



# Diversity in the Student Body

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## Educational Diversity, Equal Opportunity, and the Role of Research

The history of equal educational opportunity in America is one of fits and starts; great leaps forward followed by frustrating inertia. On the positive side, higher education enrollments have jumped substantially for underrepresented minorities in recent years, increasing 107 percent for Hispanic students and 73 percent for African Americans between 1995 and 2009. Unfortunately, despite increased access, vast inequities remain. About 70 percent of African-American and Hispanic students enroll in non-selective colleges, whereas 82 percent of White students enroll in selective schools. Progress in college enrollment, it seems, has been offset by [racial and socioeconomic stratification](#).

Despite mounting evidence of the negative consequences of increasing stratification, we now must battle two deeply unfortunate trends. The first is a legal climate that encourages [repeated challenges](#) to the consideration of race, ethnicity, and gender in the outreach, admission, and ongoing support of students on our college and university campuses. The second is a political climate that encourages policymakers to question the value of diversity in higher education and to [downplay](#) the legacy of historical inequities in the present day.

As educators and researchers, we know our societal structures are failing many of our students, particularly those from socioeconomically disadvantaged backgrounds and from communities of color. Our schools are [still segregated](#) by race and certainly by class, and Black and Latino students remain far behind their White counterparts in educational attainment. One in ten students from low-income families will earn a bachelor's degree by age 25 compared to half of those from high-income families, and there is a still persistent wage gap between women and men in most fields.

While these statistics should give us pause, the history of educational progress should inspire us to action, not despair. Research has had a powerful constructive impact on the policies, pedagogies, and technologies that will empower learners to live fully in their time. Now is the time to double down on educational research and innovation, and Pearson is committed to leading the way. Through rigorous research on educational policies and reforms, Pearson's Center for College & Career Success seeks to address opportunity gaps and make a positive impact on the lives of all students, including [economically disadvantaged learners](#), racial/ethnic minorities, and [gifted students](#) among many others. And we conduct this research with a singular focus—figuring out the [promising strategies](#) and [leading practices](#) that stand the best chance of supporting [college readiness](#), college access, and professional success. The stakes—for learners, for our economy, and for our democracy—can't get much higher.

Yours sincerely,



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# Introduction

For the admissions officers, enrollment managers and presidents of American colleges and universities, few issues are as important or challenging as efforts to diversify the student body. Educators worry that many groups of students -- under-represented minority students, the disadvantaged, those whose parents didn't go to college, and more -- are not enrolling at rates proportional to their representation in the country's population. As a result, colleges find themselves in the middle of many debates, some of them legal and others policy-oriented, about which policies they can and should use to recruit and enroll a diverse student body.

The articles and essays in this collection explore studies of why students from some groups aren't as likely as others to enroll, the strategies being used by various colleges, and the legal, political and other critiques of these policies.

*Inside Higher Ed* will continue to cover these issues -- and welcome your thoughts on the articles in this booklet and subjects for future coverage.

--The Editors  
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# When it comes to equitable college access, diversity matters.

Higher education enrollment has jumped substantially for underrepresented minorities in recent years—107 percent for Latino students and 73 percent for African Americans between 1995 and 2009. But despite increased access, equality in access is still a challenge.

For example, about 70 percent of African American and Latino students enroll in non-selective colleges, whereas 82 percent of Caucasian students enroll in selective schools.

By working together to ensure learners of all cultures, backgrounds, and walks of life have equitable access to education, we can give every student the benefit of a richer and more diverse learning experience.

Anthony P. Carnevale and Jeff Strohl, “Separate and Unequal: How Higher Education Reinforces the Intergenerational Reproduction of White Racial Privilege,” Center on Education and the Workforce (2013): [https://cew.georgetown.edu/wp-content/uploads/2014/11/SeparateUnequal.FR\\_.pdf](https://cew.georgetown.edu/wp-content/uploads/2014/11/SeparateUnequal.FR_.pdf)

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# News

A selection of articles by *Inside Higher Ed* reporters

## Asians and Affirmative Action

BY SCOTT JASCHIK

Groups file complaint with Education Department charging that Harvard discriminates against Asian-American applicants.

More than 60 Asian-American organizations in May 2015 filed a complaint with the U.S. Education Department charging that Harvard University discriminates against Asian-American applicants. By considering race and ethnicity in admissions, the complaint says, Harvard holds Asian-American applicants to a higher standard than it does other applicants and engages in illegal discrimination.

Harvard acknowledges that it considers race and ethnicity in admissions but says that it does so in ways consistent with the law.

The complaint doesn't have a smoking gun of some secret quota for Asian-Americans or a formal policy that limits acceptance rates for Asian-American applicants. But the complaint features research showing that Asian-American applicants to elite colleges and universities appear to need substantially

higher test scores and grades, on average, to be admitted than do other applicants. And the complaint notes that elite colleges and universities that do not consider students' race or ethnicity tend to end up with student bodies with greater proportions of Asian students than do those elite colleges that consider race and admissions.

While it remains to be seen how the Education Department will handle the issue, the complaints represent an escalation of attempts by Asian-American groups that oppose affirmative action to challenge the way most top colleges consider race. The arguments are very [similar to lawsuits filed in federal court in November 2014](#) seeking to bar Harvard and the University of North Carolina at Chapel Hill from considering race in admissions -- and so now Harvard in particular is challenged on multiple fronts.

Further, the complaints make clear that the Asian-American groups believe Harvard is hardly unique among highly competitive colleges -- and so the legal action could well be replicated if the Education Department finds violations.

The complaints arrive as the U.S. Supreme Court could be on the verge of again considering the constitutionality of the consideration of race in admissions. The argument that some minority applicants are hurt by colleges' affirmative action policies could be a powerful one with some justices.

Black and Latino groups (and higher education leaders) have been fairly united in backing affirmative action, but the complaint points to a much more divided Asian-American perspective. That is not to say, however, that there isn't strong support for affirmative action among Asian-American groups that were

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Undergraduate Enrollment by Race at 3 Universities, Fall 2013

Group	Harvard	Caltech	Berkeley
American Indian	0%	0%	0%
Asian	16%	42%	35%
Black	6%	2%	2%
Latino	9%	10%	13%
Native Hawaiian	0%	0%	0%
White	48%	30%	29%
Two or more races	5%	6%	5%
Race unknown	5%	0%	3%
Nonresidents of U.S.	11%	9%	13%

not involved in the new complaint. Indeed, 135 such groups [issued a statement](#) backing the continued consideration of race and ethnicity in admissions decisions.

### The Evidence Offered

The complaint points to evidence that Asian-American applicants must outperform not only white applicants, but other minority applicants, to gain admission to top colleges.

For example, the complaint cites [the work](#) of Thomas J. Espenshade, a professor of sociology at Princeton University, who with Alexandria Walton Radford wrote the 2009 book [\*No Longer Separate, Not Yet Equal: Race and Class in Elite College Admission and Campus Life\*](#) (Princeton University Press).

The book, based on data about applicants to elite colleges, found that Asian-American applicants who were otherwise similar to

white applicants needed a total of 140 more points on the SAT or 3.4 points on the composite ACT to have the same odds of admission as white applicants. Black applicants, the study found, could have the same odds of admission as white applicants even when the black students had SAT scores that were 310 points lower or ACT composite scores of 3.8 points lower than white applicants.

The complaint also points to evidence that when elite colleges consider race, they tend to admit similar shares of Asian-American students. In 2013, according to the complaint, all eight Ivy League institutions (all of which consider race and ethnicity) ended up with Asian-American students making up between 14 and 19 percent of the undergraduate student body.

Then the complaint compares Harvard's entering classes to those of the California Institute of Tech-

nology, which does not consider race in admissions. In 2013, according to the complaint, Harvard had 18 percent Asian-American enrollment, while Caltech had 43 percent. Similar studies have shown that Asian-American enrollment is much higher at institutions like the University of California at Berkeley or Los Angeles -- where a voter-approved state measure bans the consideration of race -- than it is at Ivy institutions that consider race.

Harvard's statement about the complaint suggests recent Asian enrollment gains there. But to compare enrollments with data that was not provided either by the Asian groups that filed the complaint or by Harvard, consider the following statistics -- from the U.S. Education Department's College Navigator database. The database shows Harvard, which considers race, having far fewer Asian students than Caltech or Berkeley, but those

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institutions are far less successful at enrolling black students. The complaint argues that the numbers for Asians at institutions without affirmative action reflect the academic achievements of Asian students, on average, in the applicant pool.

While the complaint notes different applicant pools for different institutions, it says that there is a clear pattern in which the consideration of race and ethnicity in admissions hurts Asian-American applicants, forcing young Asian-American chil-

dren to work harder and to suffer more stress to be on a level playing field with other students.

Harvard issued a statement saying that its consideration of race in admissions was entirely legal. "In his seminal opinion in Regents of University of California v. Bakke, Justice Powell cited the Harvard College admissions plan in describing a legally sound approach to admissions. Then and now, the college considers each applicant through an individualized, holistic review having the goal of creating

a vibrant academic community that exposes students to a wide range of differences: background, ideas, experiences, talents and aspirations," the statement said.

It added: "As the Supreme Court has repeatedly recognized, a class that is diverse on multiple dimensions, including on race, transforms the educational experience of students from every background and prepares our graduates for an increasingly pluralistic world. It is and makes possible essential aspects of the college's mission." ■

<https://www.insidehighered.com/news/2015/05/18/asian-organizations-ask-education-department-find-harvard-discriminates-admissions>

# 'How Did You Get Here?'

BY SCOTT JASCHIK

Authors discuss their new book on the stories of Harvard students with disabilities.

The students profiled in *How Did You Get Here? Students With Disabilities and Their Journeys to Harvard* (Harvard Education Press) had much to overcome. They faced a range of disabilities and also attitudes of some who demeaned them and suggested that they wouldn't amount to much. The book is based on interviews with the students about how they persevered, and how they think about Harvard University and their futures. The authors are Thomas Hehir, the Silvana and Christopher Pascucci Professor

of Practice in Learning Differences at the Harvard Graduate School of Education, and Laura A. Schifter, an adjunct lecturer at the Harvard Graduate School of Education. They responded via e-mail to questions about the book.

**Q: To what extent do you think the students whose stories you tell are reflective of students with disabilities in higher education generally, as opposed to those at Harvard?**

**A:** The themes that emerged across the students' stories -- the impact of parents, teachers, extra-

curricular activities and more -- are consistent with other research examining factors that help students succeed. It is also important to note that only three of the students featured in the book were in fact undergraduate students at Harvard. Thirteen of the students featured in the book were master's or doctoral students at the Harvard Graduate School of Education and have a variety of different undergraduate experiences. Some attended large state institutions and others small liberal arts colleges. In telling their stories,

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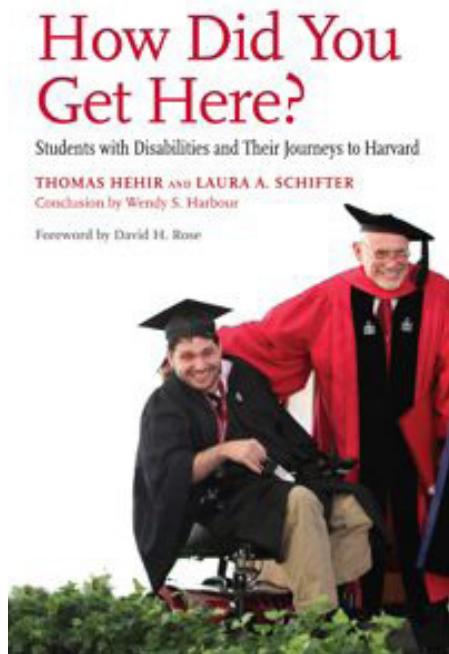
many of these students described their experiences during their undergraduate years -- some sharing positive experiences with great disability support offices, while most described struggles in accessing accommodations in higher education.

Attending Harvard, some as undergraduates and some as graduate students, demonstrates that all of these students have experienced academic success, but their journeys getting to Harvard are more reflective of the general experience of students with disabilities.

**Q: The students repeatedly talk about the role of parents and teachers (when the students were younger) in encouraging them. What can higher education do to encourage this early attention that seems to be so important?**

**A:** One important thing higher education should do is recognize, accept and welcome students with disabilities in higher education. If more institutions of higher education create welcoming environments for students with disabilities, then parents and teachers will see college as a viable option for these children and encourage them on their paths to higher education.

Disability service offices can also work with high schools and parents to better support the transition needs of students with disabilities as they enter postsecondary schools. In general, IDEA [Individuals with Disabilities Education Act] is an entitlement right that does not require students to advocate



to get their needs addressed. However, when students transition to higher education, they have to advocate for themselves, which can be challenging. Finally, institutions with teacher preparation programs should ensure that the students in these programs are prepared to meet the needs of the students with disabilities they will inevitably teach.

**Q: The students you profile have a range of disabilities -- some with dyslexia and others with various physical disabilities. Do you find key differences in the experiences of these groups?**

**A:** Actually, one thing we found somewhat surprising was in fact how many similarities there were across the students' experiences. Beyond differences in disability category, these students came from different socioeconomic, racial

and geographical backgrounds, but their stories had many similarities, from the positive role of professionals to the challenges of accessing accommodations. One slight difference arose in how students with visible disabilities negotiated disability as a part of identity compared with how those students with nonvisible disabilities negotiated their identity. Those students with visible disabilities were forced to address societal perceptions of disability head-on, but those students with nonvisible disabilities describe a struggle in deciding when and to whom to "come out" as disabled.

**Q: What do you see as the main barriers for students with disabilities in higher education? Do colleges need more pressure -- such as the lawsuit just filed against Harvard and the Massachusetts Institute of Technology over captioning of course materials -- to meet their responsibilities?**

**A:** One main barrier for students with disabilities in higher education is access to accommodations. Lawsuits are an important tool, but they are not the only tool to help institutions change their practice. Student or faculty organizing can help push change, or school leadership can decide to take it on as a school initiative.

Making instruction more accessible for more students won't come from pressure alone, though -- the schools need to build their capacity to do this well. Faculty will need to learn to address

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barriers in instruction, and technology will need to be effectively utilized. Universal Design for Learning can be a powerful framework to help colleges better meet the needs of students with disabilities in higher education.

**Q: Based on the students you profile, what should professors know about students with disabilities?**

**A:** Professors should know that they will have students with dis-

abilities in their classrooms. More and more students with disabilities are enrolling in higher education, and in fact, [the increase in enrollment is outpacing the increases for students without disabilities](#). Professors also need to understand that disabilities are not always visible, and students may struggle with deciding whether or not to identify themselves.

Knowing this, professors should

assume diversity in their classes and can work during their course planning to embed accommodations into their instruction. When we have added flexibility into our courses, we have found that other students benefit as well -- English learners, working parents, etc. Thinking this way, to embed rather than retrofit instruction, can be challenging, but it will ultimately improve instruction for all students. ■

<https://www.insidehighered.com/news/2015/03/10/authors-discuss-their-book-harvard-students-disabilities>

# Socioeconomic Gaps in Virginia Higher Ed

BY MICHAEL STRATFORD

An "extraordinarily" detailed analysis of student-level data in Virginia shows low-income students were hit hardest as public colleges and universities raised tuition during Great Recession.

Like their peers across the country, Virginia public institutions have responded to state funding reductions in recent years by raising tuition.

[An analysis](#) released in March 2015 shows, in stark detail, how those increased costs to students are impairing the success of students in the state, particularly low-income students.

"Rising costs have deterred students from remaining in college and completing their degrees, and the lowest-income students have been

hit the hardest," write the authors of the study, which was prepared by the research firm Ithaka S+R in collaboration with the State Council of Higher Education for Virginia. It was funded by the Andrew W. Mellon Foundation.

The study is unusual in that it tracked enrollment patterns and degree completion of students at the individual level. Researchers studied the data of more than 1.4 million students who enrolled in public colleges in Virginia between 1997 and 2013.

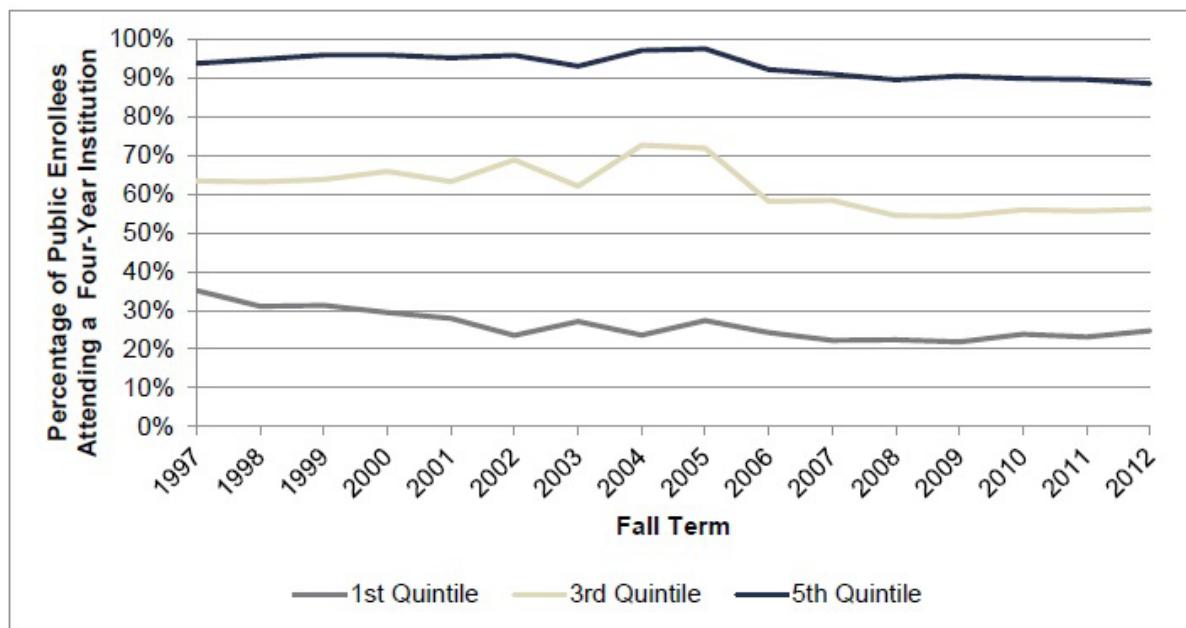
Over that time period, particularly during the Great Recession, Virginia's public universities were forced to rely more heavily on tuition and student charges as state lawmakers slashed money for higher education.

Students, of course, ended up paying more for higher education in the state. But the net cost of attending college for low-income students grew the fastest, the new study shows.

Not only that, but those rising costs harmed the economically dis-

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**Figure 4.4. Enrollment at Four-Year Institutions as Percentage of Total Statewide Enrollment**



advantaged students' success rates the most.

The analysis shows large disparities between low-income students and their wealthier peers in where they enrolled in public college in Virginia. Less than a quarter of the lowest-income students in the state who went to a public college or university went to a four-year institution. Meanwhile, 90 percent of their wealthier peers enrolled at a four-year university.

Further, the study found, since 2007 the state had made no progress in improving the socioeconomic diversity of its four-year institu-

tions; the large gap in enrollment between poor and wealthy students has remained virtually unchanged.

Students from low-income families who attend four-year universities were less likely "to remain enrolled, persist through and graduate from those institutions," compared to students from more affluent families.

The study outlines a number of policy recommendations. Aside from increasing state funding of higher education and more efficiently running those institutions, the report calls for a performance-based funding approach to allocating state

dollars to universities.

It recommends greater investment in community colleges with "an important caveat" that completion rates for most such institutions "are so low that investing more funds without significantly improving performance at those institutions would have a limited impact on educational levels over all."

The state and institutions should also, the report suggests, allocate more money to need-based financial aid, to protect low- and middle-income families from bearing the brunt of increasing tuition costs.

<https://www.insidehighered.com/news/2015/03/04/rising-price-virginia-public-universities-disproportionately-hurts-low-income>



# When it comes to college completion, diversity matters.

Today, one in ten students from low-income families will earn a bachelor's degree by age 25 compared to half of those from high-income families.

This fact highlights the stark reality that our schools are still segregated by race and certainly by class, and African American and Latino students remain far behind their Caucasian counterparts in college completion and educational attainment.

By working together to ensure learners of all cultures, backgrounds, and walks of life have the support they need to not just enroll in college but to persist to completion, we can put every student on the path to achieving their educational goals.

Gary Orfield and Erika Frankenberg, "Brown at 60: Great Progress, a Long Retreat and an Uncertain Future," The Civil Rights Project (2014): <http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-60-great-progress-a-long-retreat-and-an-uncertain-future>

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# Family Influence on Education

BY KAITLIN MULHERE

Students who grow up in single-parent homes complete fewer years of education and are less likely to earn a college degree, a new report finds.

Spending your teenage years in a single-parent family puts you at a larger educational disadvantage today than it did 40 years ago, asserts a new study.

In 2009, young adults who spent time living in single-parent families had completed 1.32 fewer years of schooling than their peers from two-parent families, according to a [paper](#) published in February 2015 in the academic journal *Education Next*. The college completion rate also was 26 percentage points lower for 24-year-olds who lived in single-parent homes as teens.

Both gaps have more than doubled since 1978, when there was a 0.63-year difference in schooling completed and a 12 percentage point difference in college completion rates.

Income accounts for a lot of the relationship between family structure and educational attainment, according to the study. But income doesn't account for all of it, and the authors had no answer for why single-parent family structure matters more now than it did a few

decades ago.

The paper is part of a series *Education Next* is publishing on the state of the American family to mark the 50th anniversary of the release of late New York Senator Daniel Patrick Moynihan's [report](#) on black families.

The new study attempts to describe what's happened with single-parent families and education since the Moynihan Report was published, said Kathleen M. Ziol-Guest, an associate professor at New York University's Steinhardt School of Culture, Education and Human Development. She cowrote the paper with Greg J. Duncan, an education professor at the University of California at Irvine, and Ariel Kalil, a professor at the Harris School of Public Policy Studies at the University of Chicago.

At the time the Moynihan Report was published, 51 percent of low-income adolescents were living in single-parent families. In the next three decades, the number rose to 75 percent, according to the paper. Over the same period, the percent-

age of high-income adolescents in single-family homes rose from 3 to 6 percent.

Moynihan's report focused on black families, but the percentage of children living with a single parent has jumped across racial and ethnic groups.

Between 1960 and 2013, the proportion of black children living in a single-parent home more than doubled, from 22 percent to 55 percent, according to data from the U.S. Census Bureau. For white children, the percentage tripled, from 7 percent to 22 percent.

The authors' analysis of educational attainment is based on data from the Panel Study of Income Dynamics (PSID) from children born between 1954 and 1986. The data includes information about family structure and family income of 6,072 individuals when they were between the ages of 14 and 16, as well as the years of schooling they'd completed by the age of 24.

Those who were 24 years old in 2009 -- the youngest group in the data -- and lived in a two-par-

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ent family had completed 14.07 years of school. Those who lived for at least 1 of 3 years between ages 14 and 16 in a single-parent home had finished 12.75 years of school.

Twelve percent of that group of teens from single-parent families had earned a college degree by the time they were 24, compared with 38 percent of those from two-parent families.

### Money Matters

The authors found that family income accounts for about half of the educational disadvantage faced by students from single-parent families.

Still, the negative relationship between living with a single parent and educational attainment has grown with each generation since Moynihan's report was published, Zioli-Guest said.

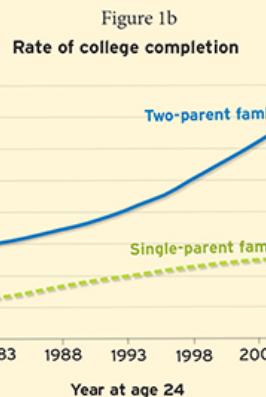
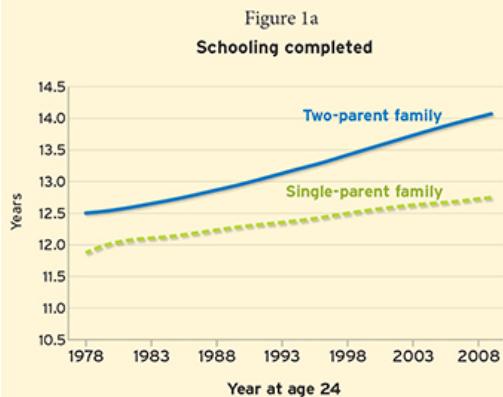
Living with a single parent all 3 years between ages 14 and 16 was associated with completing 0.92 fewer years of school for children who turned 14 years old between 1989 and 1999. For those who reached 14 between 1968 and 1978, the schooling completion difference was 0.31 fewer years.

Likewise, the probability of graduating from college was reduced 8.1 percentage points for those in the 1968 to 1978 span and 16.6 percentage points for the most recent span.

In other words, the school completion difference nearly tripled, while the reduced likelihood of com-

### The Growing Schooling Gap (Figure 1)

*Children who live with a single parent between the ages of 14 and 16 have consistently completed less schooling than children from two-parent families, with the gap widening over time.*



NOTES: Children from single-parent families are those who lived with a single parent for at least one year between the ages of 14 and 16. Years of completed schooling and college graduation are measured at age 24.

SOURCE: Authors' calculations based on smoothed time-series data from the Panel Study of Income Dynamics

pleting college doubled.

The authors are in the process of breaking down the gaps in education attainment and income inequality to determine how much is attributable to certain demographic characteristics, Zioli-Guest said.

In addition to family structure, the paper also explored the relative amount of schooling children had completed based on factors such as mother's age at child's birth, mother's years of education and number of siblings.

The study confirms research that has shown the most important factor in predicting students' educational attainment is how far in school their parents progressed. Increasing a mother's years of education by 1 standard deviation, or 2.6 years, added about three-quarters of a year to children's completed schooling, according to the study.

Reiterating the importance of a

mother's education in predicting educational attainment is valuable. That's because while there are limits to what the government can do to influence marriage decisions, there are opportunities to encourage more educational opportunities for mothers, said Richard Kahlenberg, a senior fellow at the Century Foundation.

One example he offers is providing child care at community colleges.

Kahlenberg, who's written about socioeconomic barriers to education, also points out that the study shows that single parenting is now linked more to class than race. In 2013, the gap between the proportion of children living with a single parent was 69 percentage points for rich and poor families. The difference between black and white single-parent families was 33 percentage points.

# Undocumented and Stressed

BY KAITLIN MULHERE

Survey documents extreme pressures on students who lack legal grounds to reside in the U.S., but who are still achieving academically.

Undocumented college students have a much higher level of anxiety than the population at large, likely caused by a unique set of challenges they face as a result of their legal status.

Concerns related to finances, fear of deportation and a sense of isolation weigh heavily on undocumented students, according to a [study](#) released in January 2015 from the Institute for Immigration, Globalization and Education at the University of California at Los Angeles.

In the survey of undocumented undergraduates, 28.5 percent of male and 36.7 percent of female participants reported a level of anxiety that was above the clinical cut-off for generalized anxiety disorder, which means a moderate or severe level of anxiety. That's compared

to 4 percent and 9 percent from a sample of the general population.

Undocumented students have been marginalized and neglected and their potential is under-realized, the study's authors write.

"There's a very real chance that administrators in question have no idea what (undocumented students) go through," one survey respondent said. "None at all."

The Pew Research Center estimates that there are between 200,000 and 225,000 undocumented immigrants enrolled in college. But research on the population is limited largely to students at selective four-year colleges or within specific states, according to the study. Undocumented students, for obvious legal reasons, also are a difficult population to reach.

This study consisted of a largely anonymous survey of 909 participants from 34 states. They represented 55 different countries of birth, though the majority of respondents (657) were from Mexico. They attended mainly four-year public colleges or two-year colleges.

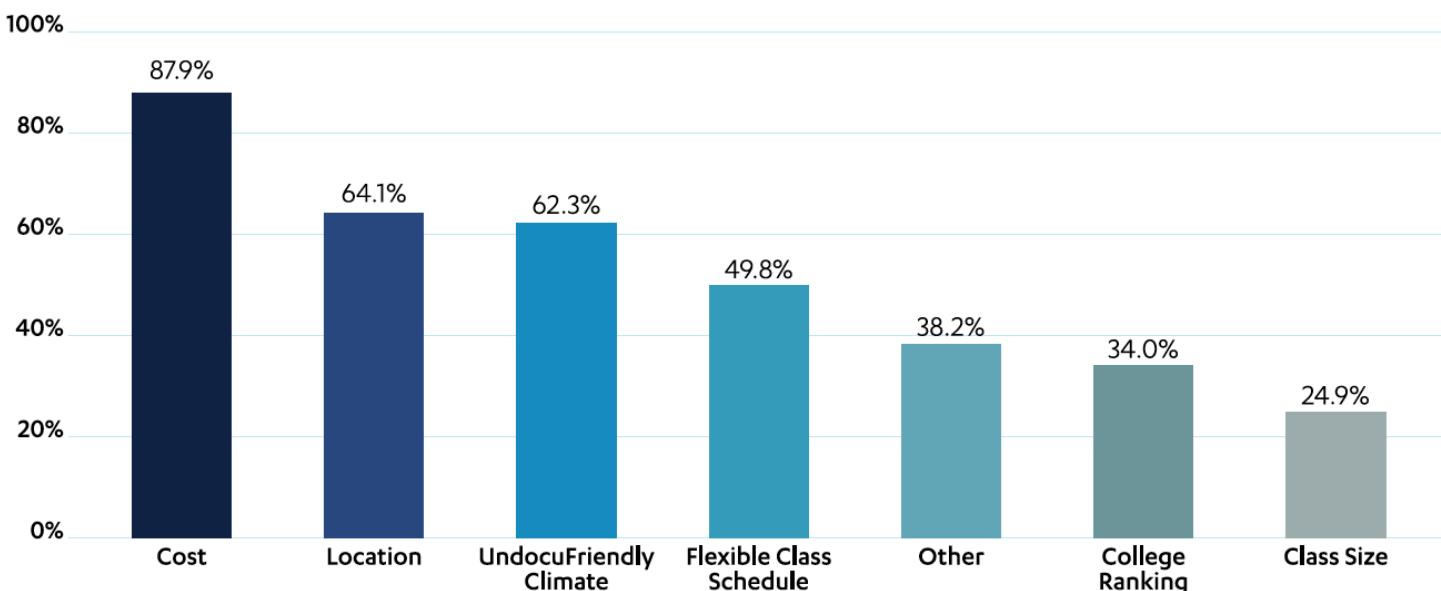
The geographic and institutional variety shows that colleges can't assume they don't have undocumented students, said Robert Teranishi, an education professor at UCLA's Graduate School of Education and Information. Teranishi and his two co-directors of the immigration institute were the principal authors of the study. The other two authors were Carola Suárez-Orozco, an education professor, and Marcelo Suárez-Orozco, dean of the graduate education school.

## Study Participants at a Glance

- 88% arrived in the U.S. at age 12 or younger**
- 87% have at least one undocumented parent**
- 76% worry about being deported or detained**
- 61% had annual household income below \$30,000**
- 48% attended four-year public college**
- 86% of those students had a GPA over 3.0**
- 42% attended two-year colleges**
- 79% of those students had a GPA over 3.0**

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Figure 13. Factors that Contributed to the Decision to Attend their College



The study focuses on the effects of Deferred Action for Childhood Arrivals (DACA), which was [started by President Obama in 2012](#) to temporarily protect qualified youth from deportation. About 66 percent of the participants applied for and received deferred action. Of those, more than 85 percent said it had a positive effect on their studies.

Because they had legal reprieve, students who had attained DACA status found it easier to find quality housing, get internships relevant to their field of study, and in some states, get driver licenses that reduced their commute to campus.

About 72 percent of DACA recipients were able to find paid work experience to help pay for college, compared to 28 percent of students without DACA.

Nearly 77 percent of all survey participants reported moderate to extreme concerns about financing their education.

Regardless of their DACA status, undocumented students don't qualify for federal grants and loans, and state- and institution-level policies are a confusing hodgepodge.

"Students have to ask a lot of questions," Teranishi said. "They have to figure out who they can trust. They're getting conflicting information from administrators on campus, who also don't know what the policies are."

Nineteen states explicitly grant in-state tuition or grant aid eligibility to undocumented immigrants, while nine states have policies that restrict access to enrollment or in-state tuition. The remaining 22 don't have such laws in place.

But that's only a limited explanation, as individual institutions also have their own policies. In Arizona, for example, three community college districts explicitly provide in-state tuition for students with DACA

status, even though the state prohibits it.

Teranishi also points out that some of the states that don't explicitly grant in-state tuition to undocumented immigrants have good neighbor policies where residents of other states, and even Canadian and Mexican citizens, can qualify for in-state tuition.

Many students with DACA status reported a reduction in feelings of shame, since they could be open about their status. At the same time, though, DACA recipients reported feelings of guilt and had higher levels of anxiety than those without the deferred action status.

While concerns about their own deportation were lower, 90 percent of DACA recipients worried about the deportation or detention of friends and family, compared to about 70 percent of non-DACA recipients.

Uncertainty also served as a dis-

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Figure 15. Reported Experience of Being treated Unfairly or Negatively due to Legal Status

60%

50%

40%

30%

20%

10%

0%

32.1%

34.0%

55.6%

47.9%

36.5%

30.6%

Professors

Counselors

Other Students

Financial Aid Officials

Campus Administrators

Security Guards / Campus Police

traction and stressor, since even those with a temporary status don't know what will happen when DACA ends.

"It is not just stressful but also depressing for any human not being able or motivated to think, dream and plan a future," said one survey respondent, a female student from a four-year public college in New York.

The study recommends that

states offer equitable tuition policies and that the federal government reexamine financial aid guidelines. Colleges should review policies around issues such as financial aid, admissions and internships, and offer training for faculty and staff. Colleges could also create support groups or centers specifically for undocumented students, so they have a place to go to share concerns and seek resources.

Teranishi hopes those in higher education can look at this information not as part of a politicized debate about immigration, but as information to help serve students. These students are being admitted, he said, so colleges should make it a priority to help them succeed.

"These are really talented students," he said. "They're highly resilient. They're working hard and succeeding despite the odds." ■

<https://www.insidehighered.com/news/2015/01/26/study-finds-undocumented-colleges-students-face-unique-challenges>

# New Standards for Diversity Officers

BY COLLEEN FLAHERTY

Chief diversity officers are increasingly being appointed to cabinet-level positions. But they haven't had a set of professional standards until now -- a fact that had been drawing criticism from some.

As colleges and universities continue to add chief diversity officers to their top administrative ranks, some from within and outside the profession have called for a set of professional standards to guide their work. What qualifications should these officers have? What exactly do their jobs entail? How do they relate to equal opportunity officers on campus? The National Association of Diversity Officers in Higher Education responded to their concerns by in November 2014 releasing a list of [Standards of Professional Practice for Chief Diversity Officers](#).

"These standards are useful as guideposts to help clarify and specify the scope and flexibility of the work of [chief diversity officers], and provide a set of guidelines to inform and assist individual administrators and institutions in aligning the work of [officers] on their campuses with the evolving characteristics of the profession," reads the document.

Put another way, the association says, the standards aren't meant to be a "hiring guide" or a fixed set

of rules. Rather, they're a template emphasizing the role of the chief diversity officer as an "organizational change agent for equity, diversity and inclusion," working within a larger team of administrators and faculty members who share the same goals.

Chief diversity officers' work is far-reaching, according to the standards, encompassing a "wide range of social identities (e.g., race, gender, sexual orientation), focal groups (e.g., students, faculty and staff), and core areas applicable across focal groups and social identities (e.g., recruitment and retention, campus climate, curriculum and instruction)."

The chief diversity officer position has evolved "to fill a senior leadership role that was not fully represented by earlier administrative posts with titles ranging from 'minority affairs' [...] to 'affirmative action officers,'" the document says.

Indeed, such officers have traditionally had and continue to have more compliance-based roles, making sure that colleges and uni-

versities are acting according to local, state and federal laws related to diversity. Chief diversity officers, on the other hand, tend to take a broader, more proactive approach (although they may still also be responsible for compliance, especially at smaller institutions). That includes anything from working with the faculty on inclusive curriculum to conducting climate surveys to leading staff workshops on promoting diversity.

[Experts say it's necessary for both diversity and equal-opportunity officers to work together](#), but that conflicts sometimes arise when equal opportunity officers are displaced in the university hierarchy by chief diversity officers, or when chief diversity officers are unfamiliar with the compliance issues underlying their work.

The standards don't say that chief diversity officers have to have a legal background, but stress the importance of familiarity with the legal underpinnings of the work – along with other historical, managerial and pedagogical knowledge.

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A dozen specific guidelines, condensed here, say that a chief diversity officer:

- "Has the ability to envision and conceptualize the diversity mission of an institution through a broad and inclusive definition of diversity," and clearly communicate it.
- Understands and knows how to navigate the management structure in which he or she is working to effect change.
- Has working knowledge of research suggesting the educational benefits of learning in a diverse and inclusive environment, and how curriculum and institutional programming can be used to advance diversity and inclusion.
- Has basic knowledge of how "various forms of institutional data can be used to benchmark and promote accountability for the diversity mission in higher education institutions," and how campus climate research can promote a positive, inclusive environment.
- Knows the procedure for responding to reports of bias on campus.
- "Broadly understands" the potential diversity-related barriers that faculty members face in promotion and tenure processes.
- Has current and historical knowledge related to issues of nondiscrimination, access and equity in higher education, and "awareness and understanding" of related laws, regulations and policies.

Benjamin Reese Jr., association president and vice president and

chief diversity officer at Duke University, said in a statement that while no document "can reflect the wide range of institutions, organizational structures and varied professional backgrounds of all [chief diversity officers], the 'Standards' provide well thought-out and comprehensive guidelines that can assist current (and aspiring) [chief diversity officers] in providing effective institutional leadership."

Reese said he expected the standards -- which were approved by national association's board of directors and are set to expire in 2021 -- to be adapted to fit various institutions' needs.

Various administrators praised the guidelines. Freeman Hrabowski, president of the University of Maryland-Baltimore County, said chief diversity officers' work on many campuses is "more important than ever," considering how campus demographics are changing, and that the standards will help "facilitate" officers' efforts.

Ana Mari Cauce, provost of the University of Washington, called the standards an "important effort" that is the first to "articulate a comprehensive set of standards that will both define and professionalize" the chief diversity's officer's role. Until now, she said, such officers have "proliferated across the academic landscape with often at best a vague understanding of their potential, or desired, role and impact."

Shirley Wilcher, executive direc-



Benjamin D. Reese

tor of the American Association for Access, Equity and Diversity, has previously criticized some new chief diversity officers for having insufficient legal knowledge of their field -- even if they do have a Ph.D. Via email, she also praised the new standards, saying that while they're intended for colleges and universities, they're also "tremendously important in articulating the knowledge and role of the [chief diversity officer] and its essential position in the executive leadership of any organization."

At the same time, Wilcher called on the chief diversity officers' association to "build stronger interconnected efforts" with the equal opportunity and other compliance-based officers who are members of her association "to promote a healthy and respectful environment for the entire academic community." ■

# Is This Ad Offensive?

By SCOTT JASCHIK

Harcum College has a campaign in which a woman appears headed to a health profession and a black man is shown in a suit with a basketball. Is this a perpetuation of stereotypes?



On its Facebook page in November 2014, Harcum College boasted about its then-new ad campaign in which 23 buses in Philadelphia have ads that pose the question "Headed in the Right Direction?" and encourage potential students to look at the college. A woman in the ad seems to be headed to a health profession. But a black man in the ad, in a suit, holds a basketball and poses in front of a basketball net.

The ad set off a debate on Twitter, with many accusing Harcum of perpetuating stereotypes about black men.

Nyasha Junior, assistant professor of Hebrew Bible and Old Testament at the Howard University School of Divinity, set off this debate with a comment on Twitter: "@HarcumCollege Why is this Black man holding a basketball in your ad?"

Junior's tweet led many others to weigh in, most of them critically. Some of the comments: "Aww man, I'm so TIRED of the 'basketball' stereo-type," "A lazy and insensitive form of advertising insinuating Black men excel in athletics above all other fields" and (with a bit of sarcasm) "I'm guessing he's a physicist that's really interested in perfecting the jump shot."

Harcum responded on Twitter by inviting Junior to talk, but she tweeted back that she wanted to see a public statement from the college, since the bus ads are themselves a public statement.

This prompted Harcum to post a response from Urick Lewis, dean of student life. He wrote that the college was proud of, and wanted to promote, both its sports management program and its basketball

team, and noted that 42 percent of students at Harcum are black.

"As leaders in higher education, we are sensitive to the importance of encouraging minority students to achieve and excel in all fields. The broad spectrum of our communications and outreach advertising includes images of men and women, black, white, Asian, and Hispanic," he wrote. "We are always willing to engage in thoughtful discussion on key societal issues such as how minority students are represented in advertising but I find criticism of this particular ad to be lacking in context. Hopefully those who review this information will have a deeper understanding of our efforts to tell the world about Harcum College."

It is unclear whether that explanation will end the criticism. Wrote one commenter on Twitter: "When an ad

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needs this much explanation, the problem lies w/in. Images speak to and articulate structures of knowledge."

Via email, Junior said that she happened to see the Harcum ads when she was in Philadelphia and

so shot a photo and shared on Twitter.

She said she didn't think the college's answer resolved the concern. "The response was telling in that it indicated that the ad promoted both their sports management program

and their basketball team," Junior said.

"I think that Harcum College should be more careful given the negative stereotypes of African-American men as excelling in athletics but not in academics." ■

<https://www.insidehighered.com/news/2014/11/10/harcum-criticized-ad-showing-black-man-basketball>

# Shrinking Numbers, Changing Values

BY RY RIVARD

Under a chancellor who says he cares more about rankings than did his predecessor, Syracuse U. scales back involvement with well-regarded program for recruiting low-income and minority students -- and those students take note.

Syracuse University plans to scale back its involvement in a scholarship program for public high school students, a decision that prompted scores of its Syracuse students to protest in September 2014.

The cutback represents a move by Chancellor Kent Syverud, who started in January 2014, to [dismantle at least part of the previous chancellor's ambitious and controversial effort](#) to increase the economic and racial diversity of students at Syracuse.

Former Chancellor Nancy Cantor famously ignored and repeatedly criticized college rankings and made attention-grabbing efforts to throw open the doors of Syracuse,

a private university, to more low-income, minority students. While diversity supporters applauded her, others on the campus feared Syracuse's rankings were falling as a result of her commitments. Supporters of her vision feared that Syverud -- who, even before he took office, said he cared about college rankings -- would reduce the number of low-income and minority students at Syracuse.

Now, some are beginning to think that fear is justified as the new administration plans to scale back Syracuse's partnership with the Posse Foundation, which helps colleges find urban public school students worthy of scholarships. The pro-

gram isn't restricted to low-income or minority students, but Posse typically helps bring those students to the attention of colleges.

David L. Jackson, a Posse sophomore at Syracuse from Miami, organized the protest to coincide with a reunion of African-American and Latino Syracuse alumni. Minorities face a number of challenges at Syracuse, Jackson said, but the Posse cuts broke the camel's back.

"The same issues that alumni faced when they were at school -- they just went dormant. And now they are alive," Jackson said in a telephone interview.

Cantor is now at Rutgers University. Syverud is the former dean of

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Courtesy Photo via David L. Jackson

the law school at Washington University in St. Louis, which has a well-ranked undergraduate program that admits the lowest percentage of low-income students of any college of its kind in America.

Syracuse's partnership with Posse is in its third year and is helping about 60 students. The university has accepted about 10 students a year each from Posse sites in Atlanta, Los Angeles and Miami. Under Syverud, the university is cutting its involvement to only Miami, a reduction of about 20 scholarships a year for students Syracuse might otherwise never find.

In the past, some have suggested Cantor's policies enrolled students who were not prepared for Syra-

cuse.

But students in the Posse program were doing well, said Maximo Patino, a former director of recruitment and diversity at Syracuse's public communications school. Patino mentored 12 Posse students from Los Angles who arrived at Syracuse in 2012. By the end of their sophomore year, 6 of the 12 had a 3.5 GPA or higher, 4 had higher than a 3.0, and 2 were below a 3.0 but not to the point of being put on academic probation, Patino said.

"I didn't really think that there was anything really negative about the project," Patino said in a telephone interview. "If anything, all these students are stable and, in my opin-

ion, they really represent Syracuse University in a very positive light. We're not just talking diversity, we're talking very successful students."

Other professors are likely to appreciate the scaling back of Cantor's vision for Syracuse, which was wrapped in idealistic language and sometimes criticized as a liberal experiment gone awry.

Jeffrey Stonecash, professor emeritus of political science, was critical of Cantor's management of the university. He said Syverud came to a campus that had neglected basic maintenance of some of its affairs. The athletics department runs a deficit and the library needs money, for instance, Stonecash said.

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"The prior chancellor significantly increased financial aid and created a mentality of entitlement among some groups," he said in an email. "The protests are conducted as if the university has unlimited resources and people are entitled to financial aid. Cantor overextended university commitments and someone has to scale them back a bit."

Taryne Chatman, a first-year Posse student from Long Beach, Calif., said he feels like the wrong programs are being cut by Syverud's team.

"At what point do we stop increasing the prestige of a school without taking out the color of the school?" he said in a text message.

Amid the criticism, Syracuse is now taking another look at its cutbacks to the Posse program, said Ryan Williams, Syracuse's associate vice president for enrollment management and director of financial aid and scholarships.

Williams said the Posse cuts were part of an effort to reconsider how the university was spending its financial aid money.

Because Syracuse promises to enroll and support Posse students, the university's scholarship funds for the program are fixed.

"Whenever you have a program

that has a fixed dollar amount or fixed scholarship associate with it, it does not give an institution the flexibility of investing its dollars where it thinks its highest need may be," Williams said.

The university is looking to add different need-based aid programs for low-income families but also plans to add merit-based aid programs, William said. Merit aid is the sort of money that goes to students with good test scores and high GPAs, something that generally benefits students from wealthier households.

Williams said the changes have nothing to do with rankings but are instead about "flexibility."

The protest over Posse wasn't the only one that week on campus. A separate protest was directed at the new administration's decision to consolidate its student advocacy center with its counseling center.

Bill Jasso, a professor of public relations and head of the diversity committee in Syracuse's S.I. Newhouse School of Public Communications, said it's his understanding that most of the students who started out seeking help at the advocacy center ended up at the counseling center.

The administration, he said, was

trying to create a "one-stop shop" rather than eliminating services.

"It appears, if that is the case, then there was a faulty communication on that particular issue, because all that a number of people heard was, 'O.K., we're going to close the advocacy center,'" he said.

Cantor's era saw a dramatic change in the complexion and background of Syracuse students. A decade ago, less than a fifth of Syracuse students were from minority groups and less than a fifth were eligible for Pell Grants -- a proxy for the number of low-income students. Now, about a third of students are minorities and about a quarter are Pell-eligible.

In the 2013-14 academic year, Syracuse admitted 3,500 first-year students, about 32 percent of whom were minorities and 16 percent of whom were first-generation students.

But, among other changes, the new chancellor replaced the enrollment director at the college. In an interview about nine months ago, that former enrollment director, Don Saleh, said that he did not think the university was likely to make major changes to its recruitment pushes in urban areas. Now, he too is gone. ■

<https://www.insidehighered.com/news/2014/09/23/syracuse-u-curbs-work-program-help-urban-youth-attend-college>

# Buying Outsiders

BY KELLIE WOODHOUSE

As public colleges and universities lure out-of-state students with scholarships, are in-state and low-income students losing out?

Public universities are using non-need-based aid to recruit out-of-state students, at the expense of low-income and in-state students.

That's the thesis of a [report](#) released in May 2015 by New America.

Public colleges that provide substantial amounts of what they call merit aid to students tend to enroll more nonresident students -- and have experienced a greater decline in resident students over the past 15 years -- than their peers that don't use that strategy, the report found. They also tend to enroll fewer students [with Pell Grants](#) and charge low-income students a higher average net price than colleges that provide little merit aid.

Out-of-state enrollment at the University of South Carolina, for example, has more than doubled since 2000, and is now at 45 percent. South Carolina's enrollment manager has said the university increased its nonresident enrollment due to financial necessity, as state funding has dropped by 50 percent since the recession. *The State*, a Columbia, S.C., newspaper, reported about 60 percent of out-of-state students receive non-need-based aid.

Part of the reason is that state

appropriations have declined dramatically, and some states are experiencing a decline in the number of high school graduates they see each year. Others are so sparsely populated, they have little choice but to go after out-of-state students in an effort to maintain enrollment.

Yet a primary driver is the one the report terms a less necessary one: colleges are competing with one another, and often out-of-state students help boost test scores and overall revenue and thus increase a college's ranking and stature.

"Public higher education has changed. There was a point in time where schools were fairly low priced, serving primarily in-state students. What financial aid they gave out was primarily need-based aid," said Steve Burd, the primary author of the report and an analyst with New America.

Now, four-year colleges spend less than half of the \$9 billion in undergraduate institutional grants they award each year on need-based aid, the report found.

"There's this general question about the mission of public higher education, and whether schools are abandoning that mission," Burd

continued.

Eighteen percent of public four-year colleges give at least 20 percent of their students some amount of non-need-based aid, and 48 percent provide at least 10 percent of their students with merit aid.

The aid, more and more, Burd says, is being used to recruit out-of-state students, but it also goes toward keeping well-performing in-state applicants in their home states.

There are generally two ways public institutions can offer merit aid to out-of-state students, says Nate Johnson, a Tallahassee, Fla.-based higher education analyst who specializes in enrollment management.

Out-of-state tuition is usually much higher than in-state tuition, and has been rising more rapidly than in-state tuition. For example, at the University of Virginia, the University of Michigan and the University of North Carolina, nonresident tuition was more than triple the cost of resident tuition in 2013.

Because out-of-state tuition is usually higher than the cost of providing an education, colleges can offer just enough merit aid to entice an applicant to enroll. In many cases, the student will still pay more

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than the cost of education, and that additional money can go toward subsidizing in-state students.

Officials at Michigan, where out-of-state enrollment is 43 percent, an all-time high, have adopted a strategy of using revenue from out-of-state tuition increases to subsidize need-based aid for in-state students.

Yet such a strategy can mean less economic and racial diversity.

"It's sort of unfortunate that such students consist only of upper-middle-class students whose families can afford it," Johnson said.

The other strategy colleges use is more damaging to in-state students: colleges will offer out-of-state students large chunks of merit aid in order to increase their ranking profile, leaving less money for needy students.

"What I worry about is where the discounts are going way below the cost of instruction, to students who don't need that discount to attend college," Johnson said. He added that such a practice equates to needlessly shifting students from one state to another just to enhance an institution's ranking.

"Even if you disagree with the rules the way they are, it's hard to unilaterally disarm," Johnson said. "If you're the only institution that's not willing to do this, then the others who are willing to are going to eat your lunch."

The New America report says such practices are not isolated to flagship campuses, but are increas-



University of California at Los Angeles

ingly common at state regional colleges, the report contends. Forty percent of the 277 regional colleges reviewed for the report provided at least 10 percent of their students non-need-based aid. Chasing out-of-state students has become so prevalent, the report says, that an enrollment manager for the University of Kentucky, where 22 percent of students receive non-need-based aid, was prompted to ask, "How do we stop this cycle and change things?"

Some states have limits on the percentage of out-of-state students public colleges can enroll. At University of North Carolina campuses, no more than 18 percent of students can hail from outside the state. Other caps are less restrictive, like the Colorado Legislature's 45 percent cap on out-of-state freshmen at the University of Colorado at Boulder.

Yet some state universities have seen pushback as their out-of-state enrollment increases. The University of California system intentionally increased its enrollment of out-of-state students -- from 6 percent in 2009 to 20 percent last fall -- in order to grow revenue, but UC President Janet Napolitano last fall said she'd consider a limit [after outcry](#) from lawmakers and potential students, who claimed the system was enrolling too many out-of-staters.

"Somebody who's not in a system, who doesn't have to play that game, needs to create incentives and set rules that put everybody on a level playing field where they will succeed and benefit when they serve low-income and in-state students," Johnson said. "The burden to fix this problem really falls to states and federal governments, rather than individual institutions." ■



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<sup>1</sup> Parents Involved in Community Schools v. Seattle School District No. 1 et al., 551 (SCOTUS 2007), Civil Rights Project at UCLA.

<sup>2</sup> Abigail Noel Fisher v. University of Texas at Austin et al., 570 (SCOTUS 2013), American Educational Research Association.

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# Views

A selection of essays and op-eds

## Next Chapter for Affirmative Action

BY MATTHEW GAERTNER

The Supreme Court's recent decision may not require colleges to change their practices, but it's another sign they need new approaches, writes Matthew Gaertner.

On April 22, 2014 the U.S. Supreme Court issued its ruling in *Schuette v. Coalition to Defend Affirmative Action*, [upholding](#) Michigan voters' 2006 decision to ban race-based preferences in college admissions. Two immediate consequences of this decision are worth clarifying. First, and most obviously, race-based affirmative action remains prohibited at public universities in Michigan, a state whose population is over 14 percent black but whose flagship public school -- the University of Michigan -- serves a student body that is only [4 percent black](#). Second, less obvious and less often emphasized, the Supreme Court opted not to overturn the principle that racial diversity on a college campus is a compelling interest, as it yields unique educational benefits.

In legal terms, race-based affirmative action was left untouched by the *Schuette* decision. In practical terms, however, the decision could have far-reaching impacts. While there is still nothing unconstitutional about affirmative action, there is now nothing unconstitutional about banning it. That means statewide prohibitions in [California](#), [Washington](#), [Arizona](#), and [Nebraska](#) will remain in place and additional challenges to race-conscious admissions are likely to surface. Moreover, the Court's decision in the Michigan case follows a pair of well-publicized campaigns in other states designed to either [chip away](#) at remaining affirmative action policies or [beat back](#) efforts to revive those that have been outlawed.

These legal and political developments leave higher education lead-

ers in a quandary. Most of us, from Chief Justice John Roberts to John Q. Public, agree racial diversity is a good thing, and worth pursuing. But pursuing it explicitly by considering race in admissions seems to be falling out of favor at the [national level](#) and facing voter opposition in some states.

Fortunately, promising alternatives are gaining traction. While it is self-evident that the best way to achieve racial diversity is to select on race, granting college applicants additional consideration on the basis of socioeconomic hardship may represent the next chapter of affirmative action. Class-based admissions preferences have two particularly attractive features. First, they can cushion the racial blow of an affirmative action ban by capitalizing on the overlap between race

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and socioeconomic status. Just as important, they can boost college access for disadvantaged students of all races who have overcome obstacles few other college applicants have faced.

Research on class-based affirmative action is still in its infancy, but the results thus far seem promising. In [nine states](#) where race-conscious policies have been banned and class-based alternatives have taken hold, racial diversity at selective colleges has rebounded after an initial drop.

My own research at the University of Colorado demonstrated that class-based admissions considerations -- when sufficiently nuanced and faithfully implemented -- [can maintain racial diversity](#) and identify applicants who will [perform much better](#) in college than their raw academic credentials suggest.

Promoting this sort of experimentation seems to be what the Supreme Court has in mind, as last month's [plurality decision](#) reiterated that "universities can *and should* draw on the most promising aspects of race-neutral alternatives as they develop."

It should also be emphasized that although the Supreme Court's ruling in *Schuette* homed in on admissions decisions, solutions to the economic and racial divide in higher education need not maintain such a narrow focus. For example, the University of California system has developed robust [outreach programs](#) to connect with high-achieving low-income middle school students and encourage them to apply to selective universities (nationally, [more than 100,000](#) such students every year do not apply to selective schools). Like class-based affirma-

tive action, outreach is not a diversity panacea. But without talented low-income applicants, colleges will face a supply problem that no admissions solution -- race-based or class-based -- can overcome.

I ultimately support considering class and race jointly in admissions as the most obvious, efficient, and logical way to [boost socioeconomic and racial diversity](#).

But to the extent the *Schuette* ruling emboldens new state-level campaigns to ban traditional affirmative action, university leaders should begin investigating workable alternatives that suit their schools' missions. Beginning that process now will serve selective colleges well as the political landscape continues to change. ■

*Matthew Gaertner is a senior research scientist in the Center for College & Career Success at Pearson.*

<https://www.insidehighered.com/views/2014/05/02/essay-urges-colleges-rethink-approaches-affirmative-action>

# The Student Solution to Affirmative Action

BY MARK BAUERLEIN

Students who favor affirmative action should follow their principles and help minority students -- by choosing not to apply to highly selective colleges, writes Mark Bauerlein.

With yet another affirmative action case reaching the Supreme Court just months after the last decision, and with that previous decision likely to produce multiple local challenges to admissions procedures at selective colleges across the country, we might ask whether the courts are the best place to settle this divisive issue of racial preferences.

The *Grutter* judgment of 2003 didn't lower the controversy, and neither did the *Fisher* judgment of 2013, and the upcoming *Schuette* case won't, either. People on both sides don't just disagree. They bring a passionate sense of fairness to the debate that puts the opposition on the side of unfairness. Whichever side loses each skirmish in the issue doesn't only feel defeated -- it feels wronged, and that inspires only further legal action.

Instead of having lawyers and judges determine the future of racial preferences, perhaps we should appeal to the group affected by them most: college applicants. They have usually been the plaintiffs in cases

over the years, and outcomes have turned on data relative to admitted students, so why not ask them to address the controversy? In fact, they have the power to resolve the issue entirely, to everyone's satisfaction, and they can do it voluntarily and on principle.

The strategem is simple. The [2012 American Freshman Survey](#) reports that 30 percent of first-year college students are "Liberal" or "Far Left," while nearly half of them declare themselves "Middle-of-the-Road" (47.5 percent). I assume that all the liberal or left students favor racial preferences in college admissions and half of the moderates do. Over all, white students make up 70 percent of the entire first-year student population.

This yields a significant portion of white college students who endorse the policy, perhaps one-quarter to one-third of the overall student population. After all, when the American Freshman Survey posed to respondents the assertion, "Racial discrimination is no longer a major problem in America," only 23 percent agreed.

What would happen if all those white students who assert that racism is still a "major problem" and who approve of affirmative action as one remedy followed their beliefs and did not apply to selective colleges such as Williams, Wesleyan, Boulder and U.Va.? How would that alter the demographics of elite campuses?

The admissions offices at those schools would face a less-competitive white applicant pool and could boost minority acceptances. Thousands of white students with eight AP courses, a 4.0+ GPA, and 95th-percentile SAT scores would not join the mix and raise the averages.

Given their strong support of racial diversity, the schools would rejoice at not having to engage in dicey racial engineering, and students themselves would act on their convictions.

If they espouse diversity, they won't attend colleges with low African American and Hispanic make-ups. [Wesleyan University reports](#) that only 7 percent of the student

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body is "Black or African American," [NYU only 4.3 percent](#). Dartmouth is [8.75 percent Hispanic/Latino](#), [Duke 6.6 percent](#). Liberal white students (and liberal white parents) should shun them until the ratio matches up with the general population.

Nobody would object and the debate would end. Liberals would support it because it delivers the revered goal of racial diversity, while conservatives would approve because it comes from individual initiative, not state mandate.

Conservative white students may still apply where they wish, and though liberals may accuse them of hindering racial justice, conserva-

tives may reply, "You have behaved consistently with your beliefs -- let me do the same."

In but a few years, the college campus would no longer be a legal battle zone or a hive of racial resentments.

It sounds altogether unrealistic, of course, given the magical prestige of the words Princeton, Columbia, Harvard, et al.

For many people, applying elsewhere means giving up a legacy, forgoing an ambition, perhaps sacrificing a better future. That's true, but increasingly to a lesser extent, critics now arguing that the cachet of elite institutions is overdone and

that their price tag is inflated.

Employers today rely less on G.P.A. and institution and more on interviews and internships when making hiring decisions.

Not only that, but we shouldn't ignore the hypocrisy of advancing a racially diverse society through affirmative action mechanisms, while refusing to participate in it on one's own.

If racial diversity in elite spaces is so important, does an individual who might get into Williams but goes to UMass-Boston look like a disappointment? ■

*Mark Bauerlein is professor of English at Emory University.*

<https://www.insidehighered.com/views/2013/10/18/how-liberal-students-could-change-affirmative-action-debate-essay>

# Affirmative Action Jumps the Shark

BY STEPHEN T. ASMA

The law and the logic on which colleges have relied are both becoming harder to defend, writes Stephen T. Asma.

The Supreme Court in 2013 kicked the latest affirmative action case (*Fisher v. University of Texas*) [back down to an appeals court](#), effectively avoiding the big issues of race and class in America -- at least for now. Abigail Fisher claimed that the University of Texas at Austin violated her rights by considering race in its admissions process. Fisher is

a white woman who was not admitted to the university in 2008.

The Supreme Court claims that the U.S. Court of Appeals for the Fifth Circuit did not subject the *Fisher* case to the appropriate standards, in particular: Are the means for ensuring campus diversity narrowly tailored to that goal? And can the university achieve diversity via

mechanisms that do not require racial classifications?

Despite the decision to bounce the case back, interesting undertones can be gleaned from Justice Anthony Kennedy's 7-1 majority opinion, and particularly the two concurring statements from Justices Clarence Thomas and Antonin Scalia. Thomas and Scalia took the opportunity to

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add their distaste for the entire idea that universities are entitled to use racial considerations in composing their communities. Justice Thomas asserted that "a state's use of race in higher education admissions decisions is categorically prohibited by the Equal Protection Clause."

The rejection of affirmative action logic, found in Thomas and Scalia, was foreshadowed by Justice Roberts's earlier slogan, from a 2007 decision, "the way to stop discrimination on the basis of race is to stop discriminating on the basis of race." Foes of affirmative action, including some conservative members of the court, seem convinced that we're now living in a post-racial society, and the policy ameliorations of the past have become the reverse discriminations of today.

[One of Ronald Dworkin's last arti-](#)

[cles](#) (before his death in February) decried the conservative rejection of affirmative action, predicting that the court would probably overturn the 2003 *Grutter v. Bollinger* decision, which allowed for race considerations in admissions. That may still happen, but not yet.

Dworkin suggested that affirmative action is no more discriminatory than other preferential forms of college admission, including preference for good athletes where universities have strong athletic programs. Institutions are entitled to have reasonable preferences -- higher scoring on standardized tests, for example, puts lower-scoring individuals at a disadvantage. As Dworkin put it, "the Constitution does not prevent regulative legislation that gives advantage to some over others -- to optometrists over

oculists, for example -- when the legislation serves a 'rational' purpose that reflects no prejudice or favoritism."

But this last clause was precisely the sticking point, since Abigail Fisher's case asserted that race consideration in Texas admissions violated her constitutional rights with prejudiced policy. Dworkin found it absurd that the university could be interpreted as prejudiced against white students, since it is overwhelmingly white. Dworkin also dismissed any white resentment (for being passed over), suggesting that the wider moral perspective revealed rational preferences in the affirmative action policy, not just favoritism. He voiced the Left's position that the higher social good of liberal tolerance is the rational grounding that renders resentments

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unjustified.

This underlying rational aspect of race consideration is articulated in Sandra Day O'Connor's 2003 *Grutter v. Bollinger* endorsement of the Court's earlier claim that student body diversity is a compelling state interest and justifies the use of race in university admissions. The moral reasoning is that greater campus diversity breaks stereotypes and xenophobia, and students will emerge from these experiences with greater tolerance and less prejudice.

Three important objections can be raised against affirmative action logic, and last month's Court ruling expresses some of these critiques in its decision. First, this specific demarcation of rational preferential treatment from regular garden-variety discrimination seems to beg the question. The general point – that rational preferences can be positive and defensible – is not the issue. But this specific designation of good and bad preference is the aspect that needs greater warrant.

Using this logic, for example, Dworkin argued that it is not enough to get black students on campus in Texas – a task easily accomplished by an existing law that takes the top 10 percent of Texas high school students and therefore draws smart, poor, black students from geographically black high schools. Judge Alito suggested, while hearing the case, that this 10 percent rule sufficiently ensures the sought-after student diversity. But supporters of affirmative action, like Dworkin, argued that this would not be the

right sort of diversity, because it would feed white stereotypes that blacks are poor. Supporters of affirmative action in Texas argued that the university should be encouraged to cherry-pick black students from middle- and upper-class backgrounds in order to break campus stereotypes.

Such fine-grained optimization of diversity is a multiple-edged sword for the state to legislate. For one thing, it's hard to see why this cherry-picking isn't already redundant to the existing mechanism of merit admissions, because if a smart black student is from a middle-class family then she already has many of the supportive ingredients to be selected by the institution like every other middle-class student. For this reason, a racial preference may fail the legal strict scrutiny requirement that it be the "least restrictive means" for achieving its goal.

Moreover, the very criterion of "breaking stereotypes" (as rational justification) is a sticky wicket, because it radically opens the floodgates of equally reasonable complaints. Latinos in every economic class will need to be cherry-picked, as will Asians and every other group. If there are not enough gays and lesbians on campus to defuse homophobia, institutions will need to protect slots for gays and lesbians in every economic and racial category. Transgender students will not just need representation, but representation from different economic backgrounds. And Asians who are bad at math and Jews who prefer

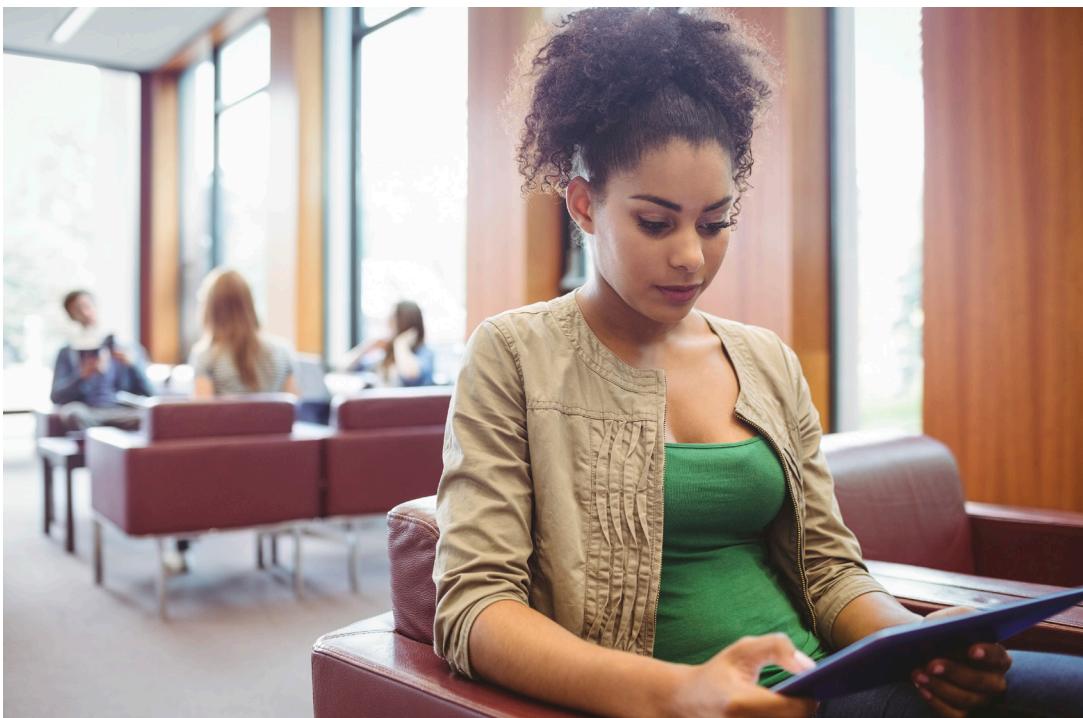
football to studying will need special recruitment, in order to break down those pernicious widespread stereotypes on campus. In short, "breaking stereotypes" is an over-inclusive criterion, and it seems to fail the strict scrutiny expectation that a law or policy be "narrowly tailored" to achieve its goal or interest.

Secondly, Dworkin and other supporters think it's obvious that the university is not guilty of black favoritism, because the institution remains so demographically white. But this ignores the possibility that lefty academics (otherwise known as academics) could be prejudicially biased in favor of minority students, even when they are not themselves minorities. Reverse discrimination can be ideologically motivated. I take it this is a major critique of academe, from the Right -- namely, the academy's general obsession with the subaltern.

White guilt is stronger in the academy than in any other arena of American culture, so it's not impossible that reverse discrimination has systemic reach in this narrow domain. One way to assess this possibility is to measure the number of black applicants against the number of blacks admitted. Similar numbers there might be suggestive of institutional reverse discrimination, and this was essentially Justice Rehnquist's claim in his dissent for *Grutter v. Bollinger*.

Moreover, Rehnquist argued, this bias was more troubling in the University of Michigan Law School case (*Grutter*), because the overall

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number of Latinos admitted from 1995-2000 was only half that of African Americans. The criterion of diversity, therefore, is not producing anything like a representational spread of U.S. demographics. Of course, none of this may indicate favoritism per se, but just a broken haphazard system that's too unorganized to even have an agenda.

That's not exactly good news, either.

Thirdly, we have come a long way from the original purpose of affirmative action, if the conversion of on-campus white psyches is the new rational justification. President Johnson's policy started as a legitimate leg-up for black people -- a boost for opportunity. But the newer logic holds that affirmative action will better-ensure that white people will think better thoughts about peo-

ple of color. This moral argument appears to underpin the Supreme Court's logic in *Grutter v. Bollinger*, where Justice O'Connor argued that race preference policies would be a necessary evil for only another 15 years (25 years from the original opinion).

When President Johnson first instituted affirmative action, one of the underlying purposes was reparation to the descendants of former slaves, many of whom were victims of Jim Crow bigotry. African Americans who felt the sting of racism directly were helped by the policy. The goal of increased diversity, in schools and the workplace, was intimately connected to this reparation function of affirmative action, but that is no longer the case. In today's America, many of the people who benefit from diversity policies are

not disadvantaged African Americans, but Latinos, Indians, Africans, Vietnamese, Iranians, Pakistanis, Chinese, Koreans, and so on. While many of these groups have faced terrible hardships, they have not been enslaved with the approval of the United States.

We're not living in a post-racial age, in the sense that we all see past skin color, speech accents and cultural differences. But we are living in a post black-and-white era of discrimination, in the sense that we now have many additional kinds of discrimination (brought on by melting pot trends). Prejudice is not as uniform as it used to be, and now we have micro-prejudices that cannot be legislated away; Puerto Rican Americans stereotype Mexican Americans, who turn around and stereotype African Americans,

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who in turn stereotype Korean Americans, who then stereotype Japanese Americans, who stereotype Chinese Americans, who tend to stereotype Pakistani Americans, who stereotype Indian Americans, and so on.

Just after the civil rights era, huge immigration spikes started for Asian and Latin American populations. In the 1960s most immigrants came from Europe, so the color question remained acute. Prejudice really was more of a black-and-white issue at that time. But starting in the 1970s there has been a huge influx of color. In 1960, only 9 percent of im-

migrants were Latin American and 5 percent were Asian. Compare that with 2011 immigration, when 52 percent were Latin American and 28 percent Asian. The color question has changed in America and this has had implications for the logic of affirmative action.

The “diversity argument” that Justice O’Connor proffered in *Grutter* will probably not survive a substantial challenge because it tries to catch a specific needy demographic -- African Americans -- with a wide net that also benefits many non-African Americans of color. It would have been better to keep the argument focused on reparation for descendants of slaves, because

that smaller net captures the right demographic group.

But this argument is problematic for other reasons, namely the historical distance between today’s African-American students and slavery. Switching to an economic criterion for preferential treatment results in two improvements: poor kids get into elite schools and poor minorities are captured within the criterion. But using only the economic criterion creates the stereotyping problems that Dworkin was worried

icans feel that we’ve outgrown affirmative action. President Obama, for example, has stated that his own privileged daughters don’t deserve affirmative action preferences. Instead, he argues, low-income students of all races should be given preferential treatment. At the same time, his Department of Justice supported the race-based admissions in the University of Texas case.

When Asians score their way into all the slots at the good colleges, will whites argue that they were discriminated against? Actually, Asian scholastic excellence is already so powerful that Asians have to be discriminated against

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**...many middle-class African Americans feel that we've outgrown affirmative action**

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about -- namely, only poor African Americans will be represented on campus.

What O’Connor should have argued was not that “diversity” policies need 25 more years of legal protection (her actual argument), but slavery reparation needs those years of legal protection. That would have been the mechanism needed to keep African Americans inside the affirmative action cohort and other people of color outside the cohort. One wonders, however, how compelling that argument sounds to contemporary American ears, especially when we have a black president in office.

Many middle-class African Amer-

to keep them from overpopulating competitive programs. As recounted by William Chace in an article in *The American Scholar*, a Princeton University study analyzed the records of more than 100,000 applicants to three highly selective private universities. “They found that being an African American candidate was worth, on average, an additional 230 SAT points on the 1600-point scale and that being Hispanic was worth an additional 185 points, but that being an Asian-American candidate warranted the loss, on average, of 50 SAT points.”

The time has come, I submit, for us to embrace a post-affirmative action future. There may be very

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good arguments for maintaining preferential treatment for African Americans specifically, but those arguments will probably need definitive detachment from current affirmative action logic. Since African Americans continue to be underrepresented in today's universities – despite all-time-high representation of nonwhite students – some policies should probably return to the language and logic of reparation (rather than just equal opportunity). This battle is still fightable and winnable, but it will need to start afresh.

As far as overall diversity goes, we might bite the bullet and assert – independent of the affirmative action tradition – that we want a pluralistic campus that reflects our national

melting pot. To that end, we might create a quota lottery that replicates, on campus, the same racial demographics of the whole nation (white = 75 percent, Latino = 15 percent, black = 12 percent, Asian = 5 percent, and so on).

But the problem here is now obvious. We would need to actively restrain one of the most impressive academic racial groups (Asians) in order to force them to conform to their tiny demographic percentage. This seems both unethical and unwise.

Whatever remains of the diversity argument and the affirmative action mechanisms should be rerouted entirely and enlisted to address the bigger challenge of our time, eco-

nomic disparity. Ensuring access to poor students of every race is not only pressing, but has the added benefit of being solvable by legislative means. Now that the Court has remanded the case, things will be status quo for the time being. But the demand for strict scrutiny here seems like a technical dodge, and won't stave off the changing tides of American social justice. ■

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<https://www.insidehighered.com/views/2013/07/08/essay-supreme-court-decision-affirmative-action>

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