

Frequently Asked Questions about the Use of Race-Conscious Affirmative Action Policies In Higher Education

Office for Multicultural and Academic Affairs
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Legal Challenges to the Use of Race-Conscious Affirmative Action in Higher Education: What are the Michigan Cases?

Two separate cases were brought against the University of Michigan challenging race-conscious admissions policies designed to promote diversity both in undergraduate admissions (Gratz) and in the law school (Grutter). The United States Supreme Court heard both cases on April 1, 2003 and the decisions are expected by the end of June.

What is the U.S. Government's position on this issue?

In a brief to the Supreme Court supportive of the plaintiffs, the Department of Justice essentially argued that diversity in selective institutions of higher education can be achieved without race-conscious policies.¹ In particular, they argued that college admission programs like those used in Florida, Texas, and California that admit students finishing in the top 10 or 20 percent of their high school class are successful in maintaining student diversity.

How similar are the percentage plans of California, Florida, and Texas?

In actuality, those programs are very different one from another. In Texas, students who graduate in the top 10 percent are allowed to

¹ "Public universities have substantial latitude to tackle such problems (of diversity) and ensure ... that student bodies are experientially diverse and broadly representative of the public. ... They may also adopt admissions policies that seek to promote experiential, geographical, political or economic diversity in the student body, which are entirely appropriate race-neutral governmental objectives. The adoption of such policies, moreover, has led to racially diverse student bodies in other States. And public universities can address the desire for broad representation directly by opening educational institutions to the best students from throughout the State or Nation and easing requirements for all students." (http://www.umich.edu/~urel/admissions/legal/gra_amicus-ussc/us-gratz.pdf)

select the institution they want to attend. In California, they are only promised admission into the UC system, and are not guaranteed admission to one of the most selective schools (UC Berkeley, UCLA, UC San Diego). In Florida, the "Talented 20" program assures only that students in the top 20 percent of their class (plus taking certain courses and the ACT) will be accepted into one of the eleven system campuses. The University of Florida system has a 5 percent supplemental plan, admitting students who finish in the top 5 percent of their class to the campus of their choice. No Florida campus is comparable in selectivity and reputation to the flagship schools of California and Texas.

What conditions are best for percentage plans?

Percentage plans work best in areas where housing tends to be segregated, namely, where there are large neighborhoods with high concentrations of families from like backgrounds. These neighborhood schools tend to be segregated and characterized by racial isolation, resulting in proportionate numbers of students of different backgrounds in the top percentage of their high school classes. Many areas of Texas, Florida, and California follow this pattern and have been characterized by high degrees of racial isolation in their public schools. In contrast, Minnesota has been a leader in magnet and other school choice programs that produce integration and few segregated schools. Even the schools with high proportions of children of color typically have children drawn from several groups, so there is not racial isolation. The few schools where a single racial group predominates are on reservations or are small charter schools.

Is there evidence that percentage plans work?

Success of percentage plans is a prominent part of the Justice Department brief supporting the plaintiffs. However, recent reports from the Harvard Civil Rights Project argue that in California, Florida, and Texas, percentage plans, in general, have not worked to maintain racial and ethnic diversity. At the University of Texas, where the percentage plan has been most successful, recruiters have augmented the percentage approach with race-targeted recruiting. That is, they have identified high schools with large proportions of students from under-represented groups and recruited heavily from those schools. The questionable effects of these percentage programs require

consideration of the extent to which they can replace race-conscious policies.

What are the implications of percentage plans for Minnesota?

Because Minnesota schools tend not to be stratified by race/ethnicity, use of percentage approaches as a strategy to produce diverse student bodies will not work well for Minnesota or for the upper Midwest. The students who would be admitted under a 10 percent or 20 percent plan have been admitted under our current race-conscious admissions policy. To illustrate, consider the fall 2000 entering freshman class, our graduating class of 2004. Within that class of about 5,000 students are 3,000 who attended public high schools in Minnesota. Information on the ethnic/racial composition of those schools is available as part of the K-12 Minnesota Automated Recording Student System. After linking that information to the schools attended by our entering students, we found that **no** Minnesota public high school graduate came to the University of Minnesota from a high school with more than 50 percent Asian American students, more than 50 percent Chicano/Latino students, or more than 65 percent African American students. A substantial majority of students from each background came from predominantly white schools. Of our American Indian students (13), only one came from a school where the majority was students of color (a school on an American Indian reservation). The others came from schools where white students were in the majority. Of our Asian American students (424), only 110 came from schools where students of color were the majority. Of our African American students (128), only 46 came from schools where students of color were in the majority. Of our Chicano/Latino students (54), all but six attended majority white high schools. In summary, most of our Minnesota students of color do not come from schools where they are in the majority and likely would not benefit from a percentage plan.

A second illustration projects student yield if a percentage system were imposed. (Peter Zetterberg kindly provided these analyses.) The projections in this model are based upon data on 2001-02 high school graduates from Minnesota public high schools and upon enrollment of new freshmen on the Twin Cities campus during the fall 2002 semester:

- Minnesota High School Graduates: 57,440
- Minnesota High School Graduates Students of Color: 6,388 (11.1%)
- Projected Students of Color Top 10 Percent of Graduating Class: 639
- Twin Cities Fall 2002 New Freshmen: 5,188
- Students from 10 Percent of Graduating Class: 1,556 (30.0% of total freshmen)
- Students of Color: 959 (18.5% of total freshmen)
- Students from Minnesota: 3,420 (65.9% of total freshmen)
- Students of Color from Minnesota: 766 (22.4% of freshmen from Minnesota)

If the University of Minnesota, Twin Cities had relied solely on a ten percent plan and had kept its typical (30 percent) market share of students in the top 10 percent of their class, it would have enrolled 192 freshmen from Minnesota who were students of color (30% of 639 = 192). Actual fall 2002 enrollment of freshmen Students of Color from Minnesota was 766. It seems unrealistic to assume that the Twin Cities campus might enroll 100 percent of the state's high school graduates who are students of color in the top 10 percent of their class.

Overall, then, evidence from examining Minnesota students indicates that a percentage plan used as an alternative to affirmative action is not a viable way to sustain diversity in Minnesota's higher education institutions.

If you have questions about the material in this report or about related issues, or would like to have access to additional information, please contact:

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