, whereas the earlier studies did not propose a conceptual model, this study developed a theoretical framework that could potentially aid higher education leaders and

researchers in the study and management of conflict as it relates to race-conscious public policies in the higher education arena. Therefore, given the study's theoretical emphasis on social conflict, emergent dimensions of conflict types, and conceptual model of the conflict response process, this research is distinctly different from the earlier affirmative action studies and contributes a cohesive theoretical model that can advance the study of higher education's engagement in public policy.

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