

Sacrificing a Latina/o Presence in the Professoriate: An Analysis of Affirmative Action as Racial Remedy and Silent Covenant

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Abstract

This article focuses on the extent to which affirmative action policies and practices as remedies for racial injustice in higher education reflect a silent covenant that sacrifices the cultivation and presence of Latina/o faculty. Drawing upon the lived experiences of 22 Mexican American faculty and post-doctoral fellows, the author argues that, by invoking affirmative action policies and practices, institutions of higher education can promote the value of racial/ethnic diversity while still limiting the presence of Latina/o faculty. Meanwhile, the few Latina/o faculty who manage to gain access to research-intensive universities are commodified and sacrificed within hostile department cultures and through oppressive institutional practices.

Introduction

Racial justice...when it comes, arrives on the wings of racial fortuity rather than hard-earned entitlement. Its departure, when conditions change, is preordained. (Bell, 2004, p. 9)

Affirmative action policies were intended to promote, at the very least, the illusion of equity in higher education for racial/ethnic minorities throughout the educational pipeline, including the professoriate (Ledesma, 2004). Substantive racial remedy is not yet realized. Legal challenges continue to slowly erode race-conscious admissions policies at the most selective universities in the country (i.e., *Hopwood v. State of Texas*, 1996; *Fisher v. University of Texas*, 2011), while the constitutionality of voter referenda (*Schuette v. Coalition to Defend Affirmative Action*, 2014) has been upheld to challenge these policies. Rulings from these landmark cases confirm what many have feared since the impetus of affirmative action policies: the erosion of even “legal lip service to the material trappings of equality” (Holmes, 2007, p. 36) while ignoring the current and historical racial injuries experienced by, in this instance, Latina/o students and faculty through structures that perpetuate White supremacy.

This article draws from the lived experiences of 22 Mexican American¹² faculty and post-doctoral fellows to uncover the complex interpretations of affirmative action policies as racial remedy and silent covenant. According to Bell (2004), “a silent covenant” is a compromise in which “policymakers who approve policy do so with the knowledge...that they or those who follow them stand ready to modify or even withdraw the reforms where adverse reaction or changed circumstances threaten” the comfort and stability of White power structures (p. 5). In this case, research-intensive universities leverage affirmative action policies as a proclamation of their commitment to diversity while, in practice, provide limited access to highly qualified Latina/o students and faculty. I focus on research-intensive universities because they often garner the highest levels of prestige, funding, and resources; have the lowest rates of Latina/o faculty representation; and are the key legally contested spaces where affirmative action is practiced. The purpose of this article is two-fold; first I will demonstrate the benefits of affirmative action programs in cultivating a presence of Latinas/os along educational pathways to the professoriate. Second, I will explore how interpretations of affirmative action policies reflect a silent covenant among policymakers, universities, and external funding agencies that allow research-intensive universities to promote the value of racial/ethnic diversity while in actuality limiting the presence of Latina/o faculty.

12. The term *Mexican American* is defined as individuals of Mexican descent living in the United States. I employ racial/ethnic identifiers ascribed by the participants as well as terms cited in studies to describe Mexican American communities (e.g., Hispanic, Chicana/o, or Latina/o).

Latina/o Pathways to the Professoriate

Although Latinas/os enter higher education at higher rates than Whites, they are less likely to enroll full-time in a four-year college and complete a bachelor's degree (Fry & Taylor, 2013). In addition, they only represent eight percent of the total graduate student population in contrast to Whites who represent 62.2%. It has taken at least a decade for Latinas/os to double in proportion with regard to doctoral degree attainment, moving from 3.3% in 1992 to a mere 6.5% in 2012 (National Science Foundation [NSF], 2014). This slow increase demonstrates that the Latina/o share of doctoral degrees is miniscule, even as the number of Latina/o undergraduates and graduate students has increased (Lopez & Fry, 2013).

The dismantling of affirmative action policies has resulted in detrimental effects for Communities of Color along educational pathways. The “average proportion of graduate students who are students of color across all the fields of graduate study” has dropped by 12% in states with affirmative action bans (i.e., Texas, California, Washington, and Florida; Garces, 2012b, p. 4). The decline in graduate school enrollment is indicative of the challenges Latina/o students encounter requisite to accessing undergraduate education and preparing future Latina/o faculty. In 2011, Latinas/os represented only three percent of full-time professors, in contrast to 84% White (National Center for Education Statistics [NCES], 2013). Latinas/os are “saturated at the bottom levels of the academic prestige hierarchy,” as evidenced by their concentration in non-tenure track positions at Hispanic-Serving Institutions and two-year colleges (Delgado-Romero, Flores, Gloria, Arredondo, & Castellanos, 2003, p. 259). The lack of Latina/o faculty representation is startling, especially with a growing Latina/o student body which serves as the wellspring of the Latina/o pipeline to the professoriate.

Theoretical Framework

I employ critical race theory (CRT) as the primary scholarly tool for understanding how race and racism inform and affect the experiences of people of color in U.S. society. Five tenets of CRT (Solórzano & Yosso, 2001) informed this study: the centrality of race and racism and their intersectionality with other forms of subordination; the challenge to dominant ideology; the commitment to social justice; the centrality of experiential knowledge; and the transdisciplinary perspective. Educational researchers utilize CRT as “a set of...perspectives, methods, and pedagogy that seeks to identify, analyze, and transform those structural, cultural, and interpersonal aspects of education that maintain the subordination of [students] of color” (Solórzano, 1998, p. 123).

For the purposes of this article, I also incorporate two critical race concepts not yet fully explicated in educational research: interest convergence and racial fortuity. According to Bell (2004), interest convergence occurs only when “policymakers recognize and act to remedy racial injustices [and] perceive that such action will benefit the nation's interest without significantly diminishing Whites' sense of entitlement” (p. 9). The intent is centered on Whites, therefore, any benefits to Communities of Color are a “racial fortuity;” happenstance that can easily be taken away because Communities of Color are not entitled to indirect benefits (Bell, 2004). For example, Bell (1980) argued that the ruling of *Brown v. Board of Education* (1954) only occurred because the racial remedies of desegregation would “secure, advance, or at least not harm societal interests deemed important by middle and upper class Whites” (p. 523). African Americans were not central to the decision; rather, they were fortuitous beneficiaries of a legal decision predicated on defeating communism. As Bell (2004) asserted, Communities of Color were more likely to “focus with gratitude on the relief obtained” rather than interrogate White “self-interest factors without which no relief might have been gained” (p. 56).

A contemporary example of interest convergence involves the initial argument for upholding affirmative action in the *Regents of the University of California v. Bakke* (1978), *Gratz v. Bollinger* (2003), and *Grutter v. Bollinger* (2003) cases. The defendants in these cases claimed that racial diversity would lead to positive learning outcomes for White students, which ostensibly normalized and centered Whiteness while excluding from the discourse any possible educational benefits for students of color (Yosso, Parker, Solórzano, & Lynn, 2004). The underpinnings of affirmative action policies in education have centered on the benefits of “a racially and ethnically diverse learning environment” for White students in particular (Garces, 2012a, p. 123). Unfortunately, the distinct arguments that frame the importance of race-conscious admissions policies such as “institutions' educational

autonomy...diversity as fundamental to competing in a global marketplace” as well as the historical legacy and permanence of racism are not always sufficient to legally challenge “normative ideologies, which have historically been shaped by Whiteness and White supremacy...” (Ledesma, 2013, pp. 230-231).

Of greater importance was the inclusion of students of color at predominately White institutions as a value-added outcome for Whites rather than a remedy for historical exclusion and marginalization of students of color (Bell, 1979). In fact, the educational outcomes outlined in defense of affirmative action acknowledged that the primary benefit that students of color would receive was access to an education, rather than the “*enhanced educational benefit*” (original emphasis) that Whites would obtain (Kow, 2010, p. 163). White students were positioned within the arguments as the central beneficiaries of affirmative action policies at the commodification (Leong, 2013) of qualified students of color who would earn “access to an education in exchange for serving as a source of enrichment to fellow students” (Kow, 2010, p. 163). At the initial development of affirmative action, policymakers were willing to accommodate more supposedly equitable educational opportunities for students of color because the benefits to White students would be significant (Hurtado, Milem, Clayton-Pederson, & Allen, 1999). These actions signal racial fortuity, or as Bell (2004) explains, “the two-sided coin, with involuntary racial sacrifice on the one side and interest-convergent remedies on the other...” (p. 69). The effectiveness of affirmative action policies, albeit nominal rates of increase for Communities of Color completing college and graduate school, led to an infringement in the extent to which Whiteness is protected in educational institutions. Once the outcomes of the policy hit a “tipping point” (Urrieta & Villenas, 2013, p. 530) whereby students of color were admitted under the guise of benevolent paternalism to a certain point before it became too much of an infringement on White entitlement, racial remedy and social reform regressed.

As a result, one might wonder if there is a compelling interest in increasing Latina/o faculty representation at selective institutions. To date, there are no studies that have analyzed how Latina/o faculty may enhance the diverse learning environment for White students specifically, but studies have claimed that “Latino faculty members benefit higher education by uniquely engaging students in the classroom, improving Latino students’ higher education retention and degree completion rates, [and] enhancing campus pluralism” (Ponjuan, 2011, p. 100). It is reasonable to assert that the main beneficiaries of Latina/o faculty representation at research-intensive universities would be Latina/o students. Therefore, I argue that the presence of Latina/o faculty at research-intensive universities will remain sparse until postsecondary institutions recognize and embrace an investment in Latina/o students as a compelling interest. The silent covenant is further illustrated in Aguirre’s (2010) research on the extent to which diversity is coopted as a measurable outcome and as a commodity that can be distributed throughout the curriculum. Because any faculty member can now teach “diversity,” institutions can dismantle racial/ethnic-specific departments while other departments reap the financial rewards of offering diversity courses and obtaining additional resources such as new faculty lines (Aguirre, 2010; Mayhew & Grunwald, 2006). In addition, institutions can claim that there is no need for minority faculty to specifically teach these courses, which moves “minority academics farther to the periphery in academia” (Aguirre, 2010, p. 767). The content area is neutralized and the presence of Latina/o faculty can be maintained at lower rates.

Without a core commitment, financial and otherwise, to the increased presence of Latina/o and minority faculty, the racial reality reflects inclusive and race-conscious hiring practices that merely exhibit “symbolic encouragement” and empty promises (Bell, 2004, p. 5). Although difficult to digest, Bell encourages Communities of Color to adopt a mind-set he terms “racial realism” and recognize that Communities of Color “will never gain full equality in this country” because of the permanence of racism and the permanence of White supremacy (Delgado & Stefancic, 2005). By clearly stating and accepting racial realities, Bell believed that “people of color [would] be able to envision strategies outside of the civil rights incremental model that [had] more promise to alleviate the injustices that endure” (Alemán & Alemán, 2010, p. 4).

Similar to other legal cases that veiled White interests in arguments for rectifying systemic racism (Kow, 2010), affirmative action is a short-lived panacea relying on “legal advocacy as the explicit and sanctioned remedy to racism” (Holmes, 2007, p. 35). The intent of affirmative action, although noble in its moral proclamations and vital to establishing and maintaining a Latina/o presence in higher education, was planted in infertile ground.

Methodological Approach

This article is part of a larger study that analyzed the life narratives of 33 Mexican American Ph.D.s along their journeys to the doctorate (Espino, 2008). I employed narrative analysis, which “takes as its object of investigation the story itself” and analyzes how the story is ordered (Riessman, 1993, p. 1). Context is especially important because it involves the “historical moment of the telling; the race, class, and gender systems the [participants] manipulate to survive and within which their talk has to be interpreted” (Riessman, 1993, p. 21). This approach dispels dominant cultural assumptions and encourages reflexive relationships between the researcher and participants (Auerbach, 2002).

Participants

The participant sample extracted for this article consisted of 16 females and six males of Mexican descent who successfully completed their doctorates at 12 different U.S. universities. The participants’ occupations ranged from post-doctoral fellow to full professor, with the majority working as tenure-track assistant professors (12 participants). I categorized participants’ doctoral disciplines based on the National Research Council’s (2006) taxonomy of doctoral fields: Arts and Humanities (3); Education (3); Life Sciences (1); Physical Sciences, Math, and Engineering (3); and Social and Behavioral Sciences (12). As a means to respect how the participants identify themselves, their chosen racial/ethnic identities were included in their quotes.

Table 1. Participant Demographics (n=22)

Self-Identified Race/Ethnicity	Gender	Discipline	
Bi-racial (White and Mexican) (3) Mexican American, Chicana/o, Hispanic (19)	Female (16) Male (6)	Education (3) Humanities (3) Life Sciences Physical Sciences, Math, & Engineering (3)	Social and Behavioral Sciences (12)
Faculty Rank	Doctoral Institutions		
Visiting Professor Lecturer Assistant Professor (12) Associate Professor Full Professor Head Librarian University Archivist Post-Doctoral Fellow (4)	Arizona State University (5) California State University-Sacramento Ohio University Stanford University University of Arizona (2) University of California-Berkeley (2) University of California-Los Angeles University of Michigan University of New Mexico University of Southern California University of South Florida University of Texas (5)		

University and External Agency Fellowships

University Recruitment/Dissertation Fellowship (4) American Psychological Association American Sociological Association Minority Mental Health Fellowship Chicano Foundation of Northern California Consortium for a Strong Minority Presence Ford Foundation (5) Hispanic Scholarship Fund National Academy of Sciences Internship National Aeronautics and Space Administration National Institutes of Health National Institute of Mental Health Internship National Science Foundation Smithsonian Institute Social Science Research Council (2)

I conducted all of the semi-structured interviews via telephone with the exception of two participants I interviewed in person while attending two separate education conferences. The interview protocol focused on participants' family histories, educational experiences, and the mechanisms they employed to successfully complete the doctorate. Each audio-recorded interview lasted at least 1.5 hours, and participants were interviewed at least twice to ensure that the interview protocol questions were answered.

Data Analysis

By using a narrative analysis perspective, my role was to (re)present participants' stories and (re)interpretations, considering five levels of representation. Participants first think about their experiences and decide how they will share those experiences with others. The telling of those experiences are then recorded by the researcher and (re)presented in text. The researcher critically interprets the transcribed experiences based on the theoretical framework employed; and, finally, participants and external readers encounter the written work and provide feedback on how the narratives are (re)presented (Riessman, 1993).

The data from the larger study were analyzed as "verbal action...explaining, informing, defending, complaining, and confirming or challenging the status quo" (Chase, 2005, p. 657). For this article, I focused on any stories pertaining to experiences with affirmative action in college, graduate school, and work. The narratives shared and analyzed were (re)presentations of the realities experienced and remembered by the participants at particular moments in time.

Trustworthiness

Member checks are critical analytic tools (Jones, Torres, & Arminio, 2006). When asked to provide feedback on the transcription drafts, participants added new narratives, requested edits to their responses in order to protect themselves when referencing racist interactions with colleagues and faculty, and one returned the actual transcriptions with corrections. I utilized the finalized transcripts when interpreting the data. I felt an obligation to (re)present the participants' narratives in a responsible manner. Many of these participants are the only Mexican Americans or faculty of color in their departments and may be easily recognizable depending on their discipline and social identities. To protect their anonymity, I do not connect the participants to institutions attended, graduation dates, or ages and only describe self-identified race/ethnicity, faculty/researcher position at the time of the interview, doctoral discipline, and general geographic location, if necessary, within the context of the narratives.

Limitations

This study illuminates the experiences of a small group of Mexican American Ph.D.s who successfully navigated through educational systems and cannot necessarily be generalized to the entire population of current Mexican American Ph.D.s or those who aspire to earn the doctorate. Despite these limitations, I understood the power I had as an interviewer and my role as a narrator, weaving together participants' recollections into a larger story about the role of affirmative action in the educational pathways of Mexican American Ph.D.s and the responsibility for (re)presenting these narratives with care and respect.

A Brief Note About Stigma

By (re)presenting participants' experiences with affirmative action policies and programs, I recognize that the findings could be misconstrued as stigmas of inferiority to fuel a long-standing argument against affirmative action (Bracey, 2007; Kow, 2010). Some participants did not necessarily want to acknowledge the overt and covert forms of racism found within their interactions with White classmates and colleagues. Rather, the distancing they expressed may have been more of a coping mechanism than internalizing stigma of inferiority, especially as these individuals were highly qualified in their graduate programs and accomplished scholars. Similar to the work of Cuádriz (2006), this article is not intended to tout these participants as the exception to the rule and applaud their individual efforts. Stories such as the ones illustrated in this article are often used within social policies to focus solely on individual achievement rather than transforming institutional structures that could further increase rates of Latina/o educational attainment. These arguments detract from the institutional culpability and the "encounters with everyday racism" (Kow, 2010, p. 186) across campus.

Fulfilling the Intent of Affirmative Action

Within the anti-affirmative action discourse, discussions about merit and affirmative action seem to blend together, implying that Mexican Americans who enter college, graduate school, and the professoriate do not deserve to have access to highly selective institutions. What is often ignored are the ways in which affirmative action programs enable Mexican Americans to access educational opportunities and networks that are not readily available to them. Some Mexican American communities have limited access to hidden knowledge and social networks that are prized by the dominant culture that make educational opportunities for White, affluent communities more readily available. I contend that these are consequences not of affirmative action, but of institutionalized racism that is pervasive in practice and throughout the educational pipeline. The findings below depict the value of affirmative action programs in ushering Mexican American students from college to the professoriate. In each section, I provide an in-depth narrative that is illustrative of a majority of participants' experiences.

Minority Undergraduate Outreach Programs

Many of the participants disclosed that they participated in various under-represented minority student programs. Some participants credited affirmative action policies for providing access to college and graduate education while other participants distanced themselves from those connections because of prior racist interactions with peers and faculty who questioned their presence in well-regarded programs and selective institutions. All of the stories shared provide a strong justification for the maintenance of race-conscious admissions policies and college programs that can sustain Mexican American students as they navigate hostile educational environments.

Prior to entering college, several participants were involved in summer bridge programs sponsored through equal opportunity initiatives and utilized campus centers dedicated to serving students of color, which were often funded through Equal Opportunity Program (EOP) offices. Minority undergraduate research programs provided seven participants with research experiences and funding that encouraged them to aspire to graduate school. Victoria (Mexican American/Bi-Racial, Assistant Professor, Physical Sciences) was admitted into

an undergraduate program for students in the physical sciences at a West Coast research-intensive university. The program was “developed because [the university] found that the minority students were isolated in their classes and because so many of them had to overcome...obstacles to get there, they were less likely to ask for help when they needed it.” The program included a summer bridge program for freshman students prior to their first semester with “extra discussion sessions for all the preliminary classes [and] free tutoring for any class you needed,” especially for courses that enrolled over 1500 students such as Chemistry. Victoria characterized her physical sciences major as,

...a weeder program...because it is the top [program] in the state...[T]hey have to have a certain number of slots available by junior year for the transfer students. The only way to do that is to get rid of the students that are there...and so...it’s a very demoralizing experience...especially [for] people that were good students in high school. I’ve never witnessed it to the extent that I did at [research-intensive university], and I’ve seen some of the top, most brilliant students that I ever met have their ego just totally broken down by the experience.

The undergraduate minority program was focused on uplifting students and providing them with hidden knowledge and critical resources to complete their degrees such as sitting in the front row during class, collaborating on research projects, obtaining research internships within industry, networking, and completing graduate school applications. These resources could not always stem the challenges of a rigorous program. Out of the 60 students who were part of her undergraduate cohort, 10 completed their degrees within five years. Without the program, the completion rates within Victoria’s major would have been significantly lower.

Minority Fellowships

Opportunities to network with fellow doctoral students of color and more seasoned faculty of color mentors were available through annual meetings sponsored by minority fellowship programs, many of which were developed as a way to “invest [corporate] resources on increasing the numbers of the most underrepresented minority groups in the teaching and research faculties of higher education” (Solórzano, 1998, p. 126). Twelve participants received pre-doctoral, dissertation, and/or post-doctoral fellowships through the Ford Foundation, the National Institutes of Health, the American Sociological Association, and the American Psychological Association, to name a few (see Table 1). The participants who received these fellowships were relieved that they could concentrate on their research because of external funding and, most importantly, they were able to build social networks with emerging and established faculty of color from across the country as noted by Lynn (Mexican-American/Chicana, Visiting Professor, Social and Behavioral Sciences),

[Minority Fellowship] has been instrumental in me finishing, not just because of their deadlines but because of the support that you get when you go to these conferences. [I]t’s just so amazing to be in this rather large group of academics of color and you can share everything that you’ve gone through, they’ve gone through. It’s an amazing group of people.

As a result of developing these networks, participants connected with potential employment and publishing opportunities after graduate school. These fellowships also lessened the pressures of contending with graduate socialization processes, hostile departmental cultures, and competitive peers.

Earning these fellowships also translated into the commodification of Mexican American graduate students. Nieves (Chicano, Assistant Professor, Humanities) provides an interesting narrative about how prestigious, funded research opportunities could serve as capital within highly selective academic spaces. On his second attempt to apply to doctoral programs, he was accepted into a master’s program and applied to a doctoral program for a third time. His diligence was marked by a commitment to apply to the most prestigious programs and pre-doctoral fellowships during his second year in the master’s program,

[T]he second time around, I got them all. So I kicked butt and...I incidentally got, not the minority one...I got the straight up [federal fellowship], the ones for scientists [and] lawmakers. I got into the best Ph.D program—the one I wanted. And I got rejections, too, but it was just not psychologically damaging.

Nieves's narrative depicts the extent to which, after the third time applying for doctoral programs, he understood how to navigate a system rooted in prestige and hierarchy. Although he seems to distance himself from the "minority fellowships" and celebrates his ability to obtain the "one for scientists and lawmakers," Nieves saw the fellowship as a strategic tool for being admitted to the top humanities program in the country as evidenced in his story of visiting a West Coast research-intensive institution,

When I was at [the university], they had a two-day thing. They invited...all the people they were trying to accept, or the main people. Some people didn't get invited....It was totally a tiered thing. I felt kind of shy, you know, and [the other students] were just better talkers and better students. This is where I realized their academic training earlier was good, while I was just playing catch-up as a master's student.

On the first day, Nieves was ignored by the professors and most of the prospective students "who were fast talkers and playing smart." On the second day of his visit, Nieves was informed that he received the fellowship, which was announced by one of his friends who was also in attendance,

[T]he next thing you know, I was the center of attention because at the time I was only the second person in [Humanities] ever to have received the pre-doc in itself. People get [private fellowship], but again, this wasn't the affirmative action grant; this was the White competition grant. So then everyone wanted to be my friend.

Nieves perceived that he was a strong candidate, but the department seemed to think otherwise until a non-minority fellowship, as a White standard of value inherent in perceptions of prestige, transformed him into a person of interest, "I thought that was a good example, like how people ignored me Day 1, but then wanted to be my friend Day 2." Nieves thought, "This is crap, but I'll take it," because admission into this particular program would garner greater recognition for him in the future.

His narrative reflects how external funding transforms Mexican American students into valuable commodities for graduate programs whose interests converge with the institution's quest for prestige. It is unknown whether Nieves would have received similar treatment had he received a minority-based fellowship, but his story depicts how distancing oneself from the intent of affirmative action maintains White power structures. The department's decision was an example of interest convergence: by admitting one Mexican American doctoral student, Nieves's prestigious non-minority fellowship would garner more prestige and national attention to their program. As an added incentive, they did not have to financially invest in Nieves due to external funding.

Involvement in programs centered on increasing the number of women in the sciences along the educational pipeline inspired the three female participants who were scientists; especially Darcy (Hispanic, Post-Doctoral Fellow, Physical Sciences). Her encounter with a White male peer who claimed the "reverse discrimination" argument was one of the most striking examples of confronting overt racism in graduate school. The White male often stated that he was "oppressed because all the fellowships go to the minorities" and engaged Darcy in heated debates about affirmative action. Darcy explained in her narrative that all graduate students in her department were fully funded as teaching or research assistants, but she recognized that there were some fellowships designed to assist students of color and women in the sciences. As the three women scientists asserted, regardless of how they were admitted to their programs or funded throughout graduate school, they still had to produce "good science" and felt that they exceeded the minimum standards for all graduate students in general. Nevertheless, Darcy noted a tone in the discussions with her White male colleague that implied, "I worked very hard to get to where I am today and you just got stuff handed to you."

The affirmative action programs that supported increasing the representation of women and people of color in underrepresented fields had complex outcomes. These programs were, in many instances, the only mechanisms that helped female participants enter science fields, despite their academic achievement, yet these programs could not necessarily protect the participants from hostile environments perpetrated by White men. White men, who represent 51% of all scientists and engineers working in the U.S., still vastly out-rank and outnumber any advantage women and people of color have gained (NSF, 2013). Despite their success in college and graduate school, a majority of participants felt constantly interrogated about their intelligence and held under suspicion because they supposedly had not "earned the right" to be in college and graduate school.

It is clear how fellowships funded through external agencies are beneficial but limit the accountability

of institutions to intentionally recruit students of color. These prestigious fellowships awarded to outstanding minority students have already sorted out the “highly qualified” minority candidates, those who are most worthy of investment, those who can be commodified to serve institutional interests by earning access to the most selective programs in the country.

Target of Opportunity Programs

Various interventions have been created to address the paucity of Latina/o faculty at research-intensive institutions, such as the Target of Opportunity (TOP) program. The official purpose of a Target of Opportunity program is to encourage departments to hire outstanding, “highly qualified” minority applicants and diverge from traditional hiring protocol that seems to lean toward hiring White applicants. The unstated purpose is to provide examples of the institution’s commitment to diversity, even when a faculty of color is not hired due to bureaucratic processes that are conducted outside of the department at the Provost level (Aguirre, 2000). Departments that hire faculty of color are rewarded with an additional faculty line for a White person; an example of the extent to which institutional policies reify Whiteness. Therefore, in the event that the search fails or the hired faculty of color does not earn tenure, the department retains the new White faculty line in their budgets. Aztlán (Chicano, Full Professor, Life Sciences) explains that this signaled to departments,

“Don’t worry, you’re not gonna sacrifice a White FTE for a minority FTE.” So what did they do? Oh, they invited what they thought were [the best] Chicanos and Blacks to interview. And it didn’t matter as far as they were concerned what you were doing. They were just gonna pick the best one. But you have to realize that’s not the way it works. What they also did was [say], “Oh, by the way, if that minority doesn’t get tenure, guess what? You can turn that into a White FTE.” You see? These are the little games that these predominant White males [are] playing.

Rhonda (Chicana/Bi-Racial, Head Librarian, Social & Behavioral Sciences) provided the most extensive discussion of being a target of opportunity hire at a West Coast university. At the time of the hiring, Rhonda was not aware that she was a target of opportunity and she “encounter[ed] people telling you, ‘The only reason you got this position was because you’re a person of color,’ and...they’re implying that you’re not qualified.” Based on her experiential knowledge of witnessing “the racism that my mother and my *tias* [aunts] faced,” Rhonda rejected the label of stigma. However, at the onset of her hiring, the racism and “backlash from a number of faculty” caused Rhonda to question not whether she *belonged* on the campus, but whether she wanted to *stay* at her institution, “Is this important for me to be here in this fight? I mean, this fight is critical, but who is going to help me?”

Rhonda experienced the prevalence of racism on her campus and fought “for more open ways to recruit incoming faculty of color.” Her quest was often met with the response, “‘Well, why do you need to do that?’ or, ‘[T]here just isn’t anyone out there.’ [T]hat is totally untrue.” Rhonda gathered colleagues who also believed in diversifying the faculty and administrators on her campus and understood the importance of institutional leadership in creating that change,

[Y]ou have to maintain an institutional commitment that goes all the way to the top; from the faculty to your dean to your chairs, to your provost and the president to...fight that institutional racism encountered and to really identify and recruit a very motivated, talented, and diverse faculty.

In a similar vein, Aztlán shared his perspective on the dearth of Latina/o faculty and research scientists at the most elite universities,

[I]t’s the worst times for our people, partly because...the attacks on affirmative action, and the comfort that the ruling majority White [males] and now White female[s] [have]. Cannot discount the White female...because they sure as hell aren’t advocating for Latinas in science—that I can assure you. That really causes a lot of concern, but also, outrage in me that we have allowed it to get to this point. [C]learly racism is very much alive. [The university will] be jumping up and down for White guys...knowing good and well that we are Chicanos and Chicanas [and] we’re also damn good scholars....We will impact the community. That’s what you learn when you’re a

minority faculty member: you are not a White faculty. Don't forget that.

As Bell (2004) contends, within White power structures, “each Black or Hispanic or Asian that is hired for a tenure-line position makes it that much harder for any subsequent minority applicant” (p. 46). Minority faculty often contend with being the “first and only” faculty of color in departments and are often confronted with suspicion, especially if they excel at their job (Urrieta & Villenas, 2013). If more faculty of color are hired, White academic spaces are threatened and any potential discomfort experienced by White faculty leads to a “tipping point.” “As long as a faculty has one minority person, the pressure is off and the recruitment priority simply disappears” (Delgado & Stefancic, 2005, p. 187). Target of Opportunity programs provide the cover to channel underrepresented minority faculty candidates into a separate hiring process while also maintaining the status quo by hiring a White faculty member. When the TOP process fails, the focus turns to the purported failings of the minority candidate rather than a separate but equal hiring process that placates to White entitlement. Incentivizing the hiring of minority faculty by generating an additional line (TOP and FTE) is highly problematic as it sorts minority faculty into one option (the TOP line) rather than a candidate who is entitled to compete for the FTE position (Aguirre, 2010). Therefore, the department is able to shift the blame to high-level administrators and bureaucratic processes while still claiming to be open to diversity hires.

Fulfilling the Silent Covenant within Affirmative Action

Most striking of the arguments against affirmative action policies and interventions that support race-conscious admissions into college and graduate school and race-conscious hiring practices, is that stigma is invoked. Little research focuses on whether “de facto affirmative action for wealthy and well-connected White students, in legacy-, celebrity-, and donor-based preferential admissions” (Kow, 2010, p. 160) results in stigma for their preferential treatment. As noted in Aztlán's observations of faculty hiring practices at Ivy League institutions, the unspoken agreement via social networks rarely is critiqued for its support of the “buddy system” for White faculty.

These practices and unspoken rules that garner access and opportunity for some but not for Latina/o students and faculty is an illustration of the silent covenant. By touting diversity and a public commitment to affirmative action, institutions participate in “non-action. For the university to declare racism and promote ‘diversity,’ is to simultaneously declare the university as non-racist...” (Urrieta & Villenas, 2013, pp. 530-531). The silent covenant is a compromise between the institution and White power structures, a sacrifice of Latina/o rights and access to higher education. Latinas/os are the “fortuitous beneficiaries” of affirmative action, but the unspoken rules that maintain affirmative action for Whites is the compromise that must be made in order to protect White interests. This is a far better option than dismantling the racist structures and policies that prohibit minority applicants from enrolling in and working at research-intensive institutions.

Discussion

Although posters calling for the exclusion of Mexican Americans are no longer posted in restaurants and businesses, the message rings clear when considering the academic and career trajectories of Mexican Americans at research-intensive institutions. Mexican Americans, representing 63% of the Latina/o population, have the lowest levels of educational attainment in the aggregate, but are considered the future of the U.S. workforce (Ennis, Rios-Vargas, & Albert, 2011). As of 2010, only 57.4% of Mexican Americans over the age of 25 have graduated from high school and 10.6% over the age of 25 have obtained college degrees (U.S. Census Bureau, 2012). In some instances, depending on the field, the proportion of doctoral production would need to increase by 3 to 17 times for Mexican American men and women to reach parity (Solórzano, 1993). The purported causes of these disparities are rooted in historical contexts such as discriminatory educational policies that segregated Mexican children and “Americanization” programs that attempted to enforce “American” values and proper hygiene (Delgado Bernal, 2000). In addition, deficit-centered and culturally determinist theoretical models were employed to perpetuate negative cultural stereotypes (Solórzano & Solórzano, 1995) that continue to inform how educational policies are developed and the extent to which they truly serve as a racial remedy

for Latinas/os.

As evidenced by a majority of the participants, affirmative action programs are essential to establishing and maintaining a Latina/o presence in higher education. The participants' involvement in these programs further solidified their commitment to completing their degrees, gaining vital research experiences and national networks. The necessity of equal opportunity programs and minority fellowships is apparent when considering the strong academic and social foundations they provide for Mexican American students and faculty on hostile college campuses. Based on the participants' narratives, external funding was essential to their survival and was often used as a protective layer against competitive, unsupportive, and politically charged departments. As a matter of interest convergence, I argue that the external funding also provided a protective layer allowing research-intensive universities to claim "diversity" in their graduate student population without needing to transform their environments. By relying on external funding groups, these institutions did not necessarily need to hold faculty and administrators accountable for creating support mechanisms that would lead to success for all students, especially Latina/o students and faculty.

The implementation of affirmative action becomes mere lip service, a symbolic offering that has little bearing on the daily practices that perpetuate dominant ideologies. The contentious discourse regarding affirmative action reflects the concerns about the application of race-conscious admissions and hiring policies at the most selective, research-intensive universities in the country. White entitlement to earning doctoral degrees and tenure-track faculty lines becomes marred when creating more inclusive and racially just mechanisms for increasing the Latina/o presence in higher education. Although the hope was that a legal intervention such as affirmative action would serve as a racial remedy and lead to social reform, the effects of the practice reveal the silent covenant. Our racial reality proves that the effects of affirmative action practices may have a shelf-life, unless, in keeping with Bell's (2004) charge, we divert our attention outside of the law and commit to building the infrastructure for supporting Latinas/os along the pathway to the professoriate on our own. To paraphrase Ledesma (2004), can we truly arrive at diverse institutions of higher education that reflect the changing demographics of this country without race-conscious admissions policies and hiring practices? When considering historical and existing educational inequities, Latina/o racial realities reveal that our communities cannot rely heavily on the law to alleviate racial injustice, just as we cannot depend on our educational system to provide quality education nor an equal opportunity to learn and teach (Oakes, 1990 as cited in Ledesma, 2004). We cannot wait for the benevolence and empty promises of Whites to push for educational reform. Coalitions among Communities of Color must recognize that the law is constructed to serve White power structures and will never be the right tool to dismantle oppression.

The interpretation and implementation of affirmative action policies and programs reflects a silent covenant that deflects the racial realities of hiring Latina/o faculty and enrolling Latina/o doctoral students; shifting the institution's responsibility for creating inclusive, supportive environments and cultivating the next generation of Latina/o scholars to external agencies and to the Latina/o community itself. The silent covenant becomes a waiting game: waiting for the retirement of the original recipients of racial fortuity via affirmative action policies in the 1970s; many of whom were the first Mexican Americans in their fields, and sadly, some of the only Mexican American faculty at the most elite and selective institutions. Based on the findings, affirmative action policies are beneficial to Latina/o students and faculty, and are also beneficial to maintaining the stability of White power structures.

Since the introduction of the concept of interest convergence (Bell 1980), critical race theorists have been encouraged to present solutions that converge with the dominant culture's interests and are perceived to not disrupt "a normal way of life for the majority of Whites" yet create positive change for marginalized communities (DeCuir & Dixson, 2004, p. 28). Numerous recommendations abound that adhere to Bell's (2004) call for relying less on judicial decisions and "more on tactics, actions, and even attitudes that challenge the continuing assumptions of White dominance" (p. 9). Communities of Color and White allies need to think differently about bolstering the intent of affirmative action, especially if, as current trends indicate, going through the court system is slowly eroding affirmative action's promise. Based on historical context, however, it seems that there is limited incentive to make such a commitment when the focus is and will remain on the benefits and entitlements that White students and faculty receive from diversity that does not necessarily need to include

Latinas/os. That lack of interest is a mistake for the future of U.S. society. Latinas/os are now a majority in secondary schools and are a political power that will assert its interests over education, policy, and industry, regardless of White interests. To stem possible racial strife and so-called White discomfort, maintaining affirmative action programs is common sense. Latina/o communities are slowly becoming the cornerstone of this country, yet the threat that these communities bring to traditionally White academic environments is, at this point in time, a greater concern. As a result, Latina/o students and faculty at research-intensive universities will continue to be sacrificed.

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