

OUTSIDE THE BOX



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Video Page



Outside the Box Teacher's Guide

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Outside the Box

Suggested Lesson Plan

These materials may be used in a variety of ways. For maximum benefit, we suggest the following lesson plan:

- As a class, discuss the Preview Questions and Key Terms.
- Distribute copies of the Viewing Guide for students to use as a note-taking tool during the video.
- Play the video, pausing if needed to facilitate understanding and note-taking.
- Review and discuss answers to the Viewing Guide using Answer Key as a guide.
- Use Discussion Questions to spark class discussion, or assign these questions as homework.
- As a class or in small groups, complete the *Who Chooses* Activity.
- Replay the video as preparation for the Quiz.
- Administer and grade the Quiz using Answer Key as a guide.
- Optional: Assign one or more Enrichment Activities as homework or class activities.

Outside the Box

Preview Questions

(These are meant to be read aloud by the teacher.)

1. Why would schools – as agents of the government – want to know each student’s race?
2. In what way(s) does race define a person’s identity? In what way(s) does it fail to define a person’s identity?
3. What is discrimination?
4. Does using racial identity advance or hinder the progress toward an equal society? What do we mean by an “equal” society? Explain why you think it either advances or hinders the process.

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Key Terms and Definitions

Character – qualities associated with how a person behaves, acts, or thinks

Discrimination – unfavorable treatment of a person based on one or more of his or her characteristics / qualities

Holocaust – the systematic, state-sponsored persecution and murder of six million Jews (and over 5 million others considered “undesirable”) by the Nazi regime

Identity – how one sees him- or herself and influences what one values, how decisions are made, and how situations are viewed

Identity politics – the act of grouping people into categories based on shared physical or social qualities in order to influence the allocation of scarce resources and gain power.

Individuality – being recognized as a person of unique characteristics with interests separate from the interests of a group as a whole.

Marginalization – the process by which a person’s power, influence, importance, or identity is diminished

Multiracial – a person whose race can be linked to more than one

Race – grouping people into categories based on shared physical or social qualities.

Segregation – keeping groups of people separated (often on the basis of race, but could include gender or other criteria)

Sham – a hoax or trick, something false.

Name: _____

Date: _____

Outside the Box **Viewing Guide**

1. By the year 2050, at least _____ of all Americans will identify as two or more races.
2. Eli Steele is black, Jewish, white, and _____.
3. Eli Steele's children are all of the above, plus they are _____.
4. Eli was told he would have to pick a primary race for his son and a(n) _____ race, or his son would not be enrolled.
5. Eli was the only kid who raised his hand for _____ as President, when he was in school.
6. The first time Eli really understood what coming from multiple races meant was when he was about _____ years old.
7. Eli wondered whether he should use whatever race gives Jack and June an _____ in whatever situation.
8. When Eli's father was born, his white grandmother was sent to the _____ where black people gave birth.
9. Using race to identify people is _____, and it is always done in the name of good.
10. Eli's grandfather and his family had to check a box when the Nazis invaded _____.

Outside the Box

Viewing Guide Answer Key

1. 20%
2. Native American
3. Mexican
4. secondary OR additional. Both are acceptable answers.
5. Jesse Jackson
6. ten
7. advantage
8. basement
9. poison
10. Poland

Outside the Box

Discussion Questions

1. How did Jack “become black?”
2. What is a primary race? What is a secondary race?
3. How much of one race does one have to be in order to select it?
4. Does race define one’s identity? If so, in what ways? How do *you* define yourself?
5. Eli wears a cochlear implant so he can hear. In what way(s) does this – or does this not – influence his identity?
6. Bullies used toilet paper to write “nigger deaf mute’ on Eli’s lawn. Each of these words is offensive to someone. Are the words, themselves, offensive or does the intent behind their use (to bully someone, to cause them emotional harm) make them offensive?
7. Why do bullies behave the way they do? Do you think Eli did the right thing by ignoring the bullying, and cleaning up the mess before his neighbors could see it? Why or why not?
8. Does banning a word, because it makes someone uncomfortable, give the word power?
9. Eli is black, white, and Jewish. When Jesse Jackson called Jews Hymies and New York City Hymietown in January 1984, Eli stated he was torn. What did he mean by this?
10. Eli stated, “When I put down the racial lens, I was able to look to [Jesse Jackson’s] character.” What did Eli mean by this?
11. Should one’s race be used to game the system, as Eli asked in the video?
12. What does Eli mean in the video when he talks about the courage to be an individual?
13. During the Holocaust, Eli’s grandfather’s sisters expected the women to be spared. Why did they expect that? Were they? What groups were targeted by the Nazis during the Holocaust?
14. What does Eli mean in the video when he talks about his hope Americans can move from asking “*what* are you” to “*who* are you?” What’s the difference between *what* you are and *who* you are?

15. Should schools – and the government – define who you are if you or your parents refuse to identify which race you are?
16. Eli said, “The smallest minority is and always will be the individual.” What does this mean?
17. What other characteristics / lenses do people use to identify others?
18. Has anyone in your family submitted a DNA sample to find out his or her background? If so, were the results at all surprising? Did it change the way they see themselves? Did it impact their identity in any way?
19. Is it possible to achieve an equal society when people are forced to choose how they are defined by the available six race and two ethnicity categories found on most government-sponsored forms? Why or why not?
20. Do you agree with Eli that using race to identify people is poison? Why or why not?
21. Does the requirement to identify one’s race marginalize the individual, as Eli suggested? Why or why not?
22. Part of the U.S. government’s support for the use of racial labels is to help it correct past injustices and address current inequalities. Do the government’s good intentions outweigh the problems of forced identification? By continuing to label people by race, do we continue to create new injustices? Explain your reasoning.

Outside the Box

Activity:

Who chooses? Who benefits? Who pays? What's fair?

The four questions above can be a useful tool for evaluating any policy or system. Posing the questions is a great way to stimulate critical thinking. As a class, or in small groups, discuss the following:

(For each question, think broadly about all the possible people or groups of people who may be affected, and remember there may be non-monetary costs and benefits.)

1. Who should decide which race(s) a person is?
2. Who benefits from race identification?
3. Who pays when race identification is used? Is this fair to each party involved? Explain.
4. Is it fair to require a student to identify themselves by race in order to be granted access to school? Why or why not?
5. When race is used to define one's identity, what is given up? In other words, what opportunity costs are incurred? Is there an effective balance between grouping people into categories based on shared physical or social qualities and a person's individual identity?

Name: _____

Date: _____

Outside the Box Quiz

1. Eli believes that _____ is not a true reflection of his children's identity.
 - A) age
 - B) race
 - C) clothing
 - D) diet

2. Eli was informed if he did not select both a primary and additional race, he would not be able to _____.
 - A) get medical help for Jack
 - B) obtain a tax refund
 - C) enroll Jack in school
 - D) rent an apartment

3. Jack became black because _____.
 - A) Eli checked the box for black so he could enroll Jack in school
 - B) that is how he identifies himself
 - C) that is what the school administrator determined he was
 - D) it was on his birth certificate

4. When Eli was 10 years old, the class held a mock presidential election. Eli voted for _____.
 - A) Jesse Jackson
 - B) Walter Mondale
 - C) Ronald Reagan
 - D) Jimmy Carter

5. Eli feels using race to identify people is _____.
 - A) beneficial
 - B) costly
 - C) poison
 - D) benign

6. According to Eli, the _____ is the smallest minority.
- A) graduate student
 - B) school administrator
 - C) individual
 - D) newborn child
7. When race is used by/for others as the main method to define one's identity, a person's _____ is given up.
- A) freedom
 - B) individuality
 - C) ability to enroll in school
 - D) allowance
8. When Eli was in 7th grade, some kids from school covered his house with _____.
- A) soap
 - B) eggs
 - C) toilet paper
 - D) dog poop
9. When Eli applied to college, he was told if he checked the _____ race box, he would likely be classified as black.
- A) black
 - B) white
 - C) hispanic
 - D) mixed
10. Eli believes his children should _____.
- A) check the box that gives them the best advantage
 - B) check more than one box
 - C) embrace all of who they are
 - D) leave the race boxes blank

Outside the Box **Quiz Answer Key**

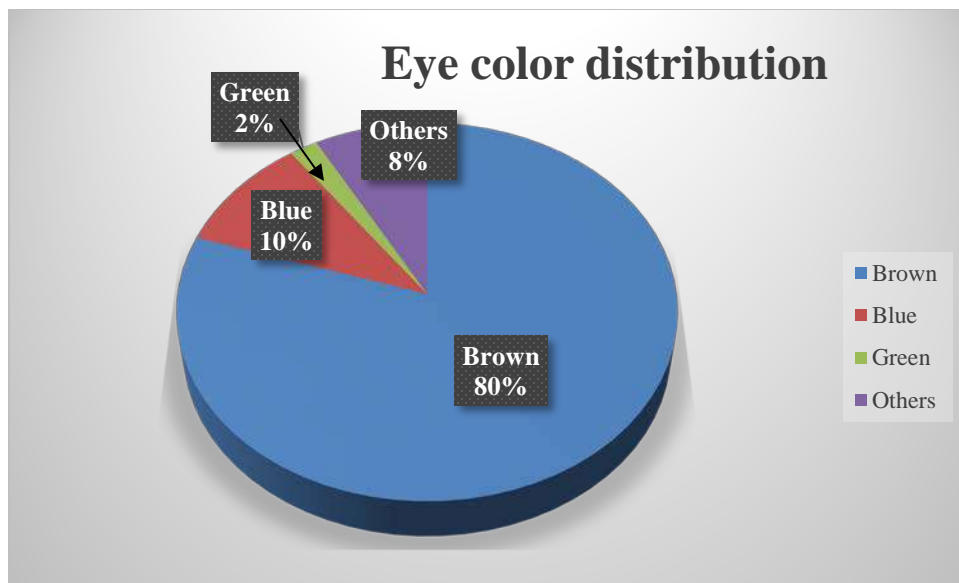
1. B) race
2. C) enroll Jack in school
3. A) Eli checked the box for black so he could enroll Jack in school
4. A) Jesse Jackson
5. C) poison
6. C) individual
7. B) individuality
8. C) toilet paper
9. D) mixed
10. C) embrace all of who they are

Outside the Box

Enrichment and Integration Activities

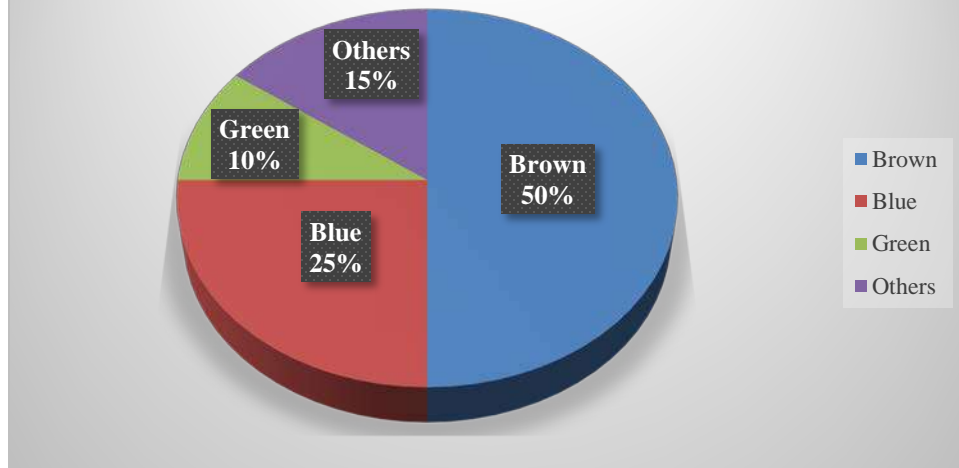
Research Projects: Work independently or in small groups. Choose one or more of the topics below to learn more about. Gather information from multiple sources to help answer the questions. Create a report that includes both written and visual elements such as pictures, charts, and graphs. Be sure to cite your sources. Share your findings with the class in a presentation.

- A. Locate one or more current events regarding race in America. Write an essay on why it is difficult to talk about race. How would a black person view the history of race? How about an Asian person? How about a white person?
- B. The distribution of the color of one's iris (eyes) varies; however, they are roughly distributed as follows:



Now, imagine you want to enroll in a particular course – or at a college/university – next year and there are only 20 spots available, yet there are 100 students who want to enroll. Traditionally, brown-eyed students have been overwhelmingly represented and the school would like more blue-, green-, and other-eyed students. It was decided the selection team will accept students according to the following distribution:

Entrance acceptance by eye color



Prepare a response that answers the following questions: How does this acceptance rate affect you, assuming you want to enroll in this course or at this college/university? How might someone who does not have your eye color view your acceptance or failure to be accepted? Is this an effective way to address the school's objective of a fair distribution? Why or why not?

- C. Sorting. Ask each student to think of five or more categories by which a teacher could group students. After the students have written down the categories, ask each student to share the categories and write them down on a chalkboard / whiteboard / visual display. Once the list is completed, facilitate a class discussion regarding how each of the categories may define a person and how they may not.
- D. Eli stated "... the smallest minority in America is, and always has been, the individual." Write an essay explaining what you think he meant and what this statement means to you.
- E. Martin Luther King - Eli's stance ties in very much with a famous Martin Luther King quote. MLK said, "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character." Are we living in that nation now? Can we get to that point, where we are no longer concerned about race, but instead judge each person individually, based on their character? Do we want to get to that point? How can we get there? What are the things that stand in the way of achieving that kind of society? Write a poem, essay, story, or create a video or slide presentation that responds to this issue.

When the government or school chooses to prioritize one group of people over another, does this mean other groups are disadvantaged? What does it mean to be an individual

in this context? When you are placed into a group, does this mean your identity is defined for you by the typical attributes of the selected group?

An argument exists that being frequently compassionate to a group that has been disadvantaged in some form or another can lead some in the group to be angry toward the majority and less independent. How is this a valid argument? How is it an invalid argument? What are some ways government can approach social issues without factoring in identity?

- F. The Holocaust - Eli's grandfather survived the Holocaust. Eli labeled the Holocaust as a racial order, focused on identity politics. Were people seen as individuals by the Nazis? Explain/discuss/write about this. Other questions to consider:
- a. Why do you think Eli's grandfather never wanted to return to Poland?
 - b. What differences can you see in the initial part of Rodham Eli visits, and the section where his grandfather grew up? What conclusions might you draw about the two very different parts of the city?
 - c. How were the people of Rodham segregated?
 - d. Why did Eli's grandfather's sisters think that the women would be spared?
 - e. Do you understand Eli's distrust of identity politics? Why does he feel that way?
 - f. Narrator in video: "Doesn't this emphasis on racial group identity use the same reasoning that all racial orders are built on? The rights and interests of the racial group over the individual. And doesn't this always lead to some racial groups being valued over other racial groups? And to the marginalization of the individual?"
What does marginalization mean? How does putting people into groups "marginalize the individual"? Do we currently, in our society, emphasize racial group identity? Is that a good or a bad thing? Or neither? Do you think we should aspire to a society where everyone is judged solely on their own, individual merits? If we should aspire to it, is it possible to achieve it? Why or why not? Should we look more to the things we have in common, rather than our differences?

OUTSIDE THE BOX
LESSON PLAN – OUTSIDE THE BOX DOCUMENTS

Primary Documents

Name: _____

Date: _____

Instructor: _____

Time to complete:	60 minutes
Materials/Technology/Resources:	<ul style="list-style-type: none">* The <i>Outside the Box</i> video (can be streamed from izzit.org with no login required.)* Presentation Method (smartboard, projector, etc.)* Viewing Guide* Primary documents

Standards:	Use our free and easy-to-use Standard Alignment tool to align this lesson with the standards in your school district.
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Learning Objective(s):	<i>Students will examine primary source documents related to identity and equal protection. They will summarize the main points and will discuss the implications of them.</i>
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Topics:	Race, ethnicity, religion, gender, identity
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Absorb: (17:27 minutes)	<p><u>Watch:</u></p> <p><i>Outside the Box</i> video streamed from izzit.org with no login required.</p>
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Overall guiding question(s):	If you could write a new law that would address equality in America, what would it state? Do you think it's possible to stop using race and other means by which people are grouped? Is that something we want?
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<p>Lesson Procedures: (30 minutes)</p>	<ol style="list-style-type: none"> 1. Watch video: <i>Outside the Box</i> 2. PROCEDURES: <ol style="list-style-type: none"> a. ACTIVITY: Divide the class into groups and distribute the documents you choose from the available group (note: the Civil Rights of 1964 document is longer than the others). b. Students will use the organizers to note specific themes in the documents they are assigned. c. Assign each group at least one question related to their assigned document to discuss when groups are brought back together. Example questions may include: How effective has / have each document's contents been in achieving the stated objectives? If you could add anything to the document(s) to make them more effective, what would that be?
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<p>Summary & Assessment: (15 minutes)</p>	<p>Assessment can be on content and or the discussion regarding the insight students gained while completing the organizer.</p> <p>Bring students back together to discuss their response(s) to the assigned question and any themes they noted. Encourage the students to discuss the significance of their assigned document(s) on improving race- and/or ethnicity-related objectives?</p>
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<p>Reflection: (5 minutes)</p>	<p>Select a current event, either from izzit.org or a news site. Discuss how the items like these documents influenced the use of race or other group attributes in policymaking.</p>
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Fourteenth Amendment to the United States Constitution

Name: _____

Date: _____

<p>Fourteenth Amendment to the United States Constitution July 28, 1868</p>	<p>NOTES</p>
<p>Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.</p> <p>Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.</p> <p>Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.</p> <p>Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.</p> <p>Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.</p>	

Nineteenth Amendment to the United States Constitution

Name: _____

Date: _____

Nineteenth Amendment to the United States Constitution	NOTES
<p data-bbox="203 501 435 537">August 18, 1920</p> <p data-bbox="203 558 870 642">The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.</p> <p data-bbox="203 659 781 718">Congress shall have power to enforce this article by appropriate legislation.</p>	

Civil Rights Act of 1964

Name: _____

Date: _____

Civil Rights Act of 1964	NOTES
<p data-bbox="203 428 375 464">July 2, 1964</p> <p data-bbox="506 495 591 522" style="text-align: center;">An Act</p> <p data-bbox="203 554 883 814">To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.</p> <p data-bbox="203 846 889 926">Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1964".</p> <p data-bbox="203 957 505 984">TITLE I--VOTING RIGHTS</p> <p data-bbox="203 1016 870 1157">SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:</p> <p data-bbox="203 1188 878 1478">(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs: "(2) No person acting under color of law shall-- "(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;</p> <p data-bbox="203 1509 873 1682">(B) deny the right of any individual to vote in any Federal election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or</p>	

"(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974--74e; 74 Stat. 88): Provided, however, That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.

TITLE II--INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

Name: _____

Date: _____

TITLE II--INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

(c) The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof.

(e) The provisions of this title shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.

SEC. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202.

SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved and, upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security.

TITLE III--DESEGREGATION OF PUBLIC FACILITIES

Name: _____

Date: _____

TITLE III--DESEGREGATION OF PUBLIC FACILITIES

SEC. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection

(a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

SEC. 302. In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.

SEC. 303. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title.

SEC. 304. A complaint as used in this title is a writing or document within the meaning of section 1001, title 18, United States Code.

TITLE IV--DESEGREGATION OF PUBLIC EDUCATION

Name: _____

Date: _____

TITLE IV--DESEGREGATION OF PUBLIC EDUCATION

DEFINITIONS

SEC. 401. As used in this title--

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

(c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

SURVEY AND REPORT OF EDUCATIONAL OPPORTUNITIES

SEC. 402. The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

TECHNICAL ASSISTANCE

SEC. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

TRAINING INSTITUTES

SEC. 404. The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. Individuals who attend such an institute on a full-time basis may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for travel to attend such institute.

GRANTS

SEC. 405. (a) The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole or in part, the cost of--

(1) giving to teachers and other school personnel in service training in dealing with problems incident to desegregation, and

(2) employing specialists to advise in problems incident to desegregation. (b) In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

PAYMENTS

SEC. 406. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.

TITLE VI--NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Name: _____

Date: _____

TITLE VI--NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such non-compliance has been so found, or (2) by any other means authorized by law: Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

SEC. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

SEC. 605. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

TITLE VII--EQUAL EMPLOYMENT OPPORTUNITY

Name: _____

Date: _____

TITLE VII--EQUAL EMPLOYMENT OPPORTUNITY

DEFINITIONS

SEC. 701. For the purposes of this title--

(a) The term "person" includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: Provided, That during the first year after the effective date prescribed in subsection (a) of section 716, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers: Provided further, That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin and the President shall utilize his existing authority to effectuate this policy.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) one hundred or more during the first year after the effective date prescribed in subsection (a) of section 716, (B) seventy-five or more during the second year after such date or fifty or more during the third year, or (C) twenty-five or more thereafter, and such labor organization--

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, The Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

EXEMPTION SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution.

DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

SEC. 703. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization--

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) As used in this title, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

(g) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if--

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin. It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

(i) Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

OUTSIDE THE BOX
LESSON PLAN – SOCIAL MEDIA

Social Media Lesson Plan

Name: _____

Date: _____

Instructor: _____

<p>Time to complete:</p> <p>Materials/Technology/Resources:</p>	<p>Will vary, depending on the desired duration</p> <ul style="list-style-type: none">* The <i>Outside the Box</i> video (can be streamed from izzit.org with no login required.)* Presentation Method (smartboard, projector, etc.)* Viewing Guide* Discussion Questions – one set for teacher only* Internet browser* The following website may be used to generate random words: http://soybomb.com/tricks/words/* An approved social media application. Piazza is a great – and free – educational tool that may be used https://piazza.com/? Alternatives should include discussion and group features.* Aspect generator (spreadsheet)
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<p>Standards:</p>	<p>Use our free and easy-to-use Standard Alignment tool to align this lesson with the standards in your school district.</p>
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<p>Learning Objective(s):</p>	<p><i>Students will explore the differences of each other's grouping and consider how the categories assigned to them influence their perception of others as well as how they define themselves.</i></p>
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<p>Topics: Race, ethnicity, religion, gender, identity</p>

<p>Absorb: (17:27 minutes)</p>	<p><u>Watch:</u></p> <p><i>Outside the Box</i> video streamed from izzit.org with no login required.</p>
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<p>Overall guiding question(s):</p>	<p>How do attributes influence a person’s identity? How does the identification of group attributes influence the way(s) in which people associate with others?</p>
<p>Lesson Procedures: (31+ minutes)</p>	<ol style="list-style-type: none"> 1. Watch video: <i>Outside the Box</i> 2. ACTIVITY: <ol style="list-style-type: none"> a. Create a private account on a district-approved social media site. Add students to the app using pseudonyms. b. Enter the students’ names on the Excel spreadsheet to generate attributes. Click the paperclip below to open the spreadsheet. (Or locate the spreadsheet in the Teaching Resources section for this video on the izzit.org website.) c. Send each student – via their school email or other secure communication – their spreadsheet-generated attributes and ask them to create a social media profile in whatever system you’ve opted to use. d. Optional: Have each student navigate to https://avachara.com/avatar/ - either at home or give them some time in class – and create an avatar based on their generated characteristics. e. Provide students time to engage in discussions regarding their attributes, cautioning them to not identify who they are to others. This is a great time-extended activity students may complete outside of school each day / week. f. Allow students to form groups of their choosing, if they wish. g. Begin to introduce favorable – and valuable – outcomes to select groups, such as extra points. (All blargs get 20 point bonuses!)

	<p>Alternatively or concurrently, add some marginally easy extra work for others. (Implying a certain group – the garlunks or whatever – are not as smart as the others.) You could give other groups harder work. This activity is about showing students how it makes them feel to know that different groups are getting different treatment but WITHOUT any actual real characteristics used as the basis for it. Students may comment on these in the discussions in the app.</p> <p>3. At the end of the activity, let students know the extra points were not actually provided. Ask the students to write a brief reflection on the activity. You may also wish to share the graphic distribution of each asset generated by the random assignment.</p>
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<p>Summary & Assessment: (15 minutes)</p>	<p>Assessment is based on reflection of what students learned as a result of their experiences interacting with others.</p> <p>Bring students back together to discuss their map features. Summary discussions may include the differences between the various divisions and any potential controversies surrounding the divisions the students may have found during their research.</p>
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<p>Reflection: (5 minutes)</p>	<p>Select a current event, either from izzit.org or a news site, regarding race, ethnicity, religion, or some other group in America.</p>
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OUTSIDE THE BOX
 LESSON PLAN – QUEST FOR EQUALITY UNDER THE LAW
Quest for Equality Under the Law – Infographic
Lesson

Name: _____

Date: _____

Instructor: _____

<p>Time to complete:</p> <p>Materials/Technology/Resources:</p>	<p>60 minutes</p> <ul style="list-style-type: none"> * The <i>Outside the Box</i> video (can be streamed from izzit.org with no login required.) * Presentation Method (smartboard, projector, etc.) * Viewing Guide * Quest for Equality material (multi-page infographic)
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<p>Standards:</p>	<p>Use our free and easy-to-use Standard Alignment tool to align this lesson with the standards in your school district.</p>
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<p>Learning Objective(s):</p>	<p><i>Students will examine primary source documents related to identity and equal protection. They will summarize the main points and will discuss the implications of them.</i></p>
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Topics: Race, ethnicity, religion, gender, identity

<p>Absorb: (17:27 minutes)</p>	<p><u>Watch:</u></p> <p><i>Outside the Box</i> video streamed from izzit.org with no login required.</p>
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<p>Overall guiding question(s):</p>	<p>Is society able to stop using race or other group categorization? Should/do we want to?</p>
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<p>Lesson Procedures: (30 minutes)</p>	<ol style="list-style-type: none"> 1. Watch video: <i>Outside the Box</i> 2. PROCEDURES: <ol style="list-style-type: none"> a. ACTIVITY: Divide the class into groups and distribute the Quest for Equality organizer b. Students will use the organizer to note specific themes in the documents they are assigned. c. Assign each group at least one question related to the history of equality efforts by the three branches of government. Alternatively, have students develop their own question(s). d. Did each decision/law bring us closer to a society where all are treated equally under the law? If not, why not/how not? How did each action change things?
<p>Summary & Assessment: (15 minutes)</p>	<p>Assessment can be on content and or the discussion regarding the insight students gained while completing the organizer.</p> <p>Bring students back together to discuss their response(s) to the assigned question and any themes they noted. Encourage the students to discuss the significance of the quest for equality by the three branches of government on improving race- and/or ethnicity-related objectives.</p>
<p>Reflection: (5 minutes)</p>	<p>Select a current event, either from izzit.org or a news site. Discuss how events in the selected article(s) influenced the use of race or other group attributes in policymaking.</p>

Quest for Equality Under the Law

Congress

Supreme Court

President

Equal
protection
of the law



**14th Amendment -
1868**

Section 1 - All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Plessy v. Ferguson - 1896

Finding nothing discriminatory about the Louisiana law, Justice Brown stated that separate treatment did not imply the inferiority of African-Americans but merely was a matter of state policy. He suggested that African-Americans were responsible for interpreting the law as connoting inferiority, and he pointed out that there was not a meaningful difference in quality between whites-only and African-American railway cars.



Separate
but equal is
lawful

Notes

**Right to
vote -
women**



**19th Amendment -
1920**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

**Brown v. Board of Education
of Topeka - 1954**



Segregation of white and Negro children in the public schools of a State solely on the basis of race, pursuant to state laws permitting or requiring such segregation, denies to Negro children the equal protection of the laws guaranteed by the Fourteenth Amendment – even though the physical facilities and other "tangible" factors of white and Negro schools may be equal

The "separate but equal" doctrine adopted in *Plessy v. Ferguson* has no place in the field of public education

**Separate
but equal
not
acceptable**

Notes

**Discrimination
in employment
is contrary to
the
Constitution**



Kennedy Executive Order #10925 - 1961

Discrimination because of race, creed, color, or national origin is contrary to the Constitutional principles and policies of the United States.

It is the plain and positive obligation of the United States Government to promote and ensure equal opportunity for all qualified persons, without regard to race, creed, color, or national origin, employed or seeking employment with the Federal Government and on government contracts.

It is the policy of the executive branch of the Government to encourage by positive measures equal opportunity for all qualified persons within the Government.



Civil Rights Act of 1964



**No
discrimination
in voting,
public
facilities, and
education**

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.



Notes

Mandatory preferences forbidden by 14th Amendment



Reed v. Reed - 1971

In a unanimous decision, the Court held that the the Idaho Probate Code's dissimilar treatment of men and women was unconstitutional. The Court argued that "[t]o give a mandatory preference to members of either sex over members of the other, merely to accomplish the elimination of hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the Fourteenth Amendment. . . [T]he choice in this context may not lawfully be mandated solely on the basis of sex."



Regents of University of CA v. Bakke - 1978



Race can be considered in admissions, but no quotas

Affirmative action programs that take race into account can continue to play a role in the college admissions process, since creating a diverse classroom environment is a compelling state interest under the Fourteenth Amendment. State universities go too far, however, when they set a certain quota for the number of minority students who enroll.



Notes

Race consideration is a compelling interest



Grutter v. Bollinger - 2003

The University of Michigan Law School's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body is not prohibited by the Equal Protection Clause. The compelling interest doctrine flows from the First Amendment of "giving a degree of deference to a university's academic decisions, within constitutionally prescribed limits"

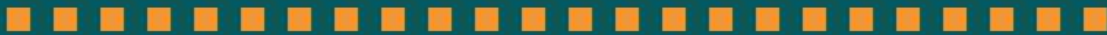


Gratz v. Bollinger - 2003



It is unconstitutional to automatically award points by race

Because the University of Michigan's use of race to allocate 20 percent of the minimum points required for admission in its current freshman admissions policy, it violates the Equal Protection Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964. A school must ensure that each applicant is evaluated as an individual and not in a way that makes an applicant's race or ethnicity the defining feature of his or her application.



Notes

University may use race-conscious admissions, but review periodically



Fisher v. University of Texas at Austin - 2013 & 2016

The University of Texas consideration of race in its admissions process does not violate the Equal Protection Clause of the Fourteenth Amendment; however, it must continually deliberate and reflect on its admissions policies to ensure a race-conscious policy is necessary as opposed to workable race-neutral alternatives. Strict limits, including time, on the use of race-conscious programs must apply.



U.S. Dept. of Education and Dept. of Justice guidance - 2018



Dept. of Education and Dept. of Justice rescinded President Obama's 'dear colleague' letters that provided guidance on the how to expand the consideration of race in education, thus deferring to Congress and the Supreme Court. Institutions may reject race-based approaches that would require them to sacrifice a component of their educational mission or priorities. Race cannot be given so much weight that applicants are defined primarily by their race and are largely accepted or rejected on that basis.

Gives deference to Congress and Supreme Court regarding race

Notes

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