Making a Case for Class-Based Affirmative Action in College Admissions

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Making a Case for Class-Based Affirmative Action in College Admissions after *Fisher v. University of Texas*

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I. Class-based affirmative action after *Fisher v. University of Texas*

- Paradox: A victory for racial diversity and a defeat for racial preferences.
- Educational benefits of diversity remain a compelling state interest.
- By 7-1, major emphasis on finding “workable race neutral alternatives” to achieving racial diversity. (No one joined Justice Ginsburg’s dissent which said if goal is racial diversity, fine to just use racial preferences.)

- In *Grutter*, majority said universities must engage in “serious, good faith consideration of workable race-neutral alternatives” but then deferred to Michigan’s law school. “We take the Law School at its word that it would ‘like nothing better than to find a race-neutral admission formula’ and will terminate its race-conscious admissions program as soon as practical.”

- Kennedy dissented in *Grutter*: Judges should “force institutions to seriously explore race-neutral alternatives” rather than being “satisfied by the Law School’s profession of its own good faith.”
In Fisher, 7-1 opinion says, “strict scrutiny imposes on the university the ultimate burden of demonstrating, before turning to racial classifications, that available, workable race-neutral alternatives do not suffice.”

On questions such as whether race-neutral alternatives are available “the University receives no deference.”

To make clear: “Strict scrutiny must not be strict in theory but feeble in fact.”
Supreme Court’s Analysis of Texas’s Race-Neutral Strategy

African American and Hispanic Representation at UT Austin

- **1996, race used in admission**
  - African American: 4.1%
  - Hispanic: 4.5%

- **2004, socioeconomic status and top 10% plan**
  - African American: 14.5%
  - Hispanic: 16.9%

Source: U.S. Supreme Court, Fisher v. University of Texas (2013), Slip Opinion, p. 3.
Higher Education attorney Scott Greytak: “The result’s already in. The court did not want the headlines of having struck down affirmative action, but has pre-determined the death of race-conscious policies.”

University of Houston Law Professor Michael Olivas: Affirmative action “lives on, but all of us believe it’s under an impending death penalty.”

Greytak and Olivas support affirmative action.
II. Race-Neutral Alternatives

- What are the leading race-neutral strategies?
- How effective are they in producing racial diversity?
- Is the push for race-neutral strategies a good thing or a bad thing?
Race-Neutral Alternatives in 9 States where race dropped

- 6 states promoted university partnerships with disadvantaged high schools.
- 7 states provided class-based admission preferences.
- 8 states expanded financial-aid budgets.
- In 3 states, individual universities dropped legacy preferences.
- 3 states rewarded high class rank and downplayed test scores.
- 2 states adopted stronger programs for transfer from community college to four-year institutions.
## Do Race Neutral Methods Work?

Met or Exceeded Pre-Affirmative-Action-Ban Representation at 10 Leading Universities

<table>
<thead>
<tr>
<th></th>
<th>African American</th>
<th>Latino</th>
</tr>
</thead>
<tbody>
<tr>
<td>UT Austin (1996)</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Texas A&amp;M (1996)</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>UC Berkeley (1996)</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>UCLA (1996)</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>U of Washington (1998)</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>U of Florida (1999)</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>U of Georgia (2000)</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>U of Michigan (2006)</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>U of Nebraska (2008)</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>U of Arizona (2010)</td>
<td>YES</td>
<td>YES</td>
</tr>
</tbody>
</table>
Is Emphasis on Race-Neutral Strategies a Good Thing?

- Under *Fisher*, guaranteed racial diversity one way or the other: from alternatives (if they work) or by using race (if alternatives are insufficient.)

- Promote social mobility and fairness in the admissions process by addressing class inequality.

- Avoid downside of using race, including lack of political support.
Note: Figures refer to 1995 applicant pool. Adjusted admissions advantage for Bottom income quartile is calculated relative to middle quartiles.

Current Emphasis: Race Not Class

Boost in the Admissions Process at Highly Selective Private Institutions

Economic Diversity at Selective Institutions

Economic Diversity at 193 Most Competitive Colleges, 2006

Percentage of students

- Richest Economic Quartile: 70%
- 2nd Quartile: 17%
- 3rd Quartile: 9%
- Poorest Quartile: 5%

Source: Anthony P. Carnevale and Jeff Strohl, “How Increasing College Access Is Increasing Inequality, and What to Do about It,” in Rewarding Strivers: Helping Low-Income Students Succeed in College, ed. Richard D. Kahlenberg (New York: Century Foundation Press, 2010), 137, Figure 3.7.
Disadvantages Based on Class More than Race

TX Percent Plan: Income

UT Austin, Distribution of Admitted Students from Texas High Schools by Annual Household Income under Two Admissions Methods, 2011

Can Low-Income Students Do the Work?

Effects of Race-based vs. Socioeconomic Preferences

- Race-based, legacy, and athletic preferences: 10% of students in the Bottom Two Socioeconomic Status Quartiles, 86% graduation rate.
- Socioeconomic preferences: 90% of students in the Bottom Two Socioeconomic Status Quartiles, 38% graduation rate.

## Public Opinion: Affirmative Action by Race vs. Class

### Support for Racial and Economic Affirmative Action:
3 polls

<table>
<thead>
<tr>
<th></th>
<th>LA Times</th>
<th>EPIC/MRA</th>
<th>Newsweek</th>
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<tbody>
<tr>
<td>Race</td>
<td>26</td>
<td>27</td>
<td>26</td>
</tr>
<tr>
<td>Income</td>
<td>59</td>
<td>57</td>
<td>65</td>
</tr>
</tbody>
</table>

**Source:** EPIC/MRA poll (conducted January 29–February 3, 2003); Los Angeles Times poll (conducted January 30–February 2, 2003); and Newsweek poll (conducted January 16–17, 2003).
Making a Case for Class-Based Affirmative Action in College Admissions

Kevin MacLennan
Director of Admissions
University of Colorado Boulder
Our Journey

- In 2008, Amendment 46 was on the ballot for a vote for Colorado’s November election.

- The “Colorado Civil Rights Initiative” sought to eliminate race-based affirmative action at public universities in Colorado.

- Anticipating the vote in 2007, we discussed ways to maintain and increase diversity that would withstand legal challenges and vote referenda.

- Throughout the process, we were enthused about the possibility of increasing other kinds of diversity.
CU-Boulder Vision for “Flagship 2030”

The University of Colorado Boulder will become a leading model of the "new flagship university" of the 21st century—by redefining learning and discovery in a global context and setting new standards in education, research, scholarship, and creative work that will benefit Colorado and the world

- **First**, the university environment will be intellectually inspiring, academically challenging, welcoming, supportive, and conducive to positive personal growth.
- **Second**, CU-Boulder will become a dynamic global force for nurturing ideas and the uses of knowledge.
- **Third**, the university will be a place that exemplifies diversity, intercultural understanding, and community engagement.
- **Fourth**, CU-Boulder will help promote Colorado as a global crossroads of ideas and discovery.
- **Fifth**, the university will provide students with a foundation of knowledge that will help them reach their full potential.
- **Sixth**, CU-Boulder will be an agile organization supported by effective leadership, financial and operational models, and infrastructure.
At CU-Boulder, diversity is defined broadly to ensure the inclusion of a wide variety of human experiences and identities. The university recognizes and celebrates a diverse campus community to include people from many backgrounds—ethnic, regional and national origins, cultural heritage, intellectual, economic, religious, international—as well as first-generation students, people with disabilities, students who are parents, people of different sexual and gender orientations, people of different ages, and many other diverse characteristics.

The University of Colorado at Boulder will develop, implement, and assess university strategies to improve the diversity of faculty, students, and staff as well as to foster a supportive, more inclusive community for all. We envision a campus:

- that addresses the special needs of groups and individuals who historically have faced institutional barriers,
- where the quality of education is enhanced and enriched by a diverse campus community, and
- where the entire campus benefits from participation in a multicultural community.
The CU-Boulder Admissions Office

The University of Colorado Boulder values students who:

1) Demonstrate genuine effort toward their academic achievement and distinction.
2) Commit to being good students in the classroom and good citizens in their school and community.
3) Possess backgrounds, perspectives, and life experiences that provide a unique and important contribution.
4) Have overcome significant academic disadvantage and/or adversity.
5) Sustain significant responsibility in family, community, or employment.
6) Will be outstanding representatives of the university while enrolled and after graduation.
Educating Application Readers

Key Messages

- We follow the law and parameters of the Supreme Court ruling.
- We value diversity in our student body as a key part of the educational experience for all students.
- We use a holistic review process that looks at multiple primary and secondary admissions factors. Race and ethnicity are secondary admission factors.
- Our approach uses race-neutral indices of economic disadvantage and overachievement to identify students who have overcome significant personal, educational and environmental obstacles to achieve academic success.
Key Messages

- All students who overachieve within their academic environments of disadvantage would qualify for extra consideration.
- We maintain and practice a merit-based admissions process.
- Additional consideration is given any student who has overachieved in academics. If you come from a challenging background, and you’ve managed extraordinary overachievement in GPA and test scores (higher than the national data would indicate you were likely to do), you warrant additional consideration for overachievement.
- Disadvantage alone, without achievement, does not merit additional consideration.
Course load
Difficulty of classes
Cumulative GPA
Grade trend
Test scores
Strength of current schedule
Minimum Academic Preparation Standards
Volunteer and work experience
Leadership positions
Unique talents or backgrounds
Extenuating circumstances

the admission decision
The University of Colorado Boulder is encouraged by the work that we began in late 2007.

This process has taken considerable time, resources, research and analysis to implement – it’s important and worthwhile work to do.

We believe as an institution that giving additional admissions consideration to a student who has overcome socioeconomic disadvantage to achieve success is important.

We continue to evaluate our process with respect to the students we admit and their academic performance as an student at the University of Colorado Boulder.
Class-Based Affirmative Action in Colorado

Matthew Gaertner
Pearson
Class-Based Affirmative Action in College Admissions

- What is your mission?
- How does your admissions process support your mission?
  - What applicant traits do you value?
  - How do you measure those traits?
- What are your intended outcomes?
  - To what extent did you achieve them?
Class-Based Affirmative Action in College Admissions

- The Disadvantage Index
  - Quantify the obstacles an applicant has faced

- The Overachievement Index
  - Quantify the extent to which an applicant has overcome obstacles
The Overachievement Index

- Admissions Test Score
- Socioeconomic Status

Diagram showing a scatter plot with a trend line indicating a positive correlation between socioeconomic status and admissions test scores.
The Overachievement Index

![Diagram showing a scatter plot with a linear trend line. The x-axis represents Socioeconomic Status, and the y-axis represents Admissions Test Score. The plot includes a large number of data points, with a notable outlier.]
The Overachievement Index

![Graph showing the relationship between Admissions Test Score and Socioeconomic Status. The graph includes a scatter plot with data points and a trend line.]
The Overachievement Index

Admissions Test Score vs. Socioeconomic Status
The Disadvantage Index

Probability of Enrolling in College

Typical Applicants

High School Academic Achievement
The Disadvantage Index

- Typical Applicants
- Hypothetical Disadvantaged Applicants

Probability of Enrolling in College vs. High School Academic Achievement
The Disadvantage Index

- Typical Applicants
- Hypothetical Disadvantaged Applicants

Probability of Enrolling in College vs. High School Academic Achievement
The Disadvantage Index

- Typical Applicants
- Hypothetical Disadvantaged Applicants

Impact of socioeconomic status

High School Academic Achievement

Probability of Enrolling in College
## Socioeconomic Factors

<table>
<thead>
<tr>
<th>Applicant-Level</th>
<th>School-Level</th>
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<tbody>
<tr>
<td>- Family income</td>
<td>- Percentage of students receiving FRL</td>
</tr>
<tr>
<td>- Parents’ education level</td>
<td>- Rural location</td>
</tr>
<tr>
<td>- Single parent</td>
<td>- Student-to-teacher ratio</td>
</tr>
<tr>
<td>- Native English speaker</td>
<td>- Size of the 12th grade class</td>
</tr>
<tr>
<td>- Dependents</td>
<td></td>
</tr>
</tbody>
</table>
## Can Class Replace Race?

<table>
<thead>
<tr>
<th>Applicant Type</th>
<th>Class-Based</th>
<th>Race-Based</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low SES</td>
<td>82%</td>
<td>70%</td>
<td>12%**</td>
</tr>
<tr>
<td>URM</td>
<td>64%</td>
<td>56%</td>
<td>8%</td>
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</tbody>
</table>

* *p < 0.05; **p < 0.01
Using Race and Class

<table>
<thead>
<tr>
<th>Applicant Type</th>
<th>Acceptance Rate</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Class-Plus-Race</td>
<td>Race-Based</td>
<td>Difference</td>
</tr>
<tr>
<td>Low SES</td>
<td>58%</td>
<td>48%</td>
<td>10%*</td>
</tr>
<tr>
<td>URM</td>
<td>62%</td>
<td>45%</td>
<td>17%**</td>
</tr>
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</table>

*p < 0.05; **p < 0.01
Can Class-Based Admits Succeed in College?

<table>
<thead>
<tr>
<th>Group</th>
<th>% Graduating in 4 Years</th>
<th>% Graduating in 6 Years</th>
<th>Undergraduate GPA</th>
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</thead>
<tbody>
<tr>
<td>Class-Based Admits</td>
<td>28.3%</td>
<td>52.9%</td>
<td>2.50</td>
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<tr>
<td>Baseline</td>
<td>39.8%</td>
<td>66.0%</td>
<td>2.83</td>
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</tbody>
</table>
### Can Class-Based Admits Succeed in College?

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<thead>
<tr>
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<th>% Graduating in 6 Years</th>
<th>Undergraduate GPA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class-Based Admits</td>
<td>44.8%</td>
<td>70.0%</td>
<td>2.94</td>
</tr>
<tr>
<td>(Overachievers)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baseline</td>
<td>39.8%</td>
<td>66.0%</td>
<td>2.83</td>
</tr>
</tbody>
</table>
Thank You!

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