

The Civil Rights Project



Proyecto Derechos Civiles

The Research Basis for Affirmative Action: A Statement by Leading Researchers

The Supreme Court's long awaited decision in the *Fisher v. University of Texas* case did not create any new legal precedents, but the Court did clarify that the federal courts must employ strict scrutiny when testing whether institutions have created narrowly tailored admissions policies, particularly when examining race-neutral alternatives. The Supreme Court sent the case back to the lower courts for further examination of the facts, consistent with the standards of *Grutter v. Bollinger* and *Fisher*. There was an extensive level of participation by researchers and research associations in the case, including amicus briefs submitted by the American Educational Research Association and by American Social Scientists signed by 444 researchers. In the decision, the Court recognized the right of universities to pursue diversity as a compelling educational interest. The Court also emphasized that use of race, if challenged, requires a clear judicial finding that the campus has shown that it could not find a workable and feasible non-racial strategy that would produce the desired level of diversity at tolerable administrative expense.

In the next stage of affirmative action policy, then, the existing body of research will play a very important role, as will the way in which campuses can apply such research in their local setting. Moving forward, we will also need continued rigorous social science evidence to further understand, among many: the need for diversity; the conditions on the campuses and in the communities from which students are recruited; the implications of general principles applied to a local setting; and the basis upon which campus diversity goals are set and evaluated. As a starting point for these discussions, we offer the following brief summary of major research findings to help university leaders and communities formulate plans and justifications that both satisfy the legal requisites and have a firm grounding in research.

The U.S. Supreme Court's opinion in *Fisher v. University of Texas at Austin* (2013) affirms *Grutter v. Bollinger* (2003) and highlights the critical nature of rigorous social science in making and defending sound decisions about admissions policies. The decision does not challenge the now powerful evidence of the benefits of diverse educational opportunities. As has been the case since *Grutter*, universities will need to continue to clearly document how they have considered any race-neutral alternatives and that they have considered race only to the extent necessary to achieve a diverse student body. The Court's decision underscores the importance of two bodies of research that burgeoned over the last two decades: the benefits of diversity and the effectiveness or failings (on a wide range of outcomes) of admissions alternatives intended to

create diverse student bodies. A third body of research, the assessment of whether students may be potentially mismatched with elite institutions through race-conscious admissions, is also of great importance to affirmative action. As *Fisher* returns to the lower court for reconsideration, it is important to highlight the essential components of what research shows about each of these areas.

The Benefits of Diversity

The educational value of diverse schools and classes has resulted in three broad categories of findings as the research has become more far-reaching and sophisticated.

First, research has demonstrated that student body diversity leads to educational benefits that are central to the mission of higher education institutions. Among these benefits are:

- Improvements in intergroup contact and increased cross-racial interaction among students (e.g., Chang et al., 2004; Denson & Chang, 2009; Pettigrew & Tropp, 2006)
- Reductions in prejudice (e.g., Pettigrew & Tropp, 2008)
- Improvements in cognitive abilities, critical thinking skills, and self-confidence (e.g., Antonio et al., 2004; Bowman, 2010; Hurtado, 2005)
- Greater civic engagement (e.g., Bowman, 2011; Engberg, 2007; Gurin et al., 2004)
- Enhancement of skills needed for professional development and leadership (e.g., Bowman et al., 2011; Jayakumar, 2008)
- Improved classroom environments (e.g., Deo, 2011; Pitt & Packard, 2012)

Second, research studies examining the harms associated with racial isolation and tokenism reinforce higher education's interest in the benefits that flow from broad-ranging student body diversity. Among the harms addressed by increased diversity are:

- Stereotyping (e.g., Harper & Hurtado, 2007)
- Stereotype threat (increased pressure on groups arising from negative stereotypes that leads to poor performance on tests and other measures) (e.g., Logel et al., 2012; Steele, 2010; Walton & Spencer, 2009)
- Day-to-day verbal and non-verbal slights and insults known as microaggressions (e.g., McCabe, 2009; Smith, 2011)
- Overt discrimination and subordination (e.g., Hurtado & Ruiz, 2012)
- Hostile racial climate (e.g., Hurtado, 2007)

Problems of tokenism, stereotyping, and microaggression are particularly acute in programs and fields with low numbers of minorities or women, such as STEM fields (science, technology, engineering, and mathematics) (e.g., Chang et al., 2011; Museus et al., 2011; Ong et al., 2011). As the Court in *Fisher* stated, “[p]art of ‘the business of a university [is] to provide that

atmosphere which is most conducive to speculation, experiment, and creation”” (p. 6). Attending to these harms helps create the conditions necessary to realize such educational benefits.

Finally, research demonstrates that the purported harms to minority students associated with race-conscious admissions are inconsistent with recent findings and lack a solid empirical basis:

- *Stigma*: The claim that stigma increases under affirmative action programs is contradicted by a number of recent studies. Recent research indicates that stigma among minority students is *lower* in states with race-conscious admissions (e.g., Bowen, 2010; Onwuachi-Willig et al., 2008).
- *Mismatch Hypothesis*: The claim that minority students suffer academic harms when their admissions credentials do not “match” their institutions finds limited support in the scientific literature. Research on undergraduates as well as on professional schools shows that minority students attain higher grades and have higher graduation rates when attending more selective institutions (e.g., Alon & Tienda, 2005; Ayres & Brooks, 2005; Bowen et al., 2009; Chambers et al., 2005; Fischer & Massey, 2007; Kurlaender & Grodsky, 2013).
- Numerous studies show that minority students gain significant educational and economic benefits through their attendance at selective institutions—including higher graduation rates and increased earnings and labor force participation following graduation (e.g., Bowen et al., 2009; Long, 2010; Melguizo, 2008; Small & Winship, 2007).

Admissions Alternatives and State Bans on Affirmative Action

The *Fisher* decision puts the issue of admissions alternatives front and center. Social science findings across a broad range of studies find that the major race-neutral policies, including automatic and income-based policies, have been insufficient to generate a diverse student body. Research also shows that states, such as California and Michigan, that have enacted bans on race-conscious admissions have seen severe declines in minority student enrollment that have compromised student diversity and led to problems of racial isolation and tokenism for students.

First, the Texas 10 Percent Plan is an ineffective proxy for race-conscious admission plans. Rigorous research has determined that:

- The Plan has not restored Latino and African American representation at the Texas flagship universities (e.g., Harris & Tienda, 2010; Long & Tienda, 2008)
- Application rates of minority students dropped after race-conscious policies in Texas were banned in 1996, and have not returned to previous levels with the percent plan (e.g., Harris & Tienda, 2010)
- Predictive models of percent plans show that minority enrollments would decline if percent plans were applied nationwide (e.g., Howell, 2010)

Second, race-neutral strategies such as the consideration of socioeconomic status and outreach and recruitment programs have not been effective substitutes for the holistic consideration of race. Specifically:

- Applying admissions policies based on socioeconomic status or family income would yield declines in minority student enrollment in the great majority of cases (e.g., Holzer & Neumark, 2006; Krueger, et al., 2006).
- Replacing holistic admissions policies that consider race with race-neutral efforts, such as increased minority student recruitment and support programs geared toward minority students fail to restore the number of students of color at the most selective 4-year institutions to the level that would be achieved with the holistic consideration of race in admissions (e.g., Howell, 2010).

Third, forgoing the consideration of race in admissions further exacerbates the racial and socioeconomic gaps among those attending college:

- Gaps in enrollment in terms of both race and income have become substantially larger since the 1980s, despite a narrowing academic achievement gap (e.g., Reardon et al., 2012). These simulations also show that the growing racial disparities in national college enrollment cannot be explained by differences in income according to race and ethnicity.
- At any income level, white students are two times more likely than African American students to attend a highly selective college. In the upper half of the income distribution, white students are twice as likely as Latinos to attend a highly selective college (e.g., Reardon et al., 2012).

Finally, research on state bans to affirmative action has concluded that:

- They lead to decreases in underrepresented student enrollment at selective colleges (e.g., Hinrichs, 2010; Moses, Yun, & Marin, 2009)
- Graduate education will experience similar challenges (e.g., Garces, 2013).

Mismatch

Some critics of affirmative action have produced studies that purport to show that minority students would do better at less demanding schools (e.g., Sander & Taylor, 2012). But rigorous peer reviewed studies show that race-conscious admissions policies are associated with strong net positive outcomes for underrepresented minority students at highly selective higher education institutions. Though they may have lower test scores and less adequate preparation, students rise to the challenge at highly competitive campuses:

- The opportunity to attend a highly selective institution is associated with African American and Latino undergraduates achieving *higher* graduation rates than would otherwise be the case if these students were redirected to less selective institutions (e.g., Alon & Tienda, 2005; Fisher & Massey, 2007; Melguizo, 2008; Small & Winship, 2007).
- Grades, on average, are higher for African American and Latino students admitted to highly selective institutions when compared to similar students at less selective institutions (e.g., Fisher & Massey, 2007) and identical when compared to similar White and Asian peers at highly selective institutions (e.g., Kurlaender & Grodsky, 2013).
- There are important labor market returns associated with attending selective institutions (e.g., Bowen & Bok, 1998; Dale & Krueger, 2011; Mullen et al., 2003).

In total, the research clearly demonstrates the essential contributions that diversity makes to higher education and its outcomes and the conditions that institutions need to attend to in order to help realize these educational benefits. Research also demonstrates that race-conscious policies remain the optimal means to achieve those goals and that race-neutral approaches do not promote these educational benefits as well as race-conscious ones. We applaud the *Fisher* opinion for recognizing the value of social science in understanding these critical outcomes for all students and underscoring the continued importance of rigorous research in responding to the empirical questions raised in *Fisher*. Similarly, higher education institutions should continue to rigorously examine their institutional data to support their constitutionally protected right to use race-conscious affirmative action policies.

A rich body of social science research will clearly help colleges in defending their affirmative action plans in court. We are convinced that social scientists are ready and able to help universities in undertaking studies of their own campuses and potential applicants that would help clearly answer the questions that *Fisher* indicates may be central to future legal challenges.

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**The Research Basis for Affirmative Action: A Statement by Leading Researchers
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Readers can find copies of the underlying social science studies in the following amicus briefs submitted to the Supreme Court in the *Fisher v. University of Texas*:

Brief of American Social Science Researchers: <http://tinyurl.com/o27ves6> and

Brief of the American Educational Research Association: <http://tinyurl.com/oot3x6q>

Many of the above-signed scholars participated in drafting the Brief of American Social Science Researchers signed by 444 researchers submitted to the Supreme Court in the *Fisher* case.

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