

[Original Articles]

The diffusion of racial validation panels in public universities - institutions and organizational change*



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Resumo

A Difusão das Comissões de Heteroidentificação nas Universidades Públicas: Instituições e Mudança Organizacional

Esse artigo mobiliza a literatura sobre isomorfismo institucional e movimentos sociais para explicar a difusão no Brasil de procedimentos de validação das auto-declarações dos candidatos à admissão em universidades federais por meio de cotas raciais. A difusão desses procedimentos transformou o modo como o direito às ações afirmativas é compreendido e produziu mudanças organizacionais. Por meio da análise de documentos e entrevistas, o artigo identifica os mecanismos coercivos, miméticos e normativos em jogo e examina sua gênese. Ele mostra que esses derivaram das interações entre estudantes universitários, funcionários técnico-administrativos e docentes das universidades, assim como organizações do movimento negro e de agências do estado, engajados no objetivo de proteger as ações afirmativas. Implicações para estudar mudança no ensino superior e nas relações raciais no Brasil são discutidas.

Palavras-chave: comissões de heteroidentificação; ações afirmativas; cotas raciais; universidades públicas; mudança organizacional

Abstract

The Diffusion of Racial Validation Panels in Public Universities - Institutions and Organizational Change

This article draws insights from the literature on institutional isomorphism and social movements theory to explain the diffusion in Brazil of procedures for validating the self-identification of candidates for admission to federal universities through racial quotas. The diffusion of these procedures has transformed how the right to affirmative action is understood and how it has led to organizational challenges. By analyzing documents and interviews, this article identifies the coercive, mimetic, and normative mechanisms at play. It shows that they derived from interactions among Black university students, staff, faculty members, and organizations of the black movement and state agencies, all engaged in protecting racial affirmative action. Implications for studying change in Brazil's higher education and race relations are also discussed. Higher education and race relations in Brazil are also discussed.

Keywords: racial validation panels; heteroidentification commissions; affirmative action; racial quotas; public universities; organizational change

Résumé

La Diffusion des Commissions de Hétéro-identification dans les Universités Publiques : Institutions et Changement Organisationnel

Cet article mobilise la littérature sur l'isomorphisme institutionnel et les mouvements sociaux pour expliquer la diffusion au Brésil des procédures de validation des autodéclarations des candidats à l'admission dans les universités fédérales par le biais de quotas raciaux. La diffusion de ces procédures a transformé la manière dont le droit aux actions affirmatives est compris et a produit des changements organisationnels. En analysant des documents et des entretiens, l'article identifie les mécanismes coercitifs, mimétiques et normatifs en jeu et examine leur genèse. Il montre que ceux-ci ont découlé des interactions entre les étudiants universitaires, le personnel technique-administratif et les enseignants des universités, ainsi que des organisations du mouvement noir et des agences de l'État, engagés dans l'objectif de protéger les actions affirmatives. Les implications pour l'étude du changement dans l'enseignement supérieur et des relations raciales au Brésil sont discutées.

Mots-clés : commissions d'hétéro-identification ; actions affirmatives ; quotas raciaux ; universités publiques ; changement organisationnel

Resumen

La Difusión de las Comisiones de Heteroidentificación en las Universidades Públicas: Instituciones y Cambio Organizacional

Este artículo utiliza la literatura sobre isomorfismo institucional y movimientos sociales para explicar la difusión de procedimientos de validación de las autodéclaraciones de los candidatos a admisión en universidades federales en Brasil por medio de cuotas raciales. La difusión de esos procedimientos transformó el modo en que el derecho a las acciones afirmativas es comprendido y produjo cambios organizacionales. Por medio del análisis de documentos y entrevistas, el artículo identifica los mecanismos coercitivos, miméticos y normativos en juego y examina su génesis. Se muestra que estos mecanismos se derivaban de las interacciones entre estudiantes universitarios, funcionarios técnico-administrativos y docentes de las universidades, así como organizaciones del movimiento negro y de agencias del estado, comprometidos con el objetivo de proteger las acciones afirmativas. Se discuten las implicaciones para estudiar el cambio en la enseñanza superior y las relaciones raciales en Brasil.

Palabras clave: comisiones de heteroidentificación; acciones afirmativas; cuotas raciales; universidades públicas; cambio organizacional

Introduction

The diffusion of racially and low-income-oriented affirmative action for admission to public universities throughout the 2000s happened simultaneously and amidst intense debate in Brazil. However, racial affirmative action faced specific opposition regarding eligibility. Some argued that, in a mixed-race population, it would be impossible to clearly define who could benefit from affirmative action without instituting racial control measures that they saw as harmful to the future of race relations in the country (Fry, Maggie, Maio, Monteiro, Santos 2007; Maio, Santos 2005).

This opposition did not prevent the advancement of racial affirmative actions (Brandão, 2007, Daflon, Feres Jr., Campos, 2013; Lima, 2010). The activism of the organized black movement (Alberti, Pereira, 2006; Gomes, 2017) led to (a) the development of such actions by many universities throughout the 2000s; (b) the Brazilian highest court's ruling in favor of the constitutionality of racial affirmative actions and of the measures to avoid fraud (STF, 2012) and (c) the approval, in that same year, of Law 12,711, known as the Quotas Law, that mandated federal universities to fill half of the first-year class with public high school graduates that satisfied the entrance examinations requirements, and, among these, Black students in the same proportion of the general population of the university's state (Brasil, 2012). More recently, graduate programs across the country have also implemented racial affirmative actions (Venturini & Feres, 2020).

In the 2000s, eligibility for racial affirmative actions ended up being defined by the racial self-declaration of the candidates at most universities. However, some organizations of the Black movement contended that relying on racial self-declarations alone would jeopardize racial affirmative action. They argued that the high social value attributed to public higher education by the Brazilian society could incentivize fraud. Some students could present false statements to benefit from the initiatives and get away with them. Some organizations directly demanded from some universities the installation of procedures to validate students' racial self-declarations (Alberti, Pereira, 2006; Carvalho, 2005: 243), but only five out of more than fifty federal universities implemented them in this period (Daflon, Feres Júnior, and Campos, 2013: 312; Silva, Duarte, Bertulho, 2007:164).

A reversal happened in 2015 when many public universities started requiring students to undergo specially implemented checking procedures to validate their racial self-declarations, generally known as “hetero-identification panels.” By December 2021, in the absence of any law regulating the issue, 64 out of 68 federal universities had implemented such procedures, changing how the right to reserved places was defined.

Implementing these procedures is a lengthy operation. Our research showed that universities had to allocate resources, create offices and staff positions, and redefine and reorient the enrollment protocols. All of this demanded the development of new competencies from faculty and staff, and their engagement.

How to explain the adoption of these validation procedures by federal universities, their rapid diffusion throughout the country, and their relative homogenization, especially after 2018? To answer these questions, we examined official documents, conducted interviews, studied newspaper and television reports, and reviewed case studies conducted by others. As this is a change that was announced and experienced as necessary to guarantee the fulfillment of the objectives of racially-oriented affirmative action, ensuring that Black students, until then excluded from most public universities, could have access to them, we avoid an approach based exclusively on the role of school in social reproduction and examine the conditions that allow changes to occur that benefit groups previously excluded or under-represented at this level of education. The paper contributes to the literature on organizational change by mobilizing the new sociological institutionalism, combined in part with social movement theory.

Changing universities

We deal here with changes occurring in the core of universities that have at least until recently been reserved for the production (and reproduction) of elite groups in Brazil, the public universities. They were historically established as racially segregated white spaces (Carvalho, 2016) by student recruitment and staff and faculty hiring practices, as well as by how the organization of knowledge and everyday activities reinforce the dominant racial hierarchy. Governed by a particular definition of academic competence, these practices tended to ignore—or to treat as something that did not concern the universities and their selection processes—how much that definition owed to the structuring inequalities of the national education system.

As extensively documented, racial inequality in the Brazilian education system is remarkably high (Soares, Alves, 2003; Osório, 2009; Artes, Ricoldi, 2015; Ernica, Rodrigues, 2020). The Black population faced specific obstacles to accumulating the schooling capital necessary for admission to undergraduate programs, especially in public, as distinct from for-profit, universities (Carvalho, 2005; Lima, Prates, 2015; Ribeiro, 2006), or to access graduate studies and the university teaching jobs (Pinto, 2007; Arboleya, 2019; Venturini, 2017; Soares, Silva, 2019). These obstacles are deeply entrenched in the organization of schools and universities. They are supported by discourses and belief systems that ensure their permanence over time, leading to the naturalization of the advantage of whites in Brazilian schooling.

The concept of institutional racism helps to make sense of such circumstances. It has been extensively studied, with notable works such as Kwame Ture and Charles Hamilton's "Black Power, The Politics of Liberation in America" (1967) and James Jones' "Prejudice and Racism" (1972), having also gained attention in Brazil through authors like Silvio de Almeida (2018). Institutional racism refers to when organizations contribute to maintaining racial hierarchies through their norms, processes, and protocols without explicitly using racial policies (Bonilla-Silva, 2020). Even if race is not formally used as a principle of exclusion, an organization can still be considered racist if it excludes a particular group from accessing benefits based on race. This exclusion can occur even if those involved do not intentionally think in racial terms when creating and implementing these norms, processes, and protocols. The fact that these power devices are under the control of a racially identified group and that the result of their operationalization is the exclusion of another group, also racially identified, from access to collectively produced benefits is evidence that we are facing racist practices.

In this context, the spread of racial affirmative action in politics, universities, and public service starting in the 2000s, as well as its constitutional guarantee by a decision of the highest court in 2012, signals a significant change in how race relations are conceptualized in Brazil. The diffusion of procedures to check the candidates' racial self-declarations can be considered part and extension of this process. That said, we argue that they are not a "natural" development of the diffusion of affirmative action.

To understand this diffusion, we have examined the dynamics that concretely led to the implementation of racial self-declaration validation procedures in Brazilian public universities, exploring the hypotheses advanced by the new institutionalism in organizational analysis (Meyer, Rowan, 1977; DiMaggio, Powell, 1983, 1991; Scott, 1983; Zucker, 1977). This approach assigns an analytical status to the broader environment, the field, defined as “an arena—a system of actors, actions, and relations—whose participants take each other into account as they carry out activities that are interrelated” (McAdam, Scott, 2005: 11). Through processes of coercion, imitation, and normatization, belief systems, which give meaning to procedures, norms, and discourses, spread throughout the organizational field, generating a close similarity among organizations, what Powell and DiMaggio (1983) call institutional isomorphism.

Coercion derives from formal and informal pressures from the organizations or wider society on which the organization under analysis depends. Since it is reasonably common for these pressures to originate from the state, we have looked for evidence that universities that have implemented racial self-declaration validation procedures have done so to comply with legal requirements emanating from laws, regulations, or even court decisions.

However, coercion is not the only possible mechanism of isomorphism. In situations of uncertainty, the organization may face the need to solve a problem and not count on any imposition or clear guidance on how to proceed. In these cases, it may opt for practices, procedures, and protocols already adopted by others and understood as viable and attractive solutions to the problem it needs to solve (DiMaggio, Powell, 1983). We have thus examined communication between organizations, identifying mechanisms and spaces that allowed for exchanges and learning.

In addition, we have investigated if diffusion was also driven by “normative processes” by examining the homogenizing force exerted by managers or other professionals based on the specific knowledge they master (DiMaggio, Powell, 1983). Professional training allows experts to appropriate a shared “toolbox,” homogenizing discourses and practices and authorizing them to a particular “monopoly of legitimate institutional culture” that validates their arguments for or against the proposed action (Lagroye, Offerlé, 2011:118). Although Brazilian public universities do not have professionalized management, we paid close attention to those who participated in the process as experts and to the uses of their expertise.

Finally, organizations are subject to the influence of activists working within them, broader social movements (Davis, McAdam, Scott, and Zald, 2005), and other stakeholders. Case studies have shown that black activism was instrumental in the adoption of procedures to validate the racial self-declarations (Batista, Figueiredo, 2020; Dias, Tavares Junior, 2018; Guimarães, Rios, Sotero, 2020; Leite, 2020; Marques, 2019; Oliveira, 2019; Silva, Cirqueira, Rios, Alves, 2020). To understand how this happened, we have sought to identify the channels through which demands formulated by social movements reached policymakers (Lavalle, Carlos, Dowbor, Szwako, 2018; Rios, 2018) and the judiciary and the results that ensued. Media organizations have also been mentioned as relevant actors in these processes. Since they can contribute to amplifying and even attributing meanings to collective action (Andrews; Biggs, 2006; Koopmans, 1993; Oberschall, 1989), we have examined how they were involved and dealt with the issue.

An observation about the connections between studies on institutional racism and organizational studies is worth making here. As some authors have noticed, the new institutionalism has not invested in establishing connections with theories of race relations (Bonilla-Silva, 2015; Rojas, 2017, Ray, 2019) and rarely perceives the racial homogeneity of organizations as the result of a broader, abstract process of legitimizing a racial order (Bonilla-Silva, Peoples, 2022). Nonetheless, recent studies have pursued the idea that organizations are embedded in an institutionalized racial field (Ray, 2019; Bonilla-Silva, 2015, Emirbayer, Desmond, 2015; Jung, 2015; Wooten, 2015; Wooten, Coloute, 2017) that affects their functioning. The changes in the university field we examine in this paper are thus thought to be a revealing case of the transformations in race relations underway in contemporary Brazil and the place that public universities have occupied in this process.

The study

We have examined the cases of federal universities that adopted procedures for validating the self-declaration of applicants between 2015 and December 2021 (64 of the 68 federal universities). Through the study of official records, e.g., resolutions of higher councils of these universities and minutes of commissions, we produced a timeline for each case and a description of each procedure.

Another set of documents, composed of materials produced by universities, student collectives, and instances of the judiciary, as well as newspaper articles and case studies published as dissertations or journal articles, helped reconstruct the processes that led to implementing the procedures in seven federal universities. Interviews with students (n=24), professors (n=14), employees (n=9), provost (n=1), public defender (n=1), and members of civil society organizations (n=7) conducted between 2019 and 2022 gave us a better understanding of the perceptions and motivations that oriented their participation in these seven cases, two of which are presented below (Boxes 1 and 2). Finally, we followed the implementation of validation of students' racial self-declaration procedures in a public university located in the country's southeastern region that took place between 2019 and 2022. Although data from this experience are not discussed directly in this text, it provided analytical insights that allowed us to apprehend better the other processes.

In the following sections, we explore this material in light of the above hypotheses. We indicate how the interactions between individuals and groups, inside and outside the universities, contributed to formulating, implementing and diffusing procedures to validate the students' self-declarations.

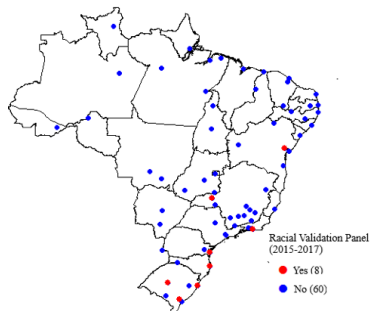
Social Movements, State Agencies

As of 2015, many federal universities rapidly adopted procedures for routine validation of the applicant's racial self-declarations. The maps presented below show that universities in the Southern Region were the first to do so, a point we discuss in the next section. Map 2 shows that the diffusion accelerated in 2018 when twenty-two federal universities implemented such procedures, mainly those in the Southeast Region, followed by those in the South and Northeast regions. This same year, the first universities in Midwest and North regions joined the group. By 2019, virtually all universities in the South and Southeast regions had implemented routine validation - twenty-five of them did so that same year. Map 4 shows that by December 2021, practically all federal universities had implemented the validation. Among the four exceptions, the University of Brasilia, in the Midwest, has decided not to adopt them. It validates the candidate's racial self-declarations only if it receives a formal complaint of fraud regarding enrolled students. Other had already established a working group to study the matter and develop a procedure.

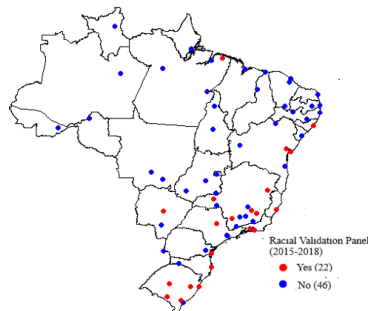
Figure 1

Universities that have adopted procedures to analyze self-declarations of applicants for undergraduate admission (2015-2021)

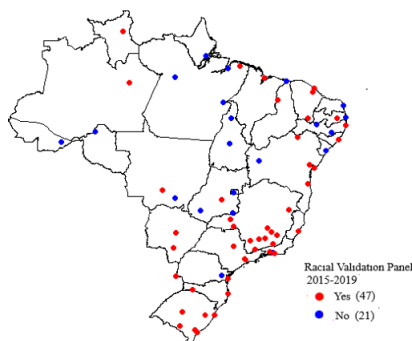
Map 1



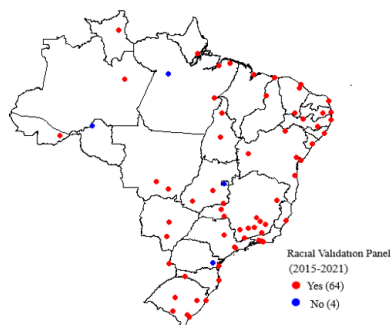
Map 2



Map 3



Map 4



The timing of the massive diffusion of procedures for validating self-declarations indicates its direct connection with the Supreme Court ruling and with the outcome of the Quotas Law, both in 2012. On the one hand, affirmative actions, especially racial ones, were, until then, seen as a controversial measure. Its diffusion among public universities during the 2000s was accompanied by contestations, discouraging more incisive demands for greater control over policy. According to the ruling of the Supreme Court, the measures taken to verify self-declarations were legally acceptable and did not violate the Constitution. The Quotas Law upheld the federal universities' policies already in place. Together, the Supreme Court ruling and the Quotas law changed the rule of the game. In the new context they created, at least part of the energy directed toward guaranteeing the existence and permanence of racial affirmative actions could now turn toward ensuring that they would not fail to benefit Black students.

In addition, the Quotas Law instituted a series of provisions to ensure the eligibility to reserved places for all the groups targeted by affirmative actions, except those who could benefit from the racial ones. Students applying for the so-called social quota must present a high school graduation certificate from a public school and, in some cases, proof of family income. Those applying for places reserved for indigenous students must show the Indigenous Administrative Birth Registration (RANI) or a declaration of their link to an indigenous community signed by leaders of the people to which the student claims to belong. Those applying for places reserved for students with disabilities, whose legislation is more recent, must produce a medical report. Some see the lack of reference to a specific document to support the application of Black and Brown candidates as a dissonant element that weakens racial affirmative action. In its ruling, the Supreme Court defended this idea, stating that this lack of control leaves the policy vulnerable to strategies of “opportunistic individuals who, through fraud or abuse, intend to have privileged access to public higher education,” as mentioned in the vote of Justice Luiz Fux (STF, 2012: 119). This argument has been used to advocate for the establishment of racial self-declaration validation procedures by jurists (Becker, 2017; Vaz, 2018), researchers, and activists (Dias, Tavares Jr., 2018; Jesus, 2021; Marques, 2019; Santos, Ferreira, 2020).

The documents and interviews analyzed as part of our research showed that the procedures for verifying the self-declarations of applicants adopted after the Quotas Law were implemented mainly in response to accusations of fraud. They also show that an important part of them involved the participation of black students gathered in student collectives¹. Besides the changes in the general context mentioned above, their spread throughout the country without apparent coordination can also be attributed, at least partly, to the demographic shift that occurred at the public universities due to the racial affirmative actions in place since the 2000's. The universities were receiving a more significant number of Black students, who had grown up in a country in which the Black population had become the subject of rights (Paschel, 2016) and in which the fight against racial inequalities had finally become the object of public policies. They saw quotas as a right and not as a contested object, which boosted their actions and allowed communication with collectives from other universities, facilitated by social networks.

In general, the complaints arose from more or less accidental contact of Black students with colleagues they knew were admitted through affirmative action but did not have the phenotypic traits they deemed appro-

prate². In many cases, the Black students were already assembled in activist collectives when they filed the complaint, while in others, they created their collectives or joined existing ones along the way, as the cases below show.

The interviews showed that it took work to carry out the complaints. The students faced different obstacles. In some cases, they did not know the institutional channels through which to proceed; in others, the universities' leadership did not take them seriously. However, they always found allies that helped them build strategies that, in the end, proved to be effective. Some sought support from Black student groups, others from Black activists linked to the university (faculty or staff), or even from Regional Councils for Human Rights, the Brazilian Bar Association, or unions. In all cases, these contacts led to a closer association between students and organizations of the black movement. The organizations did not hesitate to support them, which was fundamental to take the case to court or build a credible threat of taking it to court, forcing the universities to move forward in adopting procedures to validate applicants' self-declarations.

This outcome was expedited when the mainstream media took an interest in the case, either through connections facilitated by black movement organizations, social media actions, or even involvement of the justice system, as demonstrated by the example of UFBA discussed later on. The strategic use of the media, which invariably demonstrated a significant appetite to echo the allegations, always presented as allegations of fraud, was instrumental in creating or threatening to create a "scandal." This reaction reinforced a strategic use of the media, which invariably demonstrated a significant appetite to spread the news about complaints always framed as accusations of fraud. Stories produced by small local newspapers, for example, were promptly picked and reproduced by vehicles with greater reach. The conditions under which this happened, and the organizations involved will not be treated here. However, further studies may offer a glimpse into how mainstream media interact with public universities and the political field in Brazil.

Typically, these initiatives led to a shift in the demand itself. When it reaches the judiciary, it no longer seeks the investigation of the specific case that initiated it, which could be considered an isolated case, a one-off deviation. It has become a demand for routine racial

self-declaration validation, framed as a guarantee for the quota policy. From then on, the case is presented as an occurrence that proves that fraud is widespread and represents a structural threat to the policy's integrity, thus requiring a permanent mechanism to curb it to be integrated into the organizational framework of the universities. Besides the cases studied by us, this was also observed in the cases of UFJF (Leite, 2020), UFRB, UFMS, UFGD, UFOP, UFRRJ, UFPR, UFPel (Oliveira, 2019), and UFMG (Jesus, 2021).

The Case of the Federal University of Bahia (UFBA)³

Although UFBA has implemented protocols for validating the racial self-declarations of students who applied for admission to courses offered by the Unified Selection System (SISU), they did not apply to the Interdisciplinary Baccalaureate (BI) graduates who applied to traditional regular courses. The university only introduced validation procedures at this level in 2021 after a fraud scandal and extensive student mobilization. Joana, one of the protagonists, was interviewed for this research. She reported being a victim of fraud when applying to one of the spots reserved for Black, public school, and low-income students in the Medical School. Only two places were available, and Joana was placed third. She was greatly disappointed, especially when she learned who had won the places since, according to her, both students were white.

Indignant but not knowing what to do, Joana contacted her sister's acquaintances in the black movement. Following their guidance, Joana made a formal complaint to the University Ombudsman Office and sought help from Bahia's State Secretariat for the Promotion of Equality (Sepromi). At Sepromi, officials put her in contact with a lawyer from the Black Lawyers Collective of Bahia (Canneba), who helped her write an appeal to the university, demanding the installation of a "racial validation commission" for all candidates for these places, as she considered this to be the legitimate and safest way to secure a spot for quota applicants. These lawyers also connected her with a journalist from a major state newspaper, to whom she gave an interview. Two days later, the first article about the case was published in the newspaper, entitled "UFBA opens investigation to examine suspected fraud in the quota system."

The article's repercussion in the university was immediate. Joana received accusatory messages from those denounced, which made her fear retaliation. However, this also helped to initiate a collective movement as some students mobilized to investigate the admissions to other schools, such as Law and Engineering, which led to the constitution of a dossier containing more allegations of fraud. The dossier was sent to the Public Defender's Office (P.D. Office), as advised by Canneba's lawyers. At this point, the students had changed focus and were trying to initiate a class action. Going beyond Joana's case and the occurrences of 2020, the goal became to obtain from the university a commitment to install routine procedures for validating the racial self-declaration of candidates to professional schools every year.

Shortly after that, the P.D. Office filed a class action against UFBA at the Federal Regional Court. After this initiative was made public, journalists from a major national media network approached the P.D. Office, interested in interviewing the students. The next day, an influential local newspaper published a report on the case. Two days after that, the provost of undergraduate studies responded to Joana's request filed with the university's Ombudsman Office. He assured that "UFBA will perform the ethnic-racial assessment before the enrollment of those admitted [to the professional schools]."

Less than a month after Joana filed her complaint to the Ombudsman Office, UFBA summoned the candidates of 2020 to undergo a racial self-declaration validation procedure. When the result came out, Joana was allowed to enroll in Medicine, as the two students placed ahead of her had their racial self-declarations rejected. The following year, the university initiated routine validation procedures for this enrolment process.

The accusation of fraud and the suspicion that these are not isolated episodes, but indications of a structural threat to the collective right, allows, therefore, the intervention of justice at another level. In addition, the problem becomes more easily recognizable and understandable to the larger population, which may explain the media interest in the cases. This interest becomes a crucial element of the negotiation with the university authorities, notably because it weakens the universities position while enhancing the interference of the General Attorney's Office or other organs of the judicial system, such as the Public Defender's Office, thus producing a real mechanism of coercion over them.

The case of the Federal University of Sergipe⁴

The demand for validation of students' racial self-declarations at the Federal University of Sergipe (UFS) was initiated by the student's *Black Collective Beatriz Nascimento* da UFS (CNBN - UFS). Created in 2018, the collective began to organize events to welcome recently-admitted Black undergraduate students that same year. According to the interviewees, when preparing the first event, the students were surprised by the small number of colleagues showing up, leading them to doubt the efficiency of what they referred to as "the entrance control of the quota students" by the university. Between late 2018 and early 2019, the collective contacted the university authorities to address these concerns, proposing to establish "institutional conversations", as the students called them. In the first meeting, attended by the vice-chancellor and provosts, the students suggested that the university implement procedures to validate applicants' racial self-declaration prior to enrollment. The university authorities agreed, but no concrete action was taken during the following months. After insisting, the students received a letter from the university informing them that it would be impossible to implement the validation procedure since it was not allowed by the Quotas Law, which, according to this communication, provided only for self-declaration.

Given this development, and after consulting with some professors, the collective decided to file a complaint with the General Attorney's Office (G. A. Office). In doing so, the students learned that the office had already initiated an inquiry to investigate the issue at UFS. The collective's complaint was then added to this inquiry. Shortly after, G.A. Office representatives contacted the collective to discuss the issue and the latter, in turn, invited other Black movement organizations to participate in the conversations. These organizations, including the G.A. Office, supported the creation of a racial self-declaration validation procedure at the university, and the meetings aimed to join forces and formulate arguments to pressure the university to adopt them⁵. In January 2020, a Conduct Adjustment Agreement was signed between the G.A. Office and the university, committing the university to implement such procedures in all processes of quota-based admission, both at undergraduate and graduate levels.

However, the Covid-19 health crisis delayed the process. In May 2020, a non-verified Twitter account began publishing information on allegedly fraudulent students. Traditional media soon reported on these allegations. A “social scandal” was produced, as one of the students interviewed explained. This development forced the university to take up the issue again, establishing a working group under the leadership of a specialist in race relations to develop the procedure. At the beginning of the next academic year, the University Senate published Resolution n. 5, which regulated the routine validation of racial self-declarations for admitted students.

The General Attorney’s Office (G.A.’s Office) was thus another source of coercion over the universities to consolidate the racial self-declaration validation as a routine procedure following Law 12.711/2012. Its interest in and competence over the issue derives from its mission, assigned by the Federal Constitution of 1988, to defend the legal order, the democratic regime, and the inalienable social and individual interests (C.F., art. 127). In 2016, the National Council of the General Attorney’s Office (CNMP in the Portuguese acronym) recommended that its different branches “demand from agencies responsible for university entrance examinations and public service recruitment the provision, in the respective protocols, of inspection and control mechanisms” (CNMP, 2016: 5). The Minutes of the Public Hearing on Fraud in quota systems and enforcement mechanisms - the role of the Public Prosecutor’s Office, which had been promoted by the CNMP itself the previous year, show that validation of self-declarations was being considered as a solution to combat fraud, and that the MP should enforce its adoption (CNMP, 2015)⁶.

Previous developments help to understand why the protection of affirmative actions had become a field of action for the CNMP. In 2012, the council created several thematic commissions composed of career prosecutors, including the Commission for the Defense of Fundamental Rights and the Working Group on Combating Racism and Promoting Respect for Ethnic and Cultural Diversity. Besides showing the interest of the CNMP in the theme, these groups brought together professionals and organs of the judiciary, creating a network that included specialists from outside the legal profession.

In what concerns the racial affirmative actions, the intention was to guarantee that all universities respected the Supreme Court ruling of 2012. The ruling stated that validating the racial self-declarations was essential

to ensure that affirmative action policies do not fail to meet the purposes that justify their existence. Moreover, it stated that the universities should assume this task and that the G.A.'s Office should “watch over the defense of the law” (STF, 2012: 119).

From there, it was established that validating self-declarations is a necessary procedure to avoid misuse of the purpose of racial affirmative action, which supports the MP's charge to universities. As the prosecutor Livia Vaz (2018: 44), a member of the WG mentioned above, explains, “the Public Ministry and the Brazilian courts have decided that self-declaration - although it is the prevailing criterion for racial attribution of individuals - does not have an absolute character, and may be subjected to verification.”

The Federal University of Sergipe case illustrates well the actions initiated by the MP. In the justification for the investigation already underway that the student collective discovered existed, there is no mention of it following complaints forwarded to the university or the Public Ministry, only of this 2016 recommendation.

In sum, there is ample evidence that the diffusion of procedures to validate self-declarations owes much to the agency of Black students, connected or not, in student collectives. It also owes a great deal to the support of organizations of the black movement, notably their ability to mobilize state agencies, such as the Public Defender's Office and the G.A.'s Office, and civil society institutions, such as the Brazilian Bar Association, for example. This evidence also shows the relevance of the role played by the G.A.'s Office, which, acting in defense of collective rights, mediated between the demands of the social movement and the decision-making bodies of the universities⁷. Framing the validation of the racial self-declarations as a defense against the enduring threat of fraud was an essential element in connecting these different spheres, which led to the production of coercion mechanisms directed at the universities.

Our research has shown that, in addition to these elements, the agency of university faculty and staff, mainly the Black ones, played a significant role in the process. Engaged in large networks, they devised validation procedures and disseminated them in seminars, congresses, and scholarly publications. Once implemented by some pioneer universities, these procedures became models for others, pressed by the urgency to solve the problem generated by the accusations of fraud. This process offers

an example of the mimetic mechanisms that stimulate isomorphism, and also an example of the normative pressures directed at universities. We will deal with both dimensions below.

Mimetism and Normatization – Activist networks, professional networks, and the homogenization of protocols

As we have seen, reacting to coercion mechanisms, university authorities faced the need to implement procedures to validate the racial self-declarations of applicants. They often delegated this task to Black faculty and staff, who took upon themselves the burden of producing a whole new bureaucratic territory inside the universities. Besides creating protocols and job positions for those in charge, they dealt with internal disputes over resources and sometimes over recognition of the new policy itself. Above all, they had to quickly master the knowledge necessary to make the initiative possible and to protect it from possible lawsuits, criticism and resistance.

They did not need, in principle, to invent new procedures for validating self-declarations since at least five federal universities had already developed some when they first adopted racial quotas for undergraduate admission between 2003 and 2008: UnB, UFPR, UFSM, UFSC, and UFMA. However, each of these universities had developed a different model. For example, although they all relied upon establishing a special committee to validate the racial self-declarations, the composition differed. Some were formed only by university faculty and staff, some included students, and some included representatives from civil society. Besides, there were differences in the criteria used in the analysis. Some considered only the phenotype of the candidates, while others considered their life histories, especially previous exposure to racism or their family lineage. They also differed regarding whose self-declaration they will verify: if those of all candidates invited to enroll or if only part of them. In addition, in some cases, the procedure consisted of analysis of photographs sent by the students themselves, while, in others, of face-to-face interviews, and even analysis of texts prepared by the students describing their experiences with racism and race in general. All the above are essential aspects to be considered when building trust in the validation process or, more precisely, constructing its legitimacy. Every decision has thus consequences, including legal ones, which means that choosing a suitable model is a crucial part of the process and requires careful consideration.

As far as we could ascertain, all of these five models were the result of internal university discussions, implemented by faculty and students, some activists, with more or less participation of black movement organizations. Each of these five universities created its validation procedure independently from the other. In addition, they abandoned them soon after the approval of the Quotas Law, as the universities understood that there was no legal support for their existence because the law did not mention them. No model was thus readily available when the universities faced the need to respond rapidly and efficiently to students' complaints and the pressure of the judiciary and the press. Those in charge had to start again.

As the media brought more and more cases to public attention and as the General Attorney's Office intensified the pressure on the universities, those in charge of finding and implementing solutions began circulating information and exchanging experiences outside their campuses. Progressively they organized forums and seminars specially dedicated to the topic, involving different universities.

Faculty and staff from universities in the country's South Region were the first to organize these more structured exchanges. Therefore, it was not a coincidence that the first initiatives to validate self-declarations after the enactment of the Quotas Law emerged there as mentioned before. The Affirmative Action Forum of the Southern Region took place in 2014 and still meets annually, producing a guiding note at the end of each meeting (Nunes, 2018). In 2016, two universities in the Southern Region and the National Association of Black Researchers organized the I National Seminar on Affirmative Action Management.

In 2018, the meetings began to expand to other regions, with the First National Seminar on Affirmative Action Policies at Brazilian Universities and the Operation of Self-Declaration Validation Panels, at the Universidade Federal do Mato Grosso do Sul, in Campo Grande, the first to take place in another region⁸.

These opportunities for exchanging experiences and collective learning were instrumental to building convergences. According to the participants interviewed, they were interested in participating in the meetings because they needed a model that could give "legal security" to the universities in the face of legal challenges brought by candidates whose self-declarations were not validated. Some of these candidates had presented their appeals to first-instance judges who were not involved with

the broader discussion on affirmative action and had been successful to a certain extent. Since these outcomes could undermine the process, threatening its legitimacy within the university and the broader society, the forums became the space to discuss procedural models and strategies to achieve legal normatization, allowing for contacts, circulation of texts, and exchange of experiences.

The participation of lawyers, prosecutors, and attorneys in these meetings is thus understandable, as it is that of leaders and representatives of organizations of the black movement. Some of these professionals and some of these organizations had already participated in the hearings of the Supreme Court. They also participated in the discussions that led to the guidelines emanating from the National Council of the General Attorney's Office in 2105 (CNMP, 2015). Circulating through different spaces, they contributed to building a consensus on the desired format for these procedures.

The publication of the Normative Ordinance no. 3, in 2016, and especially the no. 4 of the Ministry of Planning, Development, and Management in 2018 (MPDG, 2018) was the expression of this relative consensus. The second document stated that, although there is always a relative presumption of veracity as to the racial self-declaration of candidates (Art. 3), this should be "confirmed through a hetero-identification procedure" (Art. 3, § 1). In addition, it recommended that a "hetero-identification panel" should be in charge of the process, indicated how it should be composed (Article 6), defined the phenotypic criterion as the only one admissible (Article 9), and how the process should be carried out (Articles 10, 11, and 12).

Although its recommendations concerned the recruitment of federal public servants through racial quotas, the universities adopted them as of 2018, thus illustrating the mimetic mechanisms and the normative pressures in play. Intense communication among those involved in producing the ordinance and those involved in developing protocols for their universities resulted in the transfer of models and experiences among different organizational fields.

The ordinance was the product of the recommendations issued by an Interministerial Working Group established in late 2016 with the incentive of the General Attorney's Office. The working group heard and took suggestions from a set of individuals and organizations previously involved in discussions about the issue with the universities. Prominent parti-

cipants were representatives of the Public Defender's Office, the General Attorney's Office, and one organization of the black movement, Educafro⁹ (Enap, 2021: 30). This group prepared the draft of Normative Ordinance no. 4/2018, adopting the model that some universities had already implemented, especially in the Southern region, since 2015.

In turn, backed by the legitimacy enjoyed by federal norms, this ordinance became a reference in discussions among those in charge of implementing racial self-declaration validation procedures in the university field, which lacked and still lacks a specific norm like this one. Thus, the cycle of exchanges among organizational fields closed, contributing to appeasing the pressures for normatization at the universities.

According to this model, a specially appointed commission organizes the process, requiring students to present themselves before a panel, which will decide whether their phenotype makes them eligible for enrollment through racial affirmative action. Several panels work simultaneously to attend to the number of students involved, usually more than a thousand at each university, in the short period between the call for enrollment and the enrollment day itself. To ensure diversity, each panel should consist of five members from different backgrounds regarding race, gender, and place of birth, if possible. This last requirement intends to accommodate the well-known regional variations in how the relationship between phenotype and race in the country is perceived. The members must receive special training beforehand. They should acquire basic knowledge of racial relations in Brazil, the aim of racial affirmative action, and its historical meaning. Each member should be able to apply her understanding of Brazilian racism when voting on whether the student's phenotype makes her eligible for racial affirmative action. The panels use the simple majority rule. In case of doubt, self-declaration should prevail.

The whole process, from the panel members' training to the deliverance of their decision, is carefully planned. The goal is to use all opportunities to educate the community, the students, and their families. By treating the process as yet another manifestation of activism in the fight against racial inequality, the organizers highlight the importance of the arrival of young Black students at public universities and celebrate blackness. In this way, they try to reverse the negative meaning that some Brazilian authors ascribed to the validation procedures when they framed it as a "racial tribunal" at the beginning of the 2000s (Fry et al., 2005).

Concluding remarks

The adoption of affirmative action is one of the most remarkable phenomena in the recent history of Brazilian public universities. It signals a transformation in the understanding of their mission to include active participation in the battle against social and racial inequalities in addition to the production of knowledge and the training of professionals traditionally assigned to them. It also signals that Brazilian universities have come to be more clearly perceived as racialized spaces (Carvalho, 2006; Figueiredo, Grosfoguel, 2010; Rosa, Fachini, 2022), with a “history, demography, curriculum, climate, and a set of symbols and traditions that embody and reproduce whiteness and its supremacy” (Bonilla-Silva, Peoples, 2022:1491). The spread of affirmative action can thus be understood as a critical - and effective - strategy in the struggle for racial equality.

The Black students’ agency can be associated with demographic change in public universities. The students involved benefitted from racial affirmative action and were in more significant numbers present at the public universities. They had grown up in a country where racial inequality had gradually substituted racial democracy as the primary way to understand race relations. Finally, they knew that measures to remedy such inequality had already been institutionalized in some areas. These students displayed, as Guimarães, Rios, and Sotero (2020) also noted, the necessary dispositions to become indignant with the lack of control over the use of the self-declaration as acceptable eligibility criteria and to take matters into their own hands. They understood that they needed to acquire the knowledge necessary not only to fight for their rights before the university authorities but also to open channels of dialogue and establish alliances with activists and professionals who could help them. Framing the complaints as a battle against structural fraud allowed the activists to give them a meaning that could be widely shared by their supporters and by those whose support could be won (Benford, Snow, 2000).

Students thus did not fight alone. Organizations of the black movement were able to advise them on the legal instruments that could be used and to connect them to state agencies, especially the General Attorney’s Office, the judiciary, and media organizations. The resources needed for this mediation were not there by chance, nor could they be improvised. As Rios (2018: 362-3) has shown, in the period following the Brazilian democratic transition, the black movement went through processes of “formalization, rationalization, and professionalization (...),” creating “spaces of mediation and control within the state.” This context helps to explain why the students’ complaints have found individuals and groups prepared to support them in different regions of Brazil.

The General Attorney's Office had the means to exert significant pressure on the universities because of the legal instruments created by the Constitution of 1988 and also because some prosecutors were engaged in advancing racial affirmative actions. When the G.A.'s Office began to receive fraud complaints concerning affirmative action, it had already established itself as the defender of collective and diffuse rights (Arantes, 1999). Also, it had already worked towards integrating knowledge about racial inequalities into its reasonings by resorting to specialists and creating study groups, partly pushed by the black movement.

Pressure on the universities also came from media organizations, which could transform students' complaints into fraud scandals that could damage the legitimacy of the universities. Further research is necessary to determine the various interests that prompted the media to consistently and predictably intervene in these situations.

In turn, mimetic and normative mechanisms also help explain the observed diffusion of procedures. Faced with the need to present viable solutions to meet the urgent demands of diverse groups, testing new ideas is not always possible. In such cases, solutions that have already been tried elsewhere and have the approval of others, especially the demanding groups, seem legitimate and become particularly attractive. They can serve as a model for those who have not yet developed their own. In a scenario of heightened legal litigation, the adoption, with adaptations, of solutions already implemented in other universities has thus become the general *modus operandi*, together with the early adoption of solutions already validated in other public service branches. Both show the influence of the prosecutors and attorneys involved.

The active participation of university professors and staff, who bore the task of conceiving and implementing, under intense public scrutiny, racial validation procedures that could be considered acceptable by a heterogeneous set of stakeholders, was instrumental in the diffusion of racial self-declarations validation procedures.

Law professionals, notably lawyers and public prosecutors, acted as consultants, overseeing the elaboration of procedures that could stand potential legal challenges. The focus on the judiciary gave rise to normative pressures that spread to all universities due to intense communication in workshops and seminars tailored to facilitate interaction among those involved.

Specialists can, therefore, be agents of institutional change, especially when they bring into the organization knowledge that becomes the basis for new forms of justification. Also, as noted by Jepperson & Meyer (1991: 226), “ordinary social actors” can also “transmit exogenous institutional change” to the organizations in which they operate, as we argue happened when the new views about the rights of the Black population in Brazil were carried to the university by interested students, faculty, and staff. Finally, it is through professional networks that practices are transformed into norms, disseminated, and become capable of being appropriated by other organizations.

The deepening of the experience with racially-oriented affirmative action in Brazil reflects a shift in how social inequality is perceived, with greater recognition of the role of race. Therefore, we explored one of the steps in the process of institutionalization of a conception about the role of public universities that incorporates elements of social justice that were not present when they were created.

By highlighting the agency of students, black movement organizations, legal professionals, and the judiciary in these processes, we hope to have also highlighted their contentious dimension. Although adopting affirmative action and procedures to guarantee its effectiveness signals a change in how public universities conceive their mission, the processes described in this text show that this is not, at least yet, pacified ground. Universities can be understood as spaces of struggle, including in the definition of what their mission should be. Demanding decisive action to protect racially-oriented affirmative action is one of the dimensions of the political work to affirm the legitimacy of initiatives to combat racial inequality.

The diffusion of the procedures for analyzing the self-declarations of the candidates is, therefore, also an indicator of the transformations in race relations that have occurred in Brazil's recent history. Their effects cannot be treated in full in this text. However, two points deserve consideration. Our research indicates, first, that, as others have shown, the perception of Brazil as a racialized society is progressively gaining national consciousness, displacing the long-held view of Brazil as a racial democracy and supporting demands for racial justice. Second, this racialized society is again reinterpreting miscegenation (Calvo-González & Santos, 2018) in a context where phenotype has gained almost absolute prominence to define racial belonging. This prominence underscores the relevance of the “mark

prejudice,” as opposed to “origin prejudice,” to understand racism in Brazil, an idea proposed by the influential work of Oracy Nogueira (2007) cited in the Supreme Court ruling that considered racial validation legal.

It echoes the argument already advanced by feminist literature (Beasley, Bacchi, 2000; Lister, 2002, among others) and medical sociology (Nol, 2002) that there is no citizenship without bodies. Via training, racial validation panel members are encouraged to consider race as objectively inscribed in the body of candidates, thus justifying putting it at the center of policies to ensure racial justice. The work of the panels revolves, therefore, around the need to decide “who can be [considered] Black” to benefit from affirmative action (Jesus, 2021). Based on Oracy Nogueira, they evaluate the likelihood that each student has been or will be subject to racism in daily life in Brazil. At the same time, based on the activist drive to change the public universities, traditionally dedicated to the reproduction of dominant [primarily white] groups, the panels are encouraged to make them “blacker” sooner. Both positions lead the activists to treat the self-declarations of students whose phenotype exhibits more black traits as less problematic. Now, this directly challenges the construction of the black category as the sum of those who self-declare black and brown, which is at the origin of the contemporary understanding of racial inequality in Brazil (Hasenbalg, 2005) and the constitution of the Black population as a political subject (Paschel, 2016; Daflon et al., 2022). More research is thus needed to understand the place accorded to those perceived as *Pardos*, e.g., Brown and Light Brown, in this society where race is becoming a more explicit principle for organizing social relations (Campos, 2013).

Further studies on change in universities are also needed. A closer focus on those involved in the processes studied here may lead to a better understanding of the genesis of their engagement. Comparative studies may help to better understand opposition and resistance, for example. Finally, a long-term view of these processes may help identify the outcomes achieved on inclusion.

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Notes

1. The allegations started much earlier. José Carvalho (2005: 243) reports that complaints issued by the student collective EnegreSER were fundamental for adopting racial self-declaration validation by the University of Brasília in 2003. To understand these collectives, the context in which they emerged, and how they acted, see Guimarães, Rios, and Sotero (2020). In three of the cases we studied, the demand for validation of the students' racial self-declaration came from non-Black staff and faculty engaged in implementing some oversight in the face of what they considered flagrant cases of fraud.
2. Such cases were also reported by the media, namely the ones that involved the black collectives NegreX of UFRB; the Coletivo Negrada of UFES (Leme and Caetano, 2016); the Setorial de Negros e Negras of UFPel (Scirea, 2016) and the Balanta - Coletivos Negros of UFGRS (Melo, 2017).
3. This case was reconstructed based on interviews with two students who submitted the first complaints (on 09/16/2020 and 11/17/2021), with the public defender of the case (on 12/06/2021) and a provost (on 12/10/2021), consultation of documentation in the personal files of the interviewees, and newspaper articles. Excerpts in quotation marks are transcriptions of the interviews. Names are fictitious.
4. This case was reconstructed based on interviews with a professor who was a member of the Working Group created to define the procedure (on 12/14/2020) and with two students (on 12/16/2020 and 01/11/2021); consultation of the process and articles published on the websites of the university, the Union of Technical and Administrative Education Workers of UFS, and the Public Prosecutor's Office. The excerpts in quotes are transcriptions of the interviews. Names are fictitious.
5. Besides the Beatriz Nascimento Black Collective, the documents refer to the Unified Black Movement of Sergipe, the Quilombo Collective; the Nucleus of Afro-Brazilian and Indigenous Studies of the UFS; the Central Students Directory; the Union of Basic Education Workers of the Official Network of the State of Sergipe; Braços Institute (Center for the Defense of Human Rights); the Human Rights Commission of the OAB-SE, the National Association of Black Advocacy, the Academic League of Black People's Health, the Union of Blacks for Equality.
6. In this period, some MPF investigations reached university leaders. Further studies are needed to understand the relationship between these developments and what happened with respect to the allegations of fraud discussed here. More studies are also needed to identify the legal instruments that the MPF used to carry out these investigations and how this was influenced by the way prosecutors defined their specific role in the state structure (Arantes, 1999; 2012 and Britto, 1992).
7. As worked by Lavalle et al. (2018) and Rios (2018), the concept of *fit* (Skocpol, 1992) helps us grasp this process better.
8. At this meeting, the "Campo Grande Letter" (Anped, 2018) was produced, bringing together various recommendations, suggestions and guidelines derived from the experience of different public universities whose representatives were present at the seminar.
9. Educafro is a non-governmental organization (NGO) established in 1997 due to previous activism in the early 1990s. Its stated mission is "to fight for the inclusion of blacks, in particular, and poor people in general, in public universities, as a priority, or in a private university with a scholarship, to enable empowerment and social mobility for the poor and Afro-Brazilian population" (<https://>

educafro.org.br/site/quem-somos/). It participated in most public hearings, seminars, and working groups where the adoption of quotas in universities was discussed. It also participated as amici curiae in the ADPF 186 trial and the CNMP's discussions about the hetero-identification procedures. Its founder, Friar David dos Santos, and his representatives are a constant presence in forums on affirmative action. Friar David prefaced the first book that disseminated guidelines for implementing procedures to validate self-declarations, organized by Dias and Tavares (2018).

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