

# DESIGNING DIVERSITY

AFTER AFFIRMATIVE ACTION



THURSDAY, NOVEMBER 10, 2022  
6:00-7:15PM

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# DESIGNING DIVERSITY

## AFTER AFFIRMATIVE ACTION

November 10, 2022

6:00PM - 7:15PM EST

Zoom Webinar

**SPEAKERS:**

**Peter D. Arnold**, Executive Director, Fashion Scholarship Fund

**Ifeoma Ike**, Founder & Chief Equity Weaver, Pink Cornrows

**Colette Stanford**, Chief Legal Officer, SPARC Group

**Kenya Wiley**, Policy Counsel and Professor, Georgetown University

**MODERATOR:**

**Jeff Trexler**, Interim Director, Comic Book Legal Defense Fund /  
Professor of Fashion Ethics at Fordham Law



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# DESIGNING DIVERSITY

## AFTER AFFIRMATIVE ACTION

### **Program Description**

Fashion appears to be on a path to greater racial diversity, from the runway to the boardroom. How can the industry continue this progress, however, if the U.S. Supreme Court invalidates affirmative action, a key civil rights tool for over 50 years? While the current cases arose in the educational context, with challenges to admissions policies at the University of North Carolina and Harvard – and by extension, parallel policies at the majority of institutions of higher education across the country, including design schools – the potential impact is even broader. Could a pledge to stock more products from an underrepresented group, a hiring strategy intended to achieve racial or other forms of diversity, or a program of targeted support for minority designers soon be considered unconstitutional? Please join the Fashion Law Institute online for “Designing Diversity after Affirmative Action,” an advance discussion of legal and ethical strategies for promoting the full spectrum of style in light of the Court’s pending decision.

# **SPEAKERS' BIOGRAPHIES**

## **PETER D. ARNOLD**

Executive Director, Fashion Scholarship Fund

Peter Arnold is Executive Director of the Fashion Scholarship Fund, the nation's leading fashion scholarship nonprofit. Together with Virgil Abloh, the FSF established, and now administers, the Virgil Abloh "Post-Modern" Scholarship Fund. Peter is an accomplished fashion industry veteran with leadership experience as Executive Director of the Council of Fashion Designers of America, as well as CEO for notable fashion designers Cushnie et Ochs and Cynthia Rowley, and President of John Varvatos Enterprises. Peter is a National Advisory Board Member of the St. Louis Fashion Fund, and a Board Advisor at Roller Rabbit, New York. Peter has been an adjunct professor for the Fashion Law Institute at Fordham University School of Law. He received his J.D. from New York University School of Law, and a Bachelor of Arts degree in History from Wesleyan University.

## **COLETTE STANFORD**

Chief Legal Officer, SPARC Group

Colette Stanford is SVP-General Counsel of SPARC Group LLC, the dedicated retail, ecommerce and wholesale operator for the brands Aéropostale, Nautica and Lucky Brand. In this role she oversees all legal matters for the company and the company's product integrity and social compliance initiatives. From 2007-2016, Ms. Stanford was VP-Associate General Counsel of the former Aéropostale, Inc. Prior to Aéropostale, Ms. Stanford was Vice President and Counsel of Tommy Hilfiger USA, Inc. She began her legal career at Robinson Brog Leinwand Greene Genovese & Gluck, P.C. Ms. Stanford is a member of the New York State Bar and the Association of Corporate Counsel. She holds a law degree from Emory University School of Law and a bachelor's degree from Vassar College.

## **IFEOMA IKE**

Founder & Chief Equity Weaver, Pink Cornrows

Ifeoma Ike is the Founder and Chief Equity Weaver of Pink Cornrows, a global equity, social policy and culture strategy firm. A former civil, human rights and US Judiciary Committee counsel, Ms. Ike has been an architect behind social movements to advance mass policy change including Mass BailOut NYC, Black Policy Lab and the Congressional Black Innovation Caucus, recently launched on Capitol Hill. She is a strategy partner with sustainable fashion incubator, Custom Collaborative, and the Equity & Culture Advisor of the Fashion Scholarship Fund. In 2022, Ms. Ike was the first appointee from the Office of the Public Advocate to serve on New York City's Conflict of

Interest Board. Ms. Ike has been recognized by the American Bar Association, National Bar Association, and several outlets including HuffPost, City & State and Vanity Fair. She is currently a 2022-2023 NYU McSilver Institute for Poverty Policy and Research Fellow.

### **KENYA WILEY**

Policy Counsel and Professor, Georgetown University

Kenya Wiley is a policy counsel and professor focused on fashion law, technology and social justice. Kenya currently serves on the faculty at Georgetown University, and she has also guest lectured at numerous institutions, including Parsons School of Design and American University's School of Communication. Kenya previously served in senior legal and policy positions for the U.S. Senate Homeland Security Committee and the Motion Picture Association's (MPA) legal department. While at MPA, Kenya designed and implemented the association's inaugural academic outreach program for entertainment executives and academics in film, philanthropy, intellectual property law and tech policy.

In 2017, Kenya was named one of WWD's Women Leaders in Business, and she was awarded Howard Law School's 2012 Intelligent Design Award for her outstanding contributions in fashion law and policy. Kenya also chaired ASTM's inaugural Task Group on Data Security for Smart Textiles. Kenya received her B.A. in Psychology from Stanford University and her J.D. from the Georgetown University Law Center.

### **Moderator:**

### **JEFF TREXLER**

Interim Director, Comic Book Legal Defense Fund

Jeff Trexler teaches the Fashion Ethics, Sustainability, and Development course at Fordham Law School. He is an attorney and consultant whose clients include fashion brands, comics creators, entertainment companies, nonprofits, and social ventures. He has worked on issues ranging from tax exemption and ethics compliance to intellectual property and anti-censorship, including the successful defense of Maia Kobabe's graphic novel Gender Queer against obscenity charges in a landmark First Amendment case.

Trexler previously served as a chaired professor and executive director of the Wilson Center for Social Entrepreneurship at Pace University and taught nonprofit organizations at Yale, SMU and Saint Louis University. Trexler holds a J.D. from Yale Law School and a Ph.D. in American Religious History from Duke University.

# SELECTED READINGS

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## **New rules for attorneys: ABA Model Rule and New York Rule of Professional Conduct 8.4(g)**

Joint Order of the Departments of the New York State Supreme Court, Appellate Division (June 10, 2022).

<https://www.nycourts.gov/LegacyPDFS/RULES/jointappellate/Joint%20Order%20amending%2022%20NYCRR%201200.0%20Rule%20of%20Professional%20Conduct%208.4%20g%20%2006-10-22.pdf>

New York City Bar Professional Responsibility Committee, *Proposed Amendment to New York Rule of Professional Conduct 8.4(g) Intended to Guard More Effectively Against Harassment & Discrimination in the Legal Profession* (October 27, 2020).

<https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/new-york-rule-84g-harassment-and-discrimination-proposed-amendment>

Bruce A. Green and Rebecca Roiphe, *ABA Model Rule 8.4(g), Discriminatory Speech, and the First Amendment*, 50 Hofstra L. Rev. 543 (2022).

[https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2205&context=faculty\\_scholarship](https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2205&context=faculty_scholarship)

## **Civil rights laws**

14th Amendment, U.S. Constitution.

<https://www.law.cornell.edu/constitution/amendmentxiv>

Equal Rights Under the Law, 42 U.S.C § 1981.

<https://www.law.cornell.edu/uscode/text/42/1981>

Prohibition Against Discrimination or Segregation in Places of Public Accommodation, Title II of the Civil Rights Act of 1964, 42 U.S.C. § 2000a.

<https://www.law.cornell.edu/uscode/text/42/2000a>

Prohibition Against Exclusion from Participation in, Denial of benefits of, and Discrimination under Federally Assisted Programs on Ground of Race, Color, or National Origin, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

<https://www.law.cornell.edu/uscode/text/42/2000d>



Unlawful Employment Practices, Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-2.

<https://www.law.cornell.edu/uscode/text/42/2000e-2>

Unlawful Discrimination Against Non-employees, New York Human Rights Law, NY EXC § 296-d.

<https://www.nysenate.gov/legislation/laws/EXC/296-D>

## **U.S. Supreme Court on affirmative action in college admissions**

Regents of Univ. of California v. Bakke, 435 U.S. 265 (1978).

<https://supreme.justia.com/cases/federal/us/438/265/>

Grutter v. Bollinger, 539 U.S. 306 (2003).

<https://supreme.justia.com/cases/federal/us/539/306/>

Students for Fair Admission, Inc. v. University of North Carolina (pending).

<https://www.scotusblog.com/case-files/cases/students-for-fair-admissions-inc-v-university-of-north-carolina/>

Students for Fair Admission, Inc. v. President and Fellows of Harvard College (pending).

<https://www.scotusblog.com/case-files/cases/students-for-fair-admissions-inc-v-president-fellows-of-harvard-college/>

## **Affirmative action in the workplace**

United Steelworkers of America v. Weber, 443 U.S. 193 (1979).

<https://supreme.justia.com/cases/federal/us/443/193/>

Affirmative Action Appropriate Under Title VII of the Civil Rights Act of 1964, as Amended, 29 C.F.R. § 1608.

<https://www.ecfr.gov/current/title-29/subtitle-B/chapter-XIV/part-1608?toc=1>

## **Media reports analyzing diversity initiatives in fashion**

Tara Donaldson, *Slow to Change: Diversity at the 20 Biggest Apparel Companies Crawls Forward*, WWD, June 22, 2022.

<https://wwd.com/business-news/business-features/tracking-fashion-diversity-since-2020-20-biggest-apparel-companies-diversity-progress-2022-1235207993/>

Rachel Cernansky, *Where Fashion is Failing Women, and Where It's Showing Up*, Vogue Business, Mar. 10, 2022.

<https://www.voguebusiness.com/sustainability/where-fashion-is-failing-women-and-where-its-showing-up>

Vanessa Friedman, Salamishah Tillet, Elizabeth Paton, Jessica Testa and Evan Nicole Brown, *The Fashion World Promised More Diversity. Here's What We Found*, New York Times, Mar. 4, 2021.

<https://www.nytimes.com/2021/03/04/style/Black-representation-fashion.html>

Sheena Butler-Young, *Are Fashion Companies Holding Firm on Diversity Commitments?*, Business of Fashion, Feb. 14, 2022.

<https://www.businessoffashion.com/articles/workplace-talent/are-fashion-companies-holding-firm-on-diversity-commitments/>

## **Recent legal challenges to diversity programs**

Alan Rappaport, *Climate and Tax Bill Rewrites Embattled Black Farmer Relief Program*, New York Times, August 12, 2022.

<https://www.nytimes.com/2022/08/12/business/economy/inflation-reduction-act-black-farmers.html>

Complaint, National Center for Public Policy Research, Case no. 22-2-02945-32 (Spokane County, WA, Superior Court, August 30, 2022).

<https://nationalcenter.org/wp-content/uploads/2022/08/National-Center-for-Public-Policy-Research-v.-Starbucks-CEO-Howard-Schultz-ET-Al..pdf>

Verified Complaint, Do No Harm v. Pfizer, Inc., Case no. 1:22-cv-07908 (S.D.N.Y., September 15, 2022).

<https://donoharmmedicine.org/wp-content/uploads/2022/09/2022.09.15.-Doc-1-Verified-complaint.pdf>

Press Release, *Rep. Roy Leads Fight to Investigate Universities' and Big Tech's "Unconstitutional Diversity Quotas" for Graduate Fellowships*, roy.house.gov (October 13, 2022).

<https://roy.house.gov/media/press-releases/rep-roy-leads-fight-investigate-universities-and-big-techs-unconstitutional>

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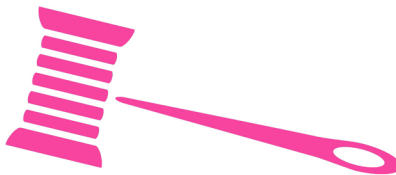
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**We look forward to seeing you again soon!**