

Communicating Diversity in Higher Education

# DIVERSITY

D I G E S T

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## Diversity and Democracy: the Unfinished Work

By Carol Geary Schneider, president, AAC&U

In June, the Supreme Court released its landmark decisions in the two University of Michigan affirmative action cases. The Court's strong endorsement of diversity as a compelling national interest reaffirms higher education's pivotal role in the nation's long march toward integration and equal opportunity for all our citizens. It is a breakthrough victory for everyone who has made a long-term commitment to diversity and the expansion of opportunity for students of color.

In response to these momentous developments, AAC&U and thirty higher education associations released a statement of rededication to equal opportunity and integration, titled: *Diversity and Democracy: The Unfinished Work*. You can find the statement in full at [www.aacu.org](http://www.aacu.org) and on [www.diversity-web.org](http://www.diversity-web.org). It has appeared in *The New York Times* and *The Chronicle of Higher Education*.

Our purposes in framing this statement were two:

- To remind the public and our colleagues throughout the academy that the Michigan cases must be seen in the context of a long, ongoing struggle toward racial equality and full inclusion for all Americans;
- To commit our associations, on behalf of the higher education community, to the long-term work that must be done to a) fully prepare poor students and students of color for both college access and success; b) confront and close the achievement gap *within* higher education; and c) ensure that students of all backgrounds acquire the knowledge and capacities they need for a world that is simultaneously diverse, interdependent, fragmented, and deeply unequal.

The unity of the higher education community around these far-reaching and challenging commitments is heartening.

We know that you, our readers, are acutely engaged with the immediate practical consequences of the Michigan decisions, as well as with the longer term work of creating more just and equitable access to quality education and the expanded opportunities it confers. We therefore provide in these pages an analysis of the court's decisions and their likely implications for admissions and other diversity practices. AAC&U has posted to its Web site a longer analysis of the legal implications of these decisions. (See [www.aacu.org](http://www.aacu.org).) There also will be sessions on these questions at our annual meeting.

The Court's proposal that there should be no need for affirmative action in twenty-



Carol Geary Schneider,  
president, AAC&U

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## Longhorn Scholars Program Opens Avenues for Underrepresented Students in Texas

By Kathy Goodman, communications associate, AAC&U

DEMONSTRATING ITS COMMITMENT TO ACCESS AND OPPORTUNITY IN RESPONSE TO A STATE BAN ON AFFIRMATIVE ACTION IN ADMISSIONS AND FINANCIAL AID, THE UNIVERSITY OF TEXAS AT AUSTIN (UT-AUSTIN) DESIGNED A PROGRAM THAT COMBINES OUTREACH WITH A STRONG ACADEMIC PROGRAM FOR UNDERSERVED STUDENTS. THE LONGHORN SCHOLARS PROGRAM AT UT-AUSTIN ASSISTS THE BEST GRADUATES FROM HIGH SCHOOLS HISTORICALLY UNDERREPRESENTED AT THE UNIVERSITY AND PROVIDES SIGNIFICANT SUPPORT IN THE FORM OF SCHOLARSHIP FUNDING, ACADEMIC ADVISING, AND CHALLENGING ACADEMIC OPPORTUNITIES.

**Longhorn Opportunity Scholarship**

Students participate in the program by invitation only and must be awarded one of three qualifying scholarships based on academic achievement, financial hardship, and status as a graduate of a selected Texas high school whose graduates have historically been underrepresented at UT-Austin. The Longhorn Opportunity Scholarship (LOS), in particular, is awarded to students in economically disadvantaged and historically underserved high schools in Texas. Since 1999, nearly 1,200 qualifying scholarships have been awarded, with 1,100 of these being four-year awards. Dollars awarded to students in the freshman year alone have totaled nearly \$4 million.

According to their Web site, LOS is not merely a scholarship at the UT-Austin:

...the program has served as the catalyst for the creation of a comprehensive academic community development package with a three-fold aim: to identify students who might not have otherwise had the opportunity to attend the University; to deploy University resources to attract these students to Austin; and most importantly, to give these students the resources and attention that will help them to succeed academically and ulti-

mately become alumni of The University of Texas at Austin.

This scholarship and the related Longhorn Scholars Program exemplify UT-Austin's commitment to provide opportunities based on "proportional representation and recruitment from an economic, community-based perspective rather than focusing solely on statewide academic competition or personal characteristics such as ethnicity."

**Focus on Student Success**

In addition to their university-appointed academic advisor, students in these programs are assigned an advisor from the program who helps them make the most of their undergraduate education. The students are encouraged to take interdisciplinary classes and to participate in research with faculty. They also have the benefit, in some instances, of smaller classes taught by professors recognized for their outstanding teaching. The Longhorn Scholars Program also features events throughout the year designed to encourage students to get to know faculty and staff outside of the classroom.

According to UT-Austin Provost Sheldon Ekland-Olson, students are "thriving and enjoying the enriched opportuni-



The University of Texas at Austin President Larry Faulkner and Longhorn Scholars at the 2002 Longhorn Scholars Welcome Reception.

ties.” When asked about the benefits of being a Longhorn Scholar, he stated:

First and foremost is the scholarship money that comes with the designation. There are varying levels of support, ranging from four-year scholarships, to first-year support. Second, Longhorn Scholars are supported by enriched advising, about double the per capita staff as other programs, and various academic opportunities connected with the Longhorn Scholars Honors program. These include selective participation in a semester in Washington D.C., a range of study-abroad options, and support for participation in our Bridging Disciplines Program, which includes curricular concentrations such as Environmental Studies, Ethics and Leadership, Population and Public Policy, and Children and Society.

The Longhorn Scholars Program is just one part of Connexus, an initiative of the Provost’s Office. The Connexus initiative is an umbrella for a variety of programs that traverse boundaries between colleges and disciplines and “provide opportunities for all undergraduates to avail themselves of resources related to research, funding, career development, faculty, mentoring, and community.” Other

Connexus programs include learning communities, interdisciplinary courses, scholarships, research opportunities, freshman seminars, and more. According to the provost, “together they provide a well-defined, supportive, and demanding academic environment.” The consistent emphasis on learning raises the level of student accomplishment.

The Longhorn Scholars Program, like other programs within Connexus, is designed to increase student achievement by linking resources that benefit all aspects of student life, including academic achievement, career exploration, financial aid, and personal growth. By attending to these many aspects, the Longhorn Scholars Program significantly improves the chances of student success. There can be little doubt that this aspect of the program is effective and beneficial. As Dr. Ekland-Olson states it, “Having a space to come to, enriched advising, demanding courses, and enriched academic opportunities all help.”

### Increased Diversity

The Longhorn Program also contributes to the diversity of the student body. According to Dr. Ekland-Olson, “The ethnic diversity of the Longhorn Scholars Program is very rich, approximately 25

percent African American, 55 percent Hispanic, 10 percent Asian, and 10 percent Anglo.” The program is successful in reaching out to a variety of communities and underserved students without using the traditional means of affirmative action. However, racially attentive measures are important to the program’s success in recruiting students of color. “As of 2002, seventy high schools scattered throughout Texas have been chosen to participate in the LOS program. These schools were included based on criteria that takes into account their students’ historical underrepresentation, measured in terms of a significantly lower than average percentage of college entrance exams sent to the University by students from this particular school, and an average parental income of less than \$35,000.”<sup>1</sup> In 1999, 135 freshmen entered UT-Austin as Longhorn Scholars, and in Fall 2003, the University expects 282 freshmen to enter through this program. In its first five years, the Longhorn Scholars program has enrolled nearly 1,200 UT freshmen.

Thus far, the program has been an asset to students and to the entire UT community. Undoubtedly, programs like the Longhorn Scholars Program will lead to some successes and some failures, and one can hope that through the process of iteration colleges and universities will find the best ways to reach out to underserved populations and contribute to their academic achievement. Certainly, the Longhorn Scholars program illustrates just one of many excellent possibilities.

*Information about Longhorn Scholars and Connexus can be found online at*

- [www.utexas.edu/student/connexus/scholars/index.html](http://www.utexas.edu/student/connexus/scholars/index.html).
- [www.utexas.edu/student/finaid/scholarships/los\\_about.html](http://www.utexas.edu/student/finaid/scholarships/los_about.html)
- [www.utexas.edu/student/connexus/](http://www.utexas.edu/student/connexus/).

### Note

1. [www.utexas.edu/student/finaid/scholarships/los\\_hschoools.html](http://www.utexas.edu/student/finaid/scholarships/los_hschoools.html). ■

## Bridging the Gap: The ACE Program in Arizona (Achieving a College Education)

By Lori Webster, editorial associate, Office of Diversity, Equity, and Global Initiatives, AAC&U

ARIZONA HAS ONE OF THE HIGHEST HIGH SCHOOL DROPOUT RATES IN THE COUNTRY. NEARLY 50 PERCENT OF ALL HIGH SCHOOL STUDENTS IN THE STATE FAIL TO GRADUATE FROM HIGH SCHOOL. ARIZONA ALSO HAS ONE OF THE LOWEST COLLEGE-GOING RATES IN THE COUNTRY—ABOUT 25 PERCENT. ONE INITIATIVE TO ADDRESS THE EDUCATIONAL SHORTFALL IN THE STATE IS AN INNOVATIVE COLLABORATIVE PARTNERSHIP BETWEEN PIMA COMMUNITY COLLEGE, THE UNIVERSITY OF ARIZONA, AND THE PIMA AND SANTA CRUZ COUNTY SCHOOL DISTRICTS —ACHIEVING A COLLEGE EDUCATION PROGRAM (ACE).

### ACE Goals and Objectives

Founded in 1997, the purpose of the program is to provide a structure that encourages at-risk students in the Tucson area to graduate from high school and continue their education at the college level. “The ACE Program works to provide a supportive, caring environment that sends a message of encouragement to students and support to parents. We look at the individual and support the student through completion of their college degree,” says Katie Elandt, coordinator of the ACE Program at Pima Community College.

This ACE Program is adopted from an earlier model founded at Smith Mountain Community College in 1987 in collaboration with the Phoenix and Tempe Union High School Districts and Arizona State University. “Our ACE Program is modeled after other successful programs in the state, but it is adapted to meet the needs of the community and the resources of the institutions,” according to Ann Huber, director of the Transfer Center at the University of Arizona.

The ACE Program is designed as a “two+two+two” transfer bridge program that encourages at-risk students in the Pima and Santa Cruz counties high schools to continue their education through to the completion of a baccalaureate degree. Although students are urged to remain in the program until the completion of their degree at the

University of Arizona, they can participate even if their goal is solely to get an associate’s degree from Pima Community College (PCC). The pro-

*The program tries to attract students who are not thinking of attending college or may not think that completing a B.A. degree is an attainable goal. In order to make the college-going process less intimidating, the program eases the transition between steps by ensuring that students and parents know what to do next at every step of the educational process through a series of letters and ACE activities.*

gram offers a strong foundation in academic preparation to guide students from high school to community college to a baccalaureate institution. Pima Community College and the University of Arizona are committed to covering tuition expenses of students not covered

by the Federal Pell Grant. PCC also covers the cost of course books through the students’ first year at PCC.

The ACE Program defines an “at-risk” student as being economically disadvantaged, a member of an underrepresented minority population, or a first generation college student. Students who meet one of those prerequisites and rank in the middle two quartiles of their high school class are eligible to apply for the ACE Program. The program tries to attract students who are not thinking of attending college or may not think that completing a B.A. degree is an attainable goal. In order to make the college-going process less intimidating, the program eases the transition between steps by ensuring that students and parents know what to do next at every step of the educational process through a series of letters and ACE activities.

### From High School to College

For students, the ACE Program begins in their sophomore year of high school with the application process. PCC K-12 Outreach and Talent Search coordinators in collaboration with high school guidance counselors help identify at-risk students. As the program coordinator, Elandt follows up with “ACE nights” and classroom presentations at the Pima and Santa Cruz high schools to notify students about the benefits of the program. Since the program’s inception, the

number of incoming students has grown from about thirty to 120 students.

In order to attain high achievement through the program, students must sign an ACE contract listing their responsibilities and emphasizing the program's expectations of the students. Students must attend class, maintain a C or better in all classes, and attend required program activities, such as "financial aid night." The underlying message that those involved with the program want students to understand from the start is that there is always help available. "The program offers three ACE events each year," says Elandt. "These events host guest motivational speakers from the community and student panels to reiterate our constant message: talk to your instructors, create study groups, use the tutoring labs, and meet with your counselor twice a semester."

To facilitate success in the classroom and ensure that the students excel in their studies, a College Success Skills course is offered to first-year program participants in order to teach study skills, note taking/test-taking tips, time management methods, and different learning styles. A subsequent career exploration course encourages students' to discover and research career paths that could be pursued through a college education.

Once equipped with this knowledge and these skills, high school students follow a solid and rigorous academic course that will prepare them for a college-level curriculum at PCC. During the summer between their junior and senior year, ACE Program participants have the option of either taking a course at PCC or having a summer internship in the Tucson community. As part of their senior year, students take one college-level reading, writing, or math class each semester and must enroll in a critical thinking course during the summer before their first semester at PCC.



Pima Community College Students

Once the transition is made from high school to PCC, a Steering Committee, comprised of members of the admissions staff, counselors, and administrators and staff from PCC and the University of Arizona meet monthly to review student progress and the effectiveness of program success indicators. Counselors are readily available at PCC and UA to advise students about course selection and potential career paths.

#### **Program Success**

While still in its infancy, a few indicators reveal that the program is making progress. After the second full year of the program in 1998, 92 percent of the ACE Program students graduated from high school and 52 percent of those students continued in the ACE Program to attend college. For the past three academic years, there has been a 100 percent high school graduation rate for participants and 75 percent of those students went on to PCC. The numbers of students graduating high school and attending college have been consistently climbing since the inception of the program. However, "solid data about graduation rates from

the University of Arizona are not yet available," according to Huber because of the newness of the program.

As a result of the ACE Program's mission and strong structural support, the program has drawn a diverse group of students and the evidence is beginning to show that it is promoting access to higher education for underserved students. Eighty-nine percent of students involved in the program are first-generation college students and 35 percent come from economically disadvantaged backgrounds. Eighty-one percent of the students are members of underrepresented minority populations—the largest percentage being Latino/a.

The ACE Program at Pima Community College, University of Arizona, and the Pima and Santa Cruz school districts is keeping the goal of reducing drop out rates and increasing the number of students attending college central to its focus. Through the support, structure, and resources offered by the ACE Program, at-risk students in the Tucson area are given the tools and knowledge to achieving the unthinkable—earning a baccalaureate degree. ■

## UCLA's Success in Reaching Out to California's Underserved Communities

By Bistra V. Bogdanova, program intern, Wellesley College, Office of Diversity, Equity, and Global Initiatives, AAC&U

SINCE CALIFORNIA IMPLEMENTED PROPOSITION 209 IN 1997, WHICH PROHIBITS THE USE OF AFFIRMATIVE ACTION POLICIES FOR ADMISSIONS AND HIRING, STATE COLLEGES AND UNIVERSITIES HAVE SEARCHED FOR NEW WAYS TO ENCOURAGE STUDENTS FROM DISADVANTAGED BACKGROUNDS TO PURSUE HIGHER EDUCATION. THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES (UCLA) HAS BEEN ONE OF THE MOST SUCCESSFUL IN SERVING UNDERREPRESENTED POPULATIONS AND DIVERSIFYING ITS CAMPUS.

For the past several years UCLA has been home to two of the most successful collaborations designed to help underrepresented students transfer from California community colleges to UCLA—the Center for Community College Partnerships (CCCCP) and the Academic Advancement Program (AAP). These partnerships comprise more than a half dozen support programs, working closely together to provide the most accurate advice and adequate assistance to community college and transfer students.

CCCCP and AAP seek to ensure the successful completion of an undergraduate degree at UCLA by members of underrepresented communities. To achieve this goal, the programs use two strategies: to provide academic support and to establish a welcoming environment for minority and first-generation college students as well as for those who come from low-income and immigrant families.

### The Center for Community College Partnerships

CCCCP provides a number of different programs to promising community college students and possible transfer candidates. Among its many initiatives is the Summer Intensive Transfer Experience (SITE), a free, residential program, where approximately 300 students spend six days at the UCLA campus discussing the transfer

process, completing the suitable coursework for their desired majors, and learning about financial aid and available scholarships. The staff of SITE also introduces participants to better studying and time management techniques.

*The programs use two strategies: to provide academic support and to establish a welcoming environment for minority and first-generation college students as well as for those who come from low-income and immigrant families.*

CCCCP's other projects include the Transfer Alliance Program (TAP), the University of California Transfer Outreach Program (UCTOP), the Summer Immersion Program (SIP), and the Math/Science Immersion program (MSI). All of these programs utilize workshops to encourage students to challenge themselves with more difficult courses, to give them the access to a university-bound curriculum, and to per-



AAP students at UCLA

suaide them to transfer to one of the UC campuses.

### The Academic Advancement Program

The Academic Advancement Program provides mentoring and counseling services, as well as information on scholarships and financial aid to AAP students at the UCLA campus. One part of the program is geared specifically toward making academic help available for those students who have not had access to a university curriculum. The other component consists of two types of counseling services: 1) to help students overcome the feelings of alienation and isolation in a student body where the majority of students come from the traditional college-educated family and 2) to disseminate information about financial aid and graduate schools.

Professor Russell Schuh, a linguistics faculty member who also sits on the AAP Faculty Advisory Council explains AAP's special role on campus, "all students need a sense of place in this mega-university [UCLA], regardless of ethnicity, and it seems to me that AAP has provided a natural focus for underrepresented students, where they could not only feel like they were in the academic enterprise with other students with whom they could identify, but also could see their peers achieving academic success."

Among its many efforts to aid the underrepresented students, AAP has established the Transfer Alliance Program (TAP), the Transfer Summer Program (TSP), and PLUS—a TRIO Student Support Services program for first-generation, low-income students. AAP has also sponsored the annual TAP Conference: a daylong event at UCLA, where prospective transfer students meet with faculty and staff from UCLA as well as from community colleges to discuss and prepare for a successful transfer process.

Once at UCLA, the transfer students are welcomed by AAP's Transfer Student Center, which provides a support network and creates a transfer student community. The main purpose of the center is to make transfer students at home in order to facilitate academic and social integration and to augment their success. Among the many avenues of encouragement is the Transfer Student Center dinner and the achievement recognition banquet.

These motivational strategies demonstrate AAP's commitment to ensuring a successful transfer process and a positive educational experience for all students. It seeks to make the transfer process more than just simple acceptance to a student's college of choice. The success of the process is also measured by the adjustment the student is able to make in both academics and social interactions.

Collaborations like the AAP and the CCCP provide necessary guidance and support to give every student an equal opportunity at attaining a higher-level education. They are in place not only to provide guidance to the underrepresented population of the student body, but also to make different options visible to the students.

#### **Additional Resources for California Transfer Students**

Along with AAP and CCCP, the UCLA's transfer admission Web site provides valuable information about criteria for admission and successful transferring. The site is

updated for each school year and lists all of the requirements that a transfer candidate will need to fulfill before his or her transfer process begins. The site can be accessed at [www.admissions.ucla.edu/Prospect/Adm\\_tr/tradms.htm](http://www.admissions.ucla.edu/Prospect/Adm_tr/tradms.htm).

Another well of vital information for the transfer candidate in California is the ASSIST database, [www.assist.org](http://www.assist.org). It is collaboration between the University of California (UC), California State University (CSU), and California's community colleges. ASSIST is California's most accurate source of information about transferable courses from a community college to UC or CSU. The database answers many of the questions a transfer candidate may have and it guides the prospective transfer student through the initial steps of the transfer process.

UCLA's attempt to reach out to underrepresented students reaches the far corners of the educational system in California. Its success comes not only from the efforts to provide a higher education for underserved communities, but also in the benefits that a culturally enriched education offers to all. In a diverse student body, students from all walks of life benefit and learn to adapt to a constantly changing world. These university partnerships contribute to the enrichment of the whole student body at UCLA by broadening students' cultural, moral, and ethical values. As AAP director Adolfo Bermeo explains, "AAP is living proof that thousands of people of different races and ethnicities are able to experience their differences, come together as a community, and successfully achieve their individual goals. It is from such a community that a new leadership, one sensitive to the needs of all peoples, can emerge to build a society that will provide education, employment, decent housing, and guaranteed medical care for all."

For more information about UCLA's transfer programs see [www.college.ucla.edu/up](http://www.college.ucla.edu/up). ■

## electronic resources for

### **Affirmative Action in Higher Education**

How to Preserve Affirmative Action  
[www.preserveaffirmativeaction.org](http://www.preserveaffirmativeaction.org)

Leadership Conference on Civil Rights  
[www.civilrights.org/  
issues/affirmative/index.html](http://www.civilrights.org/issues/affirmative/index.html)

Americans for a Fair Chance  
[www.fairchance.civilrights.org](http://www.fairchance.civilrights.org)

American Association for Affirmative Action  
[www.affirmativeaction.org](http://www.affirmativeaction.org)

Harvard Civil Rights Project  
[www.civilrightsproject.harvard.edu](http://www.civilrightsproject.harvard.edu)

University of Michigan  
[www.umich.edu/~urel/  
admissions/](http://www.umich.edu/~urel/admissions/)

The Dynamics of Race in Higher Education  
[www.aera.net/reports/  
dynamics.htm](http://www.aera.net/reports/dynamics.htm)

Diversity web  
[www.diversityweb.org](http://www.diversityweb.org)

The Affirmative Action and Diversity Project:  
A Web Page for Research  
[www.aad.english.ucsb.edu](http://www.aad.english.ucsb.edu)

AAC&U Board Statement on  
Affirmative Action  
[www.aacu.org/about/  
affirmativeaction.cfm](http://www.aacu.org/about/affirmativeaction.cfm)

Higher Education Association Statement  
Released after Supreme Court Decision  
[http://www.aacu.org/about/  
diversity\\_democracy.cfm](http://www.aacu.org/about/diversity_democracy.cfm)

## Dimensions of Diversity: Legal Lessons from the United States Supreme Court's University of Michigan Decisions

By Arthur L. Coleman and Scott R. Palmer\*

RACE AND ETHNICITY MATTER. EDUCATIONAL JUDGMENTS MERIT DEFERENCE. AND DIVERSITY COUNTS. AFFIRMING THESE FUNDAMENTAL PRINCIPLES AS A MATTER OF FEDERAL LAW, THE UNITED STATES SUPREME COURT IN *GRATZ V. BOLLINGER*<sup>1</sup> AND *GRUTTER V. BOLLINGER*, RULED THAT COLLEGES AND UNIVERSITIES HAVE THE AUTHORITY TO CONSIDER RACE OR ETHNICITY<sup>11</sup> AS ONE FACTOR AMONG MANY IN ADMISSIONS DECISIONS TO FURTHER THEIR COMPELLING INTEREST IN PROMOTING THE EDUCATIONAL BENEFITS OF DIVERSITY. THE COURT ALSO HELD THAT WHEN INSTITUTIONS PURSUE THIS INTEREST, ONLY ADMISSIONS PROGRAMS DESIGNED THAT ENSURE INDIVIDUALIZED CONSIDERATION OF APPLICANTS CAN BE SUFFICIENTLY NARROWLY TAILORED TO MEET LEGAL REQUIREMENTS. THUS, THE COURT UPHELD THE UNIVERSITY OF MICHIGAN LAW SCHOOL'S ADMISSIONS POLICY (IN *GRUTTER*), WHICH INCLUDED AN INDIVIDUALIZED, FULL-FILE REVIEW OF ALL APPLICATIONS, BUT STRUCK DOWN THE UNIVERSITY OF MICHIGAN'S UNDERGRADUATE ADMISSIONS POLICY (IN *GRATZ*), WHICH ASSIGNED PRESET POINTS TO APPLICANTS BASED ON CERTAIN ADMISSIONS CRITERIA, INCLUDING RACE AND ETHNICITY.

These decisions affirm—and build upon—Justice Powell's 1978 opinion in *Regents of the University of California v. Bakke* regarding the educational benefits of diversity in higher education.<sup>iii</sup> They also expand on the existing federal "strict scrutiny" framework in important ways that can help to guide colleges and universities as they review and consider the use of race-conscious policies in admissions, financial aid, recruitment, and employment practices.

### The Dimensions of Diversity in Higher Education

The Court in *Grutter* described at length the educational benefits of diversity that constitute a compelling interest that can justify the use of race in college and university admissions. The Court acknowledged higher education's overarching mission—to prepare students for "work

and citizenship" and to sustain "our political and cultural heritage"—and just

*The Court found that diverse learning environments can would enhance "cross-racial understanding," "break down racial stereotypes," improve learning outcomes, and better prepare students for a diverse workforce and society.*

as it recognized the indisputable fact that "race unfortunately still matters" in our

society. In this context, and based on a wide array of evidence, the Court found that diverse learning environments can would enhance "cross-racial understanding," "break down racial stereotypes," improve learning outcomes, and better prepare students for a diverse workforce and society. In short, the Court concluded that the university's educational judgment that diversity is essential to its mission is entitled to a degree of deference and that the compelling nature of diversity in higher education is supported by a wide array of evidence. Educational benefits of diversity represented "compelling interests" that justify limited use of race-conscious measures in higher education.

In addition, the Court also recognized the interests related to the importance of "the openness and integrity" of higher education institutions and stressed the

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importance of students from all racial and ethnic groups having access to public universities and law schools. In the specific case of *Grutter*, the Court recognized the special emphasis on the role of laws schools as “the training ground for a large number of our Nation’s leaders,” and the Court concluded, “[I]n order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity.”

### **Practical Lessons from the Court Decisions**

The Court’s central rulings provide important information that should help higher education leaders evaluate and refine race-conscious policies. The following questions (and answers) emanate from the Court’s decisions:

#### **What foundations should support the pursuit and design of race-conscious admissions programs?**

Premised upon long-standing constitutional principles affirming the academic freedom of higher education institutions, the Court provided deference to the University’s “educational judgment” that diversity was “essential to its educational mission.” The Court then reviewed the evidence regarding the “substantial” benefits of diversity—ranging from University-specific evidence to evidence provided by other parties filing briefs in the case—notably including expert reports and opinions from business and military leaders. With these foundations, the Court concluded that diversity is a “compelling interest that can justify the narrowly tailored use of race in selecting applicants for admission to public universities.”

In addition, the Court also explained that colleges and universities may seek to promote diversity through the enroll-

ment of a “critical mass” of students from different racial and ethnic groups, so long as the critical mass is “defined by reference to the educational benefits that diversity is designed to produce”; and the goal is not “some specified percentage of a particular group merely because of its race or ethnic origin.” The Court

- Inventory all race- and ethnicity-based policies and all other diversity-related policies (even if race-neutral), including admissions, financial aid, outreach, recruitment, and employment policies.
- Establish an inter-disciplinary strategic planning team and a process to evaluate the relevant policies, now and over time.
- Identify the diversity-related educational goals and supporting evidence that justify each of the relevant policies.
- Rigorously consider race-neutral alternatives in light of institutional goals.
- Ensure that any consideration of race is as limited as possible consistent with institutional diversity goals, including that admissions processes are individualized, flexible, and holistic.

admonished that “outright racial balancing...is patently unconstitutional.”

Finally, when examining the design of the challenged admissions practices, the Court emphasized the need for individualized judgments regarding the University’s applicants: “In other words, an admissions program must be ‘flexible enough to consider all pertinent elements

of diversity in light of the particular qualifications of each applicant, and to place them on the same footing for consideration, although not necessarily according them the same weight.”

The Court’s opinions suggest, therefore, that higher education institutions seeking to justify race-conscious practices based on diversity interests should ensure the following:

- Mission-specific educational goals that include diversity-related interests can support race-conscious policies;
- Specific race-conscious policies do materially advance diversity-related goals, consistent with relevant evidence (which may include general as well as institution-specific evidence and research); and
- Policy and program designs are precisely tailored to meet institutional diversity interests, including with respect to admissions, an individualized review of applicants.

#### **What race-neutral alternatives must institutions with race-conscious programs consider?**

When addressing the legal requirement that higher education institutions consider and try, as appropriate, race-neutral alternatives to their race-conscious programs, the Court first clarified that the need to examine those alternatives “does not require exhaustion of every conceivable race-neutral alternative.” The Court stated: “Narrow tailoring does, however, require serious, good faith consideration of workable race-neutral alternatives that will achieve the diversity the university seeks.” The Court also emphasized that race-neutral alternatives should be evaluated in the overall context of an institution’s diversity and other mission-driven goals. More specifically, the Court held that colleges and universities need not “choose between maintaining a reputation for excellence or fulfilling a commit-

*continued on page 10*

## Dimensions of Diversity: Legal Lessons from the United States Supreme Court's University of Michigan Decisions

*continued from page 9*

ment to provide educational opportunities to members of all racial groups.” Thus, a college or university is not required to deemphasize academic factors to promote diversity before using race.

### **What impact will the Court's decisions regarding admissions policies at the University of Michigan have on higher education policies in the areas of financial aid, recruitment, and employment?**

Although the Court was silent on applicability of its admissions rulings to other higher education practices, it affirmed a relevant principle of federal law: “context matters.” In other words, while strict scrutiny standards apply to all race-conscious practices, those standards may apply in different ways to different programs. Thus, the degree to which a college or university may rely on the Court's determination that the educational benefits of diversity are compelling as a matter of law to support its race-conscious policies will depend on an institutional evaluation that addresses several questions. First, does the race-conscious policy or program advance the goal of achieving the educational benefits of diversity, which is at the core of the institution's mission? If the answer to that question is “yes,” does the policy or program also reinforce individualized diversity by using race in the most limited way, consistent with institutional goals?<sup>iv</sup> While the Court's rulings should undoubtedly inform this evaluation, it is especially important to evaluate the Court's fact-intensive analysis—most visibly regarding the design and operation of the two admissions policies—with sensitivity to the context that shaped its conclusions.<sup>v</sup>



*A more comprehensive legal analysis of the Court's opinion, Education Law and Policy Alert: Gratz v. Bollinger and Grutter v. Bollinger Case Analysis and Lessons Learned Regarding the Use of Race by Colleges and Universities (Nixon Peabody LLP, June 2003) can be found at [www.aacu.org](http://www.aacu.org). Portions of this article are taken from that analysis.*

### **Conclusion**

The Court in *Grutter* observed that “race-conscious admissions policies must be limited in time.” More concretely, it communicated the “expect[ation] that twenty-five years from now, the use of racial preferences will no longer be necessary to further the [diversity] interest approved today.” This admonition highlights the need for all institutions employing race-conscious programs to periodically review and refine their programs to ensure that their use of race is limited to advance diversity related educational goals.

### **ENDNOTES**

- <sup>i</sup> *Gratz et al. v. Bollinger et al.*, No. 02-516, 539 U.S. \_\_ (June 23, 2003).
- <sup>ii</sup> *Grutter v. Bollinger et al.*, No. 02-241, 539 U.S. \_\_ (June 23, 2003).
- <sup>iii</sup> In this article, the term “race” or “ethnicity” stands for both race and ethnicity, such as with regard to “race-conscious” actions.
- <sup>iv</sup> *University of California v. Bakke*, 438 U.S. 265 (1978).
- <sup>v</sup> See generally *Diversity in Higher Education: A Strategic Planning and Policy Manual (The College Board, 2001)* (including a detailed, action-oriented series of relevant policy questions to address in the context of federal non-discrimination standards).
- <sup>vi</sup> See generally *Nondiscrimination in Federally Assisted Programs: Title VI of the Civil Rights Act of 1964*, 59 Fed. Reg. 8756 (February 23, 1994) (noting important and material differences between admissions and financial aid practices in the context of a strict scrutiny analysis). ■

## Aimed for Success: The Meyerhoff Scholars Program

*By Lori Webster, editorial associate, Office of Diversity, Equity, and Global Initiatives, AAC&U*

THE UNIVERSITY OF MARYLAND BALTIMORE COUNTY (UMBC) BECAME A NATIONAL MODEL FOR MINORITY ACHIEVEMENT WHEN IT SET OUT TO ADDRESS THE GREATEST ACADEMIC DISPARITY BETWEEN UNDERREPRESENTED MINORITY STUDENTS AND THEIR WHITE AND ASIAN COUNTERPARTS—SCHOLASTIC ACHIEVEMENT IN MATHEMATICS AND SCIENCES. IN 1988, UMBC ESTABLISHED THE MEYERHOFF SCHOLARS PROGRAM TO REMEDY THE SHORTAGE OF UNDERREPRESENTED MINORITIES IN THE FIELDS OF SCIENCE, MATHEMATICS, AND ENGINEERING (SEM). THE PROGRAM IS OPEN TO ALL ACCOMPLISHED HIGH SCHOOL SENIORS INTERESTED IN PURSUING GRADUATE OR PROFESSIONAL STUDY IN THE SCIENCES, MATHEMATICS, OR ENGINEERING, AND WHO ARE COMMITTED TO THE ADVANCEMENT OF MINORITIES IN THE SCIENCES AND RELATED FIELDS.

The Meyerhoff Scholars Program was originally only open to African-American men and began admitting African-American women after its first year. Currently, all students, regardless of race or ethnic origin, are eligible to apply for the program—a result of the 1994 Fourth Circuit Court of Appeals decision that the Benjamin Banneker Scholarship Program at the University of Maryland College Park was unconstitutional because only African-American students could apply. Earnestine Baker, director of the Meyerhoff Scholars Program, feels that this decision has strengthened the goals of the Program. “We now have a cadre of students across racial lines who understand the need for more minority students attaining degrees in the sciences, mathematics, and engineering fields,” says Baker. “All of our students have a better understanding of those issues affecting minority communities, such as health disparities, social differences, and the need for minority leadership.” As the program has diversified, 71 percent of Meyerhoff Scholars currently enrolled in the program are minority students.

The guiding principle of the Meyerhoff Scholars Program is high achievement. “Our program is about more than minority participation rates in science and mathematics,” according to Freeman Hrabowski, president of UMBC. “It is about doing what it takes

to ensure that our students excel so that they can go on to the best graduate and professional schools and excel there as well.”

In order to accomplish excellence, a structured framework offers Meyerhoff Scholars the guidance and encouragement needed for success. After a competitive selection process, fewer than 100 students are chosen to begin the program during the summer before their first year of college. The six-week Summer Bridge Program acclimates the Scholars to college through enrollment in college-level courses and by developing support networks with other Meyerhoff Scholars. Once fall courses begin, each student is rigorously challenged through his/her academic coursework and the research opportunities available through the program. Students must major in a SEM field to remain in the program but they are encouraged to study broadly across disciplines.

The program opens up a wealth of opportunities for the students to apply what they have learned in their courses to real-life experience in the laboratory. Every Meyerhoff Scholar is exposed to real-life experience in the laboratory, beginning as early as freshman year. Through internships in faculty research laboratories and with off-campus organizations, such as the National Institutes of Health and AT&T Bell Laboratories, stu-

dents are able to gain professional experience and receive advice and direction from mentors already in the field. Each scholar has ongoing contact with a mentor in his or her field of interest as a result of the internship program.

One of the key elements of the Meyerhoff Scholars Program is the accessibility of Meyerhoff Program staff, faculty, and President Hrabowski. Each is available to work with and advise students about their coursework, professional goals, or other obstacles that students may encounter. “The success of the program is largely dependent on the extent to which research faculty take ownership of the program. Minority staff responsible for the program cannot foster achievement alone without substantial faculty support. It is important that all faculty, not just minority faculty, take responsibility and address this critical American issue,” according to Hrabowski.

As a result of the support and commitment of UMBC, the Meyerhoff Program has experienced substantial success. Upon graduation, 95 percent of Meyerhoff Scholars immediately go on to professional and graduate schools to pursue a higher degree in science, engineering or mathematics. “A notion that inspires the Meyerhoff Program is that every group

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## The Class Is Half Empty: Report Supports Class-Based Affirmative Action

By Kathy Goodman, communications associate, AAC&U

MANY SECTORS OF SOCIETY—FROM EDUCATORS TO THE U.S. MILITARY TO CORPORATE AMERICA—CLOSELY WATCHED THE RECENT SUPREME COURT CASES ON AFFIRMATIVE ACTION. PRIOR TO THE ANNOUNCEMENT OF THE SUPREME COURT DECISIONS, THE CENTURY FOUNDATION (TCF) RELEASED AN ISSUE BRIEF BY ANTHONY CARNEVALE AND RICHARD KAUFMAN THAT EXPLORES THREE POSSIBLE FORMS OF ADMISSIONS THAT COLLEGES CAN PURSUE: RACE-BASED, CLASS-RANK, AND ECONOMIC.

Each is explored within the context of seven criteria—fairness, racial and economic diversity, graduation rates, legality, politics, application to undergraduate and graduate education nationwide, enforcement, and cost.

In exploring the application of these three forms of admissions policies, TCF explicitly focuses on admissions to the top 146 colleges in the country because, according to the brief, these selective universities provide advantages such as a higher likelihood of graduation, increased access to graduate school, and higher wages in the workforce.

### Race-Conscious Admissions

Most selective colleges and universities in the U.S. use some form of race-conscious admissions policies. But as we well know, the use of race in admissions has been hotly contested. The TCF brief states that one reason that using race/ethnicity as a criteria is considered unfair by many is that it helps *only* individuals who are disadvantaged by virtue of their racial/ethnic background rather than those who might be disadvantaged in other ways.

Despite this criticism, the TCF brief points out the advantages race-conscious admissions policies such as an increase in racial and economic diversity in student population, high graduation rates of students of color at selective universities, low cost to use the policy, and applicability to any admissions program—undergraduate or graduate.

Overall, the TCF brief argues that current race-based admissions policies are beneficial but they lack perceived elements of fairness and will likely continue to face political and legal challenges. They find

*Prior to the recent Supreme Court decisions, three states that outlawed race-conscious admissions developed a class-rank admissions policy in their public universities: California, Texas, and Florida.*

class-rank admissions policies to be even more problematic.

### Class-Rank Admissions

Prior to the recent Supreme Court decisions, three states that outlawed race-conscious admissions developed a class-rank admissions policy in their public universities: California, Texas, and Florida (see *Diversity Digest* Volume 7, No. 1, 2 for other analyses of these programs). In these states, students ranked at a certain percentile of their class are automatically accepted into the public universities in those states, regardless of other factors such as standardized test scores.

While on the surface this method may appeal to one's sense of fairness, it ignores additional achievement factors such as students who may have slightly lower grades, but a high SAT score, or students with lower grades because of taking a more challenging curricula. It also completely ignores non-academic factors and favors students from well-off backgrounds. The TCF brief states that "data suggest that the economically better off students disproportionately benefit from the class rank approach."

The TCF brief also argues that the class-rank plans have had mixed results in increasing diversity and potential for increasing dropout rates. Percentage plans also may work within states, but are difficult to systematize for students applying out-of-state, at private institutions, or for graduate programs.

The TCF brief found few compelling reasons to advocate for class-rank admissions programs and instead advocated for economic affirmative action as a method to overcome many of the obstacles created by race-based and class-rank admissions.

### Economic-Based Admissions

Economic-based admissions—admission based on criteria related to the student's financial background—are practiced at varying levels, especially where race-based admissions have been disallowed. Criteria taken into account under this method include factors such as low family income, number of family members, parent's educational level, attendance at a low-per-

forming high school, and participation in a free lunch program in high school.

According to the TCF brief, this form of admissions is not only more fair than other methods, but it also contributes to both racial and economic diversity without a drop in graduation rates. TCF argues that legally, economic justifications are easier to defend, and politically, they are more likely to withstand public debate. Additionally, economic-based standards are easy to apply to any college or university, both at the undergraduate and graduate levels and enforcement is simpler because it is based on information already collected during the financial aid process.

The one potential drawback to economic-based admissions as outlined in the TCF brief is that they cost more. However, this is a necessary outcome: if more economically disadvantaged students are admitted to college, more financial support is required.

The TCF brief advocates this method as a supplement rather than a replacement for race-based admissions where possible. The authors of the report admit that economic affirmative action cannot increase racial/ethnic diversity *to the extent* that traditional affirmative action methods have. They also suggest using a wide-range of criteria for implementing this method of admissions, including (1) parental income, (2) parental occupation(s), (3) parental education, (4) single parent household, (5) wealth or net worth, (6) neighborhood concentrations of poverty, and (7) school concentrations of poverty or other measure of school quality.

### Cautions and Conclusions


While the TCF brief presents some compelling arguments, it is important to approach them with caution. The brief points out the need for increased financial support as more economically disadvan-

tagged students are admitted to college, but it neglects academic, social, and cultural support that will also be necessary to ensure that these students are prepared adequately to succeed in college. Students who arrive underprepared, students with pressures to work and attend college at the same time, students who represent a racial minority in the college or town, and students who are the first in their family to attend college, all require resources that more traditional college students may not. If one agrees that colleges should admit these students—then it follows that the colleges must also provide the resources necessary for their success.

The TCF brief makes a compelling case for economic affirmative action. Racial

affirmative action is likely to continue to be under attack. Economic affirmative action extends the larger goal of opening access to opportunity for underserved students. While we have seen an outcry against the perceived unfairness in providing increased opportunity based on race and ethnicity, TCF believes the outcry is likely to be far less if the opportunity is provided to students with financial disadvantages regardless of race. Further, they believe that legal challenges are likely to be fewer for economic affirmative action, yet many students of color are likely to be served under such a policy.

*The Century Foundation's publications can be viewed on their Web site: [www.tcf.org](http://www.tcf.org).*



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## Rallying for Affirmative Action: A Student's Perspective

By Minnie Dano Yuen, program intern, Wellesley College, Office of Diversity, Equity and Global Initiatives, AAC&U

WE TRAVELED FROM ACROSS THE UNITED STATES: MICHIGAN. NEW YORK. CALIFORNIA. MASSACHUSETTS. NEBRASKA. ILLINOIS. DC. TEXAS. SOME OF US SPENT DAYS ON A BUS BEFORE ARRIVING IN WASHINGTON, DC. WE WERE STUDENTS, STEELWORKERS, TEACHERS, AND BUSINESS PROFESSIONALS. WE WERE GAY, STRAIGHT, TRANSGENDERED, WOMEN, MEN, LATINO/A, BLACK, ASIAN, WHITE, AND MULTIRACIAL. AND WE ALL ARRIVED IN THE CAPITAL ON APRIL 1, 2003, FOR THE SAME REASON: TO DEMONSTRATE OUR UNWAVERING SUPPORT FOR AFFIRMATIVE ACTION.

It was 10 a.m. Inside the Supreme Court building, three white plaintiffs were arguing before the Supreme Court that they had been denied admission to the University of Michigan (*Grutter vs. Bollinger* and *Gratz vs. Bollinger*) because of their race. Outside, I stood with the thousands of others who filled First Street in front of the building.

Rally participants held up signs that were distributed by BAMN (By Any Means Necessary, the group that organized the march), the NAACP, or personalized signs that they chose to create. Some of them read, “White Parents of White Males Who Support Affirmative Action” or “Still Waiting for My Forty Acres and a Mule” or “Legacy is Affirmative Action Too.”

Demonstrators then marched down Constitution Avenue to the Lincoln Memorial, continuing chants and keeping the energy alive. University of Michigan student, R.J. Quiambao '05, recounts, “It was just amazing walking down Constitution Avenue to the rally. It was like I was a part of history. Just like all the civil rights marches in the past. This is our civil rights march.”

At the Lincoln Memorial, a rally began featuring speakers from every walk of life. Student speakers echoed the sentiments of their peers as they affirmed the

value of diversity and the need to expand opportunity so that every person can receive the best education. People pro-

*Student speakers echoed the sentiments of their peers as they affirmed the value of diversity and the need to expand opportunity so that every person can receive the best education. People proclaimed that we were at the beginning of a new civil rights movement that was inciting the imaginations of students too young to attend the 1963 March on Washington that also concluded at the Lincoln Memorial—some forty years ago.*

claimed that we were at the beginning of a new civil rights movement that was inciting the imaginations of students too



Rally for Affirmative Action, April 1, 2003, outside the U.S. Supreme Court.

young to attend the 1963 March on Washington that also concluded at the Lincoln Memorial—some forty years ago.

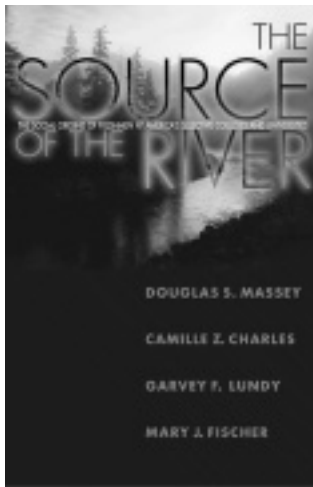
As the march came to an end, students like myself felt uplifted by the number of people who attended, but unsure of what the future would bring. (There are conflicting reports about the number of demonstrators, ranging from 5,000 to 50,000 demonstrators.) While our efforts certainly energized and motivated us, we wondered if our efforts would be heard and recognized by the Justices. For many, our journey back to our schools—whether by bus, car, plane, or train—was a time for reflection of the day's events, but also a time where we began to envision what our next steps would be.

In a time when Title IX, the rights of immigrants, women's reproductive rights, and even civil liberties (via the Patriot Act) are being called into question or, in some instances revoked, this historic march sent an important message to all who participated or witnessed it: This generation is ready to fight. We are committed to battle for the rights for which past generations have fought for—and above all, the underlying principles of equality, diversity, and justice. ■

**Books****Affirmative Action in Antidiscrimination Law and Policy: An Overview and Synthesis (2003)**

By Samuel Leiter and William M. Leiter

Affirmative action has been and continues to be the flashpoint of America's civil rights agenda. Yet while the affirmative action literature is voluminous, no comprehensive account of its major legal and public policy dimension exist. Samuel and William M. Leiter examine the origin and growth of affirmative action, its impact on American society, its current state, and its future anti-discrimination role, if any. Informed by several different disciplines—law, history, economics, sociology, political science, urban studies, and criminology—the text combines the relevant legal materials with analysis and commentary from a variety of experts. This even-handed presentation of the subject of affirmative action is sure to be a valuable aid to those seeking to understand the issue's many complexities. To order online, see [www.sunypress.edu](http://www.sunypress.edu)

**The Source of the River: The Social Origins of Freshmen at America's Selective Colleges and Universities (2003)**

Douglas S. Massey, Camille Z. Charles, Garvey F. Lundy, and Mary J. Fischer

African Americans and Latinos earn lower grades and drop out of college more often than whites or Asians. Yet thirty years after deliberate minority recruitment efforts began, we still don't know why. In *The Shape of the River*, William Bowen and Derek Bok documented the benefits of affirmative action for minority students, their communities, and the nation at large. But they also found that too many failed to achieve academic success. In *The Source of the River*, Douglas Massey and his colleagues investigate the roots of minority underperformance in selective colleges and universities. They explain how such factors as neighborhood, family, peer group, and early schooling influence the academic performance of students from differing racial and ethnic origins and differing social classes. To order online, see [www.pup.princeton.edu](http://www.pup.princeton.edu)

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## **Aimed for Success: The Meyerhoff Scholars Program**

*continued from page 11*

needs leaders. We are fostering academic achievers that will go on to become faculty members, doctors, and mentors that will inspire others," concluded Hrabowski. With each class of graduating Meyerhoff Scholars that continues with its education, new role models and mentors are entering the field and proving to

minority students that it is possible to achieve in the sciences and mathematics. It is working to narrow the gap between underrepresented minorities and their White and Asian counterparts.

For more information on the Meyerhoff Scholars Program, visit [www.umbc.edu/Programs/Meyerhoff/](http://www.umbc.edu/Programs/Meyerhoff/). ■

## **AAC&U MEETINGS AND INSTITUTES**

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**ACHIEVING GREATER EXPECTATIONS**  
November 13–15, 2003  
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**2004 ANNUAL MEETING PRACTICING LIBERAL EDUCATION: DEEPENING KNOWLEDGE, PURSUING JUSTICE, TAKING ACTION**  
January 21–24, 2004  
Washington, DC

**GENERAL EDUCATION AND ASSESSMENT: GENERATING COMMITMENT, VALUE AND EDUCATION**  
March 4–6, 2004  
Long Beach, California

**PEDAGOGIES OF ENGAGEMENT**  
April 15–17, 2004  
Chicago, Illinois

For further information, go to [www.aacu.org/meetings](http://www.aacu.org/meetings)

# Diversity and Democracy: The Unfinished Work

*continued from page 1*

five years challenges all of us to work with new creativity to close both the opportunity gap and the achievement gap. This issue of *Diversity Digest* therefore provides you with examples of campus programs that foster high expectations and high achievement, as well as access, for students from underserved communities. All the featured programs have a record of success in helping students from disadvantaged backgrounds succeed in college.

As these pages attest, there is much to do, and now much that we *can do* to overcome the legacies of segregation and inequality, and to build a better future for the diverse democracy we share in common. ■

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## About AAC&U

*AAC&U is the leading national association devoted to advancing and strengthening liberal learning for all students, regardless of academic specialization or intended career. Since its founding in 1915, AAC&U's membership has grown to more than 850 accredited public and private colleges and universities of every type and size.*

*AAC&U functions as a catalyst and facilitator, forging links among presidents, administrators, and faculty members who are engaged in institutional and curricular planning. Its mission is to reinforce the collective commitment to liberal education at both the national and local levels and to help individual institutions keep the quality of student learning at the core of their work as they evolve to meet new economic and social challenges.*

## From AAC&U Board Statement on liberal learning

*AAC&U believes that by its nature...liberal learning is global and pluralistic. It embraces the diversity of ideas and experiences that characterize the social, natural, and intellectual world. To acknowledge such diversity in all its forms is both an intellectual commitment and a social responsibility, for nothing less will equip us to understand our world and to pursue fruitful lives.*



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