

Alternative Strategies to Support a Diverse Student Body: Affirmative Action at Risk

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With a decision pending in two lawsuits challenging race-conscious admissions practices at Harvard and the University of North Carolina at Chapel Hill (UNC), many observers are predicting that the US Supreme Court will significantly limit, if not completely prohibit, the use of race in college and university admissions.

Such a decision would stand sharply crosswise to current needs. Selective colleges and universities, both public and private, are still far from embodying racial equity.¹ Demographic shifts and increasing, racialized, income and wealth inequality have made college access and success for students of color even more important. To put it bluntly: If the US is to ensure socioeconomic mobility and racial equity and its preeminent position in education and research, selective colleges and universities must create *more* opportunities for high-achieving students from racially minoritized and low-income backgrounds. A decision prohibiting race-conscious admissions would instead almost certainly limit such opportunities.

But even if the Court deems existing race-conscious admissions policies unconstitutional, it is nevertheless likely that the decision will leave room for selective colleges and universities to pursue alternative strategies that do not explicitly factor in students' race, yet which may enable them to sustain student diversity. For example, recruitment and admissions strategies that account for students' income or wealth, the high schools they attended, or other aspects of their educational or social context have been posited and tested in various ways over the past 25 years. Some have been implemented at scale in states that have prohibited the use of race-conscious admissions policies in public institutions, giving us valuable additional information on their possible effectiveness at the national level.²

We have organized this information brief in three sections: (1) admissions policies that focus on socioeconomic background; (2) recruiting strategies designed to increase student diversity by expanding and broadening the pool of admissible students; and (3) eliminating criteria in the admissions process that highly correlate with race and income. In each case, we identify the pros and cons and include a brief bibliography of the available evidence on each policy.

None of these policies on their own is likely to yield a student body at selective colleges and universities as racially and ethnically diverse as an approach that directly considers race. It is possible that weaving several of these policies together could approximate the current state. An important feature of many of these options—which is also a practical political and economic constraint on the institutions adopting them—is that they would require significant increases in need-based financial aid while simultaneously reducing reliance on strategies that favor wealthier students.

¹ Sindy Lopez and Catharine Bond Hill, "Underrepresentation of Black and Latino Undergraduates at America's Most Selective Private Colleges and Universities," *Ithaca S+R*, 30 March 2022, <https://doi.org/10.18665/sr.316615>; Andrew Howard Nichols, "Segregation Forever?: The Continued Underrepresentation of Black and Latino Undergraduates at the Nation's 101 Most Selective Public Colleges and Universities," *Education Trust*, 21 July 2020, <https://edtrust.org/resource/segregation-forever/>.

² Arizona, California, Florida, Idaho, Michigan, Nebraska, New Hampshire, Oklahoma, and Washington have laws prohibiting affirmative action in university admissions. Stephanie Saul, "9 States Have Banned Affirmative Action. Here's What That Looks Like," *The New York Times*, 31 October 2022, <https://www.nytimes.com/2022/10/31/us/politics/affirmative-action-ban-states.html>.

The reallocation of institutional priorities almost always leads to difficult conversations about fairness, merit, and integrity. We believe that selective public and private institutions must avail themselves of every legal recourse to contribute to racial equity and intergenerational mobility. In the context of expected constraints on affirmative action, they cannot allow the perfect to be the enemy of the good.

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It is also worth noting that the options available to institutions and policymakers will depend on the scope of the Supreme Court’s ruling. If the Court rules narrowly on the specific policies in use at Harvard and UNC, additional options may be available to colleges and universities—at least until the next legal challenge. If the Court rules more broadly—for example, by prohibiting the use of “proxies” for race in the admissions process—some of the strategies described in this paper might not be permitted. This would create an additional set of challenges to any strategy to sustain diversity at colleges and universities but would also raise questions about existing criteria used in admissions decisions, such as the favoring of children of alumni or athletes in a variety of sports, which are highly correlated with being white.

Finally, our discussion in this brief focuses on racial and ethnic diversity at selective public and not-for-profit private colleges and universities. There are a range of policies we do not address related to resourcing broad-access institutions (colleges and universities that accept more than 75 percent of their applicants) and promoting college access, affordability, and degree completion for the vast majority of students who attend them. Such policies are needed and would likely have a far more substantial impact on the social and economic mobility of students of color than the policies discussed here. However, it is important to recognize that pursuit of each set of strategies can be complementary, and that all sectors of higher education have an institutional role and societal responsibility to play in enhancing opportunity for students of color.

1. Admissions policies that focus on the socioeconomic background of the applicant: Income, wealth, and first-generation status

Admissions policies favoring students from lower-socioeconomic backgrounds have long been presented as an alternative to race-conscious admissions by opponents of affirmative action; they have also been put forward as a *complement* to race-conscious admissions by proponents of affirmative action. In such policies, an applicant whose background includes the relevant socioeconomic criteria is advantaged in selection compared to otherwise similar applicants, whether as part of a formula or a more holistic review.

Lower-income status has received the most attention from researchers and practitioners over the years, but there are other variations of this admissions approach. Applicants' **family wealth** can be considered along with income and helps to account for the fact that accumulated wealth is even more starkly unequal—in general and by race—than current income. Given the returns to higher education, **parental educational status** can be a proxy for family income, although an imperfect one, and first-generation students are less likely to enroll in college than those whose parents have college experience.

Selective colleges are a uniquely effective pathway to social mobility for those from lower-socioeconomic backgrounds who are able to take advantage of the opportunities these institutions provide them. Admitting such applicants at a higher rate will provide this opportunity to more of them, improving their economic circumstances and helping to improve overall mobility and reduce income and wealth inequality. In contrast to race-conscious admissions, the concept of giving a leg-up to lower-income or first-generation students has broad popular appeal in the US.³

Because Black, Hispanic, and Indigenous students are more likely to come from lower-income, lower-wealth, and first-generation backgrounds than their white and Asian American peers, favoring such applicants in the admissions process will disproportionately favor students from these racial and ethnic groups and reduce disparities in educational outcomes.

Cautions

Although there is a meaningful correlation between race/ethnicity and socioeconomic status, the correlation is not strong enough to enable socioeconomic status to substitute for race in admitting students at the nation's most selective universities and still achieve the same level of racial and ethnic diversity. Black, Hispanic, and Indigenous families are disproportionately lower-income and lower-wealth, but the numerical superiority of economically disadvantaged white families would overwhelm the admissions prospects of racially minoritized applicants. For

³ Richard Kahlenberg, one of the leading proponents of an income-based approach, and an expert witness in the recent Harvard affirmative action case, frequently cites Gallup polls in which 63 percent of Americans oppose using race in admissions decisions while 61 percent favor the consideration of economic circumstances.

example, the median income for Black and Hispanic families in 2021 was around \$60,000, while for white families it was about \$92,000. However, although there were about 5.45 million Black families and 7 million Hispanic families with income below \$60,000, there were around 21 million white families with income below \$60,000.⁴

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In addition, admitting and matriculating more students from lower-income backgrounds means making a greater commitment to need-based financial aid. Currently, there are only a limited number of colleges and universities that do not take a student's financial need into account in the admissions process, rejecting some students with financial need. And, others do not meet the full need of all admitted students. For a variety of reasons, including stakeholder resistance, conflicting priorities, and constrained resources, many colleges and universities do not want to spend significantly more on need-based financial aid, limiting the appeal of this strategy.⁵

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⁴ "FINC-01. Age of Reference Person, by Total Money Income, Type of Family, Race and Hispanic Origin of Reference Person," United States Census Bureau, <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-finc/finc-02.html>.

⁵ Steven Mintz, "Best Practices at Broad-Access, Equity-Serving Colleges and Universities," *Inside Higher Ed*, 10 November 2022, <https://www.insidehighered.com/blogs/higher-ed-gamma/best-practices-broad-access-equity-serving-colleges-and-universities>.

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2. Growing and broadening the pool of admissible students

In addition to taking the socioeconomic status of applicants into account in making admissions decisions, selective colleges and universities can build stronger connections with an expanded pool of applicants of color. Many selective institutions work with a variety of **pipeline programs** that both identify talented high school students who might otherwise be overlooked or undermatched,⁶ and also work with secondary school students to prepare them for admissions to selective colleges. In addition to growing their pools of diverse high school applicants, selective colleges and universities can also expand their pools by recruiting from several populations from which they have not traditionally recruited many students. Two such populations are **military veterans** and **community college transfer students**, which have been underrepresented at many selective colleges and universities, particularly the private non-profits.

Over the past 30 years, a number of leading research universities and liberal arts colleges have expanded their geographic recruiting efforts, reduced application barriers, eliminated fees, simplified their financial aid policies, addressed information deficits, and increased need-based support in order to recruit high-achieving students of color and students from lower-socioeconomic backgrounds. A comparatively small number of well-endowed institutions have

⁶ Undermatching occurs when students who are presumptively qualified to attend strong four-year institutions do not do so and instead enroll at less selective four-year colleges and community colleges, or no college at all.

worked with nonprofit organizations such as QuestBridge, Leadership Enterprise for a Diverse America, and the Posse Foundation to provide students from underrepresented backgrounds with full four-year scholarships, academic support, peer networks, and structured mentorship. Working from the “supply” side, organizations such as the College Advising Corps and Matriculate provide advising, mentoring, and support to high school students from underrepresented backgrounds, achieving measurable gains in enrollment at selective colleges and attainment compared to similar students without access to similar intensive advising.

Other programs focus their efforts on providing underrepresented students with courses offered by selective colleges through their high school. Participation in such courses may both enhance students’ college readiness and enable them to better demonstrate their admissibility to selective college admissions officers. For example, the National Education Equity Lab offers online college courses taught by faculty from selective colleges and universities in high schools with high percentages of students from low-income backgrounds across the country. Conceptually, such programs simultaneously help prepare students for demanding college work, demonstrate to the students that they can in fact do this work, and give admissions committees information about students’ academic preparation they might not otherwise have.⁷

In addition to efforts to bolster the pipeline of high school applicants, selective colleges and universities can broaden other entry points to their program for older students or students with previous college experience. Currently, veterans are significantly underrepresented at colleges and universities with the highest graduation rates, which are nearly all selective. Only 10 percent of GI Bill recipients attend institutions with six-year graduation rates above 70 percent, compared to 21 percent of the overall student population. Student veterans are more likely to be Black, slightly less likely to be white, and slightly more likely to be Hispanic than other students. A majority of student veterans are the first in their families to go to college and nearly 39 percent are eligible for a federal Pell grant, well above the average Pell enrollment at high-graduation-rate institutions.

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There is also a large pool of community college students from lower-socioeconomic backgrounds who have attained grades that suggest they can succeed at selective four-year institutions. According to a study by the American Talent Initiative, each year, 50,000 high-achieving, low- and moderate-income community college students do not transfer to any four-year institution. Approximately 15,000 of these lower-income students have the academic credentials to be

⁷ Katherine Mangan, “Race on Campus: A Race-Neutral Way to Recruit Diverse Students,” *The Chronicle of Higher Education*, 29 November 2022, <https://www.chronicle.com/newsletter/race-on-campus/2022-11-29>.

successful at even the most selective colleges and universities, having earned a 3.7 GPA or higher at their community college.

Cautions

As with admissions strategies that favor students from lower-socioeconomic backgrounds, many of the students either identified or supported by pipeline programs will be students with financial need. The pipeline programs themselves often represent additional financial and personnel demands on college and university operations. There is relatively little data about the outcomes of these programs in increasing socioeconomic and racial diversity.

Both community college transfers and student veterans tend to come with some previously earned credits and are older. Many selective institutions are not well equipped to deal with either transfer credits or older students. Both groups of students often had mixed high school records. Often grades and performance in courses at community college or while in the military are better indicators of these applicants' likelihood of succeeding academically. But, admissions committees for undergraduate programs at selective colleges and universities are conditioned to weigh high school performance heavily.

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3. Eliminate criteria currently used in the admissions process that are highly correlated with both race and income

While affirmative action policies by design benefit underrepresented students of color in the admissions process to selective schools, a variety of the criteria used to measure merit are highly correlated with income and being white or Asian. Eliminating the use of these criteria and instead evaluating students for their potential—taking into consideration the opportunities, or lack thereof, that they have had before college—would contribute to diversifying student bodies at these selective schools.

Many selective colleges and universities give admissions preferences to the children of alumni and to top performing student athletes. Both legacy and athletics admits are on average more

likely to be white and higher income. **Eliminating legacy and recruited athlete admissions preferences** would free up additional slots for more diverse students.

With access to tutoring and the ability to pay to re-take the SAT and the ACT multiple times to increase their scores, among other advantages, higher-socioeconomic status students have long scored higher than others on the standardized tests that until recently were central in the admissions process. **Eliminating the use of standardized tests in admissions** does away with a criterion that makes many underrepresented students of color appear less competitive. The elimination of standardized tests would also mean that there is less evidence that affirmative action policies are being used to benefit those students.

At the same time that standardized test scores are highly correlated with income, they are not great predictors of performance in college; high school grades are a much better incremental predictor of graduation rates than are SAT/ACT test scores. An example of prioritizing high school grades in admissions is Texas' shift to **admitting the top 10 percent of students from all high schools** to the selective University of Texas system universities. Since there is significant residential and school segregation in Texas, this approach was expected to generate a more diverse set of admits than under admissions policies factoring in standardized tests and other criteria along with high school grades.

Cautions

Legacy and athletics admissions preferences privilege a subset of higher income, predominately white applicants. But, eliminating these preferences could just lead to other higher income white applicants gaining admissions. There is no reason to believe that the “next best admit” would not be the children of other elite universities' graduates and white, upper income students with slightly less athletic ability.

Standardized tests have also been used to identify talented high school students who might otherwise be overlooked. By eliminating these exams, some students who otherwise might have been recruited to selective schools may not find their way there through another channel.

To change the characteristics of the incoming class, a more thorough rethinking of “merit” and who deserves a seat at the selective institutions is needed.

Furthermore, standardized test scores are only one of the current admissions criteria that benefit higher income, predominately white applicants. Evaluations of personal essays, for example, are more correlated with applicants' income than SAT scores. To change the characteristics of the incoming class, a more thorough rethinking of “merit” and who deserves a seat at the selective institutions is needed.

There are several challenges to replicating the Texas Top Ten Percent plan. It is unclear how such a policy would work for private, non-profit institutions (or the increasing number of state flagships) that have a national and international pool of students. Furthermore, the policy

depends on the entrenchment of residential and school segregation, a perverse incentive if ever there was one. Finally, as discussed in more detail in the case study below, Texas' Top Ten Percent policy did not yield as diverse a student body as originally expected. Indeed, the University of Texas at Austin supplemented the policy with a set of affirmative action policies that were upheld when the Supreme Court last considered affirmative action in college admissions, in *Fisher v. The University of Texas at Austin*.

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Case Studies of Large-Scale Attempts at Alternatives to Race-Conscious Admissions Policies

The experiences of flagship public universities in California, Michigan, and Texas illustrate the impact of affirmative action bans and the limitations of race-neutral efforts.

California⁸

In 1996, California voters passed Proposition 209, banning race-conscious admissions policies, and reaffirmed that initiative in 2020. Immediately following implementation of the ban in 1998, the number of first-year students from racially minoritized groups dropped precipitously. At the University of California, Berkeley and UCLA, the state’s flagships, there was a dramatic, 55-percent decline in admission offers to African Americans. Berkeley’s low point occurred in 2004 when fewer than three percent of first-year offers of admission went to African Americans and at UCLA, whose Black enrollment had been seven percent before Proposition 209, the nadir came in 2006 when an entering class of 5,000 included only 96 Black students. Indigenous student admissions remain far below their pre-Proposition 209 levels.

The University of California’s nine undergraduate campuses system responded with a number of race-neutral strategies, including outreach programs for low-income and first-generation students, targeted recruitment in certain communities, and summer immersion and enrichment programs to prepare students for the academic and cultural adjustment to college. Over time, there has been some progress. By 2019, UCLA’s African American enrollment had grown to almost six percent. For Latinos, admission levels returned to their pre-Proposition 209 baseline levels in 2014, principally because Latino public high school graduates increased from 30 percent to almost 50 percent of the state’s total graduates during that period. Despite these

⁸ Mark J. Drozdowski, “Do Race-Neutral Admissions Policies Work?” Best Colleges.com, 17 November 2022, <https://www.bestcolleges.com/news/analysis/do-race-neutral-admissions-policies-work/>.

robust and costly race-neutral initiatives, the University of California system struggles to recruit and retain a racially diverse student body.⁹

Michigan¹⁰

In *Grutter v. Bollinger* (2003), the US Supreme Court upheld the University of Michigan Law School's affirmative action admissions policies, but those policies were short-lived. After Michigan voters passed Proposal 2 in 2006, the university discontinued the limited consideration of race in holistic admissions programs that the Court had approved in *Grutter*. Instead, Michigan adopted many of the targeted outreach and enrichment programs introduced by the University of California, including reducing the number of (full-paying) students enrolled through early acceptance programs. While outreach efforts have resulted in more low-income and first-generation students enrolling in the University of Michigan, the results with respect to racial diversity have been disappointing. Black undergraduate enrollment declined from approximately seven percent in 2006, when Proposal 2 was enacted, to below four percent in 2021. During that period, the percentage of college-aged African American students in Michigan increased from 16 percent to 19 percent.

Texas¹¹

In 1997, one year after the Fifth Circuit Court of Appeals ruled in *Hopwood v. Texas* that racial preferences could not be used in making admissions decisions, the state introduced the Texas Top Ten Percent Plan (TTTP). The Plan guarantees students in the top 10 percent of their high school classes automatic admission to any public university in the state. In 2009, the state amended the policy by raising the threshold to six to seven percent for admission to the flagship campus at the University of Texas at Austin. Although the TTTP has had some positive effects on expanding the pool of Texas high schools sending students to UT, Austin, it is largely because of the high degree of neighborhood and K-12 school segregation in a state in which half of Latino and 40 percent of African American students attend schools that are 90-100 percent majority minority.¹² Schools that are segregated by race and class also tend to be under resourced in preparing students for college and many students in low-income communities cannot afford to attend a four-year university. As a result, Latino application and admission rates to UT, Austin and Texas A&M University have declined during the Ten Percent Plan years.¹³

⁹ William Kidder, "How Workable Are Class-Based and Race-Neutral Alternatives at Leading American Universities?" *UCLA Law Review Discourse* 64 no. 100 (2016): 118-119.

¹⁰ Drozdowski, "Do Race-Neutral Admissions Policies Work?"

¹¹ Kidder, 114-115 and Drozdowski, "Do Race-Neutral Admissions Policies Work."

¹² Stella M. Flores and Catherine L. Horn, "Texas Top Ten Percent Plan: How It Works, What Are its Limits, and Recommendations to Consider," The Civil Rights Project: Educational Testing Service, 2015, https://civilrightsproject.ucla.edu/research/college-access/affirmative-action/texas-top-ten-percent-plan-how-it-works-what-are-its-limits-and-recommendations-to-consider/Flores_PIC_paper.pdf

¹³ Angel L. Harris and Marta Tienda, "Hispanics in Higher Education and the Texas Top Ten Percent Law," *Race and Social Problems* 4 no. 1 (2012): 57-67, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3584685/>; and Angel L. Harris and Marta Tienda, "Minority Higher Education Pipeline: Consequences of Changes in College Admissions Policy in Texas," *The Annals of the American Academy of Political and Social Science* 627 no. 1 (January 2010): 60-81, <https://www.jstor.org/stable/40607406>.

Conclusion

It seems quite likely that racial diversity will decline at selective colleges and universities if the Supreme Court finds the use of affirmative action policies based on race to be unconstitutional. Alternative policies like those described here are unlikely to generate similar levels of racial diversity, or will cost so much, in terms of financial aid and other expenses, that few institutions will be in a position to implement the policies. To be clear, they should still try. The need for selective colleges and universities to contribute to greater socioeconomic mobility and racial equity—and the risks of not doing so—are too great to stand impassively on the sideline.

The need for selective colleges and universities to contribute to greater socioeconomic mobility and racial equity—and the risks of not doing so—are too great to stand impassively on the sideline.

At the same time, if this is the end of affirmative action in selective college and university admissions, it may offer a policy window to invest more across the broader reach of American higher education, so that the seats at the selective institutions are less coveted. Properly resourcing the regional public universities and community colleges that the vast majority of higher education students attend—including disproportionate shares of students of color and lower-income students—would pay huge dividends for those students and the nation.