FORM *AND* SUBSTANCE: UNDERSTANDING CONCEPTUAL AND DESIGN DIFFERENCES AMONG RACIAL EQUITY PROPOSALS AND A BOLD APPLICATION

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    a. *Learners*
    b. *Software Tutors*
    c. *Tutor Teams (Human)*
   2. SHADOW PROJECTS

V. CONCLUDING REMARKS

Abstract

The demand for racial equity has acquired greater intensity and urgency in recent years. Advocacy groups are demanding policies designed to address racial inequality in housing, the criminal justice system, and health care systems, among other arenas. These proposals being put forth are different in critical ways that are both substantive and form-based. In some cases, proposal solutions argue for race-specific or race-targeted interventions; in others, they call for universalistic or economic class-based interventions. Many of the proposals being floated or attempted are new programs or initiatives, while others are better understood as reforms or adjustments to existing programs. At the same time, many demands relate not to specific policy changes or new programs or policies, but are rather process based interventions, such as collecting data, establishing benchmarks, and evaluating progress or stakeholder processes designed to widen potential sources of input for institutions and among administrative officials. It is not always possible to know if a proposed solution falls into one category or another. Still, it is useful to even provisionally identify which of these categories are most likely in play.

While taking stock of the shape and form of various racial equity proposals, this Article argues for the need to ground such interventions in a clearer and more nuanced understanding of the goal and definition of racial equity and to evaluate proposals based on goals. Many of the differences in form can be traced to a lack of clarity in goals or objectives with the implications for each in terms of public support, implementation challenges, and more.

The paper ends with a proposed new approach to understanding how to best promote racial equity and belonging, and with a bold new decision system design that would empower people generally, increasing participation and removing domination. As shifts in paradigm, these proposals may not fit neatly into the above categories. Because of these shifts, they appear to be largely outside much of the literature reviewed in the first part of the paper. To fully explore this is beyond the scope of this paper. What it clearly does is

engage some of the key issues associated with racial equity and particularly power. We hope this paper will lead to further exploration of this experimental approach.

I.   INTRODUCTION

Racial equity has become more than a buzzword confined to advocacy organizations and scholarly treatises; it has become a policy objective of the federal government,[1] state and local governments,[2] and part of the mission of many corporations and other major institutions, from hospitals and museums, to medical associations and other voluntary organizations.[3] The frequent invocation of this term obscures considerable ambiguity and complexity in its precise meaning and operationalization. This is understandable. Important concepts and words will invariably have multiple meanings in different contexts and at different times. Our goal, then, is not to come up with a definitive meaning, but to assist in being more aware and careful in the particular use and practice.

Simply declaring racial equity as a goal or objective does little to resolve significant differences of opinion or assumptions about precisely what that means in theory or practice and how best to realize that objective. This Article interrogates this problem in two broad ways.

First, it examines the conceptual differences which underpin varying understandings of this term. This examination includes a review of various

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[1] Exec. Order No. 13,985, 86 C.F.R. § 7009 (2021).

[2] *See Res. 20–10: Declaring Anti-Black Racism a Human Rights and Public Health Crisis in San Francisco*, HEALTH COMM'N CITY & CNTY. OF S.F. (Aug. 4, 2020), https://www.sfdph.org/dph/hc/HCAgen/HCAgen2020/July%2021/20_10%20Anti_Black _Racism_Is_Public_Health_Crisis.pdf [https://perma.cc/7FKA-WAH4] (San Francisco Health Commission adopted the resolution at its August 4, 2020 meeting); *Health Commission Meeting Agenda*, HEALTH COMM'N CITY & CNTY. OF S.F. (Aug. 4, 2020), https://www.sfdph.org/dph/hc/HCAgen/HCAgen2020/August%204/08042020F.pdf [https://perma.cc/SD5V-TLEH] (adopting resolution declaring racism a public health crisis); *Executive Order No. 2020–55*, MICH. CORONAVIRUS TASK FORCE ON RACIAL DISPARITIES DEP'T OF HEALTH & HUM. SERVS. (Apr. 20, 2020, 12:55 PM), https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-55.pdf [https://perma.cc/FG2C-5JMZ] (declaring racial disparities a significant issue within COVID-19 pandemic responses).

[3] *See Diversity, Inclusion, Equity & Belonging*, PAYPAL, https://about.pypl.com/how-we-work/diversity-and-inclusion/default.aspx [https://perma.cc/T8P8-24HE] (last visited Jan. 26, 2022); *We're Committed to Powering an Inclusive Future for All*, CISCO, https://www.cisco.com/c/en/us/about/social-justice.html [https://perma.cc/C75U-JQX5] (last visited Jan. 26, 2022).