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# Building an Evidence Base:

Important Foundations for Institutions  
of Higher Education Advancing Education  
Goals Associated with Student Diversity



Mission and goals



Enrollment



Governance, periodic review,  
and evaluation



Defining and  
measuring success

This guide includes four sections intended to reflect relevant areas of focus for enrollment leaders:

1. **Mission and goals**
2. **Governance, periodic review, and evaluation**
3. **Enrollment policy and practice**
4. **Defining and measuring success**

Each section is structured to provide a brief introductory discussion of its relevance to questions of diversity and inclusion, along with:

- **Key Questions**
- **Kinds of Evidence**
- **Examples** (with a focus on those institutions that have successfully defended legal challenges)
- **Additional Resources**

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- 1 Notably, the diversity interests of institutions of higher education are broader than just race or ethnicity, though those particular interests are often central to institutional mission-oriented aims. Federal law's particular focus on race and ethnicity—evident throughout this document—stems from legal standards that apply specifically to race- and ethnicity-conscious practices, among other diversity-related efforts.
  - 2 Consider for example the health care-related goals associated with a medical school's mission that are distinct from the goals of, e.g., an undergraduate liberal arts school or a law school. E.g. AAMC Brief for Ass'n of Am. Med. Colls., et al. as Amici Curiae Supporting Respondents at 13, *Fisher v. Univ. of Tex. at Austin* (No. 14-981) at <https://www.aamc.org/download/447744/data/aamcfilesamicusbriefinfishervutaustin.pdf>. The fact that particular school or department aims within an institution (along with the strategies and investments that follow) should reflect broad alignment across the board does not preclude key differences for distinct policies and practices. Indeed, such distinctions were notably in evidence in the recent *Fisher v. University of Texas at Austin* case. UT's policy in that case reflected specific discussion of changes to admissions policies for UT's 14 colleges and schools (including first-time enrollees and transfer students), with each providing similar but context-driven judgments and rationales. Supp. Joint Appx. SJA 1a-42a, available at <https://utexas.app.box.com/s/waq1kuhoq7vt3kaywom7p15d92rlu0cd>.
  - 3 This work was informed by the Access and Diversity Collaborative's [ADC] Advisory Council and by College Board staff, who helped shape the direction of the work and provided feedback on drafts. The authors are grateful for their time, insights, and continuing support. The complete listing of ADC's sponsors is located at Appendix A to this document.

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# Background and Overview

For decades, institutions of higher education in the United States have recognized the mission-driven imperative of admitting students who exhibit the capacity to succeed academically, and who can contribute to a learning community with the perspectives and ideas that flow from their individual backgrounds, experiences and perspectives. To achieve the kind of broad diversity central to an institution's mission, college and university leaders have adopted a wide range of enrollment policies reflecting a mix of outreach, recruitment, financial aid/scholarship, and admissions strategies and actions. These efforts have served as the foundation for broader institutional action (curricular and co-curricular), most often centered on issues of inclusion and student learning outcomes associated with the educational, economic, and civic benefits that are directly related to student diversity.

The past several decades have also been marked by significant litigation around admissions, most often reflecting challenges to admissions practices that included consideration of an applicant's race or ethnicity.<sup>1</sup> As a consequence, the federal courts and U.S. Department of Education have provided important guidance along the way regarding the design and operation of effective and legally sustainable practices, very much in line with overarching institutional policy goals. Indeed in the past 15 years alone, five U.S. Supreme Court decisions have expressly or implicitly affirmed that the benefits of diversity can support the limited consideration of race as part of a holistic review in higher education admissions.

**With a focus on evidence, this guide is intended to help translate the experience and insight gleaned from decades of practice, research, and litigation into actionable steps to assist institutions as they continue to refine their goals, learn from their experience over time, and evaluate progress and success with respect to student diversity.** In other words, this evidence guide provides an actionable roadmap—framing key questions, suggesting key kinds of evidence, and pointing to illustrative sources—that can guide institutional deliberation and action. It sets the stage for full consideration of the array of issues implicated in the design and implementation of educationally sound, legally sustainable enrollment policies and practices for institutions of higher education (including their various units, schools, and departments that may each pursue distinct diversity-related goals and strategies<sup>2</sup>).

Notably, this guide is intended as a resource for institutions where race is a consideration in enrollment decisions, as well as for institutions where such practices may be prohibited.

As each institution's mission is distinct, so, too, is its evidence base. That said, common frameworks and examples of evidence like those suggested here can be adapted to those particular settings. In developing this guide—with the insight and support of many<sup>3</sup>—our aim has been to add clarity about the process and substance of building an evidence base, with an eye toward the requirements of federal non-discrimination law. This guide is a resource that can inform institutional dialogue and, ultimately, decisions that give shape to institutional mission and goals through the design of strategies and actions to achieve those ends. It remains, in the end, the task of each institution to invest and adapt defining principles and best evidentiary practices to its particular work associated with its diversity goals. Understanding the lessons of research, practice and law can optimize that investment.

In this context, it is important to note what this document covers and what it doesn't.

First—the focus of this guide is necessarily beyond the confines of the admissions process, itself. Establishing the kind of evidence base that supports all of the key facets of institutional action that bear on the full array of enrollment decisions is essential.

Second—this guide focuses on those elements of the evidence base tied most directly to enrollment, and therefore does not cover all aspects of the student experience that are integral to issues of, e.g., inclusion.

This guidance is intended for general policy planning purposes, as a resource for institution-specific discussions. It does not constitute legal advice. Nor should this guidance be interpreted as a threshold for establishing legal compliance in any particular institution. As the U.S. Supreme Court has cautioned, "context matters." Institutional history, mission, capacity, and more will shape individual institutional judgments about satisfaction of legal obligations, in consultation with counsel.

## SECTION 1

# Mission and goals

### INTRODUCTION

Higher education mission and related policy statements reflect the educational aims and values central to an institution's investment and action. As an institution's "formal, public declaration of its purposes and its vision of excellence" mission statements are "the necessary condition for many different individuals to pull together through a myriad of activities to achieve central shared purposes."<sup>4</sup> Well-developed mission and policy statements can provide important clarity to inform decision-making among all actors toward the excellence the institution seeks, establishing coherence, alignment, and synergies among various units, schools, and departments within individual institutions.

Particularly noteworthy in the context of legal challenges to race-conscious admissions policies is the way in which court analysis has been positively shaped by statements of institutional mission. In recent decades, nearly all challenged race- and ethnicity-conscious policies have been grounded upon core mission-related, outcome-focused diversity goals established by institutions of higher education. Those bases among very different kinds of institutions of higher education have been important in institutional success—defining that realm of decision-making that is integral to the academic freedom indispensable to our nation's system of higher education.

### KINDS OF EVIDENCE

1. Mission statement(s) that reference diversity, inclusion, equity, or similar ideas as a core part of the institution's identity and purpose, both current and historical
2. Written mission and/or related policy statements specifically addressing the educational benefits of student diversity—current and historical—and including underlying education rationales associated with student diversity
3. Relevant research and practice information that provides supporting empirical background associated with particular institutional goals

4. Reports, statements of approval, agendas or meeting minutes, or other documents generated by faculty and/or other leadership committees that provide context and clarity regarding the institution's mission-driven interests in diversity and inclusion
5. Public statements by institutional leaders and faculty on diversity and inclusion, e.g., welcome or orientation speeches, institution-wide and academic unit addresses, communications to the institution's broader community (including alumni), and op-eds and/or essays.
6. Orientation materials for new students, faculty, and staff that emphasize diversity, inclusion, and equity as critical to the identity and success of the institution
7. Promotional materials for prospective applicants that emphasize diversity, inclusion, and equity as critical to the identity and success of the institution
8. Self-study materials or other accreditation-related materials that address diversity, inclusion, and equity as critical to the identity and success of the institution

### EXAMPLES

**The University of Texas at Austin** successfully defended its race-conscious admission practices before the U.S. Supreme Court, in part, with an extensive policy proposal.<sup>5</sup> The Court found that UT's 2004 proposal helped provide a "reasoned, principled explanation" of its specific interests in creating a diverse student body.<sup>6</sup> UT explained that a diverse student body helps to "break down stereotypes," "promote cross-racial understanding," and create "classroom discussion . . . reflect[ing] a variety of views among minority students."<sup>7</sup> It also explained that it seeks to "provide an educational setting that fosters cross-racial understanding, provides enlightened discussion and learning, and prepares students to function in an increasingly diverse workforce and society." As a result, UT concluded that it was able to "promote learning outcomes and better prepare students for an increasingly diverse work force, for civic responsibility in a diverse society, and for entry into professions, where they will need to deal with people of different races, cultures, languages, and backgrounds."<sup>8</sup>

## Key Questions

1. What particular educational and other benefits does the institution expect student body diversity to generate—and for whom? Are the research—and practice—informed benefits associated with student diversity reflected in the work of the institution?
2. How has the institution explained—both internally and publically—its interest in student body diversity and the connection to its specific mission? Are diversity and inclusion regularly and consistently used to describe how it defines itself and its educational mission? Are these messages translated and applied across different schools, departments, and institutional units?
3. Is the institution's interest in diversity sufficiently broad and not overly reliant on one particular type of personal characteristic, interest, point of view, or experience?
4. Do institutional leaders, administrators, faculty, and other stakeholders have the right information and understanding of the institution's mission and diversity goals for communicating and building support, both internally and with the public?
5. What underlying research and data informs discussions among stakeholders regarding particular goals, underlying rationales, and action over time? Are institutional efforts to document important empirical foundations informed by engagement with, and perspectives of faculty, students, staff, and alumni? Are there questions that merit further research that institutional faculty or researchers can support?

**Princeton University** established its broad interest in diversity sufficient to withstand review by the U.S. Department of Education's Office for Civil Rights [OCR], with evidence that included: a "Statement of Diversity and Community" that reflected a desire to "enlarge [its] capacity for learning, enrich the quality and texture of campus life, and better prepare [individuals] for life and leadership in a pluralistic society;" an institutional "Profile" explaining its relevant resource commitments; and a speech given by its president to a group of newly admitted students that reflected the university's broad interest in diversity. Taken together, this evidence helped establish the basis for OCR's 2015 conclusion that its interest in diversity was compelling.<sup>9</sup>

**The University of Maryland's** 2005 policy statement on diversity illustrates well the multiple elements of a diversity policy statement that can be important as a matter of both institutional direction and legal compliance.<sup>10</sup> That statement includes a clear articulation of goals and objectives in light of its particular history and context; it identifies diversity as core value and priority; and it sets forth the specific benefits of diversity central to its educational mission. Among other things, it recognizes that "different perspectives, particularly in discourse, enhance the learning environment for everyone and benefit students, staff and faculty individually by advancing a variety of educational outcomes."

## ADDITIONAL RESOURCES

- A Diversity Action Blueprint: Policy Parameters and Model Practices for Higher Education Institutions (College Board and Education Counsel, 2010)

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4 Gaff and Meacham, "Learning Goals in Mission Statements: Implications for Educational Leadership" in 92:1 *Liberal Education* (AACU, Winter 2006)

5 <https://utexas.app.box.com/s/waq1kuhoq7vt3kaywom7p15d92rlu0cd>

6 Fisher II, at \*13.

7 UT Reply Brief at 25-26, available at: <https://utexas.app.box.com/s/8ctu8vo7fja7s3w7ahgfj5p5jec kh43d>

8 Id.

9 <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/02086002-a.pdf> at 6-7.

10 See A Diversity Action Blueprint: Policy Parameters and Model Practices for Higher Education Institutions

## SECTION 2

# Governance, periodic review, and evaluation

### INTRODUCTION

Institutional leaders at all levels should take appropriate steps to operationalize diversity goals and rationales into specific strategies and actions. To do so successfully, the right multidisciplinary team (or teams, in coordinated fashion) should establish goals, develop plans, monitor progress, build support, and take action as circumstances warrant. The establishment of a multidisciplinary leadership team (or teams) reflects best practice, allowing individuals with distinct expertise, experience and knowledge to come together to evaluate the establishment and evolution of, and progress around, diversity goals. Relevant team[s] may also consider how to engage key stakeholder groups that can shape institutional direction, including faculty, students, employers, and researchers.

An approach reflecting coordination across programs, functions, and offices can also enhance the legal sustainability of race- and ethnicity-conscious diversity-related policies. Success is ultimately determined by assessing educational benefits (outcomes) achieved on campus as described below, where the evaluation of enrollment goals and strategies is undertaken in light of academic and student affairs investments and initiatives. Legal sustainability, which is necessary for ultimate success, is particularly likely when such broad-based teams collaborate on a regular basis around institutional performance and evolving goals; and where serious attention is focused on the full range of strategies (including all race-neutral strategies) that have produced (or that are most likely to yield) positive diversity-related outcomes.

### KINDS OF EVIDENCE

1. Strategic plans followed by implementation plans and relevant reports that reflect processes of review and evaluation of progress against goals, including enrollment data and relevant meeting agendas/meetings of topical relevance
2. Institutional research or analysis regarding issues that bear on diversity goals, along with broader research studies that may inform institution-decisions around goal setting and pursuit of strategies and investments
3. Course assessments that address questions such as whether all students, regardless of background or experience, have engaged with peers and faculty to advance curricular-focused learning aims; and if not, why not
4. Studies such as survey or focus group reports of student, faculty, staff, alumni, and employer perceptions on issues of diversity, inclusion and student success as those issues related to mission-related institutional goals
5. Materials prepared for, or received in connection with, institutional or program accreditation reviews on issues of diversity, inclusion, equity, and discrimination
6. Relevant demographic data and trends

### EXAMPLES

In its successful defense against an OCR complaint of discrimination, **Rice University** provided important evidence of a process of “multi-faceted review” involving a working group that included the Director of Student Financial Services, the Vice Provost for Research and Graduate Studies, the Associate Provost, the Director of Development-Scholarships, and the Associate General Counsel.<sup>11</sup> The Provost took on the final stage of review by convening key faculty “knowledgeable about admissions and Rice’s educational diversity interests,” the Vice President of Enrollment, the Dean for Undergraduate Enrollment, the General Counsel and Associate General Counsel to prepare a recommendation for the president’s final decision. The Board of Trustees and the Faculty Council adopted resolutions to support the review process along the way. In the end, the process resulted in a “clear consensus” that “attainment of a broadly diverse student body in a wide range of ways at Rice was vital to Rice’s educational mission,” that “racial and ethnic diversity was a significant part of this educational diversity,” and that race-neutral approaches “had not been able to achieve the critical mass of minorities . . . [which meant] that Rice [fell] far short of having the meaningful presence of students from diverse [sic] that is needed to meet our educational objectives.”<sup>12</sup>

## Key Questions

**1.** Does the institution have a strategic plan (or plans) that set forth clear statements associated with diversity goals, objectives, strategies and actions—coupled with a governance and management structure that describes the way in which different units, schools and departments are expected to interact and work toward shared aims? Are there timetables and benchmarks by which progress can be assessed? Does the institution engage in a periodic review of goals and strategies, with documentation of discussion topics, decisions, and policy changes over time?

**2.** Does the institution have a dedicated, multidisciplinary team (or teams) that includes individuals with leadership and decision-making responsibility, authority, and expertise associated with the establishment of student diversity goals, who are tasked specifically with the duties, over time, of: engaging with enrollment officials and faculty to monitor progress toward achievement of diversity goals in the context of broader institutional aims; assessing the impact of particular strategies and investments; working with and educating other relevant institutional actors; and engaging with counsel to inform determinations of legal sustainability?

**3.** Have relevant teams marshalled all available data and information to inform judgments, recommendations, and directions? Have staff of relevant institutional research offices been fully engaged to assure that all relevant information is available—and to help shape the development of important reports that reflect evidence and analysis of key issues?

**4.** Have relevant outreach, engagement, and communications strategies been established, pursuant to which key stakeholder groups among students, faculty, staff, alumni, trustees, and employers can be part of institutional planning and action? More particularly, in what ways can various groups be fully engaged to enhance understanding of key issues on the ground, and to help establish support over time?

## ADDITIONAL RESOURCES

- Bridging the Research to Practice Gap (College Board 2016)
- Summary & Highlights Appendix A: A Step-by-Step Guide to Law-Attentive Design of Campus Diversity and Access Strategies (AAAS/AAU 2014)
- Assessing Underserved Students' Engagement in High-Impact Practices (AAC&U 2013)
- Quality Matters: Achieving Benefits Associated With Racial Diversity (Kirwin Inst. 2011)
- Making Diversity Work on Campus (AAC&U 2005)
- Gurin et al., Diversity and Higher Education: Theory and Impact on Educational Outcomes (Harvard Educ. Rev. 2002)

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11 <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/06052020-a.html>

12 Id. The working group and Provost's committee reviewed "substantial written information" including:

1. Research about diversity
2. Enrollment data for relevant years
3. Materials related to Rice's mission that paid special attention to "the role of the nine residential colleges in the educational, residential, and social life of undergraduates" and "the central educational role of small classes dependent on close interaction among students and faculty"
4. Viewpoints from Rice faculty and staff about the absence of sufficient critical mass on campus to produce the educational benefits of diversity necessary to fulfill Rice's mission
5. "Race-neutral" approaches that Rice used between when it was legally barred from considering race in admissions (after the Fifth Circuit's decision in Hopwood, before the Supreme Court's rejection of that conclusion in Grutter)
6. "Published reports about additional race-neutral alternatives in use by other states and public and private colleges and universities in pursuit of the educational benefits of diversity."

## SECTION 3

# Enrollment

### INTRODUCTION

All facets associated with enrollment for institutions of higher education—outreach, recruitment, admissions, financial aid, and scholarships—can serve important roles in achieving diversity goals. While the functions with respect to each are distinct, the value of a coherent, coordinated set of policies across the enrollment spectrum is without question—in terms of both impact and efficiency. Thus, “strategic enrollment management” strategies that provide for aligned policy development and execution can be an impactful complement to the individualized holistic review that characterizes admissions decision-making in many institutions of higher education.

Coordinated, aligned enrollment functions—all associated with an admissions process centered on holistic review—can also enhance the legal position of institutions of higher education that, e.g., consider race and ethnicity in one or more facets of their enrollment work. Federal courts in non-discrimination cases include in their focus attention to questions of impact (what do challenged policies yield, in real terms?) and on policy design and operation (how refined and limited is the consideration of race, in light of viable race-neutral strategies that may advance diversity goals?) Prospects for greater impact are more apparent and actionable with fully-coordinated, broadly assessed enrollment strategies.

### KINDS OF EVIDENCE

1. Comprehensive written descriptions of the institution’s holistic review process, both present and historical, e.g., in an enrollment handbook, policy documents, or on the institution’s web site
2. Rubrics intended to guide decisions on admissions, financial aid, scholarships, or other decisions on individual student applicants Training protocols, curricula, and other resources for application readers, reviewers and enrollment staff to educate them on the holistic admissions process, the goals/values at play, and how their role helps further those goals/values
3. Protocols for assessing the consistency of evaluations by application readers and reviewers
4. Current and historical admissions applications, including essay questions
5. Data reflecting admissions trends (and projections) regarding student applications, admission, and matriculation, disaggregated by different sub-groups
6. Evidence of race neutral strategies being considered and, when appropriate, adopted, to include: [a] policy statements reflecting “race-neutral” policies and practices considered and/or tried—and their impact; and [b] underlying research related to race-neutral strategies and their relationship to the achievement of admissions goals



## EXAMPLES

**The University of Texas at Austin** successfully defended its consideration of race and ethnicity in admissions, in part, by describing in clear terms the holistic review process that it adhered to at one stage of the admissions process. UT provided an overarching rationale, discussed diversity broadly considered, and laid out standards for programs to be narrowly tailored: individual consideration, the weight given to race and ethnicity, consideration of race-neutral alternatives, and periodic review.<sup>13</sup> That articulation was grounded in data and analysis of various trends, data, and unique interests and goals. As one official made clear, race was but one factor among dozens that shaped judgments about each applicant.

UT also emphasized that its full-file and essay readers all engaged in "extensive training to ensure that they are scoring applicants consistently."<sup>14</sup> That effort was further complemented by a back-end examination of "regular reliability analyses" to ensure that applications were scored consistently across different readers.<sup>15</sup> Together, the training and reliability analyses gave the Court confidence that UT was working "to ensure that similarly situated applicants are being treated identically regardless of which admissions officer reads the file."<sup>16</sup>

Further, UT demonstrated the robust pursuit of diversity through race neutral means—including through additional (and more focused) investments in outreach and recruitment activities; and in its enhancement of targeted financial aid and scholarship awards.

## Key Questions

- 1.** Does the institution have a comprehensive inventory of all policies and programs intended to recruit, admit, and enroll a diverse student population? Is there a process owner and plan to update this information over time? How does this policy and program inventory align with broader institutional goals, strategies, and initiatives?
- 2.** How do admissions, outreach, recruitment, and financial aid/scholarships reflect the institution's mission and educational goals? How do they align with each other and with curricular/co-curricular goals, strategies, and programmatic investments for students on campus?
- 3.** Is race or ethnicity included in these practices? If so, in what way? If the race or ethnicity of applicants is considered when admitting students or offering tangible benefits such as financial aid, why is the consideration necessary and what does it yield that would not be attained without the consideration of race? In other words, why aren't race-neutral strategies, alone, adequate? Can the institution show that the use of race has a demonstrable, consequential impact on its progress toward achieving the institution's diversity goals?
- 4.** Has the institution seriously considered (and, where appropriate, tried) race-neutral strategies that may advance diversity goals? With what results?

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<sup>13</sup> <https://utexas.app.box.com/s/waq1kuhoq7vt3kaywom7p15d92rlu0cd>

<sup>14</sup> Fisher II at \*4.

<sup>15</sup> Id.

<sup>16</sup> Id. at \*5.

## ADDITIONAL EXAMPLES

**Princeton University's** admissions policy, reviewed by OCR in 2015, provided for the examination of how applicants might contribute to diversity with inquiries about extracurricular activities, employment, summer experiences, family background, artistic talents, athletic abilities, geographic residence, first-generation status, or significant hardships in life. To further pursue this interest, Princeton asked all applicants to state how they would contribute to "broad-based campus diversity," and offered an open-ended "What Else Would You Like Us to Know?" question. (Princeton was also the first American institution to offer a "no loans" policy to promote more socioeconomic diversity.<sup>17</sup>)

Evidence also reflected that race and ethnicity was being used flexibly and in an individualized way. For example, in its review of more than 1,000 applications for the Class of 2010, OCR found that "sometimes the race or national origin of an applicant garnered positive attention . . . sometimes it did not."<sup>18</sup> As OCR observed:

For example, the reader card for a Pakistani American applicant from a less privileged section of a Southern state stated that the applicant was "remarkable," "defies the stereotypes, thinks and feels deeply, and is a gloriously achieving student" who had done "beautiful academic work" at an elite private school despite not being comfortable as a "poster [child] for diversity" in that setting. This applicant was waitlisted (but not ultimately admitted). For a Korean student who was also waitlisted, the reader card stated "It's amazing for a non-native speaker to not only do this well in English-based curriculum, but, too, to skip over 2 full levels of Chinese language w/ zero background." The University also admitted a Korean applicant who, according to the reader card, had previously faced "green card trouble" and whose parents have limited English proficiency.<sup>19</sup>

And, despite Princeton's extremely competitive admissions pool, the consideration of race as a "plus" factor, did not necessarily mean that the student would be admitted. As OCR described:

For example, the Native American applicant who had been remarked upon as being a "true American Native . . . One to do" was waitlisted and ultimately not admitted. For another Native American applicant, admissions staff wrote, "Not sure I've seen a stronger Native profile with these creds and [extracurricular] accomplishments;" this applicant also was not admitted. Neither was another Native American applicant of whom admissions staff stated, "Aren't many Native Americans in the country w/ SAT scores like this." The Mexican student attending high school in the U.S., described above as receiving a plus for being a "cultural add as well," was waitlisted but ultimately not admitted.<sup>20</sup>

**Rice University's** race-conscious admissions policy<sup>21</sup> was bolstered by its comprehensive review and evaluation of its race-neutral policies, including many related to outreach and recruitment, admission, and financial aid and scholarships. They included:

- **Outreach and recruitment:** targeting applicants "who have distinguished themselves through initiatives that build bridges between different cultural, racial and ethnic groups"; enhancing outreach efforts to underrepresented groups; ensuring personnel resources focused on strategic recruitment efforts; and operating or participating in programs focused on professional development of K-12 educators to prepare students for Advanced Placement exams.
- **Admission:** adding considerations including (1) potential contributions that will enrich educational experience of all students; (2) geographic, socioeconomic, and cultural origins; (3) first-generation status; and (4) challenges applicant faced in life; and (5) offering a need-blind admission process.
- **Financial aid and scholarships:** creating scholarship opportunities for students who have made efforts to help bridge racial and cultural divides.

Rice also concluded that some neutral strategies were not workable. For example, given its relatively small student body and the competitiveness of its applicant pool, Rice concluded that a percent plan would "require sacrificing Rice's mission of providing a top quality education to a purposefully small body."<sup>22</sup>

## ADDITIONAL RESOURCES

- The Playbook: A Guide to Assist Institutions of Higher Education in Evaluating Race- and Ethnicity-Neutral Policies in Support of the Mission-Related Diversity Goals (College Board 2014)
- Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education (U.S. Departments of Education and Justice 2012)
- Diversity Action Blueprint (College Board 2010)
- Admissions and Diversity After Michigan: The Next Generation of Legal and Policy Issues (College Board 2006)
- Admissions Decision-Making Models: How U.S. Institutions of Higher Education Select Undergraduate Students (College Board 2002)
- Summary & Highlights Appendix A: A Step-by-Step Guide to Law-Attentive Design of Campus Diversity and Access Strategies (AAAS/AAU 2014)

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17 <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/02086002-a.pdf> at 12

18 *Id.* at 11.

19 *Id.* 12.

20 *Id.*

21 <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/06052020-a.html>

22 *Id.*

## SECTION 4

# Defining and measuring success

### INTRODUCTION

Ultimately, success regarding the ultimate benefits of diversity must be gauged not just in connection with “the numbers,” but in light of the student experience and learning outcomes evident on campus. Issues such as campus climate and student perspectives of whether they “belong” on campus<sup>23</sup> are often integral in achieving the kinds of results that underlying diversity can yield. Sense of belonging, in particular, has been shown to promote “positive and or/ pro-social outcomes such as engagement, achievement, wellbeing, happiness, and optimal functioning” for a wide range of students.<sup>24</sup>

Gauging success through an integrated examination of key numerical metrics and the kinds of student experiences and outcomes that may be associated with them (including in various institutional settings) can serve as an important foundation in assuring sustainability of strategies under federal nondiscrimination law. Although institutions are in the driver’s seat when defining goals, courts most assuredly inquire about effectiveness and progress toward stated aims in non-discrimination cases, especially as the underlying theory of diversity—that students learning is enhanced in environments with others of different backgrounds and life experiences—is about the educational benefits of diversity. Having the mix of quantitative and qualitative evidence that addresses progress toward and satisfaction of these aims is, therefore, important.

### KINDS OF EVIDENCE

1. Statements setting forth specific educational goals for students associated with diversity and inclusion
2. Key benchmarks and indicators that help institution monitor progress with respect to its diversity-related goals
3. Where relevant, the way in which critical mass objectives are framed, understood, and considered as part of an overall evaluation process
4. Data on applicants who applied, were admitted, enrolled, persisted, and graduated—disaggregated by student sub-groups and (potentially) by separate disciplines, institutional schools, departments, and other units
5. Demographic data on faculty, staff, administration, and leadership (potentially) by separate disciplines, institutional schools, departments, and other units
6. Results from graduating student surveys, campus climate surveys, alumni surveys, or other information that reflects key stakeholder perspectives regarding institutional progress and success associated with student diversity disaggregated by discipline and relevant student background
7. Data synthesizing reported incidents of discrimination, harassment, and the likes

### EXAMPLES

**Rice University** articulated a goal of achieving “critical mass” of minority students with a diversity of voices in each of its nine residential colleges,<sup>25</sup> expressly recognizing that establishing such a critical mass was “not about achieving a particular number but, rather, achieving a meaningful level of participation at which the diversity of voices – racial, ethnic, and otherwise – becomes an integral part of Rice’s learning and student living environment.”<sup>26</sup> OCR accepted that judgment as a foundation for upholding Rice’s challenged admissions policy.

In its successful legal defense of its consideration of race in admissions, **the University of Texas at Austin** assessed a baseline of statistical and anecdotal information centered around the educational benefits of diversity it was attempting to achieve, with a focus on several indicators that included:

- Demographic data showing “consistent stagnation in terms of the percentage of minority students enrolling at the University from 1996 to 2002” (the period where race was not considered in holistic review);<sup>27</sup> by 2007, after it reinstated the consideration of race, “16.9 percent of the Texas holistic-review freshmen were Hispanic and 6.8 percent were African-American . . . increases . . . of 54 percent and 94 percent, respectively.”<sup>28</sup>
- Reports that minority students in 1996-2002 “experienced feelings of loneliness and isolation”<sup>29</sup>

- Data that showed very low African-American and Hispanic representation in the large majority of classrooms<sup>30</sup>
- Statewide data on low racial/ethnic diversity in key professions (e.g., architects, engineers, teachers, and lawyers)<sup>31</sup>

## ADDITIONAL RESOURCES

- Bridging the Research to Practice Gap (College Board 2016)
- Tool 5: Making Connections: A Holistic View of Key Strategies (College Board 2010)
- Garces & Jayakumar, Dynamic Diversity: Toward a Contextual Understanding of Critical Mass (Educ. Researcher 2014)
- Summary & Highlights Appendix A: A Step-by-Step Guide to Law-Attentive Design of Campus Diversity and Access Strategies (AAAS/AAU 2014)

23 Jeffrey F. Milem, The Educational Benefits of Diversity: Evidence from Multiple Sectors, in *Compelling Interest: Examining the Evidence on Racial Dynamics in Colleges and Universities* 32 (Mitchell J. Chang et al. eds., 2003)(citing Sylvia Hurtado, Jeffrey F. Milem, Alma R. Clayton-Pedersen, & Walter Recharde Allen, *Enhancing Campus Climates for Racial/Ethnic Diversity Through Educational Policy & Practice*, 21 *Rev. Higher Educ.* 3 (1998), available at [http://faculty.ucmerced.edu/khakuta/policy/racial\\_dynamics/Chapter5.pdf](http://faculty.ucmerced.edu/khakuta/policy/racial_dynamics/Chapter5.pdf).

24 Terrell Strayhorn, *College Students' Sense of Belonging: A Key to Educational Success for All Students* (2012).

25 <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/06052020-a.html>. Each residential college was a "self-contained community" with its own dining hall, student government, club sports teams, budgets, traditions, social structures, and even unique classes for credit outside the normal departmental class schedule

26 *Id.*

27 *Id.* at \*14. The Court specifically noted, "Although demographics alone are by no means dispositive, they do have some value as a gauge of the University's ability to enroll students who can offer underrepresented perspectives."

28 *Id.* At \*15

29 *Id.* at \*14-15.

30 *Id.* at \*15.

31 See ADC's Fisher II guidance at 9.

## Key Questions

1. What are the many dimensions and outcomes (quantitative and qualitative) that define "success" associated with student diversity, and how will you know it when you've achieved those aims? What mix of measures and benchmarks should be central to conversations about desired outcomes, course corrections, and new investments among and within units, schools and departments?
2. What are the enrollment, persistence, retention, and completion patterns and trends for all students and sub-groups? What do those data suggest regarding needed investments or strategic focus?
3. In what institutional settings are students most likely to experience the benefits of diversity, as defined by your institution? Has sufficient strategic thinking and appropriate investment been made with respect to student engagement so that you are likely to achieve the benefits your institution seeks? What connectivity is there between the work of enrollment officials, on the one hand, and academic and co-curricular officials, on the other, to assure coherence across all facets of the institution?
4. How do students with different backgrounds and experiences interact and engage across the range of classes, programs and other school activities? Are there areas in which additional effort should bolster efforts to help students experience and come to value differences?
5. How do alumni reflect back on their experiences in ways that may inform judgments about the benefits of a diverse student body? What relevant perspectives do employers share?

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# Moving Forward

Decades of research, institutional practice, and law on the subject of higher education student diversity affirm that success depends on the substance of policy decisions, the process management and governance strategies associated with policy development, and effective engagement with affected stakeholders over time. This guide brings to light the underlying, interrelated points of evidence that are essential in each facet of this work—as a matter of education and law. Taken together, the key questions and illustrations of evidence provided in this guide can enhance prospects for institutional success as leaders work to continuously assess progress and improve outcomes over time.

## **ABOUT THE ACCESS AND DIVERSITY COLLABORATIVE**

Since its inception in 2004, the College Board's Access and Diversity Collaborative (ADC) has worked with many institutional and organizational sponsors and partners to help integrate, align, and support efforts to advance interests in student diversity in higher education. For more information (including resources) please visit <https://professionals.collegeboard.org/higher-ed/access-and-diversity-collaborative>.

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