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# A Rhetorical Analysis of an American University's Diversity Policy

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# A RHETORICAL ANALYSIS OF AN AMERICAN UNIVERSITY'S DIVERSITY POLICY

by

Adam Faust

Under the Direction of Mary Hocks

## ABSTRACT

This thesis focuses on the guidelines that university governing bodies have adopted in order to regulate the actions of its student population and the factors that influenced their decisions. The evaluation of these guidelines is not a judicial analysis, but an analysis of the rhetorical aspects associated with the guidelines.

The thesis contends that the current rhetoric of diversity on American college campuses, while drafted with the best of intentions, fails due to the limitations that it places on its students, the morality argument in which it draws strength, and the increase in differences, not acceptance, that it creates. The research utilizes specific examples of problems that are a direct result of University diversity policies and how they create a prison like structure in which those attending the University must adhere to the uncontested rules of the authority.

INDEX WORDS: Diversity, Prison, Morality, University diversity policy, Authority

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by

Adam Faust

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

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# CHAPTER 1

## INTRODUCTION

Throughout the American university systems, a common practice can be seen – the creation and enforcement of diversity policies by both the university heads and the university faculty in an effort to create a harmonious campus environment: a campus in which all students are seen by one another as equals. However, while the crafters of these policies may have the best intentions in mind, for many students these intentions may appear to be lost in translation. Students are forced to accept certain elements of diversity, but not given the proper method to truly understand the things that make our student body diverse. This method of forcing diversity allows many key components necessary to implement true acceptance to be lost, and in fact, can hinder the ongoing process of diversity acceptance, which can result in students leaving the university without diversity compassion, but instead repeating the practice of forced pseudo-diversity. The analysis in this thesis will research and discuss how this occurs and the ways that the rhetoric of the diversity policy shapes how it is implemented.

### **Tyler and the Lesson on Diversity**

A few months ago my roommate was babysitting his ten-year-old cousin Tyler (not his real name) for the weekend while the boy's parents were out of town. I'd never met Tyler and I'm not used to having kids around, so I was trying to do my best to fill the awkward moments we had to spend alone with idle chit-chat about school, sports, and video games. I expected his answers to the school-related questions to be about gym class, recess, or how he hates homework—all the things that I thought about when I

was a ten-year-old. Surprisingly, his frustration with school wasn't related to complications with deciphering fractions, it was about diversity.

Tyler and his classmates were instructed to sit on the floor in the back of the classroom and quietly wait for the teacher until she finished with her daily preparation. The area that the students were instructed to sit in was barely large enough to accommodate all of them so Tyler told his classmates to sit Indian style in order to squeeze into the cramped area. The teacher overheard his instruction, and angrily asked him to repeat what he had just said. Thinking that his teacher's anger spawned from his failure to comply with her instruction to be silent, he reluctantly, in an apologetic tone, restated his comment. The teacher then proceeded to chastise him for his insensitive comment and ordered him to report to the principle's office. As punishment for his remark the principle denied him one recess session, and called his parents to inform them of his rude behavior.

Understandably, Tyler didn't comprehend why he received such harsh punishment for what he believed was an innocent comment. His instruction to sit Indian style wasn't a malicious remark in order to embarrass anyone, it was said in order to comply with the teacher's instructions and make his classmates, friends, as comfortable as possible. Instead of being rewarded for his efforts to aid all of his fellow class mates through his *actions*, he was scolded and publicly humiliated because of the *words* he chose to use in his instructions. Shouldn't the act of helping or wanting to help others around you, especially when your invitation is inclusive to all persons, be rewarded regardless of the way you phrase your advice? I understand that stating to sit Indian style may be perceived as culturally insensitive, but does a ten-year-old understand

this? And, shouldn't have Tyler's teacher acknowledged his good deed, while explaining rationally why next time he should choose a different phrase? It shocks me that Tyler's teacher chose to teach him that his comment was inappropriate through such harsh punishment when his intentions demonstrated a desire to help his classmates.

### **The Moral of the Story**

The harsh punishment that Tyler received sparked my curiosity as to why the teacher felt justified in her actions. I speculate the teacher believed her actions justifiable because her intent was to eliminate prejudice and promote cultural understanding in her classroom; however, I'm concerned her methods for initiating change defeated her goals. This concern sparked a desire to research the preceding events in her life that led her to the conclusion that it's acceptable to educate through force rather than through compassion and understanding.

I quickly recognized that my desire to research one teacher's life history cannot accurately represent society as a whole because of the plethora of other factors that could have potentially led her to act as she did, and an investigation of such small scope would prove fruitless; therefore, I decided to investigate the location where teaching professionals acquire the knowledge pertinent to the instruction of America's youth—the college campus. The college campus not only provides teachers with academic knowledge necessary for teaching, but it also serves as an “expression, projection, and extension of our personal attitudes” (Dewey 227). As Dewey suggests, and many of us have experienced, our time spent in college drastically shaped our thoughts, beliefs, and values. However, if the pedagogy that the university environment

is built around is flawed, then our experiences too could have foundations that are also flawed. As Paulo Freire, states, "...human activity consists of action and reflection...Human activity is theory and practice; it is reflection and action (125). Freire's words point to a key issue that is the result of an environment of flawed pedagogy. If the diversity policy's pedagogy is in fact flawed, then so must the policy itself be flawed. Students, then, are educated under this umbrella of diversity that is lacking true substance, yet these are the guidelines that they have learned and many have accepted as the correct way to promote diversity. As part of the activity of their daily lives once outside of the university, students must reflect back on the policies instilled in them during their education, and then act either in accordance with these policies or against them. If the policies themselves were not properly architected and executed, pulling from the lessons of these policies can result in actions that, while meant with good intention, do not aid in creating diversity.

Additionally, in order for a policy to oversee human activity, in this case acceptance, the policy and further more the policy makers must reflect on why the policy was founded, what it was meant to achieve, the goals it has met, and even more importantly the goals it is not meeting or even the problems that it is creating, and then take action to correct any issues or enhance the positives. Tyler's teacher reacted in an opposite manner, by acting first on only the words that Tyler used, but not reflecting on the overall result he was trying to achieve. Had she reflected first, as Freire suggests, she may have realized that Tyler's action showed that he wanted to aid others and create a comfortable environment for all his fellow students. Instead, Tyler now has a memory that he will later reflect on, in which his desire to help others was punished

because of his language. This has the potential to cause him to simply avoid situations where he has the opportunity to aid others around him for fear that his approach may be wrong. So, it becomes this fear that prevents Tyler from saying or doing anything, and this lack of action is masked as diversity harmony – the lack of reflection and action becomes the driving factor behind how the lesson Tyler learned creates a perceived air of diversity acceptance. Thus, the diversity that is learned is not based on acceptance, though this is what diversity policies mean to create, but rather on fear of saying the wrong thing, and where no one is able to speak freely, no one is able to understand the views of another – no reflection can occur. Understanding this relationship between a necessity of human activity and how the flawed pedagogy of the university diversity policy stifles this key part of understanding the environment and others around us, I began to understand the perceptions that Tyler’s teacher formed about diversity and the reasons that might have led to her harsh reaction to Tyler’s comment.

### **Purpose of Research**

The complexity of an American college campus forces me to narrow the area in which I search for an answer to my question of why Tyler’s teacher felt justified in her actions. I speak of campus complexity in terms of the wide range of activities and influences that potentially impact the opinions and values that students form while attending college. The impossibility of locating one particular influence in the midst of the whirlwind of complexity at an American university, and the possibility for unwarranted finger-pointing toward a particular individual led me to the governing body of college campuses. My research focused on the guidelines that these bodies have adopted in order to regulate the actions of its student population and the factors that

influenced their decisions. The evaluation of these guidelines is not a judicial analysis, but an analysis of the rhetorical aspects associated with the guidelines. This means I will first take a closer look at the language of the diversity policies and how the language used is an intentional decision aimed for specific affects. Further, I will investigate the way these diversity policies are applied to show the connection between poor rhetoric in the craftsmanship of the policy and the policy ultimately falling short of its goals.

My intention is to find information that will illustrate that the current rhetoric of diversity on American college campuses, while drafted with the best of intentions, fails due to the limitations that it places on its students, the morality argument in which it draws strength, and the increase in differences, not acceptance, that it creates. My research will lead to an analysis that will contend that the rhetoric of diversity eliminates any freedom of expression that contradicts it thereby defying the goal that it seeks to achieve – the acceptance of ideas from all spectrums.

Further, my research will utilize specific examples of problems that are a direct result of University diversity policies. It will show the way in which diversity policies founded on flawed pedagogy create a prison like structure in which those attending the University must adhere to the uncontested rules of the authority, in this case the governing University bylaws and policies. Finally, my research will show how all persons under these faulty systems are forced to be pseudo-equals by hiding the diversity of the groups rather than embracing it in a real way.

### **Suggested Contribution to Knowledge**

The resulting essay from my research will aim to demonstrate that the rhetoric of diversity is equally as stifling as the rhetoric of oppression and that both wish to force

control because they demand compliance through force or fear and not willing acceptance. Further, neither truly achieves their goal because they do not examine the subjects they wish to change, but rather determine the environment they want to create and impose rules which they determine will leave no other choice but to the creation of the environment which was being sought after. The benefit to this demonstration will, hopefully, serve as an eye-opener for the policy makers and those who are required to follow the policies; the policies are flawed and need restructuring to better serve their intended purpose—free expression of ideas and overall harmony. My hope is that my argument can serve as a catalyst for change in the way diversity policies are drafted and enforced. My ultimate goal is to offer suggestions as to how we, society, may overcome our obstacles to work together to create a more conscientious campus with something as seemingly simple as appropriate rhetoric.

## CHAPTER 2

### DEFINING DIVERSITY AND ITS GOALS

The term diversity is sometimes perceived as a controversial, uncomfortable and troublesome word. The term sparks controversy amidst many groups, but often the term is misunderstood because it is used with ambiguous meaning. For example, is diversity referring to a mix of African-American and White-Americans, a mix of males and females, a mix of Christians and Muslims, or something else? The answer, it appears, is that diversity can refer to all those examples and more, and that the meaning of diversity can vary not only by the group it is being applied to but also by the user that is applying it. The ambiguity depends on the context, in which it is used, or the individual or organization's demographics, i.e. ideological beliefs, social influences, and even the geographic area. The term diversity may evoke concerns regarding race, gender, religion, or sexual orientation depending on these characteristics. Typically, diversity is thought of as "mixing" people with differing cultural, racial, and ethnic backgrounds in a single environment. Diversity in this essay extends beyond blending people, but refers to willing acceptance of all people regardless of any differentiating characteristic. This viewpoint is not a new definition; however, the very nature of diversity is not a "traditional," "familiar" (Aleman 14) belief, and contributes to the controversy associated with it.

After all, interactions with anything unfamiliar force people to question long-held beliefs, and the fear of an unidentified goal adds to the fuel of the controversial fire surrounding diversity. The re-evaluation of long-held beliefs has now become a ubiquitous part of academic life, and in recent years diversity has transitioned from a

term regarded as idealist into a defining principle that shapes policy and governs individuals' actions on college campuses across the United States.

Universities devised strict diversity policies in order to define the goals they hoped to accomplish through diversity, and achieve their goal of community growth. In *Diversity on Campus* Arthur Levine defines the goal of diversity on college campuses as one that aims "to legitimize both the intellectual and emotional aspects of diverse cultures in academic and campus life in teaching, research, and service [, thereby achieving] equity among diverse cultures and a symbiosis among them" (334). The symbiosis enables the college "community" to advance through each individual's growth. The belief is if the quality of life improves for one student, then it will improve for another, and eventually improve the entire community. This snowball effect results from improved morale and self-esteem that the students gain from the harmonious atmosphere around campus.

The country's university campuses recognize that in order to provide their students with the best possible education the campus environment must provide stability, support, and encouragement to all students regardless of race, color, religion, or sex. In addition, universities understand "the diverse gifts that individuals bring to groups are [ . . . ] favorable because they expand the capacities for individual growth, and consequently, the continued growth of the community itself" (Aleman 11).

Ultimately, it can be concluded that diversity, when used as a doctrine, is defined as an idea that aims to breed acceptance for all people from any different group, be it race, sex, religion, socioeconomic level, or any other characteristic that can be seen as a way to segregate one group from another. The goals of diversity are to harmonize

these different groups so that everyone feels as though they are an important part of the whole, an invaluable part of the community, and that no one is outside of that communal group, and diversity strives to achieve this by using the ideals detailed above – with the fundamental principle that if life improves for one, it improves for all.

### **A Closer Look at the Rhetoric of University Diversity Policies**

In order to determine where the rhetoric of the diversity policy falls short, we must first take a closer look at the language of the diversity policies commonly found on college campuses. While I have looked at several differing policies from campuses across the country, I have chosen three to examine more closely, as I have found these to be a fair representation of the many other policies I have reviewed. These policies are those of the University of Georgia, Kansas State University, and Georgia State University.

Looking first at the University of Georgia, one can see that the University of Georgia defines the acts that will be considered discriminatory harassment as follows:

Unwelcome verbal or physical conduct which is directed at a person because of their race, color, religion, national origin, sex, sexual orientation, age, veteran status, or disability, when:

1. Such conduct has the purpose or effect of unreasonably interfering with the individual's work or educational performance;
2. Such conduct creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment; or

3. Such conduct unreasonably interferes with one's ability to participate in or benefit from an educational program or activity (UGA, Non-Discrimination and Anti-Harassment Policy).

In this definition, it is important to look closely at the language that the definition uses to show what exactly discriminatory harassment is. First, the language contains limits in some instances but not others. For example, it lists specific criteria that must be the subject of the "unwelcome verbal or physical conduct." This begs the question, how can this diversity policy be effective if within its own language it is limiting those persons that can be subject to discrimination. In effect, the way the language is used in this definition creates already an instance of discrimination toward those who are diverse for other reasons, such as class or physical appearance.

Looking further into the policy, one can see that the language of the definition also points to the vagueness of what constitutes discrimination. Both the first and second sub points define these discriminatory acts as action with purpose or actions that create a certain type of result. This is a clear correlation to the reaction of Tyler's teacher. Tyler obviously did not have the purpose of creating a situation of discriminatory harassment, but to his teacher, that is the environment that his comment created. Are we then meant to believe that we can harass another without the intention of doing so? If this is the case, even the most conscientious minded diversity advocate could unknowingly be at risk of inflicting discriminatory harassment upon another.

Finally, the characterizing factor that the policy uses to determine whether discriminatory harassment has occurred is whether the student's ability to benefit from the educational program has been hindered. This again is an instance where the

language of the policy is creating limits. The protection of the policy, one could infer from this definition, only extends to cases where the harassment is so severe that the student is unable to continue participating in the academic program. How, then, can this policy create diversity acceptance, if there is a gray area for lesser acts of discrimination? The danger is that students may take this to mean that discrimination has only occurred if the effects are so severe that the victim of the harassment is having their quality of life hindered, when in fact, discrimination can occur in small ways as well, and for true diversity acceptance to exist, even the smallest of discriminations would have to be eliminated.

At Kansas State University, the diversity policy shares many similarities, while also containing some very marked differences in the overall tone. For example:

We affirm the value of human diversity for community. We confront and reject all forms of prejudice and discrimination, including those based on race, ethnicity, gender, age, disability, sexual orientation, religious or political beliefs, economic status, or any other differences that have led to misunderstandings, hostility, and injustice (Kansas State).

We see here that the Kansas diversity policy shares the same limiting language as the University of Georgia policy; however, the manners in which the ideas of the policy are presented are markedly different. In this policy, the authors have chosen an approach of using action words such as affirm, confront, and reject. This tactic of language presents an air of power in the policy, affirming the authority of the university, while at the same time introducing the need for the policy in a way that is positive and portrays it as something that is a benefit to the community. This way of presenting the policy uses

language to immediately present the policy as something that the community and further the university must have. It relates the “affirming the value of human diversity” to “confronting and rejecting...prejudice,” making them connect in a way that alludes to one not being possible without the other.

Also within the language of this policy is the use of words with negative connotation – “confront and reject.” Discrimination is portrayed by these words as something that is always the result of wrong acts, something that has to be dealt with and rejected. There is no inclusion of the idea that sometimes discrimination can be the result of a lack of education. There is no sense of compassion, yet the message of diversity policies is compassion and understanding towards those different from one’s self. This is again a way in which the language of the policy conflicts with the essence of what it is meant to achieve.

Both these policies show that while the language may be presented differently, the policies contain similar ideas and similar contradictions. However, to fully understand the dimensions of the diversity policy in my goal of analyzing its development and enforcement, I am selecting a university diversity policy with which I am the most familiar, Georgia State University, as the focus of my deeper analysis and the definition of a diversity policy for the purposes of this thesis. I feel that because of the similarities of GSU’s policy to the other seen above, my finding can extend to all other diversity policies sharing the same commonalties and internal conflicts seen above.

The GSU diversity policy states:

Georgia State University strongly supports the First Amendment rights of the United States Constitution of all individuals to freely express their opinions and ideas. This policy is intended to clarify the point at which protected free expression ends and prohibited discriminatory harassment begins. Thus, each alleged policy violation will be reviewed on a case-by-case basis acknowledging that free expression is an important and essential component of the academic community, but with the right to freely express one's ideas comes the responsibility to avoid unlawful discriminatory treatment. (Student Code of Conduct).

In this policy, one can see a new characteristic of language emerge. The use of the word "clarify" points to the idea that the university is taking on the role of moderator. This is a more neutral unassuming approach than that of Kansas State; however, with this neutrality comes more ambiguity. From this we can see that GSU's diversity policy can be defined as a doctrine that takes on the responsibility, "to clarify the point at which protected free expression ends and prohibited discriminatory harassment begins" (Student Code of Conduct) with the goal then being that no one is subject to treatment that isolates or targets them based on their differences. This open ended language allows the policy to give the appearance of encompassing any event that can be considered discrimination but the continuing language reflects the limitations seen in the other policies.

The University's diversity policy focuses in on three areas: discrimination, discriminatory harassment, and sexual harassment. The university defines discrimination as "unfair or unequal treatment of an individual based on race, color,

religion, national origin, age, disability, veteran status, sex, or sexual orientation”

(Student Code of Conduct and Policies). Discriminatory harassment is defined as:

Speech or other expression (words, pictures, or symbols) [. . .] if it constitutes fighting words and is also sufficiently severe, pervasive, or persistent so as to interfere, limit or deny one’s ability to participate in or benefit from an educational program. “Fighting words” may include, but are not limited to, words, pictures or symbols that:

- a. are directed to an individual or individuals based upon that person's race, color, religion, national origin, age, disability, veteran status, sex or sexual orientation; and
- b. tend to threaten violence, incite an immediate breach of the peace or provoke a violent response. In the context of discriminatory harassment, “fighting words” are those which are commonly understood to convey direct and visceral hatred or contempt for human beings (Student Code of Conduct and Policies).

We see in these sections the similarities from before in the language in the previously referenced policies. The characterization of categories that are subject of discrimination, the reference to only extreme scenarios of discrimination, and here words like threaten and hatred are used, again words with extreme negative connotation that overlook that the lack of education or knowledge in creating situations of anti-diversity.

GSU also provides strict punishment for failing to comply with the Code of Conduct ranging from a fraternity's loss of its charter to expulsion of a student from campus. The former was seen when the Pi Kappa Alpha University chapter lost their charter from April 2004 to the end of fall semester 2004 for dress in black face which, "the Committee believed that Pi Kappa Alpha members appearing in "black face" amounted to fighting words as defined in Section 5.2 of the Student Code of Conduct" (Student Organization Hearing). In the Pi Kappa Alpha case, students dressed in "black face" as part of their costumes for a hip-hop themed party were deemed to have committed discriminatory harassment and were punished by the loss of their charter. Only two students had performed the act that was deemed as "fighting words," yet the entire fraternity was punished, as it was determined by the committee that there were multiple parties at fault:

The Committee also believed that given the party's hip-hop theme, the fraternity leadership (or advisor) should have made sure that its members understood the difference between appropriate costumes and crude or offensive costumes and that the failure to do so resulted in members appearing in black face at the party. The Committee further concluded that by allowing its members to attend the party in black face, Pi Kappa Alpha was also in violation of Section 13.10 of the Student Code of Conduct (Student Organization Hearing Results).

Along with defining University diversity policies and recognizing their goals, the method of enforcement can be identified as well. It is a policy that is enforced by the threat of harsh punishment where any opposition to the policy's definition of free speech

will be addressed through the means of any and all punishment available. This is evident in the Pi Kappa Alpha case. Whether the students were intentionally attempting to make a racial statement or if they were simply trying to dress in an original costume to get attention at the party, their actions were deemed to be outside of what the University considered “acceptable” free speech, and they were severely punished.

### **A Failed University Model**

Obviously, the diversity goals universities strive toward are commendable, and the policies they’ve implemented to reach these goals appear perfectly legitimate; however, upon close scrutiny one can easily find fault in the value system that led to the policies’ creation. The modern American university model directly correlates to the Germanic University model—a model that ultimately proved ineffective.

The hallmark of the German university was academic freedom for teachers and students—the ideal that American universities pride themselves on today; however, the American university system altered this view of academic freedom. Academic freedom was thought to extend only to the teacher and not the student: “Academic freedom in this sense comprises three elements: freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extra-mural utterance and action” (Hofstadter and Smith 861). According to this definition, teachers are granted the freedom to devote their research to topics they deem valuable and in turn have the freedom to pass these values onto their students.

In essence, the American professor’s curriculum was the vehicle through which institutions could “cultivate prescribed publicity” (Aleman 6). The prescribed publicity intended to shape and mold young men’s minds for the greater good of the community.

The mission of the university was “characterized by the centrality of mind and the privileging of reason, the primacy of the individual, and the concern for axiomatic morality” (Aleman 6). Universities established these three characteristics with the intention of cultivating students to enhance the democratic and social process of the United States.

Unfortunately, the mission fell short of the universities’ objective because the three defining points were easily shifted depending on the value system of the individuals who devised the plan to accomplish the mission, and with this, “Education thus becomes an act of depositing, in which the students are the depositories and the teacher is the depositor” (Freire, 72).

Additionally, it wasn’t long until this prescribed publicity was removed from the hands of teachers. This can be seen in the formation of Georgia State University as part of the university system. GSU was formed as a small evening school by members of Georgia Tech; however, in 1930:

When the reorganization of state government created a Board of Regents to govern the University System of Georgia, the Regents decided that the Georgia Tech Evening School of Commerce should be an independent college in the new System (History of the University).

This decision by the Board of Regents is, of course, seen as beneficial to the development of GSU as a growing university; however, coming under the umbrella of the Board of Regents also means coming under the governance of the state government’s policies and procedures, including practices regarding diversity. As seen in the mission statement of the Georgia Board of Regents:

Each institution in the University System of Georgia will be characterized by:

- A supportive campus climate, leadership and development opportunities, and necessary services and facilities to meet the needs of students, faculty, and staff;
- Cultural, ethnic, racial, and gender diversity in the faculty, staff, and student body, supported by practices and programs that embody the ideals of an open, democratic, and global society...(Vision, Mission, Goals Statement)

Because GSU is part of the University System of Georgia, they must be in compliance with the Board of Regents, which means that teachers do not have the only say in what is the best method to present ideas and information to students – a state government organization has a hand in determining how and what information is delivered to students.

Additionally, we see government's role in determining how policy is formed and enforced through the form of government funding. According to the Board of Regents of the University System of Georgia's Annual Financial Reports, reported as of June 2007, the Georgia Universities system received state appropriations in the amount of \$1,933,295,452 (5). To receive funding from the government, a university must adhere to certain stipulations set forth by the state, federal, or local governments. These governments that provide the funding then have the authority to force universities to implement and abide by policies that govern the way teachers teach and students learn,

or the university risks losing the funding of which they have grown accustomed to and depend on to educate American youth and produce a talented work force.

The government requires universities to implement and abide by policies that govern the way teachers teach and students learn so that the practices are in compliance with all of the relevant laws regarding diversity. The issue is that the university's ideas about how to be in compliance do not always meet their goals, and when the right method is not applied the diversity perspectives that the differences of students and faculty can create are stifled. Further, this system goes unchecked because "...the oppressed, who have adapted to the structure of domination in which they are immersed, have become resigned to it, are inhibited from waging the struggle for freedom so long as they feel incapable of running the risks required" (Freire 47). Both the faculty that fears loss of funding or employment and the students who fear punishment from the school system are detoured from seeking to change the way the system is designed. This cycle of restriction will continue on unless universities are able to govern themselves, presenting ideas in a way best suited for their student body, regardless if they may or may not be in compliance with government perceptions of the best approach to policy.

Proof of this can be seen in the 1978 Supreme Court case of the Regents of the University of California v. Bakke. University of California Medical School at Davis, in an attempt to meet the requirement of the law, "reserved sixteen places in each entering class of one hundred for 'qualified' minorities, as part of the university's affirmative action program," and would not allow Allen Bakke to be accepted to the University (Oyez ). The resulting court case determined that Bakke legally could not be excluded

from the school when race was the only requirement that prevented his acceptance. Additionally, in August of 2001, the federal court of appeals panel ruled that the University of Georgia could not give admission preference to non-white students as it was unconstitutional (Firestone). In both cases, the university was attempting to promote diversity to meet the rules of the state and federal governments, but the method for reaching compliance was not applied in the correct way. Both these instances created discrimination rather than aiding in diversity, but the practices went unchecked likely due to the type of environment Freire describes where the parties are afraid to confront the issue.

Authors William A. Kaplin and Barbara A. Lee note that loss of aid is a common “remedy” for legality issues that arise in Universities. “...violations of statutes and administrative agency regulations may lead to the termination of federal or state funding for institutional programs...” (93). The fact that losing funding is one of the first options or results of litigation shows that it is a punishment that the government is imposing on the University and the ability to punish shows the ability to control.

Government aid in establishing a unified system that helps universities stand on their own, rather than a government system that continues to monitor and will only give aid when certain requirements are met, would ultimately prove more effective. A system that governs itself is more in touch with the student body that it represents, and due to this, it would be a more efficient system on all issues, including diversity. Essentially, “if the American college is to marshal the intellectual forces of the next century, it must break with those elements of its character that render it static and

forever defending a reality of its past” (Aleman 20). We must learn from our past, not cling to it with such fervor that we cannot move forward to achieve our goal.

## CHAPTER 3

### **The Banking Concept of Education and the Fallacy of Argument**

To truly see the similarities between the shortfalls of the diversity policy and fundamentals of the oppressive structure, one can examine the banking concept of education as described by Paulo Freire. “In the banking concept of education, knowledge is a gift bestowed by those who consider themselves knowledgeable upon those whom they consider to know nothing” (Freire 72). This theory of education parallels to the actions that Tyler’s teacher demonstrated and how she could have formed these ideas by being in an environment governed by a diversity policy similar to that of GSU. As with the teaching of those imploring the banking system of education, students are made to comply with a policy that has been developed by those who have what the academic authorities considered to be expertise on how to implement effective diversity regulations because students, coming from the harsh un-accepting world, are ignorant to what diversity should be and therefore, must have the diversity policy to guide them through this area of the unknown.

The fallacies in using this logic to mold the diversity policy is that the voices of the students, who the policy is intended to mold and shape, are not a consideration in the formation and constant change that is needed in creating the policies, as is evident in the language of the policies. This is a contradiction to what the policy is trying to achieve. How can the students, which compose the diversity of the campus, the living breathing changing organism that is the reason diversity exists on the campus, not be an active participant in molding, changing, and enforcing the policy? The policy itself does not begin by allowing the diversity of the student population to come together in

the act of forming the guidelines that should exist, and in this way the policy overlooks diversity and makes the student population one being, rather than many. The voice of the diverse is silenced and made to adhere to the way diversity is defined on paper by the university. There is no other option than what the university deems rule. “The teacher [university governing body] presents himself to his students as their necessary opposite; by considering their ignorance absolute, he justifies his own existence” (Freire 72), as with the diversity policy – the diversity policies finds its need in the fact that students, who are ignorant of diversity acceptance, need the rules that it upholds, as they could not create diversity acceptance without it.

The fallacies of the banking education system become evident in the many ways that they are manifested in the educator-student relationship, and these fallacies of argument are shared with the way the diversity policy is being constructed and enforced:

...the banking education maintains and even stimulates the contradiction through the following attitudes and practices, which mirror oppressive society as a whole:

- (a) the teacher teaches and the students are taught;
- (b) the teacher knows everything and the students know nothing
- (c) the teacher thinks and the students are thought about;
- (d) the teacher talks and the students listen – meekly;
- (e) the teacher disciplines and the students are disciplined
- (f) the teacher chooses and enforces his choice, and the students comply;

- (g) the teacher acts and the students have the illusion of acting through the actions of the teacher;
- (h) the teacher chooses the program content, and the students (who were not consulted) adapt to it;
- (i) the teacher confuses the authority of the knowledge with his or her own professional authority, which she and he sets in opposition to the freedom of the students;
- (j) the teacher is the Subject of the learning process, while the pupils are mere objects (Freire 73).

All of these concepts are seen in the rhetoric of the diversity policy. The policy is right and students must adhere, as is seen in the language appointing the university as moderator. There is not a relationship between the students and the policy by which the students can become the teaching vehicle to show where change is needed to make the policy more than just rigid rules to enforce, shown by the inclusion of specific groups rather than all the varying groups that emerge when a group consists of many different persons. There is only the belief that since all students are unknowledgeable on how to accept diversity and the issues surrounding diversity that they cannot contribute to the harmony of campus life unless it is through being forced into a mold created by the failing diversity policies; they are not given the opportunity to reflect and act, but only told how to act. Students cannot claim their unique and diverse identities because doing so would set them apart, and the diversity policies wish to make the entire student body one solid unit without differences and variances.

The only hope to change this lies in resolving the contradiction that students cannot teach the teachers. “Education must begin with the solution of the teacher-student contradiction, by reconciling the poles of the contradiction so they both are simultaneously teachers and students” (Freire 72). In the university system, and further the diversity policy concept, the idea is that all views are accepted and considered; however, this is not the case, only the university authorities’ ideas are accepted, not those of its diverse student population. That population must accept and adhere to the ideas set before them in the university rules, rules that were neither created in part by them, or with their specific needs in mind. Instead they are rules that were created to maintain a peaceful, if only on the surface, view of the college day-to-day, an environment where diversity is accepted because everyone’s unique differences are muted into one like surface value then imposed on the university community through events such as diversity fairs and training. The policy states that it “is intended to clarify the point at which protected free expression ends and prohibited discriminatory harassment begins,” but there is no clear reference to how to accomplish this, and the efforts that are put forth would appear to seek to do this by blurring the lines on what makes certain groups diverse.

### **Diversity Policy Shaped through Morality**

Diversity’s transition occurred from an idealist term into a concept nearly every university strived for, in part, because college campuses’ populations no longer comprised only the country’s affluent white-males, they comprised members from all social and economic classes. This population shift occurred due to the advancement in minority rights. This acknowledgment of long over-due rights opened the doors of

universities to students from all walks of life, but the students already behind those doors were less than excited about their new classmates—an attitude that only heightened the already existing controversy.

The controversy was and still is rooted in the bed of strongly held beliefs, fertilized by the values individuals are indoctrinated with in their communities. The values adhered to were/are based on a chosen religion, political affiliation, or social standing—the elements that function to shape and support an individual’s morality. These three elements are the most controversial topics associated with human interaction, and the reason why achieving harmonious diversity is so problematic. Integrating diverse populations into the “common college culture meant a color-blind attitude and conferring upon diverse students those values consistent with the normative culture,” (Aleman 8) but no one bothered to define what the normative culture was.

The initial implementation of diversity programs intended to “blend” campuses with “quotas” of racially diverse groups. These programs naively anticipated the integration to end, or at least weaken the hatred amongst differing groups on campus. Janet Casey notes the problem with this approach in her essay “Diversity, Discourse, and the Working-Class Student:” “Yet counting such students, or even creating resources designed to help them succeed in college, accomplishes little in the way of interrogating the fundamental ideas that drive the mandate for diversity” (34). This inclusionary plan assumed that the students would recognize diversity as a way to “welcome the unfamiliar and different as occasions to edify and enlighten the conditions of [their] experiential ignorance” (Aleman 14).

The problem with this blending is that it did nothing to change the opinions and values that the individuals held. Simply combining racial groups could never erase the years of enculturation each individual had been subjected to. The enculturation each student received directly influenced his or her outlook and view on life, so how in the world did the policy makers believe that once the groups were integrated that they would adapt the values of the normative culture? Again, diversity leaders assumed that members of the college community would form some sort of “multi-cultural intelligence” on their own that would allow them to see past their differences and recognize their “shared ends;” they are all college students struggling to obtain a diploma in order to better themselves and acquire gainful employment.

The enormous diversity that extended across the campus should have sparked the question: What exactly is the normative culture? And, how do we, as policy makers and diversity advocates, explain to the student population that color-blindness and unquestioning acceptance is now the normative culture? These questions were never posed because the policy makers organized their plan under the impression that logic and reason would prevail: “Reason will enable [them] to understand the connection between familiar and unfamiliar experiences, between accepted knowledge and novel explications; that is reason will enable us to welcome uncertainty and speculation, difference, and modification” (Aleman 19).

The supposition that reason will prevail in the decision to accept uncertainty and difference assumes that diversity’s values are self-evident to anybody with eyes that see and ears that hear. What person could look at segregation, prejudice, and crimes of

hatred and think these things should be valued? It should be blatantly obvious that any action whose sole purpose is to hurt another person is utterly morally reprehensible.

The belief that choice is an option relates to the idea that reason governs the choices made, and in a world where reason is the agent for change diversity policies would certainly work. Reason eliminates the possibility for further discrimination because the principles that govern prejudice are illogical; however, prejudicial arguments are anything but logical, and, unfortunately, the arguments against prejudice are not always logical either. With an issue like prejudice and discrimination, it is easy for the opponent of prejudice to move from a logos argument that is rooted in logic to one that is driven by the authority of the author, ethos, or a pathos argument, one fueled by nothing more than strong emotion. Both pathos and ethos can easily take over when the topic is one that is in so many ways for so many people a person issue or an attack on elements that help to define one's identity; however, to create solid policies that will result in the desired outcome and truly affect change, the rhetoric that those policies are built on must be rooted in logos because emotion and ethics are easily swayed by individual experiences and perception. If non-circular, unflawed logic is used, it has the ability to translate universally to all people.

Thomas Frenzt points out the approach policy makers take is fundamentally flawed in his essay "Rhetorical Conversation, Time, and Moral Action:" "Although public arguments appear in the guise of rationality, at base they derive from premises containing concepts (e.g. human rights and utility) divorced from the moral traditions which originally gave them meaning" (289). The context in which diversity exists is created by society's views of morality. The morality ascribed to creates the need for

diversity policies; the ascribed morality favors the group that has been most mistreated over the group that is more privileged due to ethnicity, class, or any other classification that separates people into groups. If the current social system did not value one group over another there would not be a need for a diversity policy. The policies were created in order to change this current moral system into a system that does not favor one group over another. Diversity policy aims to correct the emotionally charged beliefs that govern the actions which lead to hatred through logical arguments; however, these so-called logical arguments result from the same emotional stance that they desire to counter, and in the case of two emotional arguments, neither can truly be right or wrong since they are not based in logic. Frentz reminds us in both instances, pro-diversity or anti-diversity, the context in which the arguments are made is emotional, not logical despite attempts to prove otherwise:

All rational attempts to justify moral action culminate in some variant of emotivism [...] Emotivism grounds premises for moral action in the desires, preferences, and needs of the individual, values the ahistorical autonomous moral agent who is free to choose his or her moral actions, and views people as means to be manipulated as opposed to ends to be valued (289).

The struggle for both an environment based on oppressive practice and Diversity movements is a moral opposition to others' value systems. "Education as the exercise of domination stimulates the credulity of students, with the ideological intent ... of indoctrinating them to adapt to the world of oppression" (Freire 78). This underlying intention is a direct result to the moral obligation the university system feels to the

outside world to turn out students who are good workers that blend well and mix harmoniously into the diverse working society, and the possibility that anything that could jeopardize that goal creates a moral opposition between the two sides of the scope – student and university.

Students that based on their personal beliefs act outside of the established moral compass that the university creates become opponents of the moral right that the diversity polices wishes to uphold. Diversity as a concept evokes moral issues especially of such issues as religion and sexuality. By upholding one idea of what is right from a diversity standpoint on these moral issues, another side must be wrong, which not only creates a paradox to the diversity polices since one side is not accepted, but also forms an argument that is rooted in moral value, which closely ties it to emotion since the moral values one individual holds can be formed in part by the emotions they feel and relate to certain issues.

These links to morality lead to an authoritarian structure because its leaders claim insight, and a relationship to truth based on that personal, non-empirically verifiable truth which requires submission and acceptance rather than discussion, verification, or intellectual understanding. This is a morality that differs from legality in that legality upholds the safety and basic rights of the individual, while allowing one person to reject the beliefs of another as long as that person does not psychically or in any other way harm the person whose beliefs they reject. Morality, on the other hand, wants to be accepted by all parts as the ultimate answer to right and wrong, and it is morality that aligns with the goal of the diversity polices, in that the diversity policies wants everyone to not only tolerate but accept diversities. But again, the weakness and

contradiction to this moral argument is one party must be wrong in order for both sides to agree.

In order to fully understand this we must remember, “institutions are not living organisms but are the expressions, projections and extensions of our personal attitudes” (Aleman 12). This statement notes that although university leaders strive to create the “best” possible environment for their students they too are a product of enculturation, and are incapable of autonomous decisions, which is the reason they must seek to found the principles behind the diversity policy on what is logical, rather than on an attempt to create a morally harmonious environment.

University Faculty and Administrative members use diversity policies to suit their own needs. For example, Chancellor Denton at the University of California, Santa Cruz arranged the creation of a special billet that was unannounced and closed to all applicants except for her live-in girlfriend of seven years. Chancellor Denton essentially made use of what is commonly referred to as the good-ol’-boy network (nepotism), but she was able to avoid criticism because she is a lesbian—a minority (Hanson). It’s interesting that there wasn’t even one Hispanic, African-American, Asian, or even male applicant who was qualified enough to at least be granted an interview.

Another troubling case involved Robert Birgeneau, Chancellor of the University of California, Berkley. Chancellor Birgeneau immediately decided upon his appointment that his campus was not “diverse” enough—arguing that the University did not have as many Native American, Hispanic, and African-American students as it should. The actual campus population can be seen in Figure 1.1, while the actual population of the state of California can be seen in Figure 1.2. As the charts demonstrate, the University’s

student demographic population almost directly correlates to California's demographic composition. The only group that is slightly under-represented is the Hispanic population, but only by a mere 24 percent.

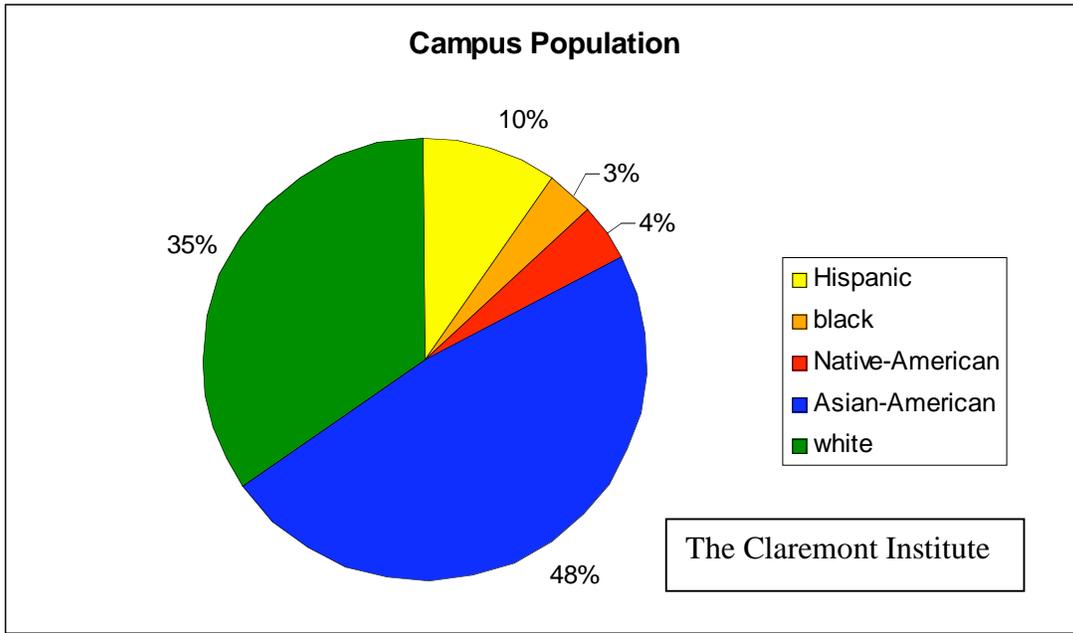


Figure 1.1: Campus Population

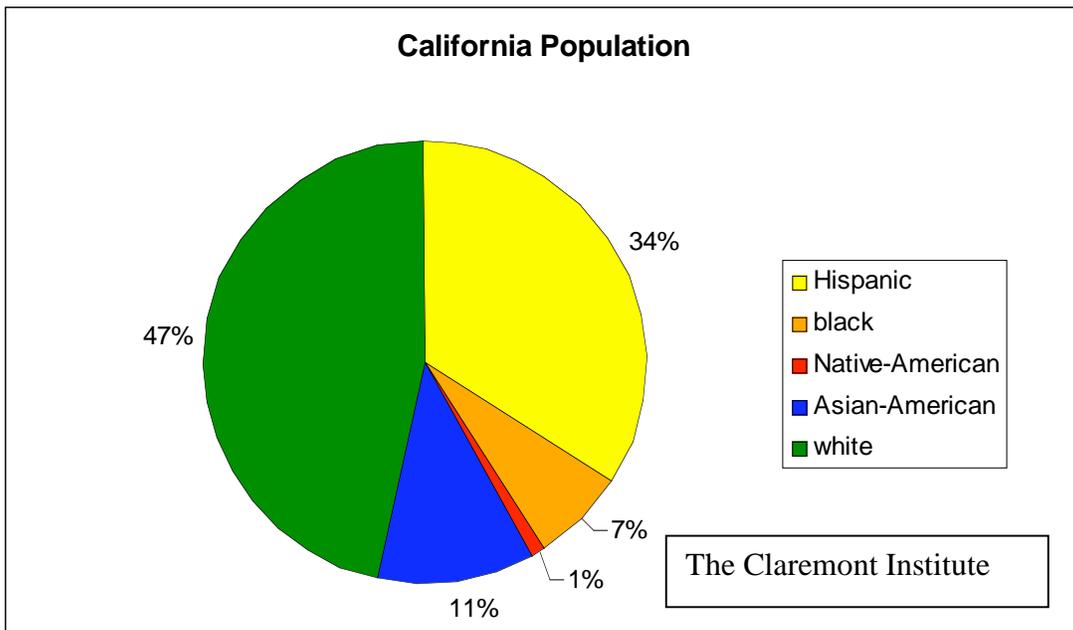


Figure 1.2: California Population

What, if not hard, statistical data was Chancellor Birgeneau basing his assumptions on? As I've previously discussed, I suggest that the Chancellor based his actions on pressures from the community to incorporate diversity simply for the sake of promoting the ideal despite the reality.

Is Chancellor Birgeneau suggesting, then, that the University stop admitting Asian-Americans despite their academic superiority over other candidates because there are too many of them enrolled? I highly doubt it, but this question and many others often occur as a result of the way Administrators and Faculty allow their own enculturation to influence diversity policies. Victor Hanson poignantly describes the corruption associated with diversity: "the one constant is how the rhetoric of "diversity" trumps almost all other considerations—and how race and gender can be manipulated by either the college president or the faculty in ways that have nothing to do with educating America's youth, but everything to do with personal aggrandizement in an increasingly archaic and unexamined enclave" (Profiles in Diversity). In short, diversity in these examples was used in vain to achieve one person's personal agenda but was overlooked, because, as Hanson points out, diversity is not examined in the university system as it needs to be and has become in many ways an untouchable subject. If programs are developed to increase tolerances, they may not be scrutinized in the same way other, non-controversial areas are.

### **Diversity and the Margins**

Typically, diversity aims to remove groups from the margins of society in order to achieve equality, and, quite frequently, considers only race as the factor leading toward marginalization. As I've mentioned before, true diversity seeks to place all members of

society on an equal playing field. This focus on race damages diversity development because it pushes other groups to the margins, which in turn perpetuates the cycle of frustration from both those forced into the margins and those wanting to help eliminate this segregation. For true diversity acceptance to exist, there can be no one that is marginalized. All parties must be equals, yet this does not occur. This is another commonality between the diversity policies and an oppressive environment. To distinguish diversity, one must pinpoint the differences in the group through examination. As Michael Foucault says in *The Foucault Reader*: “The examination...establishes over individuals a visibility through which one differentiates them and judges them. That is why, in all mechanisms of discipline, the examination is highly ritualized” (197). Ritualized in such ways as it is on University campuses where events, such as diversity fairs, seek to put focus on the differences of one group in an effort to force acceptance. Instead of singling out certain groups on certain days or events, why not accurately portray all groups during all days. This not only educates students about different groups, but does so in a way where all are presented together rather than being singled out.

Diversity organizations implore a tactic to teach others how to accept the differences in other people in their diversity education courses, but how can the solution to not viewing others as equals be to further point out all the things that make those others different from one’s self? In her article, “How ‘diversity’ breeds division,” Munira Mirza points out:

Diversity training is supposed to help ‘promote good relations’ between different ethnic groups and capitalize on workforce diversity. However,

there is warranted skepticism about whether such training alleviates tensions or exacerbates them. Much of the content of this training is over-reliant on pop sociology and pseudo-therapeutic techniques [...] Trainers claim to eliminate stereotypes in the workplace [and school campuses], yet in talking about 'different cultural perspectives' they end up generating new and more insidious stereotypes in their stead.

Instead of achieving the harmonious community the diversity strives for, these diversity training and education workshops provide more means for students to identify the differences within their student community. They are presented with more extensive reasons that lead to ways their peers or themselves can be classified as others – defining terms that can create segregation among groups opens the door toward acknowledging those differences.

Communication researchers have developed categories, “personas,” that result when rhetorical discourses are used that will help explain this cycle of frustration. The categories of audiences refer to the indirect effect rhetoric has on groups of people outside of those who directly come in to contact with the speaker’s rhetoric. In the case of diversity rhetoric, diversity advocates attempt to portray diversity as a concept that is as equally appealing as, say, world peace, because it will ensure the safety and success of all people.

While this approach proves effective through social change, the positive effect for one is a negative effect for another. Philip Wander describes these effects in his essay “The Third Persona: An Ideological Turn in Rhetorical Theory.” “The negated effect forms the Third Persona—“the “it” that is not present, that is objectified in a way that

“you” and “I” are not” (370). Often, depending on how the argument is constructed, the “it” becomes undesirable, unacceptable, and insignificant. The Third Persona, therefore, refers to being negated. But being negated includes not only being alienated through language—but also being negated in history, a being whose presence, though relevant to what is said, is negated through silence” (Wander 370). Diversity rhetoric on university campuses creates its own Third Persona—the working-class student.

Janet Casey points out in her essay “Diversity, Discourse, and the Working-Class Student: “When we talk about diversity as something we should value, acquire, or address (or not) in the classroom we collapse distinct categories of difference—ethnic, regional, socioeconomic and so on, but we frequently fail to parse the diversities within diversity.” If we look closely at Georgia State University’s diversity organizations we quickly notice this lack of parsing. The goal of GSU’s policy is “intended to clarify the point at which protected free expression ends and prohibited discriminatory harassment begins” (Student Code of Conduct ). The University’s diversity policy focuses on three areas: discrimination, discriminatory harassment, and sexual harassment. The university defines discrimination as “unfair or unequal treatment of an individual based on race, color, religion, national origin, age, disability, veteran status, sex, or sexual orientation;” discriminatory harassment “as speech or other expression (words, pictures, or symbols) [ . . . ] if it constitutes fighting words and is also sufficiently severe, pervasive, or persistent so as to interfere, limit or deny one’s ability to participate in or benefit from an educational program.

The diversity policy does nothing to specify acceptance of persons based on financial status. It recognizes diversity only as a difference between races, sexual

preferences, and gender; in other words, it excludes large groups that are diverse for other reasons than those recognized by the University. Anytime it elevates differences based on race, sex, and sexual preference to be more significant than those differences within these economic groups there are always groups that still exist that are pushed into the margins.

The glaring problem with diversity is that it discriminates against those outside the ivory towers. The benefits associated with diversity rhetoric do not extend to students outside the university walls, and pushes students from the working-class to the fence line. Even though universities have come a long way in terms of educating all who seek knowledge rather than society's elite, they still maintain that college privileges people in society—not just their monetary worth, but also their worth to the greater good of society. Universities' investment, make no mistake—it's expensive, in the education process/curricula/policy that intended to afford every group of society the opportunity to learn overlooks the very differences of those students who we most need to accommodate, financially challenged students, dare I say poor.

Financial freedom is what kept a college education exclusive to society's elite—the wealthy, white, landowning male. Racial minorities were perceived as inferior, enslaved or severely mistreated, and never given the opportunity to advance. This lack of opportunity prevented them from acquiring a major resource necessary to attend college, money. The advancement in civil liberties in the 20<sup>th</sup> century eliminated, at least legally, the discrimination that prevented minorities from gaining the chance at financial equality—race was no longer the only reason for a lack of education. Other factors

contributed and extended to all people regardless of race, sex, and religion that prevented them from attending college – the biggest of these being economic status.

Students that were unable to attend college before were having financial options opened to them in the name of making Universities more diverse, while students in the middle class that do not fall into what the Universities deem minority categories have less financial opportunities given to them making them the new other category, for example a middle class white student is not given the same financial aid as a middle class Hispanic student that is able to qualify for a minority scholarship – does this not discriminate against the white student and make him an other? Casey explains this difference: “While every minority group may stake a claim to its own specialized needs and concern, I would argue that working-class students stand apart from students in all other minority categories even as they cut across all such categories, precisely because of their fundamentally oblique relationship to the entire enterprise of higher education” (34).

Just as minorities viewed an education as a way to achieve equality in society so do those students who grow up poor. They’ve been told that an education is the solution to your financial problems. With an education you can leave the trailer park, buy a Mercedes and marry a supermodel—educational rhetoric, both at the high school and college levels, has long celebrated college as the way up and out of the working class. Unfortunately, “for the less privileged student, that rhetoric—the rhetoric of the American dream, of achievement, of assimilation—is far more immediately compelling than the diversity rhetoric that purports to value difference, including class based difference” (Casey 34).

Unlike other non-mainstream students, lower-class students are defined as “other” not by those cultural descriptors of race, gender, and sexuality that the academy prides itself on eliminating, but by the “norms of the academy itself.” The universities’ policy destroys the working-class student’s chance for assimilation because it constantly points out his differences by highlighting what he lacks—computer equipment, new books, or the simple ability to buy lunch. The preaching of the American dream caused students to believe that they are better than others simply for being in college, and this attitude surfaces around campus even before degrees are conferred. What our diversity discourses fail to recognize is that traditionally disadvantaged groups do not stand in equal relation to the “enterprise of higher education”, and thus cannot be made “to serve equally the purposes of a diverse academy” (Casey 34)

Unfortunately, even if these students assimilate into the diversity culture the marginalization of these students will move from the college campus into their homes: “Working class students often become alienated from their families in direct proportion to their procurement of new ideas and attitudes, and they are frequently unprepared for the cultural and personal schisms that result” (Casey 35). The diversity policies for these students have not only failed to make their collegiate experience more harmonious but have failed in teaching students to accept the diversity that they will encounter even after their college experience is complete.

Again a marked similarity between the ideologies and tactics used by oppressive rhetoric and the rhetoric and affects of the University diversity policies can be seen. Marginalization is a necessary part of any oppressive environment. “Any situation in which ‘A’ objectively exploits ‘B’ or hinders his and her pursuit of self-affirmation as a

responsible person is one of oppression” (Freire 55). One group must be marginalized for oppression to exist. One group is pushed outside the “elite” and made to be the lesser, undeserving of the groups. The oppressors in any situation must make distinctions between themselves and the objects of their oppression.

For oppressors...it is always the oppressed (whom they obviously never call ‘the oppressed’ but – depending on whether they are fellow countrymen or not – ‘those people’ or ‘the blind and envious masses’ or ‘savages’ or ‘natives’ or ‘subversives’) who are ‘violent’, ‘barbaric’, ‘wicked’, or ‘ferocious’ when they react to the violence of the oppressors (Freire 56).

Oppression simply cannot exist without marginalization, and the diversity policy cannot exist without creating marginalization because to identify diversity one must identify the differences that define the margins.

### **Margins within the University Diversity Organizations**

Just as oppression by definition creates a other, the very nature and logic of diversity rhetoric creates an “other” based on ethnicity. The further complication of this type of marginalization is that it presents a conflict even within itself in that one person can be deemed an other based on ethnicity, yet at the same time be within the margins based on class. University organizations focused on diversity with directives to create more opportunities for minority groups; however, despite the fact that the universities’ directives were implemented based on the best of intentions for these groups, they defeated the goals of diversity because when one group is given opportunities above and beyond that of another, a status of other is created. While in the case of someone

class privileged, yet aided due to ethnicity, those class privileged that are not part of the aided ethnicity become the other since they are closed out based on one part of their identity.

The Office for Underrepresented Faculty at GSU states its goal as, “to support the university's commitment to diversity among its faculty with focus on recruitment and retention of ethnic minority tenure-track faculty,” and defines the group that they are aimed at creating opportunity for as, “ethnic minorities include African Americans, American Indian or Alaskan Natives, Asians, Hispanics, and Native Hawaiian or other Pacific Islanders, and they may be either citizens or permanent residents.” This is obviously exclusive of several ethnic groups, yet this is an organization whose purpose is to support diversity. How can diversity exist simultaneously with exclusion?

When numbers are limited and special provisions are made for one group over another, one group will be negatively impacted. If a set number of students are accepted by a University and provisions are made to ensure a certain percentage falls into one ethnic category, the group that is not part of that required percentage will end up penalized. No matter how qualified the individual may be, if the quota for their ethnic group has been met, they will not be allowed to attend the University. There is no sense of true equality based on the acceptance of diversity when students are labeled by their ethnicity to ensure that very diversity. Those that are qualified to attend a University but cannot because their race category has been filled are marginalized in the same way those who were not allowed to attend Universities because of segregation in schools – they are seen as persons of different color, not as equals. These types of diversity programs do not work because they, “cannot rectify past

wrongs because their beneficiaries are not the victims in any straightforward sense; indeed preferences can only commit new wrongs because the cost-bearers are innocent” (Schuck 35). The further similarities in this marginalization and the policies of oppressive culture are obvious.

### **Enforcement of the Ideologies of Oppression**

To truly see how closely the diversity policy and the ideologies of oppression resemble one another, one must look at the methods in which each are enforced. We have established that the oppressive culture creates an environment where the authority figure of the oppressive environment is right because the oppressed group does not contain the knowledge needed to contribute or the moral fiber needed to be a productive force in the world. However, how does this idea survive without the oppressed realizing their worth or attempting to free themselves from the oppression they live under? The answer to this question is the way in which the oppression is enforced.

One necessary part of enforcing oppression control is to dehumanize the oppressed. “...the more the oppressors control the oppressed, the more they change them into the apparently inanimate ‘things’” (Freire 59). By taking away the basic worth of the oppressed, it removes their ability to feel that they desire anything other than their oppressive environment. Their instinctual ability to strive for something greater is diminished by turning them into objects rather than human beings. They are a group needing to be led by another that without the control of the oppressor would be lost.

A second integral part in enforcing oppression is the consistency in the emphasizing the ideas of the oppressors onto the oppressed, so much in fact that the oppressed begin to take on and live the ideas of their oppressors.

Self-depreciation is another characteristic of the oppressed, which derives from their internalization of the opinion the oppressors hold of them. So often do [the oppressed] hear that they are good for nothing, know nothing, and are incapable of learning anything – that they are sick, lazy, and unproductive – that in the end they become convinced of their own unfitness (Freire 63).

Constant reiteration that a group is unknowing or unworthy of better treatment, better environment, more freedom, etc will eventually resonate so deeply that the oppressed accept this fate with no resistance. This allows the oppressors to dictate the required or acceptable actions to the oppressed – it limits their ability to even make attempts to think or reason outside to the accepted boundaries they have been handed.

### **The Enforcement of Diversity Limits Freedom of Speech**

The University Diversity policy shares with the policies of the oppressive ideology a method of enforcement that stifles the free speech of the students that attend the universities. University diversity policies dictate what speech is considered allowable, and what speech is considered merit for punishment. Diversity policies are, “grounded in the need to foster an atmosphere respectful of and welcome to all persons...But, while we can acknowledge the weight of these concerns and the thoughtfulness of those persuaded of the need for regulation, rules that ban or punish speech based upon its content cannot be justified” (DeGeorge 126).

The most common infringement of free speech is the institution of speech codes throughout college campuses. Speech codes dictate what type of language is deemed unallowable because it is seen as discriminatory or harassment. The issue, however, with speech codes is that they are too restrictive or are too vague.

A statute is overboard if it prohibits a substantial amount of protected speech in its attempt to restrict unprotected speech. A statute or regulation is vague if it does not adequately inform a person what expressive conduct is prohibited and what expressive conduct is allowed, leaving a person to guess as its application. However, in several instances, the Supreme Court has deemed speech codes unconstitutional or too vague to enforce (Hudson).

The overboard speech code obviously demonstrates an infringement on free speech. In the case of the speech codes that are too vague, the implementation of fear takes over. Students become unsure of what they can or cannot say while still remaining within the realm allowed by the speech codes of the university, so they become forced to silence their thought or opinions for fear that they will fall outside of the allowed speech and that they will be punished.

In several cases, the unconstitutionality of speech codes has been recognized by the Supreme Court. For example, at the University of Michigan in 1989:

Several complaints were filed against students under the [University of Michigan] policy. One was filed against a student for stating that Jewish people used the Holocaust to justify Israel's policies toward the Palestinians...A psychology student, identified only as John Doe, challenged the policy. He

argued that discussion of certain controversial theories in his field of biopsychology...might violate the policy. The court agreed that the policy was overboard. 'The Supreme Court has consistently held that statutes punishing speech or conduct solely on the grounds that they are unseemly or offensive are unconstitutionally overbroad,' the court wrote (Hudson).

The right to free speech is one that should not be denied notwithstanding how offensive the language used is. When free speech is denied, students lose their constitutional right to express their feeling and opinions no matter what those opinions maybe. The institution of diversity does not supersede the need for free speech, and students cannot truly be in a harmonious community when they live in fear of punishment for their ideas.

### **A Mainstream Look at Diversity Education**

The lack of effectiveness of the diversity policy enforced by the American education system cannot be ignored when that ineffectiveness becomes so prevalent that it reaches the grasp of mainstream media as a sort of satire – satire that can only be effectively humorous if the audience recognizes the irony and exposition on the real underlying issue that is the punch line of the joke being portrayed. In an episode of the popular Fox cartoon comedy “King of the Hill” that aired on November 25<sup>th</sup>, 2007, Bobby, the middle school attending son of the show’s main character, is confronted with the implementation of diversity education when Dr. Pope comes to Bobby’s school after being sent in by the superintendent to perform a “series of tolerance exercises” that the school must submit or lose their funding since the school has reached 42 percent diversity.

Dr. Pope immediately identifies a severe issue with conflicts that are rooted in the lack of diversity education when he overhears the carnival committee arguing over a split decision of whether to discuss theme or decorations first. He poses a question to the middle-schoolers asking the group that wants to discuss themes first if they would like to solve their issue by sending those with the opposing idea on a vacation. Bobby responds with the agreement of his classmates that the vacation solution would be a “classic win-win.” As Bobby says, “...they get to have a nice trip, and we can go back to working on the carnival.” Dr. Pope quickly informs them that this is the wrong answer fueled by lack of understanding of diversity and that the vacation was really a trip to, among other negative comparisons, a “death camp.” He uses the same method of negative reinforcement to attempt to guilt the students into accepting diversity.

Later in the episode, the student’s lament over their races’ negative contributions and societal short coming, of which they had no part. They are forced to acknowledge diversity of their fellow students by focusing on the negative connotations that go with their own racial history. The satire of the episode is rooted in the same key elements that both the diversity policy and the ideology of the oppression are rooted in – fallacious logic within the rhetoric of the ideas and the marginalization of one group.

Again, as well, one can see Freire’s reference to reflection and action is turned backwards. An action is given that must be met first, and reflection, if any, is on the action that was instructed, not on the actions of the person. The idea portrayed in the episode shows the only way the children can acknowledge diversity properly is through guilt and fear of being racist; to do this they must acknowledge their own race as inferior accompanied by a strong feeling guilt of wrong doing. How then can the logic of the

diversity policy work if it focuses attention on the very thing that it strives to have accepted – the differences that one student has between another – while at the same time showing that it is emotion and sense of morality that is the strongest reason the children have for believing they are at fault and need to change?

Secondly, the group of children becomes outsiders when they abandon the carnival to hold an assembly about diversity. Their forced acceptance of the policies causes them to become outcasts in the eyes of their fellow classmates, not equals. In a comedic way, this spoof of diversity policy enforcement in schools identifies the core problems that exist with this flawed ideology and points to reasons why it fails.

Using the educational system's diversity policy as a source to extract comic value points to the same message that Peter Schuck points to in his book, *Diversity in America: Keeping Government at a Safe Distance*, "As we interact in an increasingly diverse world, we should strive to cultivate in individuals a capacity for greater resilience, not greater delicacy" (213). Breeding an environment of oversensitivity does not equate to an environment of acceptance, but instead creates more conflicts. Both the writers of "King of the Hill" and Schuck show this by pointing to the need for diversity advocates to accept a certain level of understanding that not every politically incorrect comment is due to racism or discrimination, something Tyler could have benefited from had his teacher understood this. Further, the hypersensitivity of the education system that is put on display in this episode is a contradiction to the language of the diversity policy, which we have already seen talks specifically about not allowing extreme acts of hatred, yet as we have also seen in the case of the fraternity party, gives harsh punishment even to the acts that were not derived from hatred.

## **The Failure of Diversity Policies in Creating Diversity**

The marginalization that is caused by the diversity policy is directly tied to the downfalls in the logic in which it is rooted. Ultimately, the logic behind the diversity policy cannot succeed in creating color blindness and harmonious equality, no more than oppressive practices can truly mold all the oppressed into one common being. The logic is flawed in that to accept the differences that others possess, we must first identify and acknowledge that there are differences in the first place. As John Skrentny says in his article, "US: whose land of opportunity," "If we hope for a colour-blind future, diversity policies problematically imbue race with great meaning. They could reinforce rather than mitigate differences." In this sense, the diversity policy's goal is impossible to achieve because the policy strives for equality without acknowledging that persons can be equal and different at the same time. Difference and equality become competing words, where one cannot remain where the other is present, and due to this, the diversity policy shows those differences as separations, not equalities.

The ultimate question that measures the success of the diversity policy is, "do the diversity policy and its enforcement improve the quality of student life?" The answer to that question, as seen in the study, "Does Enrollment Diversity Improve University Education?" is no, it does not. This study, which gained national recognition as it, "runs in the opposition to the majority of academic studies done on racial diversity," showed that forced university diversity did not increase the student experience in any more positive way (Greenberg). The study conducted interviews with 1,643 students, 1,632 faculty members, and 808 administrators at 140 randomly selected American universities and colleges. The study's findings, "failed to support the argument that

enrollment diversity improves the education and racial milieu at American colleges and universities” (Greenburg). More interestingly and further proving that the correlation between university diversity policies and harmonious equality are not directly nor necessarily tied together, the study:

[F]ocused on racial diversity at predominantly and historically white colleges and universities after the admittance of black students, [and] found negative correlations between minority enrollment and the degree to which students appreciate and benefit from their education (Greenburg).

As one can see, the diversity policy of the American university system does not harmonize the campuses on which it is enforced; instead, it fails without harmonizing the community, because it silences the diverse just as oppressive ideology silences the oppressed. Both policies fall victim to the weakness in the logic which their policies are built upon, and therefore cannot achieve their goals.

## CONCLUSION

Many universities have adopted codes or policies prohibiting speech that offends any group based on race, gender, ethnicity, religion or sexual orientation disguising them as diversity policies; however, despite its good intentions, this is not the way to affect change. The First Amendment to United States Constitution protects speech no matter how offensive its content. Diversity policies that become speech codes that are adopted by government-financed state colleges and universities amount to government censorship in violation of the Constitution. I agree with the American Civil Liberties Union's opinion "that all campuses should adhere to First Amendment principles because academic freedom is the bedrock of education in a free society" (ACLU website). Our value of free speech is put to its severest test when the speaker is someone we disagree with most. Speech that deeply offends our morality or is hostile to our way of life warrants the same constitutional protection as other speech because the right of free speech is indivisible. When one person is denied this right, all people are denied.

Where racist, sexist, and homophobic speech is concerned, I believe that more speech, not less, is the answer. This is particularly true at universities whose mission is to facilitate learning through open debate and study. Diversity policies, which are undoubtedly really speech codes, are not aiding in the acceptance and tolerance of differing opinions. These policies hide the problem rather than exposing the problem. Exposure is critical because when hate is out in the open people can see the problem. If the problem becomes visible then people can organize effectively to counter bad attitudes—possibly change them—and unite to combat the forces of intolerance.

Diversity has become the term that “academic bullies throw down when they mean to end discussion before one properly begins” (Pinsker 7). Classroom discussion, presumably enhanced by varying opinions, can no longer take place because the students fear that if they speak their mind they will be punished. I don’t think it’s the university’s responsibility to dictate what opinion a student may hold; its responsibility is to educate and provide an environment where the student comes to the conclusion that his opinions are morally reprehensible through experience with his peers.

Students’ compliance with diversity policy sends the message to policy makers that a change occurred on campus, a moral shift toward tolerance; however, the results came about because of fear. I believe many students agree with the goal of diversity, but are confused as to the methods for encouraging it; the way Tyler’s teacher believed that diversity would come about through punishment, rather than education. Students are told to accept everybody regardless of their own beliefs, and this contradicts the promises made to students that college campuses are an environment where their beliefs will be accepted. The reality is that the only belief system that a university acknowledges as correct is the one it has created and puts forth in the diversity policies, and anyone who objects to or challenges this system will be subjected to harsh punishment, just as those living under an oppressive structure – accept the rhetoric you are given as true, apply it to your life and belief system, or suffer the consequences. Fear, not true acceptance, in both cases becomes the reason the ideology is accepted and upheld by the community in which it is forced upon, and ultimately, with both doctrines, a other is created who is then chastised or punished for not conforming. When, in the case of the diversity policy, the intent was to eliminate this very process of

exclusion of a person for holding different beliefs. The diversity policy falls short as it creates a scenario that it is designed to eliminate.

Predominately, no one deliberately intends to hurt another individual through his beliefs, but he does ask for the same respect for his beliefs as others demand for their beliefs. The diversity policies incorporate additional stress into the life of a student because they place pressure on a student to change his belief(s) even if he doesn't totally agree with the cause. Often times students are subjected to university condoned peer pressure to conform and fight for standards that contradict the student's opinions because "Higher Education self-confidently assumes its own advantageousness, and our diversity rhetoric falls in line with that assumption by positing a diverse student body as a better student body, one that contributes more fully to students' growth and development" (Casey 35). The universities force students to comply with its rules because they've determined that the rules are what's "best" for the student without allowing the student any involvement in the decision.

Sanford Pinsker describes a situation commonly seen on university campuses that is a direct result of a "numbers" approach to diversity: "Students will sign their names to any petition out to encourage more diversity, because, after all, who wants to raise questions, much less to withhold a signature, when the sheet of paper thrust in one's face is held by a passionately earnest black, Hispanic, or member of some other recognized, underrepresented constituency?" (8). I'm not disagreeing with universities granting permission to students to fight for what they believe in, but if equality is the goal, and other policies are in place to ensure this, what good can come from further restriction—suffocation caused by numbers. Unfortunately, if one group demands more

representation and recognition they ultimately silence and detract from the representation and recognition of another group. Instead of creating a kinder, gentler campus diversity policy creates an “angry, deeply suspicious separatism” (Pinsker 9).

If we look at the university campus, we can see that while in name the student body is accepting diversity, does the environment really demonstrate that diversity acceptance? From my observation, the answer is no. As you walk through the campus square between the General Classroom Building and Sparks Hall, it is notoriously obvious that harmonious diversity is not taking place. The black students congregate in one area of the square, while near the library the Asian students gather around to socialize with one another, and so on and so forth with other groups.

Lack of diversity is seen between the white students as well, as is obvious when you see the alternative style white students gathered by the tree outside GCB playing hacky sack separating themselves far from the more clean-cut white students. Knowing more about the segregation because of the insight of being a student, one can point out the area where gay students meet and converse versus the areas where the sports players are catching up between classes. This real life look at how students value diversity shows that the University diversity policy does little more than serve as a reminder in the back of students minds to watch what they say in public forums where they may get caught or reprimanded; however, in real life scenarios, the diversity policy is overwhelmingly failing.

We need to recognize that personal interest contributes to segregation just as much if not more than intolerance of diversity. “A genuine pursuit of diversity, then, would move beyond merely inclusive practices in admissions policies or classroom

politics and toward a more reflective consideration of the implications of our ideological values and everyday expectations for non-mainstream groups. It may even recognize the possibility that the academy is not situated to accommodate equally all forms of difference, most especially class-based difference” (Casey 37).

Jocks will always pick on the nerds, the Goth kids will always poke fun at the bible-thumpers, and the nerds will laugh at the jokes when they’re making millions of dollars and the jocks are old and fat. These student classifications have been and are a part of our American culture. Yes, there are problems associated with this classification system, but I don’t think that it’s possible to completely erase personality from our students, and further, would we want to? We have to remember that the benefit of diversity is that we are not all the same nor do we share the same values. We can have diversity without having to homogenize the student body. A campus can be diverse and retain an environment of acceptance without having to force students to portray and maintain that they all share like values or that they are all equals in their identities because doing so would hinder the differences in their identities and thinking that gives power to the change and growth that can occur as a result to many different perspectives.

If diversity is always imagined in the same ways, it becomes, ironically, homogenized, and loses its power to unsettle established ways of thinking. It is good, in and of itself, that students see America reflected in their classmates, and if it means observing that there’s lots of voluntary segregation and simmering hatreds going on, so be it. Better that than a

lily-white campus in which such issues would never get raised” (Pinsker 9).

Meaningful campus diversity will only take place when it grows naturally out of an educational experience and education, addresses the reasons other than hatred that discrimination can occur, does not implore language and methods that single one groups in the very way the diversity policy wishes to detour, and finally stops using oppressive-like rhetoric and methods that silence speech, push individuals to the margins, and govern student action.

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