Navigating Higher Education Admissions Post-SFFA

To:

Association of American Colleges and Universities (AAC&U)

From:

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# Proposal Introduction: Diversity, Affirmative Action, and the Court

The dialogue surrounding diversity has proven to be contentious as it is timeless. While the concept has become more defined and its relationships being studied, it begets controversy from its translation into real-world strategies and practices [1, 2]. Diversity, as defined within this paper, is an accurate representation of all the identity groups within a given population.

The strategies in this paper focuses on one particular diversity practice, affirmative action, through the context of higher education. Affirmative action, as defined within this paper, is the applicant preference for underrepresented identity groups in college admissions processes. U.S. colleges have been recently required to revise such processes after the Supreme Court's ruling in *Students for Fair Admissions v. Harvard (SFFA)*, in which the court held that race-based affirmative action programs in college admissions processes violate the Fourteenth Amendment.

Given that diversity is a quantified strength, this ruling puts colleges on the back heel. The forced removal of race-conscious admission practices is likely to shrink diversity in opportunity pools and cause further inequity in the national population [3, 4]. Therefore, sufficient policy action is necessary to proactively hedge against this inequity. We will explore potential strategies.

The strategies considered within this proposal are socioeconomic-based affirmative action, top-percent affirmative action, and geography-based affirmative action, with closing statements on holistic application review and pilot programs.

Defining the Problem: The Consequences of SFFA to Higher Education

Before the *SFFA* ruling, we have seen instances of how a removal of race-based affirmative action programs brings upon greater, disproportionate inequity in the population's racial composition [5]. The effects are illustrated in Figure 1.
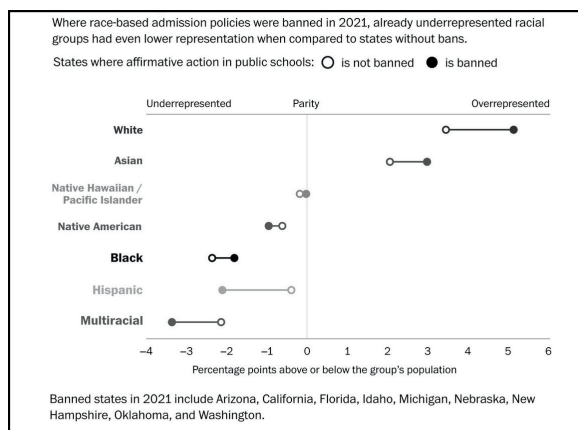
(Source: Washington Post, 2023)

Figure 1: The highest differences are in White, Hispanic, and Multiracial representation.

Figure 1 measures the racial composition of public universities in states that have banned affirmative action and those that were actively practicing.

With and without race-based affirmative action, the White and Asian racial groups are the most overrepresented relative to the national population, while the Black, Hispanic, and Multiracial racial groups are the most underrepresented. Notably, the White and Hispanic racial groups demonstrate the most drastic effect from the practice, at roughly -2% and 2%, respectively.

This comparison quantifies the relationship affirmative action has for each racial group listed. Affirmative action practices have disproportionate, opposite effects across racial groups, but brings each group closer to their national population composition [5]. Therefore, affirmative action practices serve to promote diversity through group equity.

Now, after examining the role of affirmative action and the potential consequences of the *SFFA* ruling, we will explore possible strategies that are both politically viable and structurally effective.

Options for Change: Shifting to Identity Proxies to Increase Diversity

Diversity, as defined within this paper, is an accurate representation of all the identity groups within a given population. This definition of diversity is multidimensional, as diversity of identity considers factors such as race, ethnic background, socioeconomic status, geographical location, and class rank. With race being prohibited from admission practices, diversity must be promoted through alternative dimensions. We structure our strategies from this definition and situation.

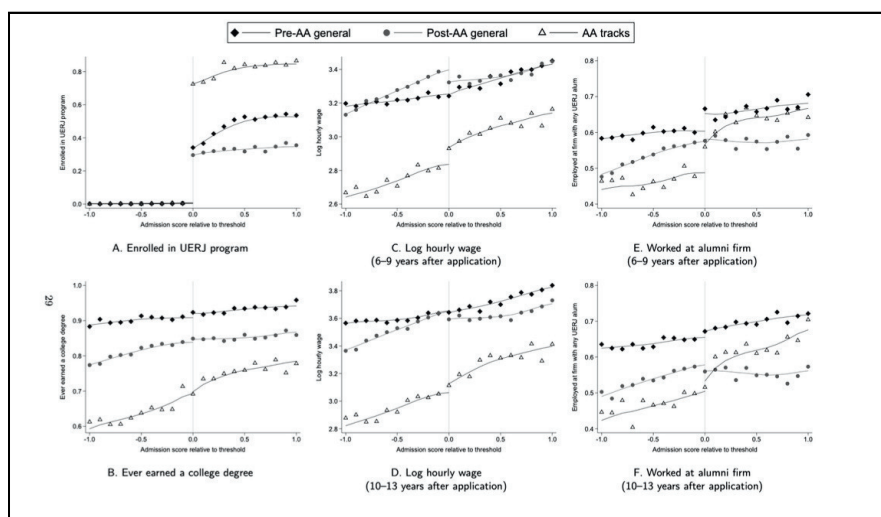Admission offices can promote population parity through the socioeconomic context. Officers would consider their college's socioeconomic profile, providing preferential treatment to underrepresented groups. Socioeconomic-based affirmative action has been found to increase racial parity, yet less effectively than race-based affirmative action [6, 7].

In a 1995 study analyzing projections under a straight socioeconomic affirmative action plan [3], "admissions officials at Berkeley reexamined their records and produced projections … if there had been no affirmative action policy whatsoever and also if there were an affirmative action admissions program based solely on socioeconomic status." The study found that if all selections were based solely on academic standing and standardized test scores, the percentage in diversity decreases. Black enrollment would drop from 6 percent to between 0.5 percent and 1.9 percent, while White and Asian enrollment would rise by 25 percent and 31 percent from the present levels of 30 percent and 42 percent, respectively.

Admission offices can promote population parity through the top-percent context. In top-percent affirmative action, admission officers would provide preferential treatment to applicants that perform high relative to their peers and organization. Shown in Figure 2, a study examining a top-percent affirmative action policy at Rio de Janeiro State University (UERJ), an elite university in Brazil, found that students admitted through the affirmative action track were

academically competitive, and increased their access to firms affiliated with UERJ's alumni network, which raised their early-career earnings [8].

This benefit seemed to decrease as they progressed further in their careers. Students who would have been admitted regardless of whether affirmative action existed, did worse in the labor market upon graduation. The earnings of "top enrollees," students who could gain admission whether or not affirmative action existed, decreased after the implementation of the policy. The study suggests that the change in student body composition from affirmative action reduced the networking and career prospects of UERJ's top students [8].

(Source: Journal of Labor Economics, 2023)

Figure 2: Networking value, human capital, and job pay decreases under affirmative action.

Admission offices can promote population parity through the geographical context. In geographical affirmative action, admission officers would provide preferential treatment to applicants from underrepresented locations. In a piece from the University of Michigan Journal of Law Reform, geography-based affirmative action can be seen as a better approximation to address the structural disadvantages that underrepresented groups face [9]. Assuming geographical location can be a significant proxy of an applicant's identity, admission officers will factor information, such as an applicant's home address, into consideration [9]. However, the relationship between geography and identity lacks a significant body of research. Geography is not necessarily a factor to an applicant's identity, and tends to overlook the individual level for a community-level assumption.

A Holistic Review: Commentary, Implementation, and the Next Step

When evaluating the qualifications that each strategy holds, each requires critical commentary. For socioeconomic affirmative action, implementation has yielded positive results

in racial and ethnic parity but is relatively ineffective when implemented solely. For top-percent affirmative action, implementation saw short-term increases in earnings, alumni network, and college degree attainment, but saw diminishing returns in earnings and networking quality for top enrollees. For geographic affirmative action, diversity can be promoted through a race-neutral locational frame, yet shifts focus from the applicant to their broader, physical community.

We recommend implementing and sub-categorizing these strategies under holistic applicationreview.Inaholisticapplicationreview,educatorsevaluateanapplicant's qualifications, achievements, personal experiences, and academic metrics through their overall profile [10]. The *SFFA* ruling does not prohibit a holistic consideration of the experiences of applicants that, in some form, relate to their race and other identities [11]. As such, our strategies are legal and politically feasible under this framework of holistic application review. Under holistic application review, educators and policymakers can conduct pilot programs for their diversity strategies in admission processes. Pilot programs offer constraint flexibility, and is a controlled and scalable environment. Legislation reform, an alternative route, would prove difficult and unreliable due to the bureaucratic process, differences in state legislation, and more.

A hypothetical pilot program can be structured so that admission officers are tasked with reviewing applications from different control groups, with each group filtered under an unique strategy or combination of strategies. Each group will yield a different population diversity, and officers can determine strategy effectiveness by measuring these yields against the national population parity. This program, including the diversity strategies, should be structured to always be iterated on, to account for any necessary changes deemed reasonable and or necessary.

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