

COMM WEEK

42nd Intercultural Communication Conference 2024

The Intercultural Communication Conference provides a forum for scholars, students, professionals, and civic-minded leaders to explore topics with cultural, political, economic, and social implications as well as communication dynamics.

Theme: Amplifying Diverse Voices in Media and Communication

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42nd Intercultural Communication Conference 2024—Amplifying Diverse Voices in Media & Communication

Texas Southern University (School of Communication April 8-12, 2024)

Topic: Representation and Stereotypes in Media: Challenging the Norm

I. Introduction:

Reasonable minds will agree that having members of historically marginalized groups of people in the media, especially on visual media, substantially address racial stereotypes and tropes of years past. My focus is on how to enhance this needed inclusiveness and representation in a climate where unprecedented state action is being deployed to erase decades of civil rights gain to bridge the racial divide and inequality. Texas is among the list of states that have statutorily prohibited advances made in the area of Diversity, Equity and Inclusiveness (“DEI”) by abolishing such programs in public universities under Texas Senate Bill 17. The fall out has claimed as victim some minority focused programs in Texas Universities. These programs are known pipelines for minority professional development.

While there are different approaches to address this representation debacle, I would like to approach it from a legal angle. It, however, is not for the faint of heart. It requires boldness and strength.

II. Legal Strategy:

The aspect of representation addressed in this paper pertains to employment in the dominant visual media establishments, Television and Cable.

We are all familiar that the law of the land enshrined in 42 U.S.C Sec. 2000e et seq. Prohibits discrimination in employment based on race, national origin, gender, religion etc. This Federal Statute is commonly referred to as Title VII of the Civil Rights Act of 1964. This law trumps all state laws that lean otherwise. In fact, most state laws have embraced and enacted almost identical versions that mirror this Federal Law. Texas' version is codified in the Texas Commission on Human Rights Act and enforced by the Texas Workforce Commission in joint administration with the Equal Employment Commission ("EEOC").

It is not sufficient to know that the law is on the books, the challenge is to make it work for the aggrieved or those wrongfully denied representation. How?

III. Implementation:

I do not have the most recent statistics on Houston population demography, but the trend reflects a growing minority that has turned the city into a multi-ethnic urban center. An unscientific lay assumption would be that such mixed population should also be reflected in the work force since employers source their workers from available population. If such simple assumption is applied, then, one ought to see a reflection

(somewhat of the demography) in the local media houses, absent an unnatural manipulation or cherry-picking.

While some may criticize such a simple approach to a complex issue such as employment of TV personalities , courts have actually allowed such approach in proving that discrimination exists against an underrepresented racial minority groups when there are no direct evidence to prove actual discriminatory practices that exclude qualified minority candidates. Mere statistics may not be sufficient to prove discrimination, but can complement other circumstantial evidence in the absence of a direct evidence. So, my gut instinct is that if it walks and quacks like a duck it probably is a duck.

In light of the foregoing , an approach to solving the representation problem in the visual media is for qualified minority candidates to apply for jobs with an intention to challenge their employment rejection and make the media houses prove and justify their decisions to reject them.

IV. Statutory & Administrative Remedies:

A rejected job applicant who believes he or she has been a victim of discrimination has both State and Federal recourse to first seek administrative remedy by filing an EEOC Complaint within a statutory period before proceeding to court. Such is usually a dragged-out lengthy and expensive process. However, alternative and less expensive impactful process exists.

Other than low-entry Internet or print media, Television and Cable stations must apply and get licenses from the government. Since very few applicants can get these limited licenses, those that have it have been deemed to owe certain level of duty to their

community. These licenses are periodically reviewed and renewed. So, an aggrieved community or applicant that feels targeted by a media house in underrepresentation or adverse stereotype can petition the licensing authority (usually Federal Communication Commission) to revoke and/or not renew a TV or Cable license for the abusive or errant entity. Such a petition, laced with evidence, will be addressed by the FCC and the target made to respond to the allegation (most likely through its highly paid lawyers). In all probability, their license will not be revoked or denied. But, they will affirmatively be conscious to correct the optics raised in such allegation. Such heightened attention may not address your present problem, but may open door for others by creating a more level playing field.

V. Conclusion:

It is a no-brainer that when minorities see other successful minorities in highly placed positions in the media sphere it motivates and encourages them as to the possibilities of attaining such heights in spite of systemic and institutional barriers. Also, when minorities sit at the table, the likelihood of sustaining age long stereotypes will diminish. Thus, there is inverse correlation between increased representation and elimination of tropes and stereotypes. As such, effective means need to be deployed to actualize more representation. Deploying legal means addressed here is just one of such measures.