



The Access & Diversity Collaborative 2.0 *Constituents' Reactions and Contributions to the Plan for Action*

To further develop and refine its focus for its second decade, the Collaborative hosted a series of meetings both before and after the announcement of the Supreme Court's *Fisher v. University of Texas* decision.¹ On April 22, a diverse group of practitioners and researchers met to discuss key research-oriented policy and practice issues, including critical mass, race-neutral strategies, and the broad diversity research agenda. On July 22 and 23, the ADC hosted its institutional and organizational sponsors and supporters to "unpack" the U.S. Supreme Court's decision in *Fisher v. the University of Texas at Austin*,² to facilitate the exchange of questions and concerns, and to identify response and support strategies – with a focus on the work that the ADC may be best able to lead.

Meetings hosted by the Collaborative for its sponsors, supporters, and research colleagues contributed to and confirmed the Collaborative's plan for its second decade and raised important points of strategy and action for our work moving forward. The strategy and action framework on which meeting participants agreed centered on the role of the ADC as (1) a key platform for the effective leveraging of resources associated with important ideas and policy/practice support, (2) a source to lead and inform

¹ The vision and framework for the ADC's second decade is summarized in Attachment One on pp. 7-8.

Institutions and organizations represented at one or more meetings included (**bold text** indicates an ADC sponsoring or supporting organization or institution): **American Association for the Advancement of Science** (Joanne Carney, Shirley Malcom), **American Association of Collegiate Registrars and Admissions Officers** (Michael Reilly), **Association of American Colleges and Universities** (Debra Humphreys), **Association of American Medical Colleges** (Norma Poll-Hunter, Frank Trinity), **American Dental Education Association** (Kim D'Abreu, Jeanne Craig Sinkford), **Boston College** (Robert Lay), **Center for Enrollment Research, Policy, and Practice at the University of Southern California** (Jerry Lucido), **Center for Institutional and Social Change at Columbia Law School** (Susan Sturm), **Dartmouth College** (Jim Washington), **Davidson College** (Chris Gruber), Enrollment Planning Network (Tony Broh), **Florida State University** (John Barnhill), **James Madison University** (Michael Walsh), **Law School Admission Council** (Dan Bernstine, Joan Van Tol), NAACP LDF (Josh Civin), **National Association of College and University Attorneys** (Erica McKnight), Northeastern University (Ronné Patrick Turner), Notre Dame University (Thomas Bear), **Rice University** (Julie Browning), **Rutgers University** (Courtney McAnuff), **Texas A&M University** (Scott McDonald), **The Ohio State University** (Sharon Davies, Vern Granger), University of Arizona (Jeff Milem), **University of Florida** (Zina Evans, Jamie Lewis Keith), **University of Georgia** (Nancy McDuff), **University of Maryland** (Barbara Gill, Kumea Shorter-Gooden), **University of Minnesota - Twin Cities** (Rachelle Hernandez), **University of North Carolina at Chapel Hill** (Barbara Polk), **University of San Francisco** (Donna Davis, Elizabeth (BJ) Johnson), **Vanderbilt University** (Audrey Anderson, Douglas Christiansen), **Wesleyan University** (Nancy Meislahn).

² See Understanding *Fisher v. The University of Texas*: Policy Implications of What the U.S. Supreme Court Did (and Didn't) Say about Diversity and the Use of Race and Ethnicity in College Admissions, available at: <http://diversitycollaborative.collegeboard.org/sites/default/files/document-library/diversity-collaborative-understanding-fisher.pdf>.

discussions of consequential and emerging issues, and (3) a basis to inform and guide the evolution of coherent and sustainable policies over time.

Key takeaways from these meetings clustered around five central ideas:

1. Institutions and other higher education leaders must pursue a proactive strategy to build broad support for their access and diversity objectives. The court of public opinion is in many ways as important as the court of law. The public must understand *what* institutions want to do, *why* they want to do it, and *how* they act to achieve their goals. To build public support and understanding, a focus on institutional transparency can be important. At the very least, institutions must have a clear internal strategy that aligns policy and communications efforts across offices, departments, and schools.

- ◆ The core rationale surrounding the benefits of diversity should be directly linked to 21st Century learning, career, citizenship goals (critical thinking, problem solving, communications, etc.). Given the remarkable alignment between diversity aims and these goals, there is notable alignment and power in this connection. Notably, strong public support exists for the development of these skills to build our country's social and economic security.
- ◆ The higher education community needs a common lexicon that can promote the consistent use of terminology—with clear meanings. (Much confusion and inconsistency currently reigns.)
- ◆ The existence and longevity of access and diversity strategies must not rely on the presence of any single individual at an institution (though champions at institutions will, naturally, remain key players). Resources must be developed to serve the ongoing revolving door of leadership at all relevant levels.

2. Systemic engagement across systems and sectors is an essential strategy for 21st century access and diversity goals. Effective institutional action is reflective of the efforts of multiple schools and departments, faculty members, and other stakeholders in decision-making around enrollment practices, efforts to achieve diversity's benefits, supporting research, and evaluation that emphasizes continuous improvement. Though different schools, departments, and programs may appropriately have their own specific diversity objectives (and even their own conceptions of critical mass and holistic review), it is important that everyone in an institution speaks the same language and understands how their diversity policies and practices relate to the institution-wide mission.

- ◆ Institutions should consider the appropriate (and efficient) ways of "drilling down" into departments, schools, and sectors to ensure that programs are aligned with the institution's mission, and that they adhere to relevant legal principles. (Do not take for granted that the "educational benefits of diversity" have been identified and evaluated in every part of an institution.)
- ◆ Process guidance on how to "connect the dots" among schools, departments, and disciplines is important. Each institutional division can and should define its own diversity strategies and objectives, but these should link to institution-wide, mission-

driven goals to achieve coherence and drive effective policies and practices. Support in this area is warranted.

- ◆ Institutions should examine diversity-focused accreditation standards in light of the institution's broader diversity goals (and relevant legal standards) to enhance a fully coherent, holistic frame around all diversity goals (and metrics).

3. Institutions may continue to pursue mission-driven diversity policies and practices, but should consider a renewed emphasis on race-neutral strategies. Institutions should design, assess, and revise policies and practices that align with their missions and make sense for their unique contexts. Legal standards should inform this process. Despite its ambiguity, *Fisher* provides more focused guidance on determining and demonstrating when the use of race or ethnicity is necessary – and, therefore, permissible – as a means of achieving an institution's diversity goals. Institutions should engage in serious consideration of workable neutral alternatives – and must use any that are effective (alone or in conjunction with race-conscious policies, as circumstances warrant).

- ◆ *Fisher* represents a gift of time – institutions may continue to pursue diversity goals under the *Grutter* framework (e.g., by continuing to use holistic, individualized review in admission), but it is important not to let complacency set in. The *Fisher* "victory" telegraphs key legal points of focus (including elements of process that are essential, such as ensuring a "tight fit" between means and ends and incorporating periodic review) that can be harmonized with efforts focused on achieving broad educational aims.³
- ◆ Institutions and schools should not be tasked with reinventing wheels to inform analysis when key national platforms and other relevant foundations can be established to inform and guide institution-specific work. The ADC's agenda should be framed in light of this reality.
- ◆ An institution's unique conceptions of mission and merit remain key drivers for an institution's full suite of diversity-related practices. No institution should dive into decisions about the means to achieve goals before settling on desired ends.
- ◆ Though race/ethnicity and socio-economic status often overlap, socio-economic status is unlikely to serve as a perfect replacement for race/ethnicity preferences. Also, institutions should view these aspects of diversity as "both/and" rather than "either/or."
- ◆ Race/ethnicity-focused policies and practices remain contentious – but those focused on low-income students may well generate backlash as well. Institutions should be prepared to explain their practices and work to build public understanding and support.

4. A strong research agenda requires a dual lens (national/regional and institution-specific) and must be supported by strategic and collaborative partnerships among practitioners, policy leaders, and researchers. Institutions need to be more attentive to documenting evidence and evaluating educational outcomes on the basis of student composition, seeking out evidence of both effective and ineffective practices to guide future

³ For more guidance on *Fisher*, see n.2.

decision-making. Building these connections between research and practice can inform effective protocols, create comprehensive databases, provide assess the impact of policies and practices, and forge connections between and among researchers and practitioners that ultimately yield actionable insights and evidence to inform and shape institutions' diversity policies.

- ◆ An effective research agenda also needs to have short- and long-term goals for these issues, all centered on establishing national connectivity and bridging fields of practice.
- ◆ A key challenge associated with the current state of the research agenda is that existing research and evidence have not been gathered or synthesized in a single user-friendly way. A comprehensive inventory of existing databases and core information should be created to allow institutions to "mine" the inventory as they develop their access and diversity policies and practices. This inventory should be organized in a way that allows for an easy determination of whether a policy/practice has relevance for an institution. Policies and practices could be keyed by important elements (e.g., demographics, type of institution, purpose/goal, state legal context).
- ◆ A glaring deficit in the research agenda involves issues related to critical mass. Important, probing questions posed by Justice Kennedy in his *Grutter* dissent have yet to be answered squarely – addressing these should be an important focus of the research agenda.

5. Access and diversity goals are linked but distinct – and effective access strategies require institutions to measure success differently. To a certain extent, diversity policies are focused on "re-arranging the deck chairs," i.e., institutions are competing to enroll members of a limited population of qualified, "diverse" applicants. Access policies, in contrast, have a broader focus on expanding the pool of qualified (and diverse) college applicants. Institutions' success on these initiatives must be measured not by their individual enrollment goals but by their contribution to broader goals related to the expansion of pathways of opportunity.

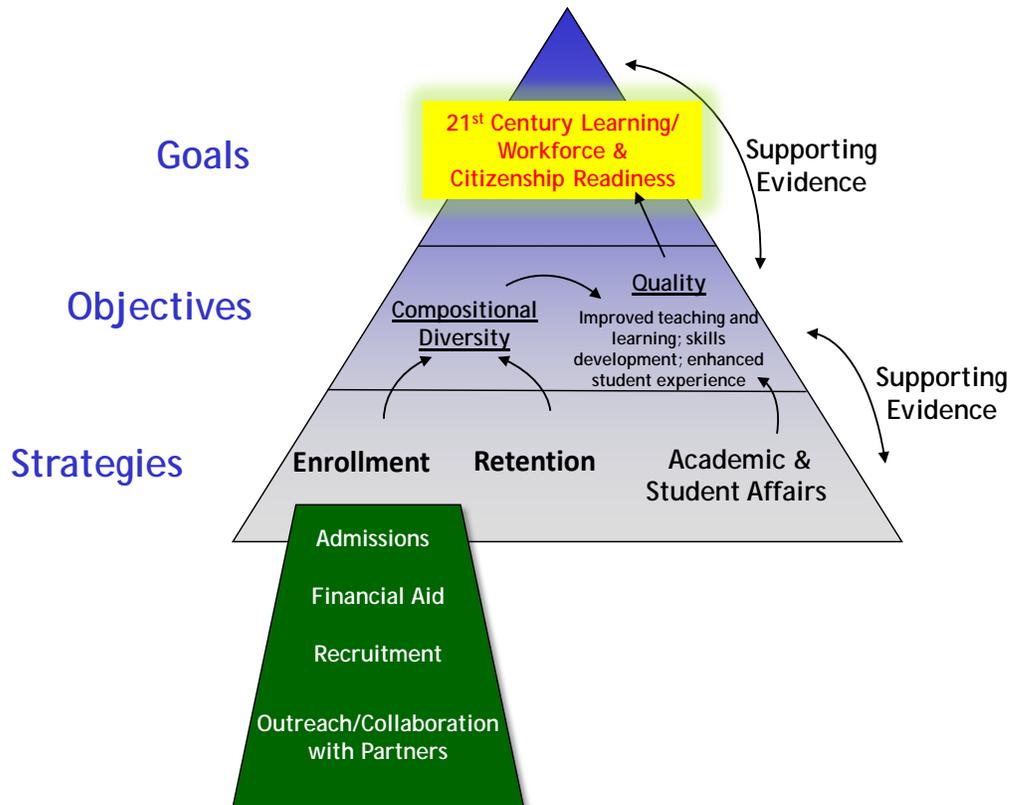
- ◆ New metrics should be developed to recognize institutions' success in achieving access goals. (Current measures (e.g., U.S. News & World Report rankings) often create counter-pressures.)
- ◆ New strategies are required to achieve access goals, and many promising practices will require institutions to reach beyond their own campuses – for example, building pathways for student transitions and strengthening relationships with institutions are important postsecondary access points (especially community colleges).
- ◆ Access goals must have a K-12 emphasis to ensure that the population of admissible students can grow. Many institutions already work with K-12 partners – a more systemic strategy can build on these models. Another opportunity includes more direct links between high school and postsecondary counselors.
- ◆ Access goals can only be attained if institutional capacity grows to meet increased demand. Pursuing new technology-enabled strategies and models (while continuing to insist on quality and rigor) are promising – and cost-effective – avenues to explore.

The Diversity Pyramid 2.0

Throughout its first decade, the ADC used a pyramid graphic to explain the relationship among an institution's diversity goals, objectives, and strategies. But just as the ADC and its members have evolved over the past ten years, so has the pyramid.

The Diversity Pyramid 2.0 reflects the recognition that that most institutions' overarching diversity goals are aligned with their 21st century learning and workforce/citizenship readiness. (The underlying elements of each "agenda" are not only aligned, but, in key areas, core elements are identical.) The pyramid also signals the need for alignment among the array of enrollment strategies, as well as refinement of focus beyond enrollment issues to those of academic and student affairs.

The Alignment of 21st Century Education Goals and the Benefits of Diversity: A Framework for Action



About the Access & Diversity Collaborative

The **Access & Diversity Collaborative** is a major **College Board Advocacy & Policy Center** initiative that was established in the immediate wake of the 2003 U.S. Supreme Court University of Michigan decisions to address the key questions of law, policy and practice posed by higher education leaders and enrollment officials. The Collaborative provides general policy, practice, legal and strategic guidance to colleges, universities, and state systems of higher education to support their independent development and implementation of access- and diversity-related enrollment policies— principally through in-person seminars and workshops, published manuals and white papers/policy briefs, and professional development videos. For more information, please visit <http://diversitycollaborative.collegeboard.org/>.

EducationCounsel, LLC (an affiliate of Nelson Mullins Riley & Scarborough LLP) is the College Board's principal partner in providing strategic counsel and substantive content regarding the relevant legal, policy, and practice issues central to the ADC's mission. EducationCounsel is a mission-based education consulting firm that combines experience in policy, strategy, law, and advocacy to drive significant improvements in the U.S. education system from pre-K through college and career. EducationCounsel's work in higher education focuses on issues ranging from access and opportunity to those associated with quality and completion. For more information, please visit <http://educationcounsel.com/>.

This guidance and the Access & Diversity Collaborative's ongoing work are provided for informational and policy planning purposes only. They do not constitute specific legal advice. Legal counsel should be consulted to address institution-specific legal issues.

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The Access & Diversity Collaborative: Moving Forward

In its first decade, the College Board's Access and Diversity Collaborative established itself as the "go to" resource on key legal, policy, and practice issues principally associated with higher education's goals associated with achieving the educational benefits of diversity. Working with core partner institutions of higher education and national organizations, the Collaborative addressed key issues that surfaced in the full range of enrollment policies and practices—through convenings, publications, and web-based resources.⁴

Building on the success of its first decade, the Collaborative is poised to continue and enhance its strategic aims and service to higher education institutions and organizations in coming years, as:

- ◆ **A voice of national advocacy**, grounded in balance and reason, for the continuation of robust, research/practice-based, and lawful access and diversity policies that are aligned with 21st-Century career and citizenship goals;
- ◆ **A resource for sophisticated and pragmatic policy and practice guidance** to support institutional mission-based goals in light of relevant law, including a focus on the promotion and expansion of pathways and more robust opportunities for historically underserved youth (including minority, low-income, and disadvantaged youth); and
- ◆ **A convener for thought leadership and collaborative engagement on policy and practice development**, with a focus on:
 - The effective use of data and support for of research connected to "real world" policy and practice issues (nationally and as a matter of institutional policy);
 - The identification and development of replicable best practices that reflect sound policy and that are legally sustainable; and
 - The facilitation/mitigation of polarizing positions in pursuit of meaningful common ground – to support the development of a principled and pragmatic policy and practice agenda.

In each of these roles, the Collaborative will continue its tradition of leadership driven by research and sound educational practice – informed by ongoing, multifaceted engagement with educators and policy leaders who are committed to principles of expanding and enhancing access, opportunity, and meaningful educational experiences for all students as they prepare for careers and citizenship in the 21st Century.

⁴ See <http://diversitycollaborative.collegeboard.org>.

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As of October 8, 2013

***New sponsors are admitted on a rolling basis.
For additional information, please visit
<http://diversitycollaborative.collegeboard.org>.***