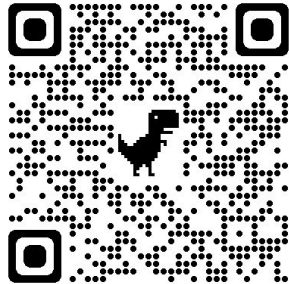


Access, Equity, and Inclusion in Higher Education

UGST Diversity and Inclusion Retreat
May 12, 2023 | 9am – 1pm
Atrium Room, Stamp Student Union



OFFICE OF
UNDERGRADUATE STUDIES





Kahoot Warm-up

Jarrell Slade

Acting Associate Director

Pre-College Programs Upward Bound



Welcome & Introductions

Georgette Hardy DeJesus

Executive Director

Pre-College Programs and UGST Diversity Officer



Office of Undergraduate Studies Strategic Plan

William A. Cohen

Associate Provost and Dean for Undergraduate Studies

Campus Strategic Plan Values

- Values-Driven Excellence
- Diversity, Equity, & Inclusion
- Impact
- Innovation
- Collaboration
- Service to Humanity



UGST Vision

We empower students to connect their learning to the world and realize their dreams.



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FORWARD**



UGST Mission

The Office of Undergraduate Studies shapes undergraduate education for all students. We build bridges across the campus and collaborate with our surrounding communities to guide students as they navigate their learning, make meaning of their experiences, and prepare for the future.





We Open Doors

- We will attract and recruit students with a wide variety of talents and experiences from across the region, state, nation, and world through our outstanding programs.
- We will broaden access to higher education for first-generation, low-income, and historically underserved populations.
- We will expand our unique array of academically themed living-learning and other special programs to reach more students.
- We will recruit and retain the highest caliber staff and faculty to power our programs and initiatives.



We Foster Student Success

- We will facilitate students' entry and transitions with dynamic programs and robust advising.
- We will promote students' academic success through innovative teaching, mentorship, and support, and through distinctive curricular and co-curricular experiences.
- We will increase access to transformative experiential learning opportunities by leveraging our location in the National Capital region.
- We will support staff and faculty in promoting student achievement by providing meaningful opportunities for professional development, inventive teaching, and program leadership.





We Change Lives & Communities

- We will prepare students for leadership and careers of service and we will engage them to give back as alumni of our programs.
- We will advance the university's goals by fostering and celebrating diversity and inclusion in our teaching, learning, and working environments.
- We will care for and attend to the well-being of all members of our community by offering balance and flexibility so as to enable all people to flourish as their authentic selves.



A photograph of a university campus with a large green lawn, trees, and a building in the background. The text 'FEARLESSLY FORWARD' is overlaid in a white, slanted box. The letters are cut out, showing the background scene through them. The text is in a bold, sans-serif font. The background shows a clear blue sky, green trees, and a large brick building with white columns. People are walking on a path in the foreground.

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The Students For Fair Admissions (“SFFA”) v. Harvard and UNC

The Pending SCOTUS Decisions

Laura Anderson Wright, Esq.

Associate General Counsel
Office of General Counsel



Words Matter

Affirmative Action involves decisions that give preference based on racial status/identity, including policies that establish quotas or allocate points explicitly related to race for all applicants from a specific group. Quotas prohibited since *Bakke* (1978).

Race-Conscious Admission includes race as a stand-alone factor among many other factors used for consideration in the admission process. (*Gratz/Grutter, Fisher*)

Individualized holistic review of students' applications in the higher education admission process is a process in which all relevant factors, considered in combination, shape applicant-specific judgments about their ability to succeed, and their ability contribute to, and benefit from their learning environment, peers, and community; SFFA maintains that “racial categorization” or “stereotyping” will continue.



A long and winding road...

We've been on a long path to get here: DeFunis (1974), Bakke (1978), Podberesky (1994), Hopwood (1996), CA-Prop 209 (1996), WA I-200 (1998), One Florida (2000), Grutter (2003), Gratz (2003), and Fisher 1 & 2 (2013, 2016)

In October 2022, SCOTUS heard arguments in the SFFA v Harvard/UNC cases. A decision could come anytime before Summer 2023.

SFFA claims that the schools discriminate against Asian American applicants (Harvard) and both White and Asian American applicants (UNC), and therefore in violation of federal law.



Peeling back the layers of the onion...

70% of Asian/Asian Americans support affirmative action (Source: AAPI Data, APIA Vote, and Asian Americans Advancing Justice-AAJC).

SFFA was founded by Edward Blum, a conservative strategist with a goal to end racial classifications in education, voting, redistricting and employment. Many feel he did not do this for the Asian/Asian American community.

Affirmative action does NOT mean that “less qualified” students are admitted over “more qualified” students.


Using race as a factor in the admissions process does NOT mean quotas.

How might the SCOTUS decide? Again, words matter.

Potential outcomes: The Court could hold that...

1. The schools' programs were consistent with *Grutter*, uphold *Grutter*, allowing race-conscious policies to continue to the extent currently permitted.
2. Either or both schools' programs are inconsistent with *Grutter*, but uphold *Grutter*, allowing race-conscious policies to continue to the extent currently permitted.
3. *Grutter* should be overruled and conclude that race-conscious admission policies are unconstitutional and violate Title VI.
4. *Grutter* was correct and race-conscious policies are constitutional, but they have proven to be unworkable, or are no longer necessary to achieve diversity.
5. Student body diversity is no longer a compelling state interest; therefore, race-conscious admissions policies can no longer be justified.





Given the current makeup of the SCOTUS and comments/questions posed to date by the justices during oral arguments, the first and second outcomes are unlikely.

Thus, schools need to consider what potential changes will be required to their admission practices in the event the Court rules that consideration of race must end, either immediately or by a specific date in the future.



What's next?

UMD needs to inventory its current practices and policies; document all changes; and adopt race-neutral alternatives while avoiding vulnerability to claims that a race-neutral factor is being used as a 'proxy' for race.

Many states (CA, AZ, FL, MI) already prohibit the use of race in college admissions. They may have developed some effective race-neutral alternatives.



What do we know for sure?

The benefits of racial diversity are significant and measurable harm results from its absence.

The lack of diversity has implications for the medical, corporate, and military fields as well as the economy.

Holistic review involves consideration of the *individual* – not a judgment based on labels, assumptions or stereotypes; or based solely on “objective data.”

Full examination of an applicant often requires examination of race-related experiences, perspectives and interests.

We have a lot of work ahead of us.

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Social Justice and Equity Perspective

Judge Alexander Williams, Jr.

Founder and Chief Officer of the Judge Alexander Williams, Jr. Center for Education, Justice, and Ethics, Inc.
Research Professor, BSOS, AAS



Break



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➤ The SCOTUS Decision: The Potential Impact on Education

Dr. Janelle Wong

Director, UGST - Asian American Studies Program
Professor, American Studies & Government and Politics



No. 20-1199

IN THE
Supreme Court of the United States

STUDENTS FOR FAIR ADMISSIONS, INC.,
Petitioner,
v.

PRESIDENT & FELLOWS OF HARVARD COLLEGE,
Respondent.

On Writ of Certiorari to the
United States Court of Appeals
for the First Circuit

**BRIEF OF 1,241 SOCIAL SCIENTISTS
AND SCHOLARS ON COLLEGE ACCESS,
ASIAN AMERICAN STUDIES, AND RACE AS
AMICI CURIAE IN SUPPORT OF RESPONDENT**





LEGAL PARAMETERS, TODAY AFFIRMATIVE ACTION IS...

- Not a quota (*Bakke*, 1978)
- Not a point system with bonus or preference based simply on demographic identity (*Gratz*, 2003)



LEGAL PARAMETERS – AFFIRMATIVE ACTION TODAY

- Race can be holistically considered as “a factor within a factor” to allow colleges/universities to meet their educational mission (*Bakke, Grutter, Fisher II*)
- Race can be considered in admissions, but never as the primary and never as the only factor
- That mission is to create a diverse learning environment for all students
- Constitutional justification for use of race is diversity, NOT remedy for racial discrimination



LOTS OF TALK ABOUT “HOLISTIC ADMISSIONS”

- In holistic admissions, many factors considered, race can never be the primary or only factor.
- Let’s see how it works...Workshop Time!

Applied Practice

Group Table Exercise

How do Holistic Admissions work?
What does race have to do with it?



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CURRENT LAWSUIT RELIES ON HIGHLY CIRCULATED, BUT FALSE “ASIAN PENALTY” NARRATIVE

- Plaintiff (the group suing to end affirmative action) asserts
- Asian Americans must score higher than other groups on standardized tests to be admitted to highly selective institutions
- Asian Americans face bias because on one of five ratings, as a group they scored lower than other groups (“personal rating”)
- There is a cap on Asian American admissions
- **Their proposed remedy** – eliminate **ANY** use of race or any racial identification in college admissions



WHO IS BRINGING THIS LAWSUIT SFFA VS. HARVARD (2015) [ALSO UNC]

Complaint by SFFA alleges Harvard engages in intentional discrimination against Asian Americans

Ruling in federal court on Oct 1, 2019; Appeal heard Sept 2020;
Supreme Court heard this case on Oct 31, 2022; Supreme Court will
issue ruling June 2023



He Took On the Voting Rights Act and Won. Now He's Taking On Harvard.



WHO IS SFFA? EDWARD BLUM

Successful in challenging major provisions Voting Rights Act of 1965 (Shelby v. Holder 2013)

Was not successful, but brought Supreme Court case against counting immigrants as part of state populations for purposes of drawing voter districts (Evenwel vs. Abbott 2015)



RULING IN FEDERAL COURT: AGAINST PLAINTIFF'S CLAIMS ON ALL 4 COUNTS

Harvard Does Not Discriminate Against Asian-Americans in Admissions, Judge Rules



Harvard was accused of discriminating against Asian-American applicants in a case that set off a national discussion about the role of race and ethnicity in college admissions.
Gretchen Ertl for The New York Times

By Anemona Hartocollis

Oct. 1, 2019



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Harvard gives Asian-Americans lower personality ratings than other races, lawsuit claims

BY JUSTIN WISE - 06/15/18 12:41 PM EDT

 194 COMMENTS

Media misread – the Harvard “personal rating” is not a “personality test” based on charm or charisma



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BUT, COURTS FOUND NO DISCRIMINATION IN ADMISSIONS!

- Harvard's expert did further analysis of the data – Asian Americans from California of both genders, and Asian American women overall advantaged by personal rating, all other factors held constant
- Asian Americans have unexplained racial advantage on Harvard's "academic score" – beyond tests and grades
 - Black, Latino, and Native Americans ALSO face implicit bias, but bias can advantage Asian Americans in ways that it doesn't for other racial minorities
- Asian American legacies slightly outperform White legacies with similar characteristics in admission (!)



Harvard gives Asian-Americans lower personality ratings than other races, lawsuit claims

BY JUSTIN WISE - 06/15/18 12:41 PM EDT

194 COMMENTS



PERSONAL SCORE IN HARVARD CASE

- What is it? NOT a “personality rating” but instead reflects applicant essays, teacher and counselor recommendations, alumni and staff interviews, anticipated career, parental occupation
- Asian Ams *only very slightly weaker* personal ratings — only 0.05 points difference between Asian American and White applicants on average.
- Other groups have to score higher on personal rating or other factors if standardized test scores lower on average
- Asian Americans admitted at **higher** rate than Whites if include legacies, early admits, Dean’s list (which SFFA expert did NOT include in analysis)



ALL GROUPS, NOT JUST ASIAN AMERICANS, CALLED “QUIET” BY HARVARD READERS

5. SFFA has misleadingly promoted the idea that the application files are filled with stereotypical comments by admissions officers, but flagged only six comments regarding Asian American applicants, including “very quiet” and “quiet and strong.” But, “very quiet” and “quiet and strong” are comments that appear in notes about White, Latinx and African American applicants, too. There is no evidence that the comments result from racial bias, were untrue, or were even negative. Harvard’s admissions guidelines are clear about valuing a range of personal qualities. The 2013–14 Interviewer Handbook, which is in the evidence, reminds alumni to appreciate “introspection” and “the reflective introvert as well as . . . the future leader.”



CHECKING THE “ASIAN BOX”

- “Applying to College, and Trying to Appear ‘Less Asian’”
(December 2, 2022) The myth of an “Asian American” penalty is at the heart of recent challenges to affirmative action and its power is evident in the widely circulated but **unproven notion that Asian American applicants must hide their race to get into a highly-selective college.**
- **Clearly holistic admissions work very well for Asian Americans, who constitute less than 10% of the population but more than 25% of Harvard’s incoming class. We only know this statistic because that group of admitted Asian American students checked the “Asian” box - before they *got into* Harvard.**
- The false claim that Asian Americans face a racial penalty in the admissions process is a highly effective scare tactic used by private college admissions counselors like those featured in the story to drum up business.



HARVARD CASE BOTTOM LINES AND GOING FORWARD

- This case is not about Harvard alone, but about use of race in public policy more generally – broad implications
- Personal score differences are negligible, no evidence more Asian Americans would have gotten in without it, no evidence any student got into Harvard as result of personal score or race alone
- Empirical studies show race neutral alternatives (based on income) not as effective at fostering diverse study body (Julie J. Park 2018, 68).



COLLEGES AND UNIVERSITIES ARE WAITING FOR SUPREME COURT DECISION

A lot of uncertainty, including whether the Supreme Court will overturn 40 years of precedent that has determined affirmative action to be constitutional

A large yellow arrow graphic pointing to the right, located on the left side of the slide.

“WHAT’S NEXT”?

- This is the wrong question
- “What can we do, RIGHT NOW?”

WE DON'T NEED TO WAIT FOR THE DECISION TO ADOPT POLICIES THAT CREATE MORE ACCESS



- Eliminate standardized tests in admissions (see [Cashin's roundup](#) of increased diversity of applicants after institutions chose to eliminate standardized testing requirements; The UC system eliminated the SAT in admissions based in part on [Saul Geiser's research](#))
- Offer [more financial aid, especially to first-generation students](#)
- Offer more [pre-college programs](#)
- Deepen and expand funding for college-readiness and support programs
- Foster a [sense of belonging through cohorts of students and shared-identity peer groups](#)
- Provide access to human capital and [high-quality mentorships from faculty of color](#)
- Offer more [ethnic studies courses](#)

HOW WOULD YOU PRIORITIZE OR BUILD OR ADD TO THESE STRATEGIES?



A large yellow arrow graphic pointing to the right, located on the left side of the slide.

Wrap-up/Food for Thought Kahoot Reboot



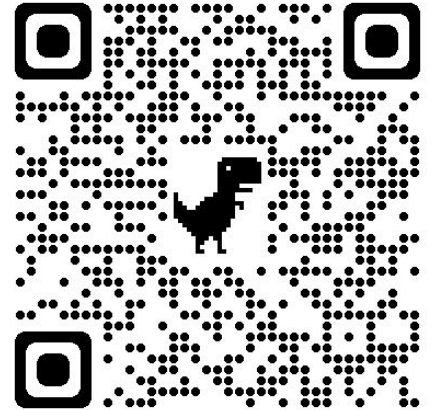
Evaluation

Carla E Partlow

Program Director

Academic Achievement

Program-Talent Search



Box Lunch Pick-Up



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