

A 21st-Century Imperative: Promoting Access and Diversity in Higher Education

A Policy Paper on Major Developments and Trends¹

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Overview

Many 21st-century access and diversity issues face higher education leaders. Among them is the central question of how best to frame and pursue core institutional goals in light of the emerging lessons from research and experience, federal and state legal developments, demographic trends, and more. Ultimately, with the objective that institutional policies and initiatives yield educational, economic and civic benefits for all students and for the communities they serve, higher education leaders must lead. That leadership implicates a number of commitments, including: setting expectations clearly, meaningfully addressing key issues, and continually evaluating progress in light of expectations, developments and trends.

Introduction

In the span of six years, issues associated with race, ethnicity and gender in education have reemerged on our national landscape — ranging from core constitutional pronouncements to the public's perception in key states about the ways in which race, ethnicity and gender ought to be considered (or not) within public institutions. Four landmark U.S. Supreme Court decisions (after years of virtual silence on issues of race in education) and three major state ballot initiatives only begin to chronicle recent developments of relevance to higher education's pursuit of its access- and diversity-related education goals.

The 21st-century challenge — and opportunity — facing higher education leaders centers directly on their need to develop effective policies that will advance their core education goals, and to do so in resource efficient ways. To succeed with respect to issues of access and diversity, this means that higher education leaders must do several things well. As an initial matter, they must establish a clear vision around a set of institutional goals that embody principles associated with higher education's unique and vital role in: (1) creating access and opportunity for all, and (2) developing robust, diverse learning environments for students progressing toward success in the global workplace and society. Correspondingly, they must effectively manage resources toward achievement of those goals with a more precise focus on the use of clear benchmarks of accountability and evaluation to advance desired educational (and related societal) outcomes. In short, the test of leadership will be one of vision and management — each focused on the achievement of mission-driven outcomes over time.²

Many legal and educational developments and trends have a direct bearing on higher education's ability to shape the kind of evidence-based dialogue that must be a foundation for advancing educationally sound higher education policies. These developments and trends should be well understood and factored into institutional policy development and efforts to provide national leadership and direction on major access and diversity issues. This policy paper summarizes many of the key developments and trends.

Major Developments and Trends

- 1. The connection between diversity and positive educational outcomes.** In 2003, when addressing two challenges to University of Michigan admission policies, the U.S. Supreme Court resolved the overarching question that had confounded federal courts and higher education officials for years: whether the educational benefits of diversity (to be distinguished from remedial interests designed to address past discrimination) could ever justify the consideration of race and ethnicity in higher education enrollment-related decisions. Six members of the Supreme Court in *Grutter v. Bollinger* (including dissenting Justice Anthony Kennedy) affirmed that mission-driven educational benefits associated with a diverse class of students could, in appropriate circumstances, justify the limited consideration of race and ethnicity in higher education admission. While recognizing the academic freedom interests of higher education leaders implicated in admission judgments, the Supreme Court at the same time made it clear that higher education institutions have the responsibility to exercise their discretion responsibly — with attention to actual, mission-driven outcomes associated with student learning and development (including preparation of students to fully participate as citizens and in the workforce), based on evidence about those outcomes.³

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Notably, the educational outcomes focus that emerged from the Supreme Court's *Grutter* decision dovetails with the issue of accountability, which has recently captured center stage in higher education's national conversation about its 21st-century roles and responsibilities. Key diversity questions facing higher education leaders are, in fact, aligned with the emphasis on broader outcomes advocated by many education policy leaders:⁴ If student diversity is so essential to the institution's lifeblood, how do we know? By what measures can we document diversity's unique role in advancing education, economic and social goals reflected in our institutional missions? What, precisely, are those outcomes?

- 2. The issue of merit.** No discussion of educational outcomes — including a focus on the way higher education institutions define their goals, and the kinds of students they seek to enroll and educate — is complete without an acknowledgment of the role that grades and test scores play in the broader policy dialogue. As issues of diversity surface — and particularly as admission and financial aid preferences are debated — an often unstated assumption drives part of the debate. As a general rule, policy advocates and litigants who challenge preferences categorically (and erroneously) assert that students receiving such preferences are either unqualified or underqualified. These students have, in their view, essentially received an educational benefit to the detriment of other “deserving” students.

The fundamental point missed by these advocates is that the merit of any student cannot be fairly judged by test scores and grades alone.⁵ Students are more than a test score, and education policies aimed toward achieving robust educational outcomes for students recognize that reality. Moreover, well-developed policies that include a focus on student diversity will be framed with attention to attracting, enrolling and graduating a diverse class of students, all of whom are academically prepared and likely to succeed, and each of whom adds value to the mix in multiple ways. Test scores and grades can be key elements in making such determinations, but under no set of generally accepted psychometric principles should they be the sole drivers of those judgments.⁶ In fact, while there may be some minimal level of test scores and grades that, for most students, help predict their chances of success at a particular institution, many other personal characteristics (often of greater importance than scores and grades above that

minimum) measure an individual’s ability to excel and contribute to the educational experience of all students.

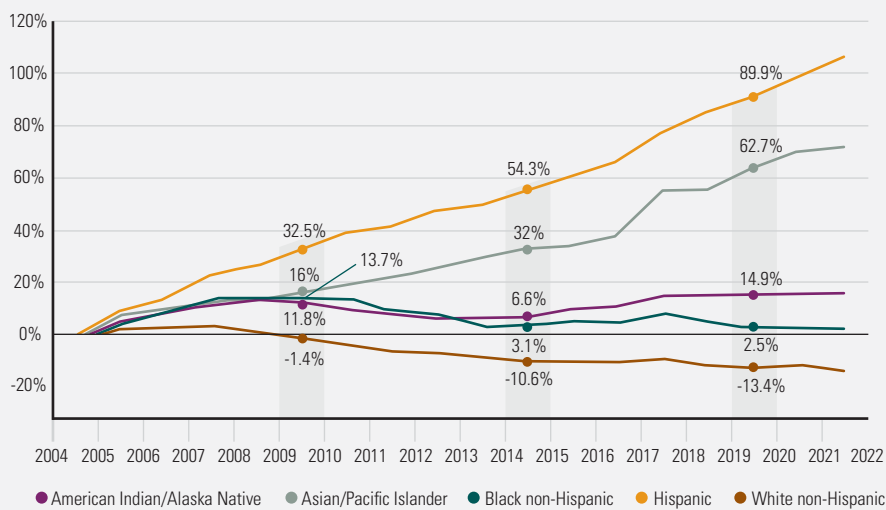
... the merit of any student cannot be fairly judged by test scores and grades alone. Students are more than a test score ...

- 3. An expanded definition of “diversity.”** Federal legal issues associated with campus diversity tend to center on issues of race and ethnicity (with some corresponding focus on issues of gender, as well as on policies affecting undocumented students). Coupled with the “social justice” access and diversity goals that have shaped the recent history of so many higher education institutions (where issues of race have been predominant), the term “diversity” in campus dialogues has often served as a literal substitute for an institutional race/ethnicity focus — and mistakenly so. One of the few definitive bright lines to emerge from federal case law — that educational diversity cannot be limited to issues of race and ethnicity (or else, it is little more than racial balancing) — is an important principle for guiding higher education discussions about how institutions value and define diversity, with attention to the rich array of student backgrounds and characteristics that can (and should) shape the makeup of a robust learning environment. Thus, important conversations on campus should include not only a focus on the role of race and ethnic diversity as part of the educational enterprise, but also real attention to issues of socioeconomic status (with obvious implications for institutional financial aid policies), family educational background, geographic diversity, multicultural factors, sexual orientation, religious background, life experiences (e.g., military experience), unique skills and talents, and much more.

4. Demographic projections for the 21st century. Higher education leaders are on the cusp of a seismic shift reflected in the demographics of the students they will be called upon to educate. While many of the projected trends (most notably in terms of increases in the high school graduate population) reflect significant variance from region to region and state to state, one overarching national projection affecting most states centers on the shift in the racial and ethnic composition of student populations. In short, minority students will account for practically all of the growth

among high school graduates over the next decade, with Hispanic graduates alone almost completely offsetting the decrease in white, non-Hispanic graduates.⁷ These and related trends raise anew the question of how educators meet the educational needs of all students (with attention to continuing pervasive P-12 achievement gaps) — and how they should rethink their recruitment, outreach, financial aid, curricular and other policy parameters as they seek to educate a 21st-century workforce and citizenry.⁸

Cumulative Percent Change in U.S. Public High School Graduates Relative to 2004-05 by Race/Ethnicity



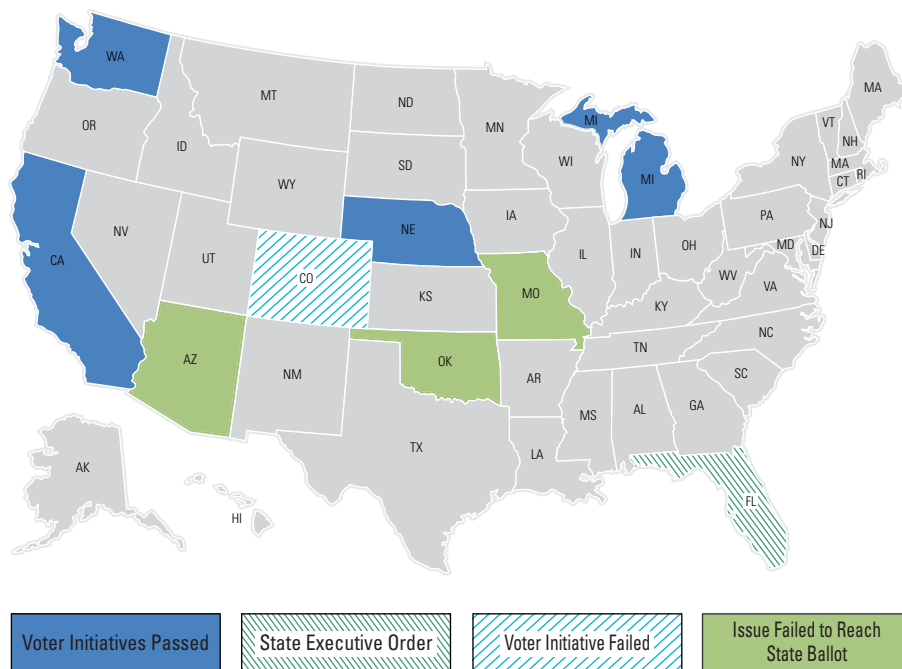
Source: *Knocking at the College Door: Projections of High School Graduates by State and Race/Ethnicity 1992 to 2022* (Western Interstate Commission for Higher Education, March 2008).

5. The court of public opinion. Issues of access and diversity, especially with respect to race and ethnicity, often have been considered as exclusively federal legal issues for the lawyers on campus. However, trends over the course of the past decade reflect that they are anything but. Advocates who challenge the educational value of diversity, as well as the legitimacy of corresponding racial and ethnic preferences, have shifted much of their advocacy focus from the federal legal venue to one that is much more local and politically driven. The shift — particularly in the wake of *Grutter* — reflects movement from the court of law to the court of public opinion.

Five states over the course of the past decade and a half have enacted laws (four through voter initiatives) that are designed to eliminate public higher education’s consideration of race, ethnicity and gender when conferring educational

benefits for students. In the wake of the state of Michigan’s overwhelming vote in November 2006 to that end, Ward Connerly and his allies worked to bring similar ballot initiatives to voters in Colorado and Nebraska in November 2008 (having begun with at least eight state targets). Voters in Nebraska approved the initiative; voters in Colorado rejected it. (It never made it to the Arizona, Missouri or Oklahoma November ballots despite sustained efforts to get related measures on ballots in those states.) Clearly, therefore, although issues associated with access and diversity goals implicate a number of important legal principles, key points of relevance extend beyond the courtroom — to key institutional stakeholders and the public at large. In short, successful advocacy regarding the imperative of expanding student access and enhancing student body diversity depends on higher education’s ability to “make the case” in the courtroom ... and beyond.

States that have enacted laws that are designed to eliminate public higher education’s consideration of race, ethnicity and gender when conferring educational benefits for students.



Conclusion

College and university leaders are called upon to wear many hats and to do many things well. They are also called upon to make an overwhelming number of issues an institutional priority. The challenge — and opportunity — presented by the many dimensions of access and diversity that colleges and universities face in the 21st century is one of ensuring that their efforts are well conceived and understood, and clearly associated with mission outcomes; and that the policies and initiatives they support visibly yield educational, economic and civic benefits for all students and for communities served by higher education. To achieve these desired outcomes, higher education leaders will increasingly need to collaborate with P–12 schools and systems, businesses, local governments, foundations and others as part of a collective and sustained effort to break down barriers and more effectively connect with others who strive for similar goals.

To download this policy brief and learn more about the work of the Access & Diversity Collaborative, please visit www.collegeboard.com/accessanddiversity.

Notes

1. Earlier versions of this paper were prepared for the September 2008 ACE–College Board Presidential Roundtable on *The Educational Imperative of Diversity: Key Issues for Higher Education Leaders*, and for the January 2009 College Board Colloquium. The authors gratefully acknowledge the assistance provided by Jonathan Alger, senior vice president and general counsel of Rutgers University, and Jamie Lewis Keith, vice president and general counsel of the University of Florida, who reviewed and commented on earlier versions of this paper.

2. Indeed, given the emerging global economy, our increasingly diverse democracy and the United States’s diminishing relative education performance compared to other nations, the pursuit of access and diversity goals is not just a value. It is an imperative — educationally, economically and socially — that implicates major pre-K through postsecondary education reforms. See generally *Coming to Our Senses: Education and the American Future* (The College Board, Dec. 2008).

3. *Grutter v. Bollinger*, 539 U.S. 306 (2003). The social science evidence-based outcomes associated with student diversity documented in the Supreme Court record included: improved teaching and learning, enhanced civic values, and better preparation for success in a 21st-century global economy. Fortune 500 companies, retired military officials, and numerous education associations and institutions submitted a record number of briefs that provided support for the Supreme Court’s conclusion about the relationship between those benefits and student diversity at higher education institutions. Among others, Fortune 500 corporate leaders effectively made the case that America’s economic future depended on the education of a diverse workforce. The business-related benefits, which they convincingly pointed the Supreme Court to, included the ability of individuals educated in diverse settings to work better with others from different backgrounds, to view issues from multiple perspectives, and to respond appropriately to cultural differences of customers, colleagues and employees. In short, their bottom line was about the “bottom line” — linking diversity with economic/business success.

Four years after *Grutter*, all nine justices of the Supreme Court recognized the *Grutter* decision as binding in higher education settings. See *Parents Involved in Community Schools v. Seattle School District No. 1*, No. 05-908 (June 28, 2007), Roberts, C. J., (announcing the judgment and opinion of the Court); Thomas, J. (concurring); Kennedy, J. (concurring in part and concurring in the judgment); Breyer, J. (dissenting).

4. See, e.g., *A Test of Leadership: Charting the Future of U.S. Higher Education* (U.S. Department of Education, 2006).

5. Illustrating this point, policies of the College Board (with respect to the SAT®) and the Law School Admission Council (with respect to the LSAT) all caution against singular reliance on an admission test when making admission judgments. See <http://professionals.collegeboard.com/higher-ed/recruitment/sat-reasoning/policy>; www.lsac.org/AboutLSAC/LSAT-Fairness-Procedures.asp (“The LSAT does not measure every discipline-related skill necessary for academic work, nor does it measure other factors important to academic success.”)

6. See, e.g., *Standards for Educational and Psychological Testing* (1999), Standard 13.7 (“In educational settings, a decision or characterization that will have major impact on a student should not be made on the basis of a single test score. Other relevant information should be taken into account if it will enhance the overall validity of the decision.”)

7. See *Knocking at the College Door: Projections of High School Graduates by State and Race/Ethnicity 1992 to 2022* (Western Interstate Commission for Higher Education, March 2008).

8. See also John Immerwahr and Jean Johnson, *Squeeze Play: How Parents and the Public Look at Higher Education Today* (National Center for Public Policy and Higher Education, 2007), which reflects that this challenge is confounded by the fact that minority parents (84 percent of African Americans and 67 percent of Hispanics) are more likely than white parents (56 percent) to think that their qualified students will not have the opportunity to go to college. Higher education leaders will have to think of new and expanded ways to reach out to minority families so that they see higher education as a reality.



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The American Council on Education (ACE) is the major coordinating body for all the nation's higher education institutions. ACE seeks to provide leadership and a unifying voice on key higher education issues and to influence public policy through advocacy, research and program initiatives. Counted among its members are approximately 1,800 accredited, degree-granting colleges and universities and higher education-related associations, organizations and corporations. Founded in 1918, ACE aims to foster greater collaboration and new partnerships within and outside the higher education community to help colleges and universities anticipate and address the challenges of the 21st century and contribute to a stronger nation and a better world. Three key strategic priorities drive ACE's activities: *representation* as advocate and voice for all of higher education, *leadership development* to enhance the diversity and capacity of American higher education leaders, and *service* to colleges, universities and other higher education and adult learner organizations. ACE's areas of focus include access, success, equity, and diversity; institutional effectiveness; lifelong learning; and internationalization. For more information, visit www.acenet.edu.



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