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The Playbook: Understanding the Role of Race Neutral Strategies in Advancing Higher Education Diversity Goals

2nd Edition

Arthur L. Coleman
Jamie Lewis Keith
Emily L. Webb

Contents

Executive Summary

This resource provides a substantive overview and practical guide to the use of race- and ethnicity-neutral strategies and selection criteria ("plays") that may qualify as race- and ethnicity-neutral under federal law, and that can advance institutional diversity interests—including those associated with race and ethnicity. Framed in the context of federal nodiscrimination law, and established and emerging practices in the field, this second edition of *The Playbook* focuses on the following plays:

▪ **Race Attentive and Inclusive Outreach and Recruitment**	**This play addresses foundational considerations commonly associated with effective enrollment strategy.**
▪ **Flexible Admission and Aid Criteria and Test Use** ▪ **Socioeconomic Status** ▪ **Geography** ▪ **Experience or Service Commitment Associated with Race** ▪ **First-Generation Status and Other Special Circumstances**	**These plays illustrate the kinds of selection criteria that may be considered as part of individualized, holistic review of applicants for institutional/program admission, as well as for recruitment, pathways programs, and aid.**
▪ **Percent Plans** ▪ **Educational Collaboration Agreements** ▪ **Cohort Programs**	**These plays reflect a broader system design focus, with key elements that may be part of a complement of other enrollment efforts; and some also may enhance the impact of other efforts.**

In light of an evolving legal, policy, and demographic landscape, this edition retains and amplifies all of the plays of the first edition and adds new plays. As in the first edition, plays described are among the most commonly used or the most promising; have some evidence of effectiveness; and are legally sustainable when properly designed and executed. All plays include institutional (and sometimes organizational or state) examples to illustrate particular design and operation features. Specifically:

- Six plays from the first edition have been expanded to include new insights, institutional/organizational examples and/or research (socioeconomic status, geography, first-generation and other special circumstances, percent plans, educational collaboration agreements, and cohort programs).
- Three plays are new—race attentive and inclusive outreach and recruitment, flexible admission and aid criteria and test use, and experience or service commitment associated with race. These plays illustrate foundational design considerations; and they offer promising ideas regarding ways to think about race as part of enrollment policy and planning to advance a broad diversity-associated institutional mission.

In addition, new features in this version of *The Playbook* include:

- An expanded Legal Landscape section, which provides a more detailed look at the key questions that should be addressed as part of any institutional review of the diversity-associated goals and the means of achieving them. It also describes recommended practices for documenting a process of periodic review that involves those inquiries.
- Inclusion of a new "Legal Lines" component in most of the plays. This component provides a synthesis of play-specific legal takeaways of relevance from court opinions and U.S. Department of Education Office for Civil Rights resolution agreements.
- The addition of a "Tools You Can Use" component highlighting tools and resources that may help institutions advance their race- and ethnicity-neutral efforts.
- Expanded and more practical practice highlights in "From Research to Practice" that focus on practice-focused strategies that are promising or proven.
- Over 40 highlighted examples that illustrate applications and outcomes of the plays included in this guide.

Introduction

Pursuing the benefits associated with student diversity is an imperative for many, if not most, institutions of higher education today. In addition to defining clear educational aims and rationales associated with diversity, higher education leaders must also invest in policies and programs wisely—pursuing the means most likely to achieve success. When those efforts include a focus on race and ethnicity, federal nondiscrimination law enters the picture, with particular requirements including that the institution consider, use, and evaluate neutral (non-race- and ethnicity-conscious) strategies.

In this guide, we explore race neutral strategies and factors ["plays"] in the context of an evolving legal, policy, and demographic landscape.[1] This edition is an updated and expanded version of *The Playbook* first published in 2014, and includes several new plays, as well as multiple expanded plays. These plays incorporate the expanded guidance continued in the U.S. Supreme Court's 2013 and 2016 decisions in *Fisher v. University of Texas* (*Fisher I and Fisher II*, respectively). Building on those legal foundations, this edition also incorporates important developments in the field, including new research on emerging topics.

While recognizing the unique mission and context of each institution, we included plays that appear to be among the most commonly used or are the most promising; have some evidence of effectiveness; are legally sustainable when properly designed and executed; and have concrete examples to illustrate how they work in practice.[2]

This *Playbook* is intended to spur and inform robust conversations among institutional leaders charged with establishing, implementing, and evaluating institution-specific, diversity-related policies and programs. It does not purport to offer simple, cookie cutter solutions to highly context-specific and fact-based considerations unique to any single institution.[3]

1. For brevity, *The Playbook* often uses "race" to encompass both "race" and "ethnicity" (despite these terms' different meanings), given that the applicable strict scrutiny legal rules under federal nondiscrimination law treat them the same.

2. Many wise perspectives were important in shaping this guide. This work was informed by members of the Access and Diversity Collaborative's Advisory Council, who provided key insights and information that informed the guide's development. We are also grateful for the idea-generating research of Albin Quan and Josh Warner, who were summer interns with Nelson Mullins Riley & Scarborough, EducationCounsel's affiliate firm, as well as that of Sam Kobbah and Joe Fretwell, and the editorial assistance of Sandy Rinck from EducationCounsel. We are also very appreciative of the valuable feedback and thought-provoking insight provided by reviewers including Alexandra Schimmer, the General Counsel of Denison University; Frank Trinity, the Chief Legal Officer of the Association of American Medical Colleges; and Connie Betterton and Wendell Hall from the College Board. Finally, we are grateful for the vision and insights of Terri Taylor of the Lumina Foundation, who led much of the development of the first edition of this guide in 2014. The authors appreciate the continuing support of these individuals in helping advance understanding of complex topics for the benefit of the field.

3. Some race neutral efforts—particularly those adopted by public institutions in states that limit or bar the use of race in admission—have been more rigorously examined than others by practitioners and researchers. Even though the specific efforts in these institutions may not be workable at many other institutions due to differences in mission and context, the body of research and analysis on the impact and effects of these policies is likely to yield important lessons for all institutions pursuing mission-based diversity goals, regardless of their legal context.

   Some institutions with "open enrollment" admission policies may find some neutral strategies outlined here to be relevant to aid awards or the selection processes of special programs, but not admission. Institutions may draw insight and inspiration from a wide variety of plays in different ways, even if they do not actually put every strategy into place or cannot apply these strategies to all enrollment programs.

A SNAPSHOT

The Playbook

- **Provides a brief description of each play, with guidance on ways in which it may be effective in various enrollment settings.** Recognizing policy and legal limitations that may be relevant, the description of each play includes pertinent research and legal background of note, as well as illustrations of notable institutional practices that shed light on potential utility and outcomes.
- **Can assist institutions in their efforts to adhere to relevant federal nondiscrimination law requirements when considering race and ethnicity—an imperative for such strategies' sustainability and success.** Institutions that consider an applicant's race or ethnicity in enrollment decisions, such as admission and aid, are obligated to conduct a periodic, evidence-based evaluation of the adequacy of neutral strategies that also may advance racial diversity goals. Further, these institutions are also obligated to pursue "workable" neutral strategies where warranted. Helping policy leaders and practitioners understand and consider promising new strategies for pursuing those imperatives is a major objective of this guide.

  To begin that analysis, this guide asks the following questions in regard to each play:

  1. What is this strategy? How is it used by institutions?
  2. What kinds of institutions tend to use this strategy? What leading examples of success exist?
  3. What conditions should likely be present to maximize this strategy's likely success?
  4. What initial questions and prospective roadblocks should be evaluated as this strategy is considered?
  5. What are the necessary investments an institution should be prepared to make to engage this strategy in a meaningful way?

Finally, it's important to remember:

- **Race neutral strategies should not be evaluated mechanically or in isolation.** Although race conscious and race neutral policies trigger different legal standards and levels of scrutiny by reviewing courts, it's a good practice to understand and evaluate specific strategies alongside the full array of enrollment strategies. This review should include due consideration of how different policies may affect and interact with one another, within the context of the institution and its educational mission-driven diversity goals.

  And, although institutions can benefit from one another's experience with race neutral strategies, each institution must identify its own blend of race neutral and (when appropriate) race conscious policies needed to achieve the educational benefits of diversity for all students in its unique context.
- **Periodic review is essential.** The strategies outlined here—and others—should be considered as part of a dynamic, periodic review process in line with relevant federal rules governing the consideration of race and ethnicity. An institution is unlikely to use all of the strategies presented in this *Playbook* at any one time. And, institutions may change diversity strategies over time as part of their periodic review process.

The Road Map

In the pages that follow:

- **Section I** provides an overview of the relevant legal landscape;
- **Section II** provides a brief policy primer of some key principles to consider as plays are contemplated and pursued, along with a description and overview of relevant plays; and
- **Section III** offers perspectives regarding broader issues of foundational barrier removal and equity that are important for meaningful and sustained advancement of diversity-related aims.

Throughout this guide, notable practical tips illustrated in text boxes reflect the following:

LEGAL LINES

Brief references to key legal cases of particular relevance to plays discussed

FROM RESEARCH TO PRACTICE

Notable practical application of research evident in the field

TOOLS YOU CAN USE

Information regarding resources available to enrollment leaders that address particular plays

In addition:

- **Appendix A** provides a brief summary of federal nondiscrimination law rules that apply to institutions pursuing race conscious practices.
- **Appendix B** provides references to some useful resources associated with each of the plays within this guide.
- **Appendix C** provides references to some useful resources associated with other key policy and legal issues related to diversity.
- **Appendix D** provides additional information regarding the College Board Access and Diversity Collaborative.

The Playbook ...

is a resource to help institutions understand an array of options related to race neutral strategies.

is a collection of different resources and research findings designed to assist institutional teams considering race neutral approaches to advance diversity aims.

is not an exhaustive checklist of neutral strategies.

is not a substitute for inherently institution-specific judgments on whether (or not) to pursue certain policies and practices.

is not a *pro forma* substitute for an institution's own review of neutral strategies in light of its unique mission and goals, and associated legal advice.

SECTION I

Legal Landscape

DIFFERENT LEGAL REGIMES

- **Some institutions pursue race- and ethnicity-neutral policies in concert with race- and ethnicity-conscious policies.** These institutions must follow federal "strict scrutiny" legal rules that are triggered by their consideration of the race and ethnicity of individuals when deciding who will (and will not) receive a benefit in enrollment or education programs. (See Legal Lines on page 7 and Appendix A.) These strict legal rules *require* institutions to consider and use race neutral strategies as a condition to pursuing race conscious ones. For these institutions, the legal rules influence the use, design, and evaluation of neutral strategies.
- **Other institutions pursue only race- and ethnicity-neutral strategies**, typically for one or more of these reasons: some state laws ban public institutions from using race conscious strategies (so there's no choice); some institutions lack or have not yet have assembled the federally required evidence to demonstrate that neutral strategies alone are inadequate to achieve diversity goals; and some institutions choose not to use race- and ethnicity-conscious practices (even though they may be able to justify doing so). The federal "strict scrutiny" legal rules should not apply to these institutions.

A. Key Baselines

1. Distinguishing between ends and means

When evaluating legal risk, distinguishing between ends and means is essential. As a general rule, institutional goals and objectives associated with diversity (the ends) should not raise legal concerns. However, when institutions advance those goals through race conscious means, "strict scrutiny" legal standards apply. In that event, the ends must be recognized by law as compelling (e.g., educational benefits of diversity for all students) and race conscious means must be shown to be necessary. In other words, institutions must demonstrate that their existing diversity is not sufficient and race neutral strategies are not enough to achieve the compelling educational benefits a diverse class brings.

In most cases, the subject matter and goals of a program may be explicitly race focused without incurring substantial legal risk. For example, an institution may design a session (applicant, student recruitment, or orientation program) focused on the experience of students of color at the institution and related programs of interest. Anyone who is interested in participating in the session may do so, space permitting and first come, first served. As long as there is no consideration of race in who may attend, the program should be considered to be race neutral.

2. Distinguishing between race conscious and race neutral

The difference between "race conscious" and "race neutral," in legal terms, is often not intuitive or well understood. Both may advance diversity goals but distinctions between these concepts are critical as a foundation for knowing whether strict scrutiny legal standards will apply. (See Legal Lines on page 7 and Appendix A for more background on strict scrutiny requirements.) That determination is critical to making wise and sustainable decisions on the combination of enrollment strategies that advance an institution's diversity goals.

In general, two questions drive whether a policy is deemed race conscious or race neutral:

- **Intent:** Is the intent of the policy sufficiently motivated by race?
- **Effect:** Does the policy confer material benefits or opportunities associated with a beneficiary's race?

The set of plays in this document will highlight practical examples that illustrate the importance of intent and effect when making judgments about whether a strategy or factor is race conscious or race neutral under federal law.

In practical terms, race conscious policies include two types:

1. Those that involve explicit racial classifications when conferring benefits or opportunities; and
2. Those that are neutral on their face but that are motivated by a sufficiently racially discriminatory purpose with racially discriminatory effects.

Thus, facially neutral policies may in some cases actually qualify as race conscious, given the underlying motivation. (See Legal Lines on page 43 (regarding the Texas Ten Percent Law.) This can occur when a facially neutral criterion fails, in fact, to reflect an authentic defining goal apart from increasing racial diversity. Simply put, if a seemingly neutral strategy is being applied as a proxy for race, the policy is likely to be deemed race conscious if it also provides some benefit or opportunity associated with an applicant's race.

In contrast, race neutral policies include two types of policies: (1) those that, with respect to both intent and operation, are neutral; and (2) those "inclusive" outreach and recruitment policies intended to generate additional applicant interest, which may be facially race conscious or race conscious in intent, but which do not confer material benefits to the exclusion of non beneficiaries.

The later type is typically seen when outreach and recruitment efforts are targeted to students of particular races in the context of more general robust outreach and recruitment to all potentially qualified applicants. (See discussion of Race Attentive and Inclusive Outreach and Recruitment on page 13.)[4]

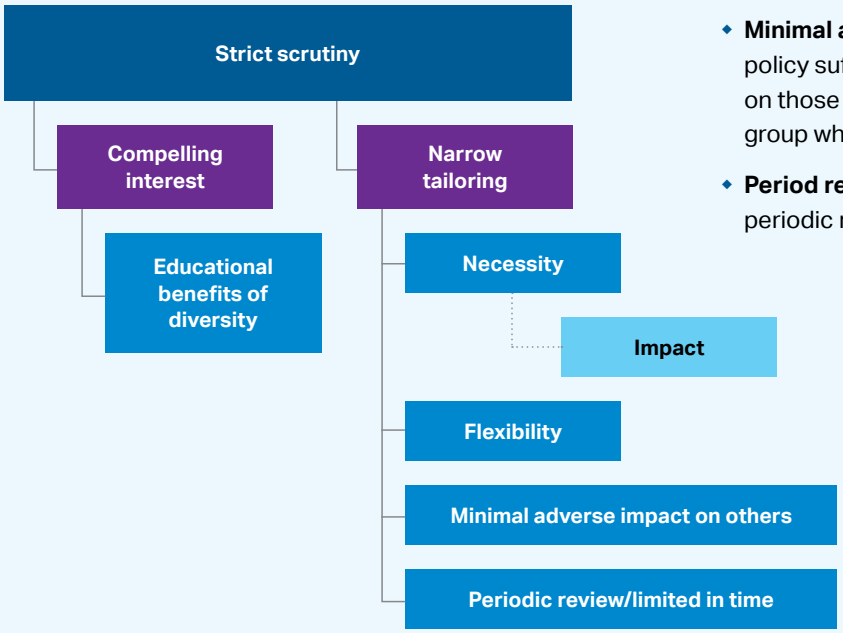
4. See generally Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education (December 2, 2011). Washington, D.C.: U.S. Departments of Education and Justice. Retrieved from **https://www2.ed.gov/about/offices/list/ocr/docs/guidance-pse-201111.pdf**; Coleman, A.L., Palmer, S. R., and Winnick, S.Y. *Race Neutral Policies in Higher Education: From Theory to Action.* (2008). New York: College Board. Retrieved from **https://professionals.collegeboard.org/pdf/race-neutralpoliciesinhighereducation.pdf**. (Elaborating on definitions and key distinctions between "race neutral" and "race conscious" under federal law.)

LEGAL LINES

Overview of Types of Aid and Federal Nondiscrimination Law Implications

If a policy qualifies as race conscious and is challenged in court, it will trigger the most rigorous type of judicial review—"strict scrutiny."[5] For an institution to satisfy the strict scrutiny test, it must establish:

- **Compelling interests**, which are the ***ends*** that must be established as a foundation for maintaining lawful race- and ethnicity-conscious programs that confer opportunities or benefits to students.
  - **Educational benefits of diversity:** Federal courts have recognized a limited number of compelling interests sufficient to justify the consideration of race or ethnicity in a higher education setting. The most clear example is a university's mission-based interest in promoting the educational benefits of diversity for all students.
- **Narrow tailoring**, which refers to the requirement that the ***means*** used to achieve the compelling interest "fit" that interest precisely, with race or ethnicity considered only in the most limited manner possible to achieve compelling goals. Federal courts examine several interrelated criteria to determine whether a given policy is narrowly tailored. Based on the premise that existing diversity is insufficient to achieve specific educational goals, they examine:
  - **Necessity:** Whether using strategies that consider race or ethnicity is necessary because neutral alternatives are used but are insufficient alone and the race conscious strategies employed are effective;
  - **Flexibility:** The individual focus of the policy's consideration of race and ethnicity (i.e., not mechanically weighing race the same for all individuals of the same race and not making race determinative in decision making);
  - **Minimal adverse impact on others:** Whether the policy sufficiently minimizes the burden imposed on those who are not members of the racial/ethnic group whose participation is targeted; and
  - **Period review:** Whether the policy is subject to periodic review with an end point in mind.



5. The Fourteenth Amendment prohibits any state actor, including public institutions of higher education, from denying "any person within its jurisdiction the equal protection of the laws." U.S. Const. amend XIV, § 1. Title VI prohibits discrimination on the basis of race or ethnicity "under any program or activity receiving federal financial assistance," applying similar equal protection principles to both private and public institutions. 42 U.S.C. § 2000d. The Fourteenth Amendment prohibits any state actor, including public institutions of higher education, from denying "any person within its jurisdiction the equal protection of the laws." U.S. Const. amend XIV, § 1. Title VI prohibits discrimination on the basis of race or ethnicity "under any program or activity receiving federal financial assistance," applying similar equal protection principles to both private and public institutions. 42 U.S.C. § 2000d.

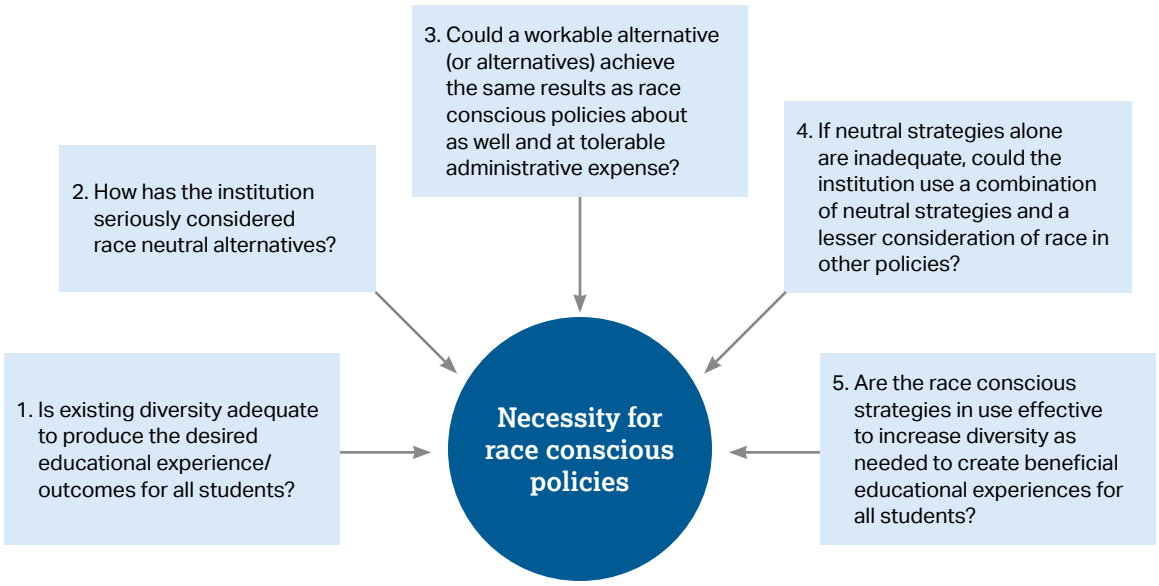
B. Federal Nondiscrimination Rules: Key Questions Associated with Neutral Strategies

It is important to reiterate that institutions with race conscious policies must satisfy "strict scrutiny" legal standards under federal law. (See Legal Lines on page 7.) These standards require actual evidence of the need for their race conscious policies by demonstrating that they have "seriously considered" and are using "workable" race neutral alternatives to those policies in order to create and reap the benefits of a diverse student body.[6] Institutions may not use race or ethnicity if a workable race neutral strategy exists, i.e., one that "could promote the substantial interest [in diversity] about as well [as the race conscious strategy] and at tolerable administrative expense."[7]

In other words, to justify the use of a race conscious policy or policies, institutions should be able to produce evidence that answer the following questions:

1. Based on student experience and the institution's diversity-associated educational goals for all students, is the institution's current diversity adequate to achieve its goals?
2. If not, has the institution "seriously considered" and, when "workable," pursued race neutral strategies?
3. Has the institution evaluated whether one or more race neutral strategies are adequate alone to achieve diversity-associated educational goals at tolerable administrative expense? Why or why not?
4. If race neutral strategies alone are inadequate, has the institution evaluated whether it would suffice to use a combination of neutral strategies and a lesser (as light as possible) consideration of race in other policies? What is the conclusion? Why or why not?
5. Are the race conscious strategies that are in use effective to increase diversity as needed to create beneficial educational experiences for all students?

The institution should be able to explain its answers to these questions with sufficient supporting evidence and information—both to guide future deliberations and in the event of a legal challenge.



6. For a full discussion of the U.S. Supreme Court's 2013 *Fisher v. University of Texas* opinion that established this requirement, 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.* (July 9, 2013). New York: College Board. **http://diversitycollaborative.collegeboard.org**.

7. The U.S. Supreme Court has not ruled on what expense is tolerable. However, because individual civil rights are given considerable weight, the expense may need to pose a very substantial and possibly disruptive burden to be intolerable. See *Fisher v. University of Texas at Austin*, 570 U.S. ____2013.

Although challenging, these questions are grounded in an institution's ability to incorporate its "experience and expertise" into its decision to use race conscious strategies.[8] Not every race neutral strategy will work for every institution and no strategy will work in exactly the same way in every context. Though courts do not expect perfection from institutions seeking to achieve mission-based diversity goals, they do expect an institution using race conscious policies to:

- provide evidence of a robust effort to set meaningful goals,
- design appropriate policies to meet those goals, and
- assess those policies' performance and necessity over time.

A central part of that inquiry involves consideration and use of race neutral alternatives, with documentation of all relevant deliberations and actions.

Institutions seeking to achieve the educational benefits of diversity should focus as deliberately on race neutral practices as they do on race conscious practices.

As a foundation for considering the viability of the neutral strategies and approaches, several practical considerations merit attention:

1. **Value mission alignment and authenticity**

   The identification, consideration, and pursuit of neutral strategies should be clearly aligned with the institutional mission. Evaluating that alignment as part of design and periodic review is critical. If that relationship is not clear, advancing such strategies is likely to be more vulnerable to attack as not being principally to advance neutral aims (i.e., institutional goals) and, therefore, not neutral for the purposes of relevant legal analysis.

2. **Define merit with clarity**

   Effective and efficient enrollment policymaking relies on a clear understanding of enrollment goals and the ways institutions see the "merit" of applicants. That judgment often involves a mix of factors and considerations that should be well understood not only as a foundation for making high-stakes decisions in admission and aid, but also when designing the overall enrollment program. In concrete terms, it is not only advisable,[9] but often an imperative, to assure that judgments about the "merit" of prospective students inform the balance and design of outreach, recruitment, and aid policies as a complement to admission decisions.

3. **Pursue a comprehensive enrollment approach**

   The consideration of a full range of neutral strategies is important in any review intended to align with federal legal requirements. Institutions should develop a full inventory and examine all relevant policies and programs associated with enrollment, such as outreach, recruitment, aid, and admission.

4. **Evaluate progress over time, grounded in research and experience**

   In conducting the evidence-based evaluations required to satisfy legal rules and advance effective race conscious strategies, an institution should consider two types of research to inform the viability of strategies considered:

   a. Independent research with a focus on what proposition[s] the research really stands for and how likely it is to be relevant to the specific institutional context.

   b. Institution-specific research should reflect how the information collected impacts relevant questions and should focus on formal studies, surveys, and consequential anecdotal information.[10]

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8. *Fisher v. University of Texas at Austin*, 570 U.S. ____2013.

9. See Coleman, A.L., and Keith, J.L. *Understanding Holistic Review in Higher Education Admissions: Guiding Principles and Model Illustrations.* (2018). Washington, D.C.: College Board and EducationCounsel, 5–11. Retrieved from **https://professionals.collegeboard.org/pdf/understanding-holistic-review-he-admissions.pdf**; See also Coleman, A.L., and Keith, J.L. *Federal Nondiscrimination Law Regarding Diversity: Implications for Higher Education Scholarship Policies and Programs.* (2019). Washington, D.C.: College Board and EducationCounsel. Retrieved from **https://professionals.collegeboard.org/pdf/federal-nondiscrimination-law-regarding-diversity.pdf**

10. That review of information may include modeling approaches to help evaluate the effects of various strategies and the need to consider race and ethnicity, or not, in enrollment programs. Modeling allows an institution to evaluate whether there would be a significant difference in compositional diversity outcomes if particular neutral criteria were used, with and without consideration of race and ethnicity, by analyzing data from actual or hypothetical, but representative, prior applicant offer and yield pools. This can be done manually or by using technology tools. For example, see Applications Quest, available at **http://www.applicationsquest.org/** (last visited Aug. 30, 2019).

5. **Document a multidisciplinary process of review over time**

   Finally, in order to address federal nondiscrimination principles explained elsewhere in this guide, institutions should establish a process for annual review and evaluation of all enrollment policies associated with diversity that incorporates the elements above. A multidisciplinary team including counsel should assess the impact of policies and practices involving race and ethnicity over time on diversity goals (student experiences, compositional diversity, and educational outcomes). The review should include an evaluation of neutral strategies and factors that may be viable additional or alternative approaches. Establishing a record on policy effectiveness and potential variations over time is a key element that can help establish compliance with the legal requirements of federal nondiscrimination law.

ADDITIONAL CONSIDERATIONS

Program Aggregation and Pooling

Program aggregation and pooling are race neutral design concepts that may enable an institution to deploy limited race conscious resources to create an inclusive (neutral) effect.

Aggregation: To pursue aggregation in the design of a program, an institution puts aside any race-based participation criterion and inventories and aggregates programs that offer similar benefits into a single, neutral program (e.g., mentoring, community building, experiential learning) in which participation is not limited on the basis of race. Then, within the larger program, one or more focus groups related to issues of race or ethnicity are created, based on authentic, documented interests of the institution. The focus groups are available to all, but are designed to address issues of particular interest to students of color.

Pooling: To pursue pooling, fungible resources (e.g., aid dollars) dedicated to the same overarching purpose (e.g., financial need, merit apart from race, or a combination) and most of which have no restrictions based on race are combined in a single pool. Race and ethnicity are not considered at all in making decisions regarding all details (e.g., type and amount of benefit, etc.) related to the provision of those resources to individuals. Only after that race-blind decision making is final are the fungible resources matched to selected individuals. At that point, the restricted resources are allocated to the already selected students who also satisfy the restrictions; then, the predominant unrestricted resources are allocated to the already selected students who do not satisfy the restrictions. The effect is to reduce the number of students who otherwise would be competing for the unrestricted resources, thereby expanding the unrestricted resources that are available to students who do not qualify for the restricted resources.

A variant to financial aid pooling is determining who will participate in an experiential learning program using criteria that do not include consideration of race in any way. After selecting the participants, provide a title (to the students of color who may be funded under an associated race-targeted grant [e.g., National Science Foundation-scholar]). The substantive program benefits (e.g., mentors, time in the research lab, meetings with senior researchers, funding) are the same for all participants. The title merely acknowledges the funding source (and may help students who might otherwise not be inclined to apply).

Well-executed pooling strategies should be considered neutral, even though their aim is to increase racial and ethnic diversity. That is because dollars are fungible to the recipients, and pooling has an inclusive effect, expanding rather than limiting opportunities available to students who do not satisfy racial and ethnic restrictions associated with a small proportion of total funding in the pool. However, rigorous design and execution are required, and the U.S. Supreme Court and federal appeals courts have not ruled on this strategy.

See also Coleman, A.L., and Keith, J.L. *Federal Nondiscrimination Law Regarding Diversity: Implications for Higher Education Financial Aid and Scholarship Policies and Programs.* (2019). Washington, D.C.: College Board, EducationCounsel, and NASFAA, at 12–13, which discusses aid-related pooling in more detail.

SECTION II

The Plays

The plays included in this section describe various types of enrollment policy development and implementation. As all may be diversity related, it is worth considering the ways some may complement others in a particular institutional setting.

Different plays highlight practices separate from admission, such as outreach, recruitment, or financial aid. These illustrations are grounded in the U.S. Supreme Court's decision in *Fisher II*, where the Court addressed the sufficiency of the University of Texas' (UT) consideration and pursuit of race neutral strategies with a focus on UT's relevant enrollment policies and practices. Specifically, the Court determined that UT's pursuit of race neutral strategies involving outreach and aid created a sufficient foundation for maintaining its limited consideration of race in admission—a key factor in concluding that the challenged admission policy was lawful.

In addition, outreach and recruitment are framed as a separate play because such practices, even when race attentive, are generally considered to be neutral in legal terms (thereby not triggering strict scrutiny under federal law if they are inclusive)—operating in a way that does not limit access to material benefits or opportunities by race. As a consequence, this play should be a major consideration of any overarching enrollment program.

▪ **Race Attentive and Inclusive Outreach and Recruitment**	**This play addresses foundational considerations commonly associated with effective enrollment strategy.**
▪ **Flexible Admission and Aid Criteria and Test Use** ▪ **Socioeconomic Status** ▪ **Geography** ▪ **Experience or Service Commitment Associated with Race** ▪ **First-Generation Status and Other Special Circumstances**	**Each of the criteria described in these plays highlights the prospective authentic interests it may advance, apart from compositional racial and ethnic diversity. For example, research reflects that socioeconomic status is not coextensive with race, but that efforts to include more low-income students may in some cases yield more racial diversity.[11]**
▪ **Percent Plans** ▪ **Educational Collaboration Agreements** ▪ **Cohort Programs**	**This set of plays reflects a broader system design focus, with key elements that can be part of a complement of other enrollment efforts; and some also may enhance the impact of other efforts.**

11. It should not be assumed that students of color will be favorably reviewed under these criteria or that other students will not be favorably reviewed under them; each individual will fare differently. However, in a society where race still matters, the differential life experiences that students of color have may result in a significant representation of such students when these criteria are considered in particular institutional contexts.

IN BRIEF

Race Attentive and Inclusive Outreach and Recruitment

WHAT IS IT?

- Efforts designed to expand the pool of qualified applicants for admission and aid through broad dissemination of all consequential information, as well as targeted communication to effectively introduce students in groups that are not well reached by general efforts to what an institution can offer.

WHO USES IT?

- Public and private institutions seeking to enhance the diversity of their students.

CONDITIONS FOR LIKELY SUCCESS

- A complete inventory of all recruitment and outreach activities.
- A comprehensive outreach and recruitment strategic plan, reflective of research; data regarding student interest and application patterns; and admission/matriculation trends.
- Support of institutional leaders.
- Advice of knowledgeable legal counsel, and alignment of goals and coordination of efforts across enrollment programs, while retaining distinct roles.
- A system for program evaluation (effectiveness and legal sustainability) in light of overall enrollment aims and other strategies.
- Effective communications for all prospective students, with a focus on identifying and addressing barriers to accessing information on the school and its application process that may be different for different student populations.

POTENTIAL ROADBLOCKS AND QUESTIONS TO CONSIDER

- What are the information barriers that may be particular to certain student groups? What strategies are in place to address those challenges (e.g., technology access, language differences, understanding of true institutional cost, and available aid)?
- How can the institution determine and document disparities in the effectiveness of general recruitment and outreach to further underpin the importance of targeted outreach for effective communication?
- How can the institution charter and encourage collaboration among enrollment programs and alignment with and contribution of insights about students to maximize the benefits of outreach and recruitment?

NECESSARY INVESTMENTS

- Funding and staffing to support planning, coordination, deployment, and evaluation of strategies.
- Collection of disaggregated application data: [a] establishing the racial and socioeconomic disparities in numbers of applications submitted juxtaposed against relative type and extent of outreach investments; [b] regarding prospective/student awareness of the institution; and [c] determining the effects of increased targeted outreach and recruitment.

Overview

Outreach and recruitment strategies are often highly consequential in the development of robust, balanced enrollment policies and practices. According to a 2015 American Council on Education national survey, three of the five most widely used strategies to support diversity aims involve student outreach and recruitment:

- "Targeted recruitment and outreach to encourage racial/ethnic minority students to apply (78% of institutions surveyed);
- Enhanced recruitment and additional consideration for community college transfers (76% of institutions surveyed);
- Targeted recruitment and outreach to encourage low-income and/or first-generation students to apply (71% of institutions surveyed)."[12]

Outreach and recruitment activities involve institutional efforts to expand the pool of qualified applicants (potentially through race- or ethnicity-attentive communications and other measures that do not provide or withhold material benefits on the base of an individual's race). Broadly, such efforts can be viewed as inclusive—when practices do not confer material outreach or recruitment benefits, and do not exclude individuals from eligibility or selection for the ultimate program or benefit, based on a student's race. The design and resulting categorization of such policies can affect relevant legal rules that may apply. (See Legal Lines on page 16.)

Race Attentive and Inclusive Outreach and Recruitment, In Action

Design elements associated with recruitment and outreach can take many forms. The University of North Carolina-Charlotte's "Strategies for Student Recruitment and Success" reflects many of those, including:

- **"Community outreach and engagement strategies** such as developing/promoting programs that bring local community members to campus; holding a recruitment day specifically focused on particular student groups (e.g., students of color, first-generation students, etc.); and establishing relationships with local two-year institutions, and with HBCUs and other minority-serving institutions.
- **Engaging local high schools** that provide opportunities for high school students to visit campus; conducting outreach at racially diverse high schools and college fairs that target racially diverse populations; and developing bridge programs or collaborative agreements that focus on recruiting students of color.
- **Providing financial aid supports** to prospective students, including advising on financial aid opportunities to ensure students understand what is available.
- **Engaging current students** in the outreach and recruitment activities, particularly students who reflect the communities being recruited.
- **Developing outreach materials** that emphasize the ways in which the institution supports students from diverse backgrounds and that remove barriers to accessing information."[13]

12. Espinosa, L. L., Gaertner, M. N., and Orfield, G. *Race, Class, and College Access: Achieving Diversity in a Shifting Legal Landscape*. (2015). Washington, D.C.: American Council on Education. Retrieved from **https://www.acenet.edu/news-room/Documents/Race-Class-and-College-Access-Achieving-Diversity-in-a-Shifting-Legal-Landscape.pdf**

13. UNC Charlotte Diversity Plan Appendices. (2019). University of North Carolina at Charlotte. Retrieved from **https://diversity.uncc.edu/sites/diversity.uncc.edu/files/media/CampusDiversityPlanAppendices.pdf**

Examples

Through **Reach Out** at **Colorado State University** (CSU), current CSU students provide postsecondary preparation workshops for students who attend historically underserved primary and secondary schools in Colorado (and surrounding states) to support the development of college pathways for the students in those schools. This type of community outreach is intended to:

1. "Develop learning and engagement opportunities in ways that historically underserved communities identify as important.
2. Increase access and opportunity to CSU for students of diverse backgrounds.
3. Help improve life opportunities for students who otherwise would not have them."[14]

The **University of Washington** (UW) hosts the Shades of Purple student conference each year for rising seniors from underrepresented racial backgrounds who are interested in attending UW. In particular, the conference concentrates its resources on several racial/ethnic groups, including black, Native Hawaiian/Pacific Islander, Southeast Asian, Latino, and American Indian/Alaska Native; however, all prospective students are eligible to attend regardless of race. The conference aims to provide student attendees with the UW college campus experience, as well as share campus programs and opportunities, and the opportunity to meet other students who are interested in UW.[15]

Northwestern University has developed a diversity and inclusion focused outreach brochure, "Open Minds," in which it shares the ways in which the institution supports students from diverse backgrounds, including students of color, international students, students from different religious backgrounds, LGBTQ students, and students with disabilities. The brochure contains information on various student supports and affinity groups that are available on campus and student testimonials about their experiences at Northwestern University.[16]

14. Reach Out. (2019). Colorado State University. Retrieved from **https://accesscenter.colostate.edu/reach-out/**
15. Shades of Purple. (2019). University of Washington. Retrieved from **http://depts.washington.edu/reach/events-and-programs/summer-events/sop/**
16. Open Minds. (2018). Northwestern University. Retrieved from **https://admissions.northwestern.edu/documents/open_minds_2018.pdf**

LEGAL LINES

Federal Law Affecting Inclusive Outreach and Recruitment

Federal courts tend to rule that strict scrutiny legal rules do not apply to race- or ethnicity-conscious recruitment and outreach programs so long as those programs do not confer tangible benefits upon individuals based on their race or national origin, to the exclusion of other individuals. As one court observed: "The crucial distinction is between expanding the applicant pool and actually selecting from that pool. Expanding the pool is an inclusive act. Exclusion [based on race] … can only occur at the selection stage." See *Raso v. Lago*, 958 F. Supp. 686 (D. Mass. 1997) aff'd. 135 F.3d 11 (1st Cir. 1998) cert. denied 525 U.S. 811 (1998). That result is most likely achieved if, in addition, such targeted efforts are part of a broader, more balanced program designed to reach all potentially qualified applicants.

The way in which recruitment and outreach programs are designed and actually operate (and, consequently, are characterized by federal courts) will shape the determination about whether recruitment and outreach programs confer race conscious benefits or opportunities sufficient to trigger strict scrutiny. Potentially relevant factors in the analysis include:

- The extent to which recruitment or outreach practices are balanced and broadly serve all potentially qualified students well. That means any targeted efforts are focused on effective communication of the same consequential information for all students. They are pursued within an overall outreach and recruitment program that is intended to reach all interested and potentially qualified applicants, that is generally effective for most, but is not as effective for individuals in the targeted groups.
- The extent to which recruitment and outreach efforts (that include establishing relationships with other institutions, participating in forums, and contacting professional organizations) do not "confer a benefit or impose a burden" on students based on race or ethnicity—but merely communicate about opportunities more broadly and effectively.
- The extent to which recruitment and outreach efforts do not constitute or correlate too perfectly with decision making about who gets interviewed, who gets other benefits in the application process, or who is ultimately selected—and do not in any way reflect quotas.

To illustrate, a federal district court upheld a law school policy designed to achieve diversity "through recruiting efforts to attract a broad applicant pool including, among others, minority students." *Weser v. Glen*, 190 F. Supp. 2d 384 (E.D. N.Y. 2002). Those efforts involved "establishing relationships with undergraduate institutions around the country, participating in law school forums, and contacting professional organizations with members who may be interested in … pursuing public interest law." In that case, the court found that "even if" the recruiting and outreach efforts were race conscious, they would not be discriminatory in that they aimed to broaden the pool of qualified applicants—they conferred no benefit and imposed no burden in a way to trigger strict scrutiny.

IN BRIEF

Flexible Admission and Aid Criteria and Test Use

WHAT IS IT?

- Identifying multiple avenues for applicants to demonstrate achievement, talent, and potential, and ensuring that those measures, including tests, are considered and weighted appropriately, based on data, research, and evidence.

WHO USES IT?

- Institutions whose academic programs require a meaningful measure of ability to do the work, as a baseline from which to consider a host of other elements of merit when making enrollment decisions.

CONDITIONS FOR LIKELY SUCCESS

- Commitment to define merit for admission and other enrollment purposes with fidelity to the institution's educational mission.
- Resources and staff capacity to assess all of the institution's multiple measures of merit, often referred to as holistic review.
- Clear communication of enrollment policies, including how the institution defines merit, to students, parents, high school counselors, and other stakeholders.
- Research to understand the predictive validity of various academic and nonacademic measures in order to both develop application requirements and guide admission decision making.
- Appropriate training of admission staff on how to consider and weight factors, and how to give fair consideration across applicants who submit different academic and/or nonacademic credentials.
- Monitoring and program evaluation to assess the impact of the policy.

POTENTIAL ROADBLOCKS AND QUESTIONS TO CONSIDER

- Does the institution have the capacity to review multiple measures of merit?
- Does the institution have the capacity to conduct ongoing validity research on tests, grades, and other measures?
- Does the institution have the capacity to provide supports and services for students admitted through the various application pathways?
- On what basis is a change in institutional policy made?

NECESSARY INVESTMENTS

- Rigorous review and disaggregation of admission and other institutional data to examine the connection between admission criteria, including standardized test scores and postsecondary performance over time.
- Admission materials that allow students to represent academic preparedness in multiple ways, in addition to or in lieu of standardized test scores.
- Engagement to build understanding and support of the mission-driven rationale for the institution's definition of merit and associated policies among stakeholder groups (particularly governing boards, faculty members, students, applicants, and their families).
- Continuous review of policy change outcomes to verify and substantiate predicted outcomes.

Overview

As universities seek to meet their access and diversity goals, they look for opportunities to lower application and financial aid barriers, while at the same time ensuring that they can admit and support students who can succeed on campus. Such opportunities include accepting self-reported high school transcripts and test scores during the admission process (but requiring the documents upon enrollment), providing earlier financial aid awards, and accepting alternatives to traditional evidence of accomplishment and capability. For example, some colleges offer students the option of providing short videos, student work and projects, and other "portfolio" type assets.

In addition, some colleges offer students flexibility around test score submission. There are two main varieties—test flexible and test optional. Test flexible policies require a test, but allow applicants to choose which test scores to submit from a menu of options (SAT® or ACT, SAT Subject Tests™, AP® Exam scores, or IB Diploma exam scores). Test optional policies allow either all or some applicants the option of whether or not to submit SAT or ACT scores. In some cases, students must achieve a minimum GPA to qualify for the option; while in others, students may select other credentials to submit in lieu of test scores (e.g., a series of short answer essay questions or a graded paper or project).

An institution's use of standardized assessment instruments can provide valuable information about a student's knowledge, skills, and level of preparation for the first year of college–including offering easily comparative information across students. At the same time, use of a standardized test should only be for the purposes for which the test has been validated and in ways that acknowledge its inherent limitations. Guidelines for use include never using a standardized test as a sole criterion for high-stakes purposes like admission and aid, considering test scores in light of other contextual factors associated with an applicant's background and experience.[17]

Understanding whether and how admission criteria impact the level of racial and ethnic diversity of applicant pools and admitted students, as well as the persistence and success of those students, is particularly important for non-open access institutions. Notably, the relative nascent body of research regarding test flexible and test optional policies has generated mixed conclusions about impact on the diversity of the institution's applicant pool and enrolled students. What may be appropriate or wise for one institution may not work for another, and it's important that each institution conduct their own evaluation process, grounded in both mission goals and institutional research and data.

For many schools, adhering to principles of holistic review that consider multiple measures of preparedness and merit (i.e., a student's academic, nonacademic, and contextual backgrounds) is critical to making the kinds of nuanced and individualized judgments called for to achieve robust student diversity.[18] For institutions that consider test scores, the holistic review process may incorporate multiple measures to assess a student's academic preparedness in the context of their[19] unique experience that includes their quality of the student's high school curriculum, the student's performance relative to their peers, and their social and family background. Additionally, it's important that colleges develop evidence-based protocols and training to ensure that test scores are appropriately interpreted and considered in the admission decision making process. Colleges should consider clarifying their use of scores in both the stage in which academic readiness/eligibility is determined, and the stage in which selections are made among qualified applicants.

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17. See American Educational Research Association, American Psychological Association, and National Council on Measurement in Education. (2014). *The Standards for Educational and Psychological Testing*. Washington, DC: Authors. Making admission and similar decisions based on distinctions within a range of test scores that are not validated by the test design as having differential predictive value can have a negative impact on diversity efforts.

18. Coleman, A.L., and Keith, J.L. (2018). pp. 4, 6–11.

19. In their Expanding College Opportunities study, Caroline Hoxby and Sarah Turner designed an intervention in which high-achieving, low-income students received mailings with information about college applications, including guidance on application strategies, semicustomized net price information on five colleges, and eight "no-paperwork" application fee waivers. The study materials were not expensive (about $6 per student), and the study was highly successful in increasing the students' applications to selective colleges and consequently the number of students who enrolled in a college that was equal to their own academic achievement. See Hoxby, C., & Turner, S. (2013). *Expanding College Opportunities for High-Achieving, Low Income Students.* Stanford Institute for Economic Policy Research. Retrieved from **https://siepr.stanford.edu/sites/default/files/publications/12-014paper_6.pdf**

FROM RESEARCH TO PRACTICE

Reimagining College Access

Reimagining College Access (RCA) is a groundbreaking national effort dedicated to fostering deeper learning and equity at all levels of the education system and to helping educational institutions, students, and society benefit from more authentic and holistic ways of assessing students' mastery of the knowledge and skills needed for college, work, and life in the 21st century. RCA—a consortium of higher education and K–12 organizations—is supporting several initiatives to enable colleges and universities to use performance assessment information (e.g., student portfolios, projects, and performance tasks) in higher education admission, placement, and advising decisions. In addition to pilots engaging a number of colleges and universities in accepting and using this information, RCA is developing research-based criteria to allow colleges to evaluate the quality and rigor of schools' performance assessment systems and identifying best practices for secondary schools to better describe their performance assessment systems, instructional practices, and work around equity and student access to high-quality learning as part of the information they provide to colleges and universities.

Since launching RCA, more than 100 organizations have participated in working groups or partnered directly in these efforts. They include officials from individual institutions of higher education, including Georgia Institute of Technology, the University of California, Los Angeles, and the University of Florida; state education agency leaders from the Hawai ' i Board of Education and the Colorado Department of Education; representatives from K–12 systems, including Internationals Network for Public Schools, Virginia Beach City Public Schools, Summit Public Schools, Oakland Unified School District, and the New York Performance Assessment Consortium; and education organizations such as the College Board, the National Association for College Admission Counseling (NACAC), and the American Association of Collegiate Registrars and Admissions Officers (AACRAO), the Stanford Center for Assessment, Learning, and Equity (SCALE), the Mastery Transcript Consortium, and the Common Application.

A pilot project involves five New England colleges and universities—Castleton University, Clark University, Pine Manor College, Southern New Hampshire University, and Wheaton College Massachusetts—that are now accepting student performance assessments in their admission applications and via the Common Application, an undergraduate college admission service. The Massachusetts Institute of Technology (MIT) is also supporting the initiative and already accepts performance assessment artifacts with student applications. Work is under way to expand the pilot to other states and regions.

Other participants are developing the research-based criteria focused on quality and rigor in performance assessments used by individual K–12 schools, consortia of schools, and/or state and local K–12 school systems. Meeting these criteria can help signal to colleges that the portfolios or performance tasks they are examining are the products of a system that has met a rigorous standard, similar to the signal sent by Advanced Placement® or International Baccalaureate courses and exams. The third project in the initiative involves working with secondary schools to identify effective ways for schools to describe their performance assessment systems, instructional practices, and work around equity and student access to high-quality learning in their school profiles—information admission staff may then use for insights on the quality and rigor of student learning. Ultimately, RCA participants expect that the quality criteria, school profiles, and evaluations of the pilots will help IHEs trust performance assessment data as a valid and valuable measure of preparedness and merit that can be incorporated in holistic admission reviews and other critical decisions, such as placement into credit-bearing coursework.

RCA is also committed to learning from real-life practice. Researchers from the Learning Policy Institute will follow the work of pilot participants closely to learn more about the most effective and efficient ways to review and evaluate performance assessment artifacts as part of the admission process.

For more information, see Learning Policy Institute. (2019). *Reimagining College Access: Performance Assessments From K–12 Through Higher Education*. Retrieved from **https://learningpolicyinstitute.org/project/reimagining-college-access.**

IN BRIEF

Socioeconomic Status

WHAT IS IT?

- Socioeconomic status (SES) considerations can involve a number of factors, including applicants' significant financial resource constraints (e.g., parental income, family wealth). Other associated factors that may have affected academic performance—e.g., residence and school districts in areas where schools are not well resourced—may be considered.

WHO USES IT?

- Institutions whose missions include access to quality education for all talent and contributions to upward socioeconomic mobility and financial stability for their students.
- Institutions seeking to increase socioeconomic diversity among their students.

CONDITIONS FOR LIKELY SUCCESS

- Advice of knowledgeable legal counsel and alignment of goals and coordination of efforts across enrollment programs, while retaining distinct roles.
- Effective outreach to communities of limited resources to build understanding of the financial aid that is available and guidance on how to apply to encourage applications.
- Careful financial aid planning, ability to pursue a need-blind or at least not overly need-sensitive admission program for a significant number of seats in the class, and adequate financial aid for a significant proportion of admitted students in need.
- Monitoring and program evaluation to assess the impact of any program focused on SES.
- Support, from the outset, from institutional leadership, the development office, institutional counsel, financial aid staff, student and academic affairs staff, and other key institutional stakeholders.

POTENTIAL ROADBLOCKS AND QUESTIONS TO CONSIDER

- Can the institution make need-blind admission decisions and, if not, is it able to admit a significant enough number of students from low socioeconomic backgrounds who will also need financial aid to make this strategy worthwhile?
- How can the institution access and evaluate information on total wealth, not merely income, to reach a determination of socioeconomic status?
- What admission considerations or applicant information does the institution choose to use to assess SES factors and how do these considerations overlap with or distinguish financial need and SES?
- How can the institution best reach its target audience of both students and their parents?
- To what extent is the institution able to invest in research and targeted outreach materials?
- Do outreach methods reach students beyond magnets and "feeder" schools?

NECESSARY INVESTMENTS

- Effectively targeted recruiting materials.
- Appropriate assessment of SES indicators.
- Targeted supports for admitted students, particularly those groups of students who have been shown to have lower academic performance and/or lower graduation rates upon enrollment.

Overview

An institution's consideration of a student's socioeconomic status (SES) when creating a diverse student body is particularly important today, given the widening income-related gap in access to higher education. Though total college enrollment nearly doubled between 1975 and 2017, a significant enrollment gap persists between students with low incomes and those with high incomes.[20] Many institutions of higher education consider socioeconomic status in enrollment in some way, but do not always dedicate resources to developing tools to assess socioeconomic status beyond parental income or, perhaps more importantly, to look behind SES to determine how it may have affected students' academic performance and personal development.

Despite overlap between low-income students and students of color, race and SES are not equivalents or proxies for one another. One study demonstrated that low-income black and Latino 10th grade students are significantly less likely to complete a college degree within 10 years than their white and Asian peers.[21] On the other hand, under a 2011 program at UCLA Law School that counted wealth and single-parent family status alongside other traditional SES factors, African Americans were 11.3 times and Latinos 2.3 times as likely to be admitted under the socioeconomic program as other programs.[22]

Socioeconomic Status, In Action

Recruiting. Finding low-income students and sending them effective recruiting materials can be costly and time intensive. To be the most effective, recruiting materials should be targeted toward specific populations of students by coordinating with a broad range of high schools not limited to those that are "feeder" schools, among other context-driven outreach efforts. (High schools may have greater access to these students and may be able to supplement or substitute phone calls and specialized mailings for those students who do not have ready access to phones or lack permanent residential addresses.) Because recruitment efforts can be costly, institutions often target the high schools most likely to produce the biggest "return on investment"—for example, efforts targeted at "feeder" high schools that are more likely to have multiple admissible candidates rather than the much broader efforts required to reach many more high potential students spread across a greater number of high schools (at least some of which may be well outside the institution's traditional recruiting zone).[23]

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20. In 2017, 34.9 million individuals were enrolled in a two- or four-year college, representing an increase of more than 80% of the total enrollment of 19.4 million in 1975. College enrollment as a percentage of 18- to 24-year-olds has also increased from 26.3% in 1975 to 40.4% in 2017. Despite aggregate growth, only 46% of students in the lowest-income quartile who recently left high school were enrolled in college in 2016, compared to 78% of those in the highest family income quartile. See Cahalan, M., et al. *Indicators of Higher Education Equity in the United States*. (2019). Washington, D.C.: The Pell Institute and Penn AHEAD.. Retrieved from **http://pellinstitute.org/downloads/publications-Indicators_of_Higher_Education_Equity_in_the_US_2018_Historical_Trend_Report.pdf** (last accessed Jul. 31, 2019); see also *Percentage of 18- to 24-year-olds enrolled in college: 1970 through 2017*, Table 302.60. (2019). Washington, D.C.: National Center for Education Statistics. Retrieved from **https://nces.ed.gov/programs/digest/d18/tables/dt18_302.60.asp**.

    Carnevale, A. P., Fasules, M. L., Quinn, M. C., and Campbell, K. P. *Born to Win, Schooled to Lose*. (2019) Washington, D.C.: Georgetown University Center on Education and the Workforce. Retrieved from **https://1gyhoq479ufd3yna29x7ubjn-wpengine.netdna-ssl.com/wp-content/uploads/FR-Born_to_win-schooled_to_lose.pdf**; see also Carnevale, A., and Strohlet, J. *Separate & Unequal: How Higher Education Reinforces the Intergenerational Reproduction of White Racial Privilege*. (2013). Washington, D.C.: Georgetown University Center on Education and the Workforce. Retrieved from **https://1gyhoq479ufd3yna29x7ubjn-wpengine.netdna-ssl.com/wp-content/uploads/SeparateUnequal.FR_.pdf**; See also Kane, T. J. "Misconceptions in the Debate Over Affirmative Action in College Admissions." (1998). In G. Orfield, E. Miller, and C. Edley Jr., *Chilling Admissions*. Boston: Harvard Education Publishing Group.

    Kahlenberg, R., and Potter, H. *A Better Affirmative Action: State Universities that Created Alternatives to Racial Preferences*. (2012). New York: Century Foundation. Retrieved from **https://production-tcf.imgix.net/app/uploads/2012/10/03175956/tcf_abaa-8.pdf**.

21. Carnevale, A. P., Fasules, M. L., Quinn, M. C., and Campbell, K. P. *Born to Win, Schooled to Lose*. (2019) Washington, D.C.: Georgetown University Center on Education and the Workforce. Retrieved from **https://1gyhoq479ufd3yna29x7ubjn-wpengine.netdna-ssl.com/wp-content/uploads/FR-Born_to_win-schooled_to_lose.pdf**; see also Carnevale, A., and Strohlet, J. *Separate & Unequal: How Higher Education Reinforces the Intergenerational Reproduction of White Racial Privilege*. (2013). Washington, D.C.: Georgetown University Center on Education and the Workforce. Retrieved from **https://1gyhoq479ufd3yna29x7ubjn-wpengine.netdna-ssl.com/wp-content/uploads/SeparateUnequal.FR_.pdf**; See also Kane, T. J. "Misconceptions in the Debate Over Affirmative Action in College Admissions." (1998). In G. Orfield, E. Miller, and C. Edley Jr., *Chilling Admissions*. Boston: Harvard Education Publishing Group.

22. Kahlenberg, R., and Potter, H. *A Better Affirmative Action: State Universities that Created Alternatives to Racial Preferences*. (2012). New York: Century Foundation. Retrieved from **https://production-tcf.imgix.net/app/uploads/2012/10/03175956/tcf_abaa-8.pdf**.

23. In their Expanding College Opportunities study, Caroline Hoxby and Sarah Turner designed an intervention in which high-achieving, low-income students received mailings with information about college applications, including guidance on application strategies, semi-customized net price information on five colleges, and eight "no-paperwork" application fee waivers. The study materials were not expensive (about $6 per student), and the study was highly successful in increasing the students' applications to selective colleges and consequently the number of students who enrolled in a college that was equal to their own academic achievement. See Hoxby, C., & Turner, S. (2013). *Expanding College Opportunities for High-Achieving, Low Income Students*. Stanford Institute for Economic Policy Research. Retrieved from **https://siepr.stanford.edu/sites/default/files/publications/12-014paper_6.pdf**.

Admission. The most basic approach to incorporating SES attributes into admission decisions relies on asking indicator questions about the parent's income, occupation, and marital status, and the parents' and/or siblings' education level in the application for admission. Many of these attributes are captured in the Common Application. A companion or alternative to this general approach looks deeper at the accumulated wealth of a family, including income and all other assets, rather than simply at the income of the parent—a potentially important distinction given research demonstrating a "wealth gap" between race and ethnic groups, with racial and ethnic minority families tending to have significantly less accumulated wealth than white families.[24] Another potentially promising model involves creating indices based on desired applicant attributes (e.g., level of disadvantage, obstacles overcome) to assess applicants' SES and how it may have impacted their educational development.

Aid. Finally, institutions should take care to align any SES-related admission considerations with financial aid policies to ensure that students admitted are able to enroll. Some need-blind institutions may view a strategy that considers individual applicants' socioeconomic status to be inappropriate because such consideration would almost certainly reveal the applicants' likely level of need. However, need-blind policies are intended to avoid disadvantaging students based on their need; whereas considering low SES would be evaluated as a plus factor, not a disadvantage, in the process. For those need-blind institutions that have a concern, an alternative approach may be to consider socioeconomic factors associated with an applicant's neighborhood or high school, rather than any individual's status. Institutions should also note that the success of a financial aid program could be problematic if the costs associated with a program become so great that the institution is forced to scale back its efforts.

Examples

The **Princeton University Preparatory Program (PUPP)** provides academic and college-readiness support and enrichment opportunities to high-achieving students from low-income backgrounds beginning in the spring of ninth grade and continuing throughout their high school careers.[25] PUPP Scholars begin targeted college preparation activities in junior year and complete a "College 101" curriculum that begins in the summer prior to their senior year of high school. PUPP supports students navigating the college application, admission, and financial aid process and helps students transition into college.[26] Students who participate in PUPP are generally in the top 10% of their high school graduating class. Over 75% of graduates in the first 12 PUPP cohorts earned a college degree, the majority of which were from selective and highly selective institutions.[27]

The **UT Promise** aims to increase access to higher education and close the persistence gap for students from low-income backgrounds by providing free tuition and mandatory fees for Tennessee residents with household incomes under $50,000 a year attending a University of Tennessee campuses in Knoxville, Chattanooga, Martin, or Memphis. This "last dollar" program kicks in after other available aid, such as Pell Grants, HOPE Scholarships, and other institutional scholarships, are applied to the cost of education. To support the success of UT Promise students, the university pairs students with volunteer mentors and requires them to complete eight volunteer service hours each semester.[28]

At the **University of Michigan** (UM), the High Achieving Involved Leaders (HAIL) scholarship program and the Go Blue Guarantee signal to resident low-income students, particularly during the recruitment process, that family income should not serve as a barrier to students wishing to attend the university. Both programs support the enrollment of Michigan residents by providing tuition support for students from low-income families using slightly different avenues. The Go Blue Guarantee provides free tuition for any admitted student from a family with an annual income of less than $65,000 and

24. Over a 25-year period (1984-2009), the total wealth gap between white and African American families nearly tripled, increasing from $85,000 in 1984 to $236,500 in 2009. See Shapiro, T., Meschede, T., and Osoro, S. (2013). *The Roots of the Widening Racial Wealth Gap: Explaining the Black-White Economic Divide.* Institute on Assets and Social Policy. Retrieved from **http://iasp.brandeis.edu/pdfs/Author/shapiro-thomas-m/racialwealthgapbrief.pdf**
25. About Princeton University Preparatory Program (PUPP). (2019). Princeton, N.J.: Princeton University. Retrieved from **https://pupp.princeton.edu/about/**
26. PUPP Components. (2019). Princeton, N.J.: Princeton University. Retrieved from **https://pupp.princeton.edu/components/**
27. PUPP Results. (2019). Princeton, N.J. Princeton University. Retrieved from **https://pupp.princeton.edu/results/**
28. UT Promise. (n.d.). University of Tennessee. Retrieved from **https://tennessee.edu/ut-promise/**

LEGAL LINES

SES as a Race Neutral Factor

In a case investigation involving Wake County Public School System (OCR Complaint Nos. 11-02-1044, 1104, and 1111 [Aug. 29, 2003]), the U.S. Department of Education's Office for Civil Rights (OCR) rejected a claim that the school district had adopted socioeconomic status (SES) as a discriminatory proxy for race and national origin in the assignment of students to schools. It opined that strict scrutiny would be applied to the use of the facially race neutral factor of SES if the district "intended to use a race neutral factor, such as SES, as a racial definition and for a racial purpose." Elaborating, OCR stated: "If the evidence shows a deliberate use of race neutral criteria as proxies for race … OCR would then apply Title VI strict scrutiny standards … [P]roxy allegations raise issues of intentional discrimination, [for which certain] … factors may be evidence of intent to discriminate, [including]: the impact of the official action (i.e., whether it impacts more heavily upon one racial group than another); a pattern of discrimination unexplainable on grounds other than race; the historical background of a decision, particularly the specific sequence of events leading to the challenged policy; departure from the normal procedural sequence; and the legislative or administrative history, particularly contemporaneous statements of members of the decision making body. Applying these factors, OCR concluded that the district adopted SES "as a student assignment factor to further legitimate educational goals and not as a proxy or racial definition, or for a racial purpose." Evidence indicated that administrators "acted on the basis of educational research showing the relationship between student and school performance and the results of concentrations of economically disadvantaged students;" and all board members denied that SES was adopted "as a racial balancing technique." Despite the fact that "race was not absent from the district's considerations," and that there was a correlation between SES and race, OCR found that "improvement of education for all students, not the continuation of racial balancing, was the basis for" the district's decision.

provides tuition support for qualified students from families with an annual income of less than $180,000.[29] The HAIL scholarship program engages prospective students through targeted, personalized outreach to high-achieving students from low-income backgrounds that both encourages them to apply and informs them about the opportunity for the four-year full tuition scholarship. In 2018, the National Bureau of Economic Research published a working paper on the impact of the HAIL scholarship on application and enrollment rates of students from low-income backgrounds and found that with this scholarship program, "high school students were twice as likely to apply to UM—67 percent compared to 26 percent—and twice as likely to enroll—26 percent compared to 12 percent."[30]

Founded in 2015, **Arrupe College** is a two-year school within **Loyola University Chicago** with the mission of providing students from low-income backgrounds access to a high-quality education while accruing little to no debt. Arrupe aims to support the whole student by providing wraparound student supports while preparing them academically to either continue on to a bachelor's degree (including at Loyola) or into employment using small class sizes and individualized support from faculty and staff.[31] On average, Arrupe has a graduation rate of 52%, with 89% of those students immediately matriculating at a four-year institution. Of the Arrupe graduates who immediately matriculate to a four-year institution, 49% complete a bachelor's degree within four years (compared to 27% nationwide[32]).[33]

29. Go Blue Guarantee. (2019). University of Michigan. Retrieved from **https://goblueguarantee.umich.edu/**
30. Dynarski, S., Libassi, C. J., Michelmore, K., and Owen, S. (2018). Closing the Gap: The Effect of a Targeted, Tuition-Free Promise on College Choices of High-Achieving, Low-Income Students. National Bureau of Economic Research, Working Paper No. 25349. Retrieved from **https://www.nber.org/papers/w25349**
31. Arrupe College: Off and Running. (2019). Loyola University Chicago. Retrieved from **https://www.luc.edu/arrupe/**
32. Arrupe College. (2019). *Inaugural Class of Arrupe College of Loyola University Chicago Students Graduate with Four-Year Degrees*. Retrieved from **https://www.luc.edu/arrupe/about/messagefromthedeanandexecutivedirector/**
33. Metrics. (2019). Arrupe College of Loyola University Chicago. Retrieved from **https://www.luc.edu/arrupe/about/metrics/**

Organizational Initiatives

The **American Talent Initiative** (ATI) aims to increase access to colleges and universities with the highest graduation rates to students from low- and moderate-income backgrounds. Public and private institutions from across the United States are members of ATI and, as part of their membership, commit to improving their efforts related to recruiting and supporting students from low- and moderate-income backgrounds. Additionally, as members, these institutions gain the opportunity to learn from one another's practices. ATI conducts research on institutional practices focused on low- and moderate-income student access and success to support the dissemination of best practices to both member and nonmember institutions. Through their work with institutions, ATI aims to support the matriculation and graduation of 50,000 lower-income students at colleges and universities with six-year graduation rates above 70%.[34]

QuestBridge is a national nonprofit founded in 1994 with the core focus of connecting high-achieving youth from low-income backgrounds to colleges and other postsecondary opportunities.[35] QuestBridge's interest in increasing opportunity for students from low-income backgrounds is based in its belief that leadership across all sectors in the United States should be more representative of all socioeconomic levels.[36] Among other supports, QuestBridge offers the National College Match (NCM), which allows students who become NCM Finalists to apply to up to 40 QuestBridge partner institutions for free using a single application. The application is designed to highlight obstacles or challenges a student has overcome by using application questions that are specifically tailored to high-achieving, low-income students.[37] QuestBridge uses data-informed outreach to target students from low-income backgrounds and in doing so has served over 60,000 students. Over 22,000 QuestBridge finalists have been admitted to a college partner on full or nearly full financial aid. Over 6,000 of those students were "matched" to their college or university in QuestBridge's early round (in the fall each year), and they have received a guaranteed, full four-year scholarship. Additionally, 13,500 high school juniors have attended QuestBridge conferences to start their college admission process.[38]

34. What We Do. (2019). American Talent Initiative. Retrieved from **https://americantalentinitiative.org/what-we-do/**
35. About. (2016). QuestBridge. Retrieved from **https://www.questbridge.org/about**
36. Mission & Vision. (2016). QuestBridge. Retrieved from **https://www.questbridge.org/about/mission-and-vision**
37. How is applying to the National College Match different from applying Early Decision to a QuestBridge college partner? (n.d.). QuestBridge. Retrieved from **https://questbridge.zendesk.com/hc/en-us/articles/218776787-How-is-applying-to-the-National-College-Match-different-from-applying-Early-Decision-to-a-QuestBridge-college-partner**
38. Our Impact. (2016). **https://www.questbridge.org/about/our-impact**

FROM RESEARCH TO PRACTICE

The University of Colorado Boulder

The **University of Colorado Boulder (CU)**, working with institution-based researchers, used a national data set to create operational definitions of socioeconomic disadvantage that could be quantified and calculated into admission decisions.[39] Research to inform these admission tools was initially launched due to concern about a pending state voter initiative to prevent the consideration of race and ethnicity in admission (which ultimately did not pass).

CU first identified two types of applicants for a new special focus in admission: (1) those with significant socioeconomic disadvantages; and (2) those "overachievers" who made significant educational progress despite disadvantages. For the first group, CU described disadvantage as a reduction in the likelihood an applicant would attend a four-year college due to socioeconomic circumstances. For the second, CU defined overachievement as the extent to which an applicant's academic credentials (high school GPA and standardized test scores) exceed averages for applicants with similar backgrounds. Applicants are scored along both the disadvantage and overachievement indices; those with high scores on one or both indices receive a significant boost in admission.[40]

Notably, students with high scores on the overachievement index tend to perform better than their peers, even though these students may have been less likely to be admitted under previous admission policies. Admitted students deemed academically disadvantaged (via holistic review) are referred to structured academic, social, and professional support systems on campus, which offer a variety of services that include mentoring, tutoring, and career and networking support. These services are designed to boost the likelihood of college and career success for participating students.[41]

CU conducted studies in 2009 and 2010 on the class-based admission policy, which resulted in a significant and positive impact on both socioeconomic and racial diversity of admitted students; an impact that surpassed the schools' race-based admission policy. In 2011, as a result of the studies, CU adopted the overachievement and disadvantage indexes as primary admission considerations, with secondary admission considerations for race. It's worth noting that in the first five years after adopting the overachievement and disadvantage indices in 2011, CU achieved the most diverse group of students in its history: 26% of students represent racial/ethnic minority groups.[42] (This increase of 20% in just five years between 2011 and 2015 has persisted through the incoming class for fall of 2018.)[43]

Because the disadvantage and overachievement indices were developed using national data, other institutions may be able to use CU's groundwork to develop similar admission policies of their own. (The lead researcher on this project estimates that, though the study at CU took three years to design and execute, other institutions may be able to complete a pilot and move to full implementation in one year.[44])

For more information, see Gaertner, M. N. (2014). "Advancing College Access with Class-Based Affirmative Action: The Colorado Case." In R. D. Kahlenberg, *The Future of Affirmative Action* (pp. 175–186). Lumina Foundation and the Century Foundation Press.

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39. Gaertner, M. N. (2014). "Advancing College Access with Class-Based Affirmative Action: The Colorado Case." In R. D. Kahlenberg, *The Future of Affirmative Action* (pp. 175–186). Lumina Foundation and the Century Foundation Press. *See also* Gaertner, M. N., and Hart, M. (2013). "Considering Class: College Access and Diversity." *Harvard Law & Policy Review.* Retrieved from **https://scholar.law.colorado.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1103&context=articles.**
40. Gaertner, M. (2014, July 10). Personal interview.
41. Gaertner, M. (2014, July 10). Personal interview.
42. Gaertner, M. (2014, July 10). Personal interview.
43. Undergraduate Profile. (2018). *University of Colorado Boulder*. Retrieved from **https://www.colorado.edu/oda/sites/default/files/attached-files/ugprofilefall2018.pdf**
44. Gaertner, M. (2014, July 10). Personal interview.

IN BRIEF

Geography

WHAT IS IT?

- A student's geographic diversity can reflect life experiences and perspectives associated with particular areas or kinds of settings (i.e., urban, rural, suburban, different regions of the United States, international).

WHO USES IT?

- Institutions aiming to create greater student diversity as it corresponds to geography.
- Public institutions seeking to admit and serve students from across the state, such that their in-state students reflect the reach of the state's geography.

CONDITIONS FOR LIKELY SUCCESS

- Geographic data collection and analysis tools.
- Clearly identified target geographic areas based on criteria that can be explained as serving some authentic mission-aligned interest, including, as appropriate, why the inclusion of students from areas that have traditionally been underrepresented or areas of special concern (e.g., inadequately resourced schools) would add to the educational experience of all students.
- Applications that assess geographic diversity indicators (both for individual students and for target geographic areas)—and admission staff and resources to analyze these indicators.
- Effective identification of high-performing students from diverse geographic areas and communication to encourage prospective applicants to apply.
- Training for admission staff in the appropriate, effective consideration of any geographic preferences and associated authentic rationale.
- Advice of knowledgeable legal counsel and alignment of goals and coordination of efforts across enrollment programs, while retaining distinct roles.

POTENTIAL ROADBLOCKS AND QUESTIONS TO CONSIDER

- Does the institution need to acquire third-party data to identify students (particularly those in less-known areas)? What information about prospective and current students does the institution need to understand better?
- When opting to include geographic considerations in admission, what metrics will the institutions use in its neighborhood/zip code composite score? How will these metrics be developed?
- Where a composite score is used in admission decisions, does an applicant need to demonstrate residency or attendance at a school in the neighborhood for a certain number of years?
- Are there meaningful experiences in geographical regions beyond place of residency or place of school attendance in the region (e.g., visiting relatives in another country for many years; mission or medical assistance trips to foreign countries over many years)?

NECESSARY INVESTMENTS

- Data-collection and data-tagging tools that enable enrollment managers to know where prospective students live, attend high school, or have other meaningful experiences.
- Training for staff on a neighborhood/zip code/country code metric tied to the range of geographical experiences identified as having value to the institution in outreach/recruitment opportunities and, where appropriate, admission decisions.

Overview

Geographic diversity can be an important element of an institution's educational diversity goals. High potential students from areas not well represented at an institution can add experiential and cultural richness to the educational environment but may be missed by some institutions' recruitment efforts. This is likely due in part to the challenge of reaching individual high performers within areas or high schools where the institution does not already have relationships and a strong reputation. Data- and technology-driven tools, as well as stakeholder networks, can support institutions in reaching more students in a cost-effective, meaningful way.

Students attending college often stay in close proximity to home and work, with nearly 60% of college freshmen attending a four-year institution within 50 miles of their homes.[45] The number of colleges in close proximity to a student's home or work, as well as a need or desire to stay local, can vary along lines of race and class.[46] A recent study concludes that communities with large Hispanic populations and low educational attainment have the fewest alternatives nearby, while white and Asian communities tend to have more. These patterns can result in education deserts, or places where opportunities that are available for some communities are rare (or even nonexistent) for others.[47]

Geography, In Action

Recruiting. There are a number of effective ways to recruit for geographical diversity. An institution might target outreach and recruitment efforts to neighborhoods or zip codes (including their local communities) that exhibit desired characteristics, based on aggregate demographics including population density and average family income. Public institutions that draw heavily from an in-state population, as well as private institutions that tend to conduct enrollment activities within a specific region, may be able to compile this type of information in-house. Alternatively, institutions could use data tools created by third parties to assist with this exercise. For some institutions, alumni, trustees, and other friends of the institution can be helpful in creating connections for the institution in regions (domestic and foreign) that are not well represented in the student body. Marketing campaigns during popular nationally televised sporting or other events may also be effective.

FROM RESEARCH TO PRACTICE

Notable Research on Zip Codes

A study titled "Talent is Everywhere: Using Zip Codes and Merit to Enhance Diversity" conducted by Danielle Allen proposes using geographic diversity and zip codes as a way of promoting racial, ethnic, and economic diversity. The author suggests that universities select students at least in part based on academic accomplishments within their zip codes or census tracts. She asserts that this method of admission would likely yield economic, racial, ethnic, and ideological diversity on all of those fronts. However, to be neutral, there would have to be a driving authentic goal apart from increasing racial or ethnic compositional diversity.

Allen, D. (2014). "Talent Is Everywhere: Using Zip Codes and Merit to Enhance Diversity" (pp. 145–59). In R. D. Kahlenberg, *The Future of Affirmative Action*. Lumina Foundation and the Century Foundation Press. Retrieved from: **http://tcf.org/assets/downloads/FOAA.pdf** **http://apps.tcf.org/future-of-affirmative-action#chapter-104148**.

45. Hillman, N., and Weichman, T. (2016). *Education Deserts: The Continued Significance of "Place" in the Twenty-First Century*. American Council on Education and the Center for Policy Research and Strategy. Retrieved from **https://www.acenet.edu/news-room/Documents/Education-Deserts-The-Continued-Significance-of-Place-in-the-Twenty-First-Century.pdf**

46. Hillman, N., and Weichman, T. (2016).

47. Hillman, N. W. (2016). "Geography of College Opportunity: The Case of Education Deserts." *American Educational Research Journal*, 53(4), 987–1021. **https://doi.org/10.3102/0002831216653204**

Admission. In admission, a college or university might choose to provide special consideration to any applicant, regardless of race and ethnicity, from certain target neighborhoods. For example, institutions might create composite scores for zip codes based on information such as urban or rural community, average income, average adult education level, population density, and/or average educational attainment as a way to create greater student diversity on campus. By using aggregate data on neighborhoods or zip codes to inform enrollment management functions, institutions can aim to attract and enroll students with a diversity of backgrounds and experiences. Institutions also might create a targeted recruitment and special admission focus for students from geographic areas that may be important for the institution to serve based on its mission but that are not well represented within the institution's student body. For example, a public land-grant institution may pay special attention and/or provide special consideration for students from inadequately resourced areas within the state.[48]

Examples

The **Emerging Scholars Program** at **Clemson University** was established in 2002 with the aim of helping students from rural, low-socioeconomic areas in South Carolina reach their goal of higher education. The program currently works with over 200 high school students in seven school districts. Participation in the Emerging Scholars Program begins when students are rising high school sophomores and concludes during their senior year. The program offers classes in reading, writing, and math, as well as leadership development and college access information, and has two components: (1) summer residential experiences on the Clemson University campus, which include academic enrichment, exposure to university partners, college visits, and college access information; and (2) academic and social activities throughout the school year, which include numerous college trips, school-based check-ins with Emerging Scholars Program staff, and participation in weekly after-school programming. Since the inception of the program, all participating students have graduated from high school. Ninety percent of students in the Emerging Scholars Program attend college or the military within their first year out of high school.[49]

The **ALL Georgia Program** was established in 2018 to provide unique and targeted supports for rural students at the **University of Georgia**. Among a wealth of resources, there are the following five pathway offerings: (1) Academic Enrichment, which offers academic coaching, student success workshops, and tutoring services; (2) Leadership Development, which offers employment opportunities, career exploration, and graduation and career preparation; (3) Advising and Mentoring, which offers staff and faculty mentoring as well as annual networking events; (4) Community Engagement, which offers domestic and global service learning opportunities; and (5) Summer Opportunities, which offers service, research, and employment opportunities.[50]

Since 1989, the **University of Southern California's McMorrow Neighborhood Academic Initiative (NAI)** has provided a rigorous, seven-year precollege enrichment program designed for low-income students from neighborhoods around USC.[51] The primary goal of the program is to attract neighborhood students to USC and to prepare them for admission—though NAI is committed to helping students enroll in and graduate from any appropriate college. The program has three core components: (1) the USC Pre-College Enrichment Academy, which provides enhanced classes at USC on weekday mornings; (2) a Saturday Academy; and (3) after-school tutoring, remedial and enrichment sessions, skills-focused workshops, standardized test preparation, parent engagement sessions, and cultural and recreational opportunities.[52] Those students who complete the program and meet admission standards automatically receive a full (and loan-free) four-and-a-half-year financial package.

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48. Many nontraditional geographic targets may also be home to students from underrepresented racial or minority groups. Moreover, most racial and ethnic groups tend to cluster in certain geographic areas, and students from these groups tend to attend institutions within those areas as well. This appears to be particularly true for Latino students, 63% of whom attend community colleges. *See* Kelly, P. J. (2005). *As America Becomes More Diverse: The Impact of State Higher Education Inequality*. National Center for Higher Education Management Systems. Retrieved from **http://files.eric.ed.gov/fulltext/ED512586.pdf**.

49. Lange, A. (2019, August 28). Personal interview.

50. ALL Georgia Program. (n.d.). University of Georgia. Retrieved from **https://dae.uga.edu/initiatives/all-georgia-program/**

51. Leslie and William McMorrow Neighborhood Academic Initiative. (n.d.). University of Southern California. Retrieve from **https://communities.usc.edu/college-access/nai/**

52. Leslie and William McMorrow Neighborhood Academic Initiative. (n.d.).

LEGAL LINES

Federal and State Cases on Geographical Interests and Race Neutrality

Grounded in appropriate design (authenticity and no distinctions of benefits conferred based on the race of any individual candidate), it's likely that postsecondary institutions may be aware of the aggregate racial composition/diversity of neighborhoods or zip codes targeted for recruitment efforts in decision making. That said, the U.S. Supreme Court has not yet ruled on whether the consideration of factors associated with geography (e.g., zip codes), where there is awareness of likelihood or intent of reaching students of particular races would be viewed as neutral. Notably, however, Justice Kennedy in a concurring opinion involving a challenge to race conscious student assignment policies in a K–12 setting observed:

> [I]t is permissible to consider the racial makeup of schools and to adopt general policies to encourage a diverse student body, one aspect of which is its racial composition. Cf. *Grutter v. Bollinger*, 539 U. S. 306 (2003); *id*., at 387-388 (KENNEDY, J., dissenting). If school authorities are concerned that the student-body compositions of certain schools interfere with the objective of offering an equal educational opportunity to all of their students, they are free to devise race conscious measures to address the problem in a general way and without treating each student in a different fashion solely on the basis of a systematic, individual typing by race.
>
> School boards may pursue the goal of bringing together students of diverse backgrounds and races through other means, including strategic site selection of new schools; drawing attendance zones with general recognition of the demographics of neighborhoods; allocating resources for special programs; recruiting students and faculty in a targeted fashion; and tracking enrollments, performance, and other statistics by race. These mechanisms are race conscious but do not lead to different treatment based on a classification that tells each student that they are to be defined by race, so it's unlikely any of them would demand strict scrutiny to be found permissible.

Parents Involved in Community Schools v. Seattle Sch. Dist. No. 1 et al., 555 U.S. 701 (Kennedy J., concurring).

Other courts have addressed similar issues, including:

The Sixth Circuit Court of Appeals, which found that consideration of geography in a K–12 student assignment context (changing busing pattern involving assignment of students from racially isolated schools to racially diverse schools was race neutral, and that for it to be considered a race conscious factor, intent beyond knowledge about racial statistics or effects on race would be required). *Spurlock v. Fox*, 716 F.3d 383 (6th Cir. 2013). See also *Doe v. Lower Merion Sch. Dist*., 665, F. 3d. 524 (3d Cir. 2011).

A California appellate court upheld a K–12 school assignment policy that considered a composite neighborhood score with a measure of racial diversity as one element for assigning students to schools. Because each student within a given neighborhood received the same diversity score, regardless of their individual race, the court found that the policy did not violate California's state ban on race conscious policies and practices. See *Am. Civil Rights Foundation v. Berkeley Unified Sch. Dist*., 172 Cal. App. 4th 207 (2009).

In 2013, NAI expanded beyond its home base of South Los Angeles to include more than 100 sixth graders in East Los Angeles (which USC's Health Sciences Campus calls home).[53] The first McMorrow NAI class graduated in 1997. Since that time, nearly 1,040 students have completed the NAI program, 83% of whom enrolled in a four-year college, including 42% who enrolled at USC. Almost every one of these students is a first-generation student and qualifies for a Pell Grant.[54]

ORGANIZATIONAL INITIATIVES

In 2019, the **National Association of College Admission Counseling** (NACAC) began the Rural and Small Town Special Interest Group to focus on issues related to college access and success for rural students. This group intends to bring together rural and small town admission/college counselors and students in rural areas to discuss challenges specific to the rural context, as well as potential solutions to these challenges.[55]

53. North-Hager, E. "USC Neighborhood Academic Initiative Expands to East LA." (2013). *USC News*. Retrieved from **https://news.usc.edu/54149/usc-neighborhood-academic-initiative-expands-to-east-la/**.

54. Garcia, S., and Miller, C. (2019). "Promising young scholars honored as USC high-school initiative celebrates its latest graduates." *USC News*. Retrieved from **https://news.usc.edu/156691/2019-neighborhood-academic-initiative-class/**

55. Moe, A. (2019). "SIG Focus: Rural and Small Town Special Interest Group." Admitted Blog—National Association for College Admission Counseling. Retrieved from **http://admitted.nacacnet.org/wordpress/index.php/2019/05/09/sig-focus-rural-and-small-town-special-interest-group/**

TOOLS YOU CAN USE

The College Board Segment Analysis Service

The **College Board Segment Analysis Service**™ is a geodemographic tagging tool that identifies aggregated "clusters" of prospective students based on high school and neighborhood data. Clusters are adjusted every year to account for demographic shifts. And geographic data on students' neighborhoods and high schools have been recently enhanced, with more than 60 data points used to inform the likelihood of students from particular areas to accept admission and succeed at an institution.

For institutions that use the service, College Board provides two tag numbers based on the student's street address, zip code, and high school code: one that describes the student's high school and another that describes their neighborhood. The data set that serves as a foundation for the Segment Analysis Service is made up of students who take standardized tests designed and administered by College Board (e.g., the PSAT/NMSQT®, the SAT, AP Exams). Using these data points, institutions can assess the student's likelihood of college attendance based on graduation rates, education levels, income levels, and other relevant factors relating to the student's high school and neighborhood. (When an institution initially purchases the service, College Board analyses three years of the institution's recruitment data to assess how different clusters of students behaved through the admission process at the school, from application to admission to enrollment.)

Though the service was initially used primarily by small- and medium-sized private colleges, some public institutions—including flagships—have begun to use it as well. Institutions can use the data provided by the Segment Analysis Service in a variety of ways: to identify characteristics of students who apply; to understand more about target students who do not apply; to identify students who could be eligible for financial scholarships; to inform potential scholarship awards; and to assess admitted students' preenrollment characteristics alongside their current college performance. With this information, institutions can take a deeper look at the elements of diversity they seek among applicants and admitted students without having to create a database and student identification method on their own.

IN BRIEF

Experience or Service Commitment Associated with Race

WHAT IS IT?

- The approach identifies students who, regardless of their own race, have meaningful experiences or deep knowledge involving societal issues of race, demonstrate learning from those experiences or study, and are expected to contribute to elevating understanding of such issues and enhancing the quality of learning and associated living and work outcomes for all students on campus.
- This approach may also include a focus on students who demonstrate a commitment to equity and service.

WHO USES IT?

- Public and private institutions whose educational missions include preparing students to contribute and prosper in a diverse society.
- Public and private institutions whose mission priorities and educational goals require creation of a broadly diverse and inclusive academic community and emphasize preparing students to contribute to the elimination of societal inequities.

CONDITIONS FOR LIKELY SUCCESS

- A method/criterion to evaluate a student's experience, knowledge, and commitment to community service and addressing inequities.
- An authentic purpose to seek students of all races and ethnicities whose experience, knowledge, or demonstrated commitment to service satisfy the criterion.
- Clear documentation of the criterion, its purpose and use, and a strong understanding by those applying the criterion on how to do so properly regardless of a student's race without making assumptions associated with an individual's race.
- Advice of knowledgeable legal counsel and alignment of goals and coordination of efforts across enrollment programs.

POTENTIAL ROADBLOCKS AND QUESTIONS TO CONSIDER

- How can the institution demonstrate in its actions and document that its purpose for using the criterion is authentic?
- How can the institution gauge the depth of an individual's experience, not based on assumptions tied to their racial/ethnic status, but on their individual life journey?
- How can the institution ensure application of this criterion to individuals of all races and avoid inaccurate perceptions and misuse of this criterion?

NECESSARY INVESTMENTS

- An evaluation system to ensure the criterion is used authentically, applied properly, and effective.
- Development of specific curricular, cocurricular, and support programs whose subject matter focus (not participant selection criteria) is on elevating knowledge of societal issues and inequities associated with race, thereby also demonstrating authenticity of this interest.

Overview

This play involves the development and use of application criteria that seek students who, regardless of their own race or ethnicity, express and demonstrate an authentic commitment to advance one or all of the following interests that are important to the institution's diversity-related mission and educational goals:

1. Elevating knowledge of issues of race in society to help prepare all students to contribute to and prosper in a diverse society after graduation;
2. Breaking down barriers based on race in cocurricular and extracurricular activities, research, work, and/or social activities; and
3. Serving the needs of communities that are targeted for racial bias and societal inequity.

Experience or Service Commitment Associated with Race, In Action

This approach centers on students' ability, based on knowledge and experience, to advance an institution's diversity-related and other priority educational objectives when selecting students to participate in programs or receive benefits, such as admission and aid. Disciplines within institutions that are particularly dependent on understanding and addressing issues of race and ethnicity in society, such as health and other science fields, law, social work, and political science, may choose to include experience associated with race as part of their program admission criteria. Separate scholarship programs may target students who demonstrate such qualities.

In addition, institutions or programs interested in attracting and supporting students with an intentional and expressed commitment to addressing inequities and to service can include application criteria focused on such characteristics. Such criteria can be expressed through essays, interviews, or information on activities and experiences in which a student has engaged, as well as the student's aspirations and interest (not racial or ethnic status per se).

Examples

The **McQuown Scholarship Program** at the **University of Florida College of the Liberal Arts and Sciences** provides annual financial aid awards to undergraduate and graduate students in the Humanities, Social Sciences, Individual Interdisciplinary Studies, and Women's Study. Among the criteria considered in determining awards, the McQuown Scholarship Program emphasizes the following qualifications:

- "Regardless of an applicant's own race or gender, an applicant's record or promise to break down barriers, create a welcoming environment, and include individuals who are racial minorities or women (or otherwise reflect broad diversity) in academic, cocurricular, and/or research endeavors;
- An applicant's success in overcoming barriers—or helping others to overcome barriers—to academic achievement (including low socioeconomic background); and
- An applicant's record or promise to contribute to the student's university, local or larger community." [56]

These qualifications are evaluated as part of the application process, which includes both an essay and an interview process.[57]

The **Doris Duke Conservation Scholars Program** at the **University of Florida**, **University of Arizona**, **University of Idaho**, **North Carolina State University**, and **Cornell University** is a two-year experiential learning program for undergraduate students "with a demonstrated interest in environmental issues and cultural diversity." As Doris Duke Conservation Scholars, students participate in paid research, leadership, and mentorship opportunities.[58]

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56. O. Ruth McQuown Scholarship Awards. (n.d.). University of Florida College of Liberal Arts & Sciences. Retrieved from **https://legacy.clas.ufl.edu/scholarships/mcquown/ruthmcquown.html**
57. O. Ruth McQuown Scholarship Awards. (n.d.).
58. Doris Duke Conservation Scholars Program. (2019). University of Florida. Retrieved from **https://programs.ifas.ufl.edu/doris-duke-conservation-scholars**

When considering applicants, the program selection criteria includes a "demonstrated community service orientation and personal qualities to succeed in conservation fields (including perseverance and resilience, ability to scale barriers, communication skills, and other characteristics)," and "[r]egardless of each applicant's own race or ethnicity, [a] demonstrated commitment to and experience with breaking down ethnic barriers to create a welcoming environment for all—including individuals from racial and ethnic minority groups" among other criteria." [59] The use of such criteria stem from the program's belief that such qualifications are critical "to identify[ing] and address[ing] the conservation needs of all segments of U.S. and global society." [60]

Also see the **University of Georgia's Cousins Scholars Program** under Cohort Programs, which uses commitment to service as a driving participation criterion in a program providing college transition, academic, and financial benefits.

59. Eligibility. (n.d.). University of Florida—Doris Duke Conservation Scholars Program. Retrieved from **https://www.ddcsp-ufl.com/eligibility**

60. Doris Duke Conservation Scholars Program. (2019).

IN BRIEF

First-Generation Status and Other Special Circumstances

WHAT IS IT?

- Students from different backgrounds experience an array of challenges that may impede their efforts when preparing for and applying to college—and that may also reflect kinds of diversity an institution seeks to attain. This area of focus recognizes that challenges exist due to a variety of factors such as first-generation status, experiencing homelessness, undocumented status, and more.

WHO USES IT?

- Institutions aiming to provide access for students who have demonstrated an ability to bring strengths of value to the institution and peers (including an ability to navigate challenging pathways successfully) and to contribute greater experience- or circumstance-related diversify to enhance the richness of the academic environment.
- Institutions that have a broad view/definition of diversity, which includes an array of life circumstances that may be important to mission and admission aims.

CONDITIONS FOR LIKELY SUCCESS

- Willingness to partner with community-based organizations (CBOs) and/or federal programs like TRIO and Upward Bound.
- Ability to devote admission staff to providing additional assistance to applicants who successfully address challenges in their lives that may have affected their college application.
- Clear admission process accessible to all students, with clear communications about admission/enrollment policies for first-generation and other targeted students.
- Training for admission staff in the standards of admission for first-generation students and other students who have navigated challenging pathways.
- Partnerships with faculty focused on leveraging student backgrounds to benefit all.
- Advice of knowledgeable legal counsel and alignment of goals and coordination of efforts across enrollment programs.
- Monitoring and program evaluation to assess the impact of program and policies focused on first-generation students and other students who have navigated challenging pathways.

POTENTIAL ROADBLOCKS AND QUESTIONS TO CONSIDER

- How can an institution support equitable consideration of the barriers students may have overcome given numerous readers and subjectivity?
- How can an institution train those involved in decision making about how to apply this strategy in a race neutral manner?
- How can an institution measure the impact on racial diversity to demonstrate insufficiency of this approach if it does not result in greater racial diversity?

NECESSARY INVESTMENTS

- Reaching out to CBOs that assist first-generation students with the application process.
- First-generation and other targeted student-oriented opportunities for academic and social supports.
- Tracking of first-generation and other targeted students' experiences on campus to inform policy development.
- Development of a common set of characteristics as indicators of successful navigation of challenging pathways for consideration when assessing applicants who are relevant to diversity goals.

Overview

Focusing on first-generation students in enrollment policies may be especially important, given demographic trends and workforce needs. Approximately 24% of the undergraduate population (4.5 million students) are first-generation, usually low-income students.[61] As a group, first-generation students are disproportionately overrepresented among the groups of students facing the most significant barriers to postsecondary completion; compared to students whose parents went to college, first-generation students are more likely to be female, older, black or Latino, have dependent children, and come from low-income families.[62] And it is likely that this population will grow, given demographic changes and trends.

Similar realities also confront students from other backgrounds who may factor into institutional diversity interests, including:

- **Students who have experienced homelessness.** At four-year institutions, students are experiencing homelessness at rates of 8% to 28%, and data suggest that black students are at an even greater risk of experiencing homelessness compared to their peers.[63]
- **Students connected to the foster care system.** Over 430,000 postsecondary students are involved in the foster care system, which correlates with a higher likelihood of dropping out of school. Compared to a national college completion rate of 32.5% (BA), students who were formerly in the foster care system complete college at a rate of under 11%.[64]
- **Students without citizenship or immigration documentation.** Each year, 65,000 students who do not have immigration documentation graduate from high schools, yet only 5% to 10% attend college due to a range of factors including federal, state, and institutional aid policies.[65]

First-Generation Status and Other Special Circumstances, In Action

Outreach/Recruitment. Engaging with first-generation students during middle and high school may be essential to ensuring their later success in college. Specific guidance may focus on enrolling in a rigorous course schedule (including AP or honor courses), planning an appropriate standardized testing schedule, and learning the fundamentals of college costs and financing options. Organizations like Advancement Via Individual Determination (AVID), Talent Search, and the National Urban League have all produced resources to assist with the recruitment of first-generation students. As a complement to student-facing efforts, staff and faculty should receive training on the unique challenges, experiences, and value that first-generation students bring to campus. The same applies to students who navigate other challenging pathways, such as students who come from low-income backgrounds, have experienced homelessness, and/or are connected to the foster system.

Admission. Institutions should ensure that application procedures and requirements are clearly communicated to students who may be unfamiliar with the admission process (and lack the benefit of family members' experiences). Many colleges already include special guidance directed toward first-generation and other applicants who navigate challenging pathways. Institutions may also give these students special consideration in the admission process. When choosing this option, institutions should ensure that application materials will identify these students and that application reviewers are aware of the institution's emphasis on recruiting and admitting these students who meet the necessary academic qualifications.

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61. Engle, J., and Tinto, V. (2008). *Moving Beyond Access: College Success for Low-Income, First-Generation Students*. The Pell Institute. Retrieved from **http://files.eric.ed.gov/fulltext/ED504448.pdf.**
62. Engle, J. S. (2007). "Postsecondary Access and Success for First-Generation College Students." *American Academic*, (3), 25–48. Retrieved from **https://pdfs.semanticscholar.org/e27f/6b423579e29231e22446c0b7777d7b5946bf.pdf?_ga=2.192055274.1921179504.1566585965-1295634766.1566585965**
63. Goldrick-Rab, S., Baker-Smith, C., Coca, V., Looker, E., and Williams, T. (2019). College and University Basic Needs Insecurity: A National #RealCollege Survey Report. Hope Center. Retrieved from **https://hope4college.com/wp-content/uploads/2019/04/HOPE_realcollege_National_report_digital.pdf**
64. Legal Center for Foster Care and Education. (2018). Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care. Retrieved from **https://foster-ed.org/fostering-success-in-education-national-factsheet-on-the-educational-outcomes-of-children-in-foster-care/**
65. Advising Undocumented Students. (2019). College Board. Retrieved from **https://professionals.collegeboard.org/guidance/financial-aid/undocumented-students**

FROM RESEARCH TO PRACTICE

The Walmart Minority Student Success Initiative

This initiative awarded 30 minority-serving institutions $100,000 capacity building grants to serve first-generation students. As a complement to these grants, the initiative produced a brief highlighting several best practices for institutions to use in the future, *Supporting First-Generation College Students Through Classroom-Based Practices*. The report identifies four key institutional practices that can increase first-generation student retention and academic performance: (1) using faculty to bridge department divides and to generate opportunities for professional development; (2) promoting curricular and pedagogical reforms; (3) creating a culture of ongoing inquiry, innovation, and creativity; and (4) establishing partnerships with allies to provide benefits for long-term and sustained project success.

Resource: Institute for Higher Education Policy. (2012). *Supporting First-Generation College Students Through Classroom-Based Practices.* Retrieved from **http://www.ihep.org/assets/files/publications/sz/(Issue_Brief)_Walmart_MSI_Supporting_FGS_September_2012.pdf**.

Aid and Support. Students who have faced any of these challenges are likely to have significant financial need. Linking admission priorities with sufficient financial aid is likely to result in higher enrollment rates for admitted students. This group of students may also need special supports, particularly during their first year of enrollment, to help with the transition to college.[66] Identifying faculty and peer mentors, offering academic support and tutoring opportunities, and creating inclusive programming may all contribute to students' long-term success at the institution and beyond. Depending on the unique student population served by the institution, special programming for students who have navigated challenging pathways (e.g., students from similar neighborhoods or cultural backgrounds) may have additional impact.

Examples

SUPPORT FOR FIRST-GENERATION STUDENTS

In 2008, the **University of South Carolina** created the **Gamecock Guarantee** program that provides low-income, first-generation college students an opportunity to gain access to a quality education, academic support, and a coordinated network of social support. These students meet the same admission criteria as the rest of the freshman class and come from families with incomes of less than $18,000 per year. Through coordinated efforts of the Office of Student Financial Aid and Scholarships and the Opportunity Scholars program (our federal TRIO student support services grant program), the Gamecock Guarantee was created to recruit, retain, and graduate low-income and first-generation students from the University of South Carolina. Students receive a minimum financial aid package of $4,500 per year for up to four years that, when combined with state scholarships and other aid, "guarantees" that at least their cost of tuition and technology fees will be covered. Financial support is coupled with required participation in program support, such as the Opportunity Scholars Program, the Capstone Scholars Program, or the South Carolina Honors College.[67]

66. First-generation students are less likely to be academically prepared upon enrollment and are less likely to persist over time. These students are nearly four times as likely to leave their institutions after the first year. After six years, only 11% had earned bachelor's degrees (compared with 55% of more advantaged peers). Further complicating the picture is that first-generation students tend to have much better outcomes at four-year institutions, but only about a quarter enroll in four-year institutions. *See* Warburton, E. C., Bugarin, R., Nunez, A. M., and Carroll, C. D. (2001). Bridging the Gap: Academic Preparation and Postsecondary Success of First-Generation Students. National Center for Education Statistics. Retrieved from **https://nces.ed.gov/pubs2001/2001153.pdf**

67. Gamecock Guarantee. (n.d.). University of South Carolina. Retrieved from **https://www.sc.edu/about/offices_and_divisions/financial_aid/grants/gamecock_guarantee/index.php**

Since this program's inception, USC has matriculated 1,600 low-income, first-generation students and has been able to meet, on average, 90% of each student's overall cost of attendance. At the six-year mark, the Gamecock Guarantee students are graduating at rates above their low-income peers and are on par with the overall university graduation rate of 73%.[68]

At **Bloomfield College**, a review of data informed the university about struggles that first-generation and other students had meeting mathematics graduation requirements and passing developmental math courses. A Task Force was created to examine the issue and to consider elimination of the developmental math courses. The math faculty created a college-level mathematics curriculum designed to increase student performance. The year after piloting the program was initiated, the fall-to-spring retention rate increased from 6% to 77%, and over 80% of students passed the first of two college-level freshman math courses. The success of the program led to adoption of the new curriculum in 2013.[69]

Numerous universities provide targeted scholarship support to first-generation students.

- The **University of Michigan's Kessler Presidential Scholars Program** provides aid to first-generation students with opportunities for participation in academic and professional workshops; opportunities for experiential education, study abroad, and internship programs; mentorship and service projects; and academic and financial support services.[70] In addition to these supports and opportunities, the Kessler program helps create a supportive community among first-generation students and staff to help students as they navigate the college experience.[71]
- **Georgetown University** links its strong admission results to a program they call the **Georgetown Scholars Program** (GSP). Started in 2004, GSP enrolls approximately 650 students each year. To date, over 1,000 GSP students have graduated at a 96% graduation rate. GSP students are offered a need-based aid package that meets their full financial need; it offers $3,000 more in scholarships (funded in part by a 1789 scholarship) and less in loans in each of their years here. This program offers its students the support to ensure they have the tools they need to thrive while at Georgetown. 425+ peer, alumni, faculty, and staff mentors advise GSP students; and the program provides support in the form of funds for tutoring, winter coats, one trip home over and above the two rounds trips built into the aid budget, grocery grants for periods when the dining services are closed, summer storage grants, and professional development grants.[72]
- **Texas Tech—First Generation Transition & Mentoring Programs** is a peer coaching model centered on an assets and holistic approach to student transition and success. The programs offer first-generation students scholarships, academic workshops, service learning opportunities, individual and group peer coaching sessions, and support from staff.[73]
- **Colorado State University—First Generation Award Program** provides aid of up to a maximum of $4,000 annually, contingent upon full-time enrollment at the Fort Collins campus.[74]

68. Gamecock Guarantee. (n.d.). University of South Carolina.
69. Cook, G., and Spies, C. (2019) Personal interview.
70. Kessler Scholars: A Rare Opportunity. (2019). University of Michigan. Retrieved from **https://lsa.umich.edu/scholarships/irene-and-morris-b-kessler-presidential-scholarship/rare-opportunity.html**
71. Kessler Scholars. (2019). University of Michigan. Retrieved from **https://lsa.umich.edu/scholarships/irene-and-morris-b-kessler-presidential-scholarship.html**
72. McWade, P. (2019). Personal interview.
73. First Generation Transition & Mentoring Programs. (2019). Texas Tech University. Retrieved from **http://www.depts.ttu.edu/diversity/FGTMP/**
74. First Generation Award Program. (2019). Colorado State University. Retrieved from **http://osp.casa.colostate.edu/first-generation-award-program/**

SUPPORT FOR STUDENTS WITH OTHER SPECIAL CIRCUMSTANCES

The **Florida State University Unconquered Scholars Program** provides supports for students who have experienced foster care, homelessness, relative care, or ward of the state status, in recognition of the unique needs that these student populations face in their transition to and through college. These services include advising, summer bridge programs, financial aid services, tutoring, and workshops.[75]

Kennesaw State University is committed to supporting diversity, and toward that end offers a series of scholarships and supportive services for students who are dealing with homelessness and food insecurity, and/or students previously or currently in foster care. This includes the Triumph Scholarship to support one student who has experienced/is experiencing homelessness, and the university's Campus Awareness, Resource, and Empowerment (CARE) Services, which provide resources including those related to admission, financial aid, campus housing, nutrition, and assistance in accessing housing.[76] Between August 2018 and June 2019, CARE Services served 520 students. Among those students, 135 received individual case management services.[77]

Pomona College supports students who do not have immigration documents, including through a student-led organization on campus, confidential emergency grant funding that includes the cost of DACA applications and access to the College's pro bono immigration legal resources network to answer immigration issues or for legal representation resources in case of detention for students, alumni, and immediate family members. Pomona College reviews the applications of these students by applying the same process and criteria that is applied to all applicants, regardless of race or immigration status, and accepts students on a need-blind basis.[78]

Tufts University offers optional opportunities for students who do not have immigration documentation to support their transition to and experience on campus, including summer outreach and early academic advising, and a weekly advising course, as well as legal support, mental health counseling, and community building.[79]

The **Dean College Arch Learning Community** is designed for students with diagnosed learning disabilities and/or other learning challenges (such as attention and memory difficulties) who would benefit from additional support while taking part in a traditional college curriculum. Through individualized academic coaching, Arch-designated courses, and specialized Success and Career Advising, students work within the program to acquire the necessary skills to be successful in their degree programs. These supports have bolstered participant success as reflected in a 90% four-year graduation rate.[80]

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75. Unconquered Scholars Program. (n.d.). Florida State University Center for Academic Retention & Enhancement. Retrieved from **https://care.fsu.edu/USP**
76. About CARE. (2019). Kennesaw State University. Retrieved from **https://care.kennesaw.edu/about.php**
77. About CARE. (2019). Kennesaw State University. Retrieved from **https://care.kennesaw.edu/about.php**
78. Undocumented and DACAmented Student Resources. (2019). Claremont, CA: Pomona College. Retrieved from **https://www.pomona.edu/daca**
79. For Students. (2019). Tufts University. Retrieved from **https://students.tufts.edu/academic-advice-and-support/student-success-and-advising/undocumented-students/students**
80. Arch Learning Community. (2018). Dean College. Retrieved from **https://www.dean.edu/support-success/student-services-resources/learning-support-services/arch-learning-community/**

RESEARCH TO PRACTICE

Students Tell Their Stories in Application Questions

OVERVIEW

Answers to application questions for admission, aid, and experiential learning opportunities can provide students an opportunity to make their best case for how they could contribute to the achievement of the institution's diversity-related goals. They may, for instance, generate information about their life experiences associated with diversity, their particular commitment to achieving social goals associated with diversity, and more. Such questions may be used in conjunction with admission, scholarships, and other selective programs—in essence any program that applies selection criteria.

Broadly speaking, questions posed by an institution as part of an application should reflect the mission, and it's a good practice to train application readers in regard to the kind of answers that would be the most compelling. Questions may be identified as required or optional, and their inclusion can have resource implications that include the additional time required to assess applications.

One prominent example involves the **Meyerhoff Scholars Program at UMBC** (University of Maryland, Baltimore County). The Meyerhoff Scholars Program offers a different emphasis that focuses on highly able students who aspire to become leading research scientists and engineers. It is open to people of all backgrounds committed to increasing the representation of minorities in science and engineering. The program generates questions to assist selection committee members in assessing applicants' personal alignment with Meyerhoff Program goals. These inquiries include: willingness to discuss issues of academic performance and diversity within science and engineering; involvement with activities and organizations that serve and support others; and other related activities. This program provides financial support, mentoring, advising, and research experience to undergraduate students committed to obtaining Ph.D. degrees in science, technology, engineering, and math (STEM) fields.

Other approaches are evident in the field. They include:

- **Chapman University**
  "The 'I am Chapman' campaign on our campus was created to foster an appreciation and awareness of diversity, inclusion, equity, and social justice for all. We celebrate our students' individuality in all of its forms, including their personal experiences, culture, religious beliefs, opinions, ancestry, race, ethnicity, interests, ability, geographic backgrounds, and family traditions. Given the diverse experiences and perspective of our community members, the admission committee would like to know what makes you 'Chapman'?"
- **North Carolina State University**
  "NC State is a community that is strong because of the diversity of our perspectives and experiences. Please describe how you could contribute to or benefit from campus diversity."
- **Southern Methodist University**
  "SMU is a diverse learning environment shaped by the convergence of ideas and cultures. How will your unique experiences and background enhance the university, and how will you benefit from this community?"
- **University of Washington**
  "Our families and communities often define us and our individual worlds. 'Community' might refer to your cultural group, extended family, religious group, neighborhood or school, sports team or club, coworkers, etc. Describe the world you come from and how you, as a product of it, might add to the diversity of the University of Washington. Tip: Keep in mind that the University of Washington strives to create a community of students richly diverse in cultural backgrounds, experiences, values, and viewpoints."

Sources: Maton, K., Hrabowski, F.A., and Özdemir, M. "Opening an African American STEM Program to Talented Students of All Races: Evaluation of the Meyerhoff Scholars Program 1991–2005, 125–156. (2007). In G. Orfield, P. Marin, S. M. Flores, and L. M. Garces (eds.) *Charting the Future of Affirmative Action: Legal Victories, Continuing Attacks, and New Research*. Los Angeles, Calif.: The Civil Rights Project at UCLA. Retrieved from **https://files.eric.ed.gov/fulltext/ED517800.pdf**. *See also* Jackson, S. "How Will You Contribute to Our Diverse Population?" (2016, Nov. 28) *Insight Into Diversity*. Retrieved from **https://www.insightintodiversity.com/how-will-you-contribute-to-our-diverse-population/**.

The authors of this report have developed the following question that may be adapted to serve diversity-related institutional interests:

Our institution is committed to serving our local community, state, nation, and world by enhancing access to exceptional educational opportunities for students who have the promise to contribute their talents, perspectives, and life experiences to a broadly diverse and inclusive academic community. We are also committed to creating a community where all of our students can fully participate, reach their fullest potential, and benefit from experience living, learning, working, and socializing with people who have different socioeconomic backgrounds, races, faiths, cultures, identities, talents, perspectives, and roads traveled.

The following question is intended to provide insight to us on how your life experiences and personal commitment would both contribute to and benefit from the campus climate and experience we seek to provide for all of our students as they prepare for life in an increasingly diverse society. We encourage you to be open about your relevant experiences, depth of understanding, and commitment, even if that is difficult. Our objective is to truly understand you. We value students who have navigated challenging circumstances beyond their control, as well as students who have helped remove barriers that others may have had to face.

Please describe specific experiences in which you have meaningfully come to understand differences, hostilities, or barriers (e.g., cross-socioeconomic, -racial, or -faith); or experiences in which you may have contributed to enhancing understanding and elimination of such challenges. Please let us know:

- **How did you respond and, in hindsight, would you have responded differently?**
- **How would this experience or understanding affect your engagement in and benefits from the university's programs?**
- **How would these experiences contribute to your peers' experience at the university?**
- **How is this experience likely to benefit society and contribute to your personal and work-related satisfaction after graduation?**

IN BRIEF

Percent Plans

WHAT IS IT?

- A percent plan is a program, typically mandated by a state legislature, that provides for admission of in-state students to the state's public institutions through an automatic process based on high school class rank, grade point average, and/or standardized test score.

WHO USES IT?

- Public institutions (particularly those in large states) directed by the state legislature to admit at least a portion of students through the statutorily mandated percent plan.

CONDITIONS FOR LIKELY SUCCESS

- State demographics and residential and school system context that result in admitting a diverse pool of students when the percent plan criteria are applied.
- Complementary processes to create alternate avenues for admission, particularly for students who do not qualify for percent plan admission, but have skills, characteristics, or experiences likely to contribute to the institution's fulfillment of its diversity goals.
- Advice of knowledgeable legal counsel and alignment of goals and coordination of efforts across enrollment programs.
- Monitoring and program evaluation to assess the impact of the program and assure satisfaction of statutory requirements.

POTENTIAL ROADBLOCKS AND QUESTIONS TO CONSIDER

- Does the operation of the percent plan adversely impact the design of the complementary alternative admission or aid program?
- What demographic or geographical factors contribute to the percent plan's impact on diversity needs of the institution's educational program?
- How effectively do other strategies complement the percent plan?
- What students do the percent plan tend to exclude? Are there alternative pathways for these students to gain admission?

NECESSARY INVESTMENTS

- Clear and timely advance communication to students, parents, and high schools about eligibility criteria.
- Regular evaluation of the program for alignment and compatibility with the institutional mission and goals, as well as alternate admission pathways and the institution's capacity and resource limitations, and engagement with state policymakers.

Overview

Percent plans are typically established by state legislatures to maintain diversity at public institutions in the face of a legal barrier to race conscious enrollment practices created by an actual or threatened court decision or voter initiative. They are intended to allow a diverse group of students from across the state to have an opportunity to enroll in the state's public institutions based on their high school performance—specifically, class rank, grade point average, and sometimes standardized test scores, without considering banned factors such as race, ethnicity, and others. Because these programs reach students from all public high schools across the state, they can result in a racially, ethnically, socioeconomically, and geographically diverse class of students—depending on the demographics of the state.

Percent plans are unlikely to be appropriate or effective in a private or graduate school context where nationwide and international student recruitment is a focus, given the inherent reliance on state residents. They are also unsuitable in these contexts as they reduce or eliminate "individualized assessments necessary to assemble a student body that is not just racially diverse, but diverse along all the qualities valued by the university." [81] In *Fisher II*, the Court majority amplified this point in rejecting arguments that the Texas 10 Percent Law would address all of the diversity interests at the University of Texas at Austin, observing that reliance on class rank "alone" would:

> "sacrifice all other aspects of diversity in pursuit of enrolling a higher number of minority students. A system that selected every student through class rank alone would exclude the star athlete or musician whose grades suffered because of daily practices and training. It would exclude a talented young biologist who struggled to maintain above-average grades in humanities classes. And it would exclude a student whose freshman-year grades were poor because of a family crisis but who got herself back on track in her last three years of school, only to find herself just outside of the top decile of her class."[82]

LEGAL LINES

Percent Plans and Race Neutrality

Although many view percent plans as race neutral, they may be considered race conscious under law in certain contexts. In his *Fisher II* opinion for the Court, Justice Kennedy observed with respect to the Texas Top Ten Percent Law, that it was "race consciousness, not blindness to race" that defined the plan. He reasoned that "the Top Ten Percent Plan, though facially neutral, [could] not be understood apart from its basic purpose, which [wa]s to boost minority enrollment." Percentage plans [we]re "adopted with racially segregated neighborhoods and schools front and center stage." However, Justice Kennedy did not address whether strict scrutiny legal standards would apply where the race of individual students is not considered in admitting students under a percent plan.

Source: *Fisher v. University of Texas*, 579 U.S.__2016.

81. *Grutter v. Bollinger*, 539 U.S. 306 2003.

82. *Fisher v. University of Texas*, 579 U.S.__2016.

Percent Plans, In Action

Percent plans are in place for at least some public institutions in California, Florida, and Texas. All three state programs were put into place following an actual or threatened court decision or voter initiative that forbade the consideration of race or ethnicity in enrollment practices. Although percent plans have yielded some positive results for large state flagship institutions,[83] they are not likely to work well in any setting that is less racially segregated and more economically heterogeneous.[84] These programs tend to favor students of higher socioeconomic status.[85]

In 1997, the **Texas** legislature adopted the "**Top Ten Percent Law**" after the Fifth Circuit decision in *Hopwood v. Texas* forbade the consideration of race and ethnicity in admission (until the Supreme Court's 2003 decision in *Grutter*). Under the law, automatic admission to state-funded institutions is provided to any Texas high school student with a GPA in the top 10% of their graduating class. Due to high demand for admission to the University of Texas at Austin (UT), the law was amended in 2009 to allow UT to cap automatic admission at 75% of spaces set aside for Texas students in each fall's freshman class while also requiring 90% of enrolling freshmen to be from Texas.[86] (Since that change, the high school rank needed for automatic admission has varied and is now at top 6%.[87])

The impact of the Top Ten Percent Law on diversity at UT and other Texas institutions has drawn significant attention, due in part to the Abigail Fisher litigation. Studies of the program and its impact on diversity have found that the increase in campus diversity may be better attributed to the state's demographics rather than the plan itself (as of 2009, white students make up less than half of high school graduates in Texas), indicating that state demographics play a central role in the feasibility of percent plans.[88]

Florida's percent plan, "The Talented Twenty," guarantees admission at one of 12 state public institutions to students who rank in the top 20% of their high school classes.[89] To be eligible for the program, students must attend a Florida public high school; graduate with a standard diploma; complete 18 core course requirements; meet the reading, English/writing, and mathematics test score minimums for college-level coursework; and submit scores from the SAT® or ACT® to a university in the State University System. Qualifying students are not guaranteed admission at the Florida public institution of their choice. Once any participating Florida institution accepts a qualifying student, the guarantee for admission has been considered met, even if the student does not wish to attend that particular university. But, if a qualifying student receives three or more denials of admission, other Florida institutions must provide complementary reviews of their transcript at the request of the student's high school counselor.[90]

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83. Some evidence suggests that the positive effects of the plan have less to do with the plan itself and more to do with the increased demand for higher education in the state. See Tienda, M. (2010). "Equity, Diversity and College Admissions: Lessons from the Texas Uniform Admission Law." In Grodsky, E., and Kurlaender, M., (eds.), *Equal Opportunity in Higher Education: The Past and Future of Proposition 209*. Cambridge, MA: Harvard University Education Press. Retrieved from **http://theop.princeton.edu/reports/forthcoming/Tienda_EquityDiversity.pdf**.

84. See Bowen, W., and Rudenstine, N. (2003). *Race-Sensitive Admissions: Back to Basics*, p. 14. University of Virginia Press.

85. Carnevale, A., and Rose, S., ed. Kahlenberg, R. (2003). "Socioeconomic Status, Race/Ethnicity, and Selective College Admissions." In Kahlenberg (ed.) *America's Untapped Resource*, 151. The Century Foundation Press.

86. The University of Texas at Austin. (2017). Growth in Texas Drives UT Austin Automatic Admission to Top 6 Percent. Retrieved from **https://news.utexas.edu/2017/09/15/growth-in-texas-drives-automatic-admission-to-top-6-percent/**

87. Watkins, M. (2017). "UT-Austin changes automatic admissions threshold from 7 to 6 percent." *The Texas Tribune*. Retrieved from **https://www.texastribune.org/2017/09/15/ut-austin-raises-automatic-admissions-threshold-6-percent/**

88. See Tienda, M. (2010). "Equity, Diversity and College Admissions: Lessons from the Texas Uniform Admission Law." In Grodsky, E., and Kurlaender, M., (eds.), *Equal Opportunity in Higher Education: The Past and Future of Proposition 209*. Cambridge, MA: Harvard University Education Press. Retrieved from **http://theop.princeton.edu/reports/forthcoming/Tienda_EquityDiversity.pdf.**

89. Florida Department of Education. (2019). Talented Twenty Program Frequently Asked Questions for Parents and Students. Retrieved from **http://www.fldoe.org/schools/family-community/activities-programs/talented-twenty-program/**

90. Florida Department of Education. (2019).

Studies have called the Talented Twenty program into question, finding that white and Asian students are "disproportionately eligible;" that the program had a very small impact in increasing eligibility for admission for underrepresented students (approximately 180 students statewide in each of the program's first two years); and that the increases in diversity at the state's most competitive public institutions (the University of Florida and Florida State University) were likely due to increased outreach and recruitment rather than to the Top Twenty program.[91]

Under **Florida**'s percent plan, the Talented Twenty, students are given priority for the Florida Student Assistance Grant, a need-based grant program.[92]

The **University of California** (UC) system adopted a percent plan following the enactment of Proposition 209 (a voter initiative in California that forbids the consideration of race and ethnicity in admission). This plan aligns with a long-standing goal articulated in California's Master Plan for Higher Education (1960) that calls for UC to admit all qualified freshman applicants in the top 12.5% of California public high school graduates.

Under the percent plan—called "Eligibility in the Local Context" or ELC—the top 9% of all California high school graduates are eligible for admission at one of the nine undergraduate UC campuses. To qualify under ELC, a student must have attended a participating California high school, satisfactorily completed a specific pattern of 11 UC-approved courses before the start of their senior year, and have a UC-calculated GPA that meets or exceeds the historical top 9% GPA benchmark established by UC for their high school. (In 2012, UC widened eligibility from the top 4% to the top 9%.) [93]

Students may also become eligible for admission to the UC system through a second path called "Eligibility in the Statewide Context." The statewide path is determined through a UC-calculated index based on high school GPA and performance on the ACT or SAT. For both paths, students are not guaranteed a spot at the campus of their choice, but are guaranteed admission to one of the nine undergraduate campuses in the UC system.[94]

ELC has had limited success in increasing diversity in the UC system due to significant competition for limited space.[95] A large number of California applicants qualify under the top 9% ELC standard—roughly one-third of the 120,000 in-state applicants to the UC system in fall 2018—and UC campuses cannot accommodate all of them, particularly the most competitive campuses. UC Berkeley received over 21,500 applications from ELC-eligible students, more than twice the number of California residents admitted. Approximately 83% of UCLA's admitted students were ELC, but more than 20,000 applicants who were ELC were denied admission.[96]

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91. Marin, P., and Lee, E. K. (2003). *Appearance and Reality in the Sunshine State: The Talented 20 Program in Florida*. Cambridge, MA: The Civil Rights Project at Harvard University. Retrieved from **https://civilrightsproject.ucla.edu/research/college-access/admissions/appearance-and-reality-in-the-sunshine-state-the-talented-20-program-in-florida/marine-appearnace-reality-sunshine-2003.pdf**; U.S. Commission on Civil Rights. (2002, November). *Beyond Percent Plans: The Challenge of Equal Opportunity in Higher Education*. Retrieved from: **http://www.law.umaryland.edu/marshall/usccr/documents/beyondpercentplns.pdf**.

92. Florida Department of Education. (2019).

93. Local Guarantee (ELC). (2019). Retrieved from **https://admission.universityofcalifornia.edu/admission-requirements/freshman-requirements/california-residents/local-guarantee-elc.html**

94. Statewide guarantee. (2019). Retrieved from **https://admission.universityofcalifornia.edu/admission-requirements/freshman-requirements/california-residents/statewide-guarantee/**

95. Local Guarantee (ELC). (2019).

96. Yoon-Wu, H.M. (2019, September 3). Personal interview.

IN BRIEF

Educational Collaboration Agreements

WHAT IS IT?

- Educational collaboration agreements (ECAs) refer to voluntary agreements pursued by institutions of higher education that establish new or expanded academic pathways for students through progressive educational levels.

WHO USES IT?

- Four-year institutions aiming to enhance access to their programs for, and to broaden their recruitment pools to include, students from community/state colleges.
- Four-year institutions in different geographic locales, including foreign institutions that want to encourage educational exchanges across institutions to enhance diversity and enrich the academic programs and student experience.
- Two-year degree-conferring institutions that want to create stronger pathways to a four-year degree for their students.
- Smaller four-year institutions seeking to expand curricular opportunities for their students.
- School districts and high schools aiming to enhance their students' preparation for, pathways to, ability to afford, and success in college.

CONDITIONS FOR LIKELY SUCCESS

- A detailed agreement between participating institution(s).
- Relevant faculty and department staff engagement to align academic programs, coordinate policies among institutions, and facilitate any needed support for students.
- Existence and clear communication of integrated course and degree requirements across participating institutions and systems for efficient transfer of credits.
- Existence and clear communication of coordinated student services (academic and career counseling, admission counseling, and cocurricular and social opportunities).
- Advice of knowledgeable legal counsel and alignment of goals and coordination of efforts across enrollment programs.

POTENTIAL ROADBLOCKS AND QUESTIONS TO CONSIDER

- How do institutions navigate differences in admission processes and academic standards?
- How do institutions establish the right balance of separate and shared decision making?
- How do the institutions best align programs and courses, and facilitate and communicate program progression/transfer pathways for students?
- How can the "sending" institution adequately prepare students for transfer?
- How can the "receiving" institution provide support for students during and after their transfer to fully integrate them?

NECESSARY INVESTMENTS

- A comprehensive and clear crosswalk of aligned courses and degree requirements at "sending" and "receiving" institutions.
- Admission, academic, and social support systems for students.
- Systems to efficiently evaluate and process acceptance of credits earned at other institutions for purposes of awarding degrees.
- Systems to engender faculty engagement in design for ownership of the program and a stake in its success.
- Oversight and evaluation systems for the functionality of pathway, quality of academic program and student experience, and program outcomes.

Overview

Over a third of postsecondary students transfer at least once during their college career.[97] And, though most community college students intend to transfer to a four-year school and earn a baccalaureate degree, only about 33% transfer within six years.[98] Those who do succeed often have trouble bringing their credits with them. One study found that only about 58% of transfer students from community colleges to four-year institutions are able to transfer more than 90% of their credits, while 15% lose more than 90% of their credits.[99] Lost academic credits, inadequate academic planning and supports, minimal financial aid, and unclear transfer policies are barriers that can be addressed when institutions work more deliberately internally and together through collaborative agreements.

Collaborative agreements provide a way for institutions to collectively remove barriers to student transfer, encourage completion, foster attainment of credentials, and better align academic programs. Institutions have developed successful models between two- and four-year institutions, between four-year institutions, and between undergraduate and graduate programs. Importantly, collaborative agreements can be structured to advance student academic goals and utilize the participating institution's unique strengths and resources as the motivating factors, rather than encouraging competition for students.

Among institutions seeking greater racial and ethnic diversity, student transfer may be used as a mechanism to attract students that institutions may not reach through the freshman admission process, but are still academically qualified for the institution's programs. Community colleges and minority-serving institutions, for example, are home to significant populations of qualified minority and first-generation students.

Educational Collaboration Agreements, In Action

Types of Collaborative Agreements: Educational collaboration agreements exist in multiple different formats and may include, but are not limited to:

- **2+2 agreements**: Two institutions—typically a community or state college that offers associate degrees and a four-year college or university—enter an agreement to enable a student to earn a bachelor's degree in four years. The student earns an associate degree in two years at the first institution, where they can build needed skills or knowledge, or study at a lower cost. Then, the student enters the second institution with transfer credits allowing junior-year status, completing two additional years of study, and earning a bachelor's degree.
- **Dual enrollment agreements**: A high school or school system and one or more institutions of higher education develop a contract or participation agreement enabling qualified high school students to enroll simultaneously at a college or university and earn college credit. The scope of these agreements can include custom programs for specific institutions, programs aimed at pathways for a particular course of study and career, or broader agreements for an established general program.
- **Joint degree program agreements**: Two institutions enter an agreement that enables a student to complete a four-year bachelor's degree program (single or double major) or an extended bachelor's degree combined with a graduate or professional degree (e.g., a five-year BS/MBA or a six-year BS/MD), studying at both institutions. The student earns a separate, but coordinated, degree from each institution or a single dual degree from both. Another variation is an intra-institution agreement where a school within the institution that offers a bachelor's degree program partners with a professional graduate degree program within the institution to offer both degrees in an expedited program. A student can be admitted to both programs at once or partway

97. National Student Clearinghouse Research Center. (2015). Transfer & Mobility: A National View of Student Movement in Postsecondary Institutions, Fall 2008 Cohort. Retrieved from **https://nscresearchcenter.org/signaturereport9/**

98. Levesque, E. (2018). *Improving community college completion rates by addressing structural and motivational barriers*. Washington, D.C.: The Brookings Institution. Retrieved from **https://www.brookings.edu/research/community-college-completion-rates-structural-and-motivational-barriers/**

99. The same study found that community college transfer students have Bachelor of Arts graduation rates equal to similar students who began instead at four-year colleges. In fact, transfer students would likely have a higher graduation rate—from 46% to 54%—if not for the loss of academic credits during transfer. See Attewell, P., and Monaghan, D. (2014). The Community College Route to the Bachelor's Degree. *Educational Evaluation and Policy Analysis*. Retrieved from **http://epa.sagepub.com/content/early/2014/02/28/0162373714521865.**

through the bachelor's degree program. The student earns both degrees in less time than would be required otherwise.

- **PhD bridging program agreements**: Two institutions enter an agreement that offers one institution's graduates supplemental research or other critical experience at the second institution to prepare these graduates for admission to a doctoral program. While the student may apply to any doctoral program, the second institution also facilitates admission to its doctoral program for students who successfully complete the bridging program.

DEVELOPING COLLABORATIVE AGREEMENTS.

In developing a collaborative agreement between participating institutions, the following are key attributes of successful programs:

- an aligned purpose of the collaboration that satisfies all parties' aims;
- agreed upon program governance and funding;
- transparent relationship, roles, and responsibilities of the parties, including their respective areas of autonomous and collaborative decision making and related logistics;
- deep coordination of elements, including student services, degree requirements, admission criteria and process, credit transfers, marketing, and communications; and
- aligned program metrics, evaluation, and improvement systems.

Further, in developing these agreements, it is critical that institutions consider how they will ensure that they are satisfying accreditation and Title IV federal student aid requirements, including transparency/notice of their respective roles in shared academic programs.

Some states have articulation agreements, a formal, often mandatory, collaborative agreement among public institutions through which credits earned at one institution will be accepted by another toward its degree program. These articulation agreements are governed by the requirements of state statutes and regents' regulations. Similar voluntary agreements—including those between private and public institutions and between public high school and state colleges—provide similar benefits to students.

Examples

The state of **Florida** operates a **2+2 Program**, which establishes an articulation agreement between state colleges (formerly community colleges) and the state's 12 public universities that permits students to transfer credits from state colleges to public universities, generally after completing at least 30 credit hours. Students who choose to transfer credits and enroll at a public university can complete coursework and earn four-year degrees.[100]

Florida A&M University's IGNITE expands on the Florida 2+2 transfer system by creating opportunities for enrollment for students who have completed fewer credits than are otherwise required to transfer from a state college to a state university. The IGNITE Program is designed as a "redirect" or alternative pathway for students who may not initially meet the college admission standards. It's also an opportunity for those students who simply prefer to attend their local state/community college to earn their associate of arts degree prior to transferring to FAMU. IGNITE provides opportunities for engagement, a glimpse into university life, connections with university representatives, and options for scholarships. IGNITE guarantees admission to most degree programs to transfer students who attend a Florida partnering institution and obtain their associate degree.[101]

100. Florida Department of Education. (2018). A Guide to Florida's Policies. Statewide 2+2 Articulation Agreement. Retrieved from **https://www.floridacollegesystem.com/sites/www/Uploads/Articulation%20Agreement/Articulation%20Guide%20Final.pdf**

101. George, V. (2018). FAMU's New Transfer Program Partnership with Florida Colleges Ignites Statewide Impact. Retrieved from **http://www.famunews.com/2018/06/famus-new-transfer-program-partnership-with-florida-colleges-ignites-statewide-impact/**

Miami Dade College (MDC) enrolls six times as many Latino students as the entire Ivy League (as of 2006).[102] Now the largest institution of higher education in the United States with 98,000 students across eight campuses, MDC opened in the 1960s as a community college that served local populations of black and Latino students.[103] In addition to the state-mandated transfer and articulation policies relevant to its practices, MDC has created student transition agreements with more than 60 public and private universities. It maintains a comprehensive website that organizes articulation policies by school, state, and major and tags each receiving school's entry with potential scholarship opportunities.[104] Also, in 2001, MDC created the Honors College, which admits high-achieving high school students for two years of intensive study at MDC followed by expected transfer to four-year institutions.[105] As of 2011, the Honors College's graduates had transferred to 74 different four-year institutions, many of them highly selective.[106]

The **Georgia Institute of Technology's (Georgia Tech) College of Engineering** has fostered relationships with other institutions to offer more Georgia students the opportunity to pursue STEM degrees through the Regents' Engineering Pathways Program (REPP).[107] REPP was initially established in 1986 as a way to create opportunities for students statewide to study engineering (at the time, Georgia Tech was the only institution in Georgia that offered engineering degrees). REPP establishes clear pathways for guaranteed acceptance into Georgia Tech's College of Engineering for students at 22 other Georgia institutions, including community colleges, historically black colleges and universities, and other state four-year institutions.[108]

REPP's history and long list of participating institutions have created a robust program for students. In addition to REPP, Georgia Tech operates several other pathway programs and, as a result of these many opportunities, over half of the school's transfer students enter via a pathway.[109]

The **Fisk-Vanderbilt Master's-to-PhD Bridge Program** was created in 2004 as a partnership between two institutions in Nashville, Tennessee: Fisk University, a private HBCU, and Vanderbilt University, a private research institution. The Bridge Program gives full funding support to students with STEM undergraduate degrees who are interested in pursuing a PhD in physics, astronomy, materials science, biology, or chemistry and view a master's degree as a stepping stone to gather research experience, graduate-level coursework, and professional development before applying directly to a PhD program.[110]

Bridge Program faculty at both Fisk and Vanderbilt identify promising students from colleges and universities nationwide who might be overlooked without mentorship and support and through traditional graduate admission metrics. Overwhelmingly, participating students are not Fisk or Vanderbilt undergraduates, but students at both majority- and minority-serving institutions across the country through an array of recruitment mechanisms such as outreach to faculty members, sponsorship of summer undergraduate interns, and participation in STEM conferences and research competitions that include undergraduates.[111]

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102. Margolis, R. (2006). Community College Confidential, Educ. Sector. Retrieved from **https://www.air.org/edsector-archives/publications/community-college-confidential**. Ivy League institutions are increasing efforts to recruit Hispanic students, but since these institutions are home to a small fraction of American college students, these recruitment efforts have not produced systemic results.

103. Miami Dade College. (2019). About Miami Dade College Facts. Retrieved from **https://www.mdc.edu/about/facts.aspx.**

104. Miami Dade College Academic and Student Affairs. (2019). Articulation. Retrieved from **http://www.mdc.edu/asa/articulation.asp**

105. Miami Dade College. (2019). The Honors College, About the Honors College. Retrieved October 14, 2014, from **https://www.mdc.edu/honorscollege/about/**

106. Miami Dade College. (2011). "Honors College Students Keep Raising the Bar." *Miami Dade College Forum*, 15, no. 1. Retrieved from **http://www.mdc.edu/main/collegeforum/archive/vol15-01/features/mdc_honors.aspx**.

107. Georgia Institute of Technology. (2019). Regents' Engineering Pathway Program (REPP). Retrieved from **https://admission.gatech.edu/transfer/repp**

108. University System of Georgia. (2019). Strategic Academic Initiatives, Academic Committee: Regents Engineering. Retrieved from: **https://www.usg.edu/strategic_academic_initiatives/committees/view/regents_engineering_pathways**; University System of Georgia. (2016, May 31). Regents' Engineering Pathway. Retrieved from: **https://www.usg.edu/assets/academic_affairs_handbook/docs/REP_Agreement_Final.pdf.**

109. Georgia Tech Undergraduate Admission. (2019). Transfer Pathway Programs. Retrieved from **https://admission.gatech.edu/transfer/transfer-pathway-programs**.

110. Fisk-Vanderbilt Master's to PhD Bridge Program. (2019). About the Bridge Program. Retrieved from **https://www.fisk.edu/academics/school-of-graduate-studies/programs/fisk-vanderbilt-masters-to-phd-bridge-program**.

111. Stassun, K., Burger, A., and Lange, S. (2010). "The Fisk-Vanderbilt Masters-to-PhD Bridge Program: A Model for Broadening Participation of Underrepresented Groups in the Physical Sciences Through Effective Partnerships with Minority-Serving Institutions." *Journal of Geospatial Education,* 58, 135.

Students accepted into the program spend two years completing a master's degree at Fisk with full access to PhD-level courses, intensive wraparound mentoring, and research opportunities at both Fisk and Vanderbilt. After completing their master's degrees, 83% go on to a PhD program, most at Vanderbilt. Of the roughly 150 students enrolled to date, 57% are African American, 23% are Hispanic, 5% are Native American or Pacific Islander, and 15% are white, Asian, or other. In addition, 54% of the students are women and over 90% are from traditionally underserved populations—first generation, low income, physically disabled, or neurodiverse. Bridge students have earned over 80 master's degrees and 33 PhDs.[112]

112. Christiansen, D. (2019, September 6). Personal interview.

IN BRIEF

Cohort Programs

WHAT IS IT?

- A cohort program orients recruitment, admission, financial aid and scholarships, and retention programs around small groups of students who have similar life experiences, including those based on neutral considerations such as students who are first in their families to attend college, have the experience of low socioeconomic circumstances, have K–12 experience in poorly resourced schools, are among the few from rural and inner-city schools, or have learning styles that differ from those of the institution's dominant "norm."

WHO USES IT?

- Public and private institutions, many in collaboration with state or national organizations.
- Institutions whose educational goals include broadening access to higher education, enhancing success (including increasing retention and graduation rates), and creating the broad diversity needed to enhance learning.

CONDITIONS FOR LIKELY SUCCESS

- Clear and effective communication with students, families, and middle and high schools, and documentation of the purpose and benefits of, and the criteria for participation in, a cohort program.
- Regular evaluation of practices to ensure the programs are effective, and that adjustments and interventions are made as needed.
- Sustained funding for ongoing student support.
- Collaboration and, in some cases, an agreement with sponsoring organizations.
- Advice of knowledgeable legal counsel and alignment of goals and coordination of efforts across enrollment programs, while retaining distinct roles.

POTENTIAL ROADBLOCKS AND QUESTIONS TO CONSIDER

- How can cohort programs be designed to celebrate the capabilities and accomplishments of participants who have navigated challenging pathways to come to college, and avoid stigmatizing participants?
- How will policies and practices traditionally focused on individual students need to be amended to allow for cohort-based benefits and opportunities? How will stakeholder agreements be secured where needed?
- What funding can be allocated to these efforts and how can the associated value to the institution (quantitative and qualitative) justify the investment?
- How can cohort programs and multiyear funding be sustained for maximum effect?

NECESSARY INVESTMENTS

- Long-term commitment to academic, financial aid, and other benefits of the cohort program for participating students.
- Campus-wide awareness, understanding, and support.
- A robust self-assessment process and ongoing evaluation process and metrics to track progress of cohort programs, with adjustments made as warranted.

Overview

Cohort programs create relationships and provide resources that support student success in navigating pathways to or through college to graduation, often including academic, social, life skills, and career pathway support. Neutral cohort programs help create peer-to-peer community and mentoring for students who may not have a knowledgeable support network, may lack a sense of belonging at the institution, or may need to build skills they did not yet have the opportunity to develop. These programs help cohort members recognize that it is normal to face academic and personal challenges in the transition to college or in mastering certain course material. It also helps them access help provided by the institution or their peers and understand that success is attainable despite common setbacks.

Cohort Programs, In Action

Recruitment and Admission. Cohort programs may be designed to recruit students who may be overlooked in the general admission process and are not well represented at the institution. Models, most notably the Posse Foundation, include recruitment and admission within the program design to allow for a seamless, cohesive enrollment management strategy.

In addition to providing important supports and structures for participating students, these programs can be attractive to administrators because they allow for predictable enrollment and other campus planning from year to year. Collaboration between cohort programs and enrollment management professionals who are familiar with students' backgrounds and needs can help facilitate a smooth transition into higher education and remove barriers that may cause unnecessary challenges to students.

Campus Climate and Culture. Cohorts help to build feelings of belonging and minimize feelings of isolation. They support recruitment, retention, full participation, and graduation of students who are not part of an institution's dominant culture. Further, cohort programs can be designed and engrained in an institution in a manner that celebrates the capabilities and accomplishments of participants who have scaled barriers to come to college, and that avoids stigmatizing participants.

Examples

Since 1989, the **Posse Foundation** has provided high potential public high school students with four-year, full-tuition leadership scholarships at nearly 60 leading public and private institutions, as well as several graduate programs that offer fellowships and financial assistance to Posse alumni.[113] Each participating institution is paired with a specific recruitment city or cities (e.g., Davidson College partners with Posse Miami; the University of Virginia partners with Posse Houston; and Vanderbilt University partners with Posse New York).[114] Posse also supports specialized programs focused on STEM and post-9/11 U.S. veterans.[115]

Posse includes four core program components:

1. **The Dynamic Assessment Process (DAP):** In the fall of each year, Posse conducts the Dynamic Assessment Process (DAP) for groups of applicants within the same Posse recruitment city. DAP identifies young leaders who might be missed by traditional admission criteria but who have skills and experiences that demonstrate the potential to succeed at competitive colleges. "Using nontraditional forums to evaluate potential, DAP offers students an opportunity to demonstrate their intrinsic leadership abilities, their skill at working in teams, and their motivation to succeed." [116] Following a three-part process that includes group and individual interviews, Posse staff and university partner administrators select a group of 10 students as Posse Scholars for each college or university—a "Posse."[117]

113. The Posse Foundation. (2019). Shaping the Future. Retrieved from **https://www.possefoundation.org/shaping-the-future**
114. The Posse Foundation. (2019). Supporting Scholars. Retrieved from **https://www.possefoundation.org/supporting-scholars/college-university-partners**
115. The Posse Foundation. (2019). Recruiting Students. Retrieved from **https://www.possefoundation.org/recruiting-students**
116. The Posse Foundation. (2019). Program Components. Retrieved from **https://www.possefoundation.org/shaping-the-future/program-components**
117. The Posse Foundation. (2019). Program Components.

2. **Pre-Collegiate Training:** Posse Scholars meet weekly with staff trainers and their Posse peers for a series of workshops focused on a variety of areas that include "team building and group support; cross-cultural communication; leadership and becoming an active agent of change on campus; and academic excellence." [118] This process also helps build relationships among students in the Posse.
3. **Campus Program:** Every week, a dedicated mentor meets with each Posse as a team. The mentor also meets with each Posse Scholar individually every two weeks during their first two years of college. Posse staff members visit participating institutions four times a year to meet with Posse Scholars, campus liaisons, and Posse mentors. In addition, every Posse campus hosts an annual weekend-long "PossePlus Retreat" for the broader campus community (students, faculty, and administrators) to focus on a campus issue identified by Posse Scholars as important.[119]
4. **Career Program**: Posse partners with more than 200 career partner companies to offer internships, career services, and a Posse alumni network.[120]

Posse is also an example of an educational collaboration agreement among a private foundation and many educational institutions.

James Madison University's Valley Scholars Program partners with Virginia school districts (through an educational collaborative agreement) to "identify and recruit first-generation, financially eligible students who are motivated and show academic promise in middle school and throughout high school." Students, who are selected through an application and interview process during their seventh-grade year, participate beginning in eighth grade through high school graduation. As a Valley Scholar, students have the opportunity to engage in "educational and cultural enrichment opportunities" throughout each school year and during several summers. The program aims to simultaneously build an interest in learning and develop the skills necessary to succeed academically in college. Students who successfully complete the Valley Scholarship are awarded admission and scholarship support to attend James Madison University.[121]

Franklin and Marshall's (F&M) College Prep program provides high-achieving high school seniors from rural and urban low-income communities around the U.S. with a realistic preview of the college experience that concludes with a project fair where students present their findings from three weeks of research.[122] To recruit candidates, F&M partners with education partners, including KIPP charter schools, the National College Advising Corps, Uncommon Schools, Mastery Charter Schools, and Achievement First. During the three-week immersion program, participating students take liberal arts courses taught by college professors. The program's goal is to motivate talented students to attend college, and its alumni have enrolled not only at F&M but also at other leading universities.[123]

Warrior-Scholar Project (WSP) creates and provides support to an affinity group of "military personnel," training them "in the skills required for college, such as academic reading and college-level writing, [as well as] prepare[ing] them for the changed social circumstances, and how they can be a valuable addition to the classroom." [124] Currently operating in 15 states, WSP operates a transition and academic preparation summer boot camp led by successful student veterans and current college professors; it is focused on liberal arts/humanities, STEM, and/or business. This program aims to support participants' transition from the military to school, which includes building their academic comfort and confidence levels and acquiring a deeper understanding of the "unstated rules" of the higher education landscape, such that WSP graduates better understand what it takes to be admitted to and to succeed at top colleges.[125]

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118. The Posse Foundation. (2019). Pre-Collegiate Training. Retrieved from **https://www.possefoundation.org/supporting-scholars/pre-collegiate-training**.
119. The Posse Foundation. (2019). The Campus Program. Retrieved from **https://www.possefoundation.org/supporting-scholars/campus-program**.
120. The Posse Foundation. (2019). The Career Program. Retrieved from **https://www.possefoundation.org/supporting-scholars/career-program** .
121. Valley Scholars Program. (2019). James Madison University. Retrieved from **https://www.jmu.edu/valleyscholars/about.shtml**.
122. Durantine, P. (2013). *F&M College Prep Program Preps for a Big Third Year.* Retrieved from **http://www.fandm.edu/news/article/f-m-college-prep-program-preps-for-a-big-third-year**.
123. Franklin & Marshall College. (2019). Retrieved from **https://www.fandm.edu/campus-life/student-success/f-m-college-prep**.
124. Warrior-Scholar Project. (2019). Retrieved from **https://www.warrior-scholar.org**.
125. Warrior-Scholar Project. (2019).

Beginning in fall 2019, the **University of Georgia** launched the first cohort of its **Cousins Scholars Program**. This program will recruit and enroll "six service-minded students who demonstrate significant financial need" each year for four years. Students selected to participate in the program will receive an annual academic scholarship of $7,000; the opportunity to participate in the University's Freshman College Summer Experience (a bridge program to support first-year student's transition to campus); funding for "high-impact experiential learning opportunities," and access to support and mentorship on campus.[126]

ORGANIZATIONAL INITIATIVES

Leadership Enterprise for a Diverse America (LEDA) "empowers a community of exceptional young leaders from underresourced backgrounds by supporting their higher education and professional success in order to create a more inclusive and equitable country." Each year, the LEDA Scholars program "recruits a new cohort of LEDA Scholars—100 qualified high school juniors who show leadership potential but lack the exposure and support they need to attend highly selective colleges." [127] LEDA Scholars attend a seven-week Aspects of Leadership Summer Institute on the Princeton University campus during the summer before their senior year of high school during which they receive individualized college counseling, standardized test preparation, writing instruction, and leadership development. College advising, application support, and matriculation counseling continue throughout their senior year. Once enrolled at a higher education institution, LEDA continues to provide them with academic advising, community support, peer mentoring, and career exploration and postgraduate advising.[128] While all LEDA Scholars do not attend the same institution, 70% of them were admitted to Ivy League Schools/Stanford/MIT over the past two years.[129] LEDA's Cohort model is an integral part of its success as it builds a supportive community that nurtures Scholars throughout the program.

126. The Cousins Scholars Program. (2019). Retrieved from **https://dae.uga.edu/initiatives/cousins**; Elmore, E. (2017, August 3). *The Cousins Foundation makes gift to support scholarships, endow UGA swim and dive coach*. Commit to Georgia. Retrieved from **https://give.uga.edu/cousins-foundation-makes-gift-support-scholarships-endow-uga-swim-dive-coach**.

    Also see the Princeton University Prep Program (PUPP Scholars) (p. 28), which creates high school cohorts in local communities and supports their college preparation; and The Doris Duke Conservation Scholars program at University of Florida, University of Arizona, University of Idaho, North Carolina State University and Cornell University, which, with support of a private foundation, creates college cohorts and provides the members financial support, mentoring and experiential learning opportunities within the conservation field (pp. 41–42).

127. Leadership Enterprise for a Diverse America. (2019). *About LEDA*. Retrieved from **https://ledascholars.org**.

128. Leadership Enterprise for a Diverse America. (2019). *What We Do*. Retrieved from **https://ledascholars.org/our-program**.

129. Leadership Enterprise for a Diverse America. (2019). *Our Impact*. Retrieved from **https://ledascholars.org/impact**.

SECTION III

Beyond the Plays

The Playbook is a foundational resource for advancing an institution's mission-related diversity goals through the use of race neutral, enrollment-related strategies and approaches.

The plays included in this publication appear to be the most common and promising for institutions aiming to advance campus diversity. They can also be designed to satisfy federal nondiscrimination rules relevant to admission, aid, and other enrollment practices. While these plays and strategies like them are important to the success of diversity-associated educational aims, they are only part of the story. Their success ultimately depends on the elimination of structural and systemic barriers to inclusion and equity at the institution including:

- Course schedules and pathways to graduation that are inflexible and unresponsive to the needs of students who must pursue their studies while working, commuting to school, or fulfilling family responsibilities.
- Community climate and culture issues at the institution, including a lack of affinity communities for some students due to limited diversity among peers, faculty, and staff.[130]
- Ineffective or inadequate student counseling and support for academic, financial, college, and life skills, particularly for students without family or others who can also provide guidance on these matters and for students who need learning accommodations.

While outside the scope of this *Playbook,* institutions can begin to address these barriers by engaging in a data-rich, self-evaluation process centered on identifying systemic and structural barriers to the full participation and success of students who are members of groups that are not well represented at the institution.

This self-evaluation is most effective when conducted by a group of multidisciplinary leaders at all levels of the institution who regularly and systemically review and evaluate barriers, determine needed actions, and oversee effectiveness. Making strategic, evidence-based decisions, actions, and investments will have the most meaningful and sustainable impact. This process is good policy and essential for building a strong foundation for the institution's many diversity-related efforts. With that foundation, the impact of other diversity-enhancing strategies described in this guide can be maximized for the benefit of the entire school community.

130. Taylor, T., Milem, J., and Coleman, A. (2016). *Bridging the Research to Practice Gap: Achieving Mission-Driven Diversity and Inclusion Goals*. (pp. 12–13). Washington, D.C.: College Board and EducationCounsel. Retrieved from **https://www.aacu.org/sites/default/files/BridgingResearchPracticeGap.pdf**

FROM RESEARCH TO PRACTICE

American Association for the Advancement of Science's SEA Change Initiative

In January 2018, the American Association for the Advancement of Science (AAAS) announced the STEM Equity Achievement (SEA) Change initiative. SEA Change establishes high-level principles and performance standards to remove systemic, structural barriers at the institutional and departmental levels for women, blacks, Hispanics, and Native Americans to pursue, persist, and succeed in STEM and Medical (STEMM) higher education and academic careers. It is designed to be easily adaptable throughout an institution to support good and efficient policy decisions and legal compliance, and to foster transformative advances in diversity, equity, and excellence.[131]

In recognition of an institution's work to identify and remove existing structural barriers, SEA Change has developed a tiered award system consisting of Bronze, Silver, and Gold Awards. Bronze Awards are granted to institutions that have completed a rigorous self-assessment that permits the intuition to identify gaps (including data gaps) and barriers created by bias or inequities, and have developed an action plan to address identified issues. Silver Awards are given in recognition of institutions that meet the Bronze requirements and then carry out their action plan in an impactful manner. Gold Awards are granted to institutions that have met the Bronze and Silver requirements and transformed their systems and structures to support increased equity—as well as support other institutions looking to do the same, including by sharing lessons learned. [132]

In 2019, SEA Change announced its first set of institutions that received the Bronze SEA Change Award: Boston University, University of California Davis, and University of Massachusetts Lowell. SEA Change expects institutional action plans to be legally sustainable, meaning that neutral strategies are employed, and that race conscious strategies are also used when legally justified. But the focus is on removing structural and systemic barriers to inclusion, not individual programmatic/transactional interventions. Those should be enhanced by inclusive systems and structures, but are not alone enough.[133]

131. AAAS SEA Change. (2019). American Association for the Advancement of Science. Retrieved from: **https://seachange.aaas.org/**

132. AAAS SEA Change FAQs Questions& Answers. (2019). American Association for the Advancement of Science. Retrieved from: **https://seachange.aaas.org/faqs**

133. Korte, A. (2019, May 31). "SEA Change honors diversity efforts by universities." *Science.* 364(6443), 844-845. Retrieved from **https://science.sciencemag.org/content/364/6443/844**

APPENDIX A

Federal Nondiscrimination Law—An Overview

FEDERAL LAW: THE BIG PICTURE.

All U.S. Supreme Court case law involving challenges to race- and ethnicity-conscious enrollment practices—and virtually all of the lower federal court decisions on enrollment issues related to student diversity—focus on the question of admission. They establish important requirements associated with the consideration of race- and ethnicity-neutral strategies as part of an overall effort to establish legally sustainable, educationally sound enrollment policies that advance diversity aims.

In simple terms, in nondiscrimination cases, courts will apply legal rules of the road regarding the ends (educational goals and objectives) and the means (program design and process), with supporting evidence required every step of the way. When institutions consider race and ethnicity in conferring benefits or opportunities to students, individually, courts impose strict legal standards and scrutiny. (In the context of considerations of sex, courts impose a lesser "intermediate scrutiny" test; and in almost all other instances where other background factors may affect aid awards, the federal nondiscrimination inquiry is limited to not being arbitrary or malevolent.[134])

Broadly speaking, diversity-aimed policies that may make distinctions based on many factors should be grounded in, and clearly articulate, the following, particularly where considerations of race and ethnicity are associated with individual benefits or opportunities conferred (as in aid and admission, for instance):

1. **Goals** associated with the practices in question should be mission driven and authentically aimed at securing positive educational outcomes associated with student diversity for all students. Those benefits should be defined broadly, based on the potential for students with different backgrounds and experiences to contribute to the breadth and quality of viewpoints, insights, and perspectives that students bring to the educational program. Benefits may include (and should be articulated and pursued, as applicable): improved teaching and learning; preparation of students for an increasingly diverse and global economy; enhancement of civic readiness and capacity for leadership and service; and breaking down of group stereotypes.[135]
2. **Objectives** associated with the aid practices in question should be specific and clear. They are the foundation for evaluating the effectiveness of relevant practices over time to create and use student diversity for enhanced educational experiences for all students and are key to legal sustainability. Improvements in policy design should be made both for creating diversity and using it to give all students opportunities for engagement with students from different backgrounds in and out of the classroom. Assessing student experience and outcomes is likely the key. Compositional racial and ethnic diversity is relevant as they provide a context where students can have the kind of learning experiences that will yield optimal outcomes, not as a forward-looking numerical goal or quota.[136]

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134. For a more detailed legal explication of these rules and the circumstances differing levels of legal scrutiny apply to, see Burgoyne, R., Shaw, T.M., Dawson, R. C., Scheinkman, R., Coleman, A.L., Winnick, SY, and Keith, J.L. (2010). *Handbook on Diversity and the Law: Navigating a Complex Landscape to Foster Greater Faculty and Student Diversity in Higher Education*. Washington, D.C.: Association of American Universities and American Association for the Advancement of Science.

135. To authenticate its compelling or important interest in diversity, the institution should be able to show that its interest in student diversity not only shapes its admission and financial aid practices, but also broadly infuses all aspects of student enrollment management and its course, classroom, and residential life—and is well reflected in curricular and cocurricular programs, campus policies, and practices.

    This articulation is grounded in federal case law regarding race- and ethnicity-conscious policies; it's reasonable to consider the ways these interests extend to issues of gender, under a slightly relaxed standard of review.

136. That compositional diversity focus can be relevant for creating a setting where all students may fully participate, avoid tokenism, and experience diverse engagement. In that context, it's sometimes referred to as "critical mass," a social science construct that reflects having enough representation of people with similar racial, gender, or other identities to enable each person to participate as an individual and not as representative of a group. While those aims have varied from institution to institution, measuring compositional diversity, as it changes, and establishing processes for documenting the evaluation of the student experience in the context of existing compositional diversity, can demonstrate that the institution is assessing on a regular basis whether critical mass—sufficient compositional diversity—has been achieved to create the desired experience. The issue of compositional diversity federal courts have elaborated on in the context of race and ethnicity discrimination claims could extend to issues associated with gender—but that highly context-specific determination would take place on a much more limited body of case law.

3. **Policy design**

   - **Necessity/neutral avenues**. The law, as interpreted by the Supreme Court, requires evidence of need to consider race and ethnicity. First, institutions should determine whether existing diversity is adequate to provide the desired experience associated with diversity for all students. This depends on the student experience. If greater diversity is needed, the law requires evidence of need to consider race and ethnicity. Specifically, for clear institutional goals and objectives, evidence should illustrate good faith consideration of neutral strategies (considering a range of viable strategies that might be used together—without altering the character or excellence of the program) that would be as (or nearly as) effective in achieving goals. Documentation of strategies pursued or considered and those rejected (and why) over time is important.[137] Modeling impacts of neutral strategies, with and without those that consider race and ethnicity, may also be important to determine whether neutral strategies are or are not adequate alone.
   - **Flexibility/limited exclusion of others**. It's important that programs be designed with flexible consideration of many factors, where possible, so that, even if particular races and ethnicities are considered, other students may also compete for benefits and are not unduly burdened. If some aid programs are available only to individuals of particular races or ethnicities, it's important to demonstrate that the totality of aid programs includes a relatively small portion of such exclusive aid and that similarly situated students (apart from race and ethnicity) are well served.[138]

4. **Process and evidence** are critical to the sustainability of the overall policy design and execution. Such process should evaluate all aid policies, not any one in isolation, and ideally would address the entire enrollment continuum, not any one component (e.g., admission or aid) in isolation. An institution should also have:

   - An ongoing process to assess and document the importance of student diversity to the institution's or program's mission;
   - Evidence of the adequacy (or inadequacy) of existing diversity to the achievement of mission-tied educational goals;
   - Evidence of the impact of workable, neutral alternatives and the adequacy (or inadequacy) of such neutral alternatives alone; evidence of the meaningful impact of the consideration of race and ethnicity in the composition of the class and their contribution to student experience related to diversity interests, without overburdening students who are not members of the targeted race or ethnicity; and
   - Evidence of modification of policies in response to such evidence over time.

   If existing diversity is adequate to achieve the desired educational outcomes, neutral strategies alone may be adequate, and the "need" under federal law to consider race and ethnicity likely cannot be demonstrated. Similarly, if a race- or ethnicity-conscious policy is not effective (on a percentage basis, not necessarily in absolute numbers) to enhance diversity, it's not necessary.

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137. For relevant legal background that explains these principles, see Coleman and Taylor (2016); Coleman, A.L., and Taylor, T.E. (2014). "Emphasis Added: *Fisher v.* University of Texas and Its Practical Implications for Institutions of Higher Education." In R. D. Kahlenberg, (ed.) *The Future of Affirmative Action* (pp. 43–56). Lumina Foundation and the Century Foundation Press. Retrieved from **https://tcf.org/content/book/the-future-of-affirmative-action/**; Keith, J. L. (2019), *Pursuit of Student Body Diversity is Doable, But Do It Right!.* Washington, D.C.: NACUA.

138. The burden on students in the context of the flexibility of policy design is relevant, and while courts in the admission context have consistently demanded individualized holistic review in admission cases where race is considered, those rules may not be as prescriptive with respect to financial aid. In fact, in its 1994 Guidance, the U.S. Department of Education expressly recognized the important contextual differences between an admission offer and the award of aid, concluding that in some instances race-exclusive aid could be justified under Title VI. That distinction was premised on the recognition that the award of some financial aid based on consideration of race may not deny educational opportunities to nonminority students in the same way as a denial of admission to an institution. A key Department of Education Office for Civil Rights inquiry is whether the race conscious aid is "sufficiently small and diffuse so as not to create an undue burden" on other students' "opportunities to receive financial aid."

APPENDIX B

Resources by Play

Race Attentive and Inclusive Outreach and Recruitment

- **Recruiting the Out-Of-State University: Off-Campus Recruiting by Public Research Universities** (Joyce Foundation, 2019). This report examines the recruiting patterns of 15 public universities in efforts to gain a better understanding of university enrollment priorities, particularly as it relates to ethnic/racial student diversity and in-state versus out-of-state recruitment practices. The report explores a critical question of whether the enrollment priorities and recruiting efforts of public universities could present bias against communities of color or low-income communities. Recommendations for policymakers, university leaders, and advocates are included within the report. **https://emraresearch.org/sites/default/files/2019-03/joyce_report.pdf**
- **Race, Class, and College Access: Achieving Diversity in a Shifting Legal Landscape**. (American Council on Education, 2015) This report provides an in-depth analysis of data from a national survey of undergraduate admission and enrollment management leaders that focused on the consideration of race and ethnicity in college admission and the impact of a changing legal landscape. Among other key findings, the American Council on Education determined that the most widely used strategies to support increased diversity on campus are outreach and recruitment efforts. Further, the report finds that many of the most publicly scrutinized diversity efforts (e.g., reduced use of legacy admission, percent plans, test option) are generally the least frequently used by institutions aiming to advance mission-related diversity goals. **https://www.acenet.edu/news-room/Documents/Race-Class-and-College-Access-Achieving-Diversity-in-a-Shifting-Legal-Landscape.pdf**
- **Antidiscrimination Law and Race-Conscious Recruitment, Retention, and Financial Aid Policies in Higher Education** in *Charting the Future of College Affirmative Action: Legal Victories, Continuing Attacks, and New Research* at pages 15–34 (Gary Orfield et al., ed., The Civil Rights Project at UCLA, 2007) This paper discusses the *Grutter v. Bollinger* and *Gratz v. Bollinger* Supreme Court cases, as well as the implications of these cases before analyzing a set of legal questions that remain unanswered by these decisions. Within the paper, the authors evaluate a set of diversity-focused institutional policies and "applies the existing legal framework to these policies." Finally, the paper includes a section focused on recommendations from the authors related to further developing the law related to access and diversity in higher education, as well as suggestions of potential evidence that may help support the justification of race conscious programs. **https://files.eric.ed.gov/fulltext/ED517800.pdf**

Flexible Admission and Aid Criteria and Test Use

- **Defining Access: How Test-Optional Works** (National Association for College Admission Counseling, 2018) This study provides an overview of the variety of ways different types of institutions apply test-optional policies and the impact of these differing approaches on both applications and enrollment numbers for "underrepresented" students. **https://www.nacacnet.org/globalassets/documents/publications/research/defining-access-report-2018.pdf**
- **Measuring Success: Testing, Grades and the Future of College Admissions** (Johns Hopkins University Press, 2018) This book provides a collection of individually authored chapters that address a range of issues regarding the research and policy implications of test-optional practices, including their impact on student diversity, attainment, and retention.
- **Defining Promise: Optional Standardized Testing Policies in American College and University Admissions** (National Association for College Admission Counseling, 2014) This study examines the outcomes of optional standardized testing policies in the admission offices at 33 public and private colleges and universities, based on cumulative GPA and graduation rates. It states that optional testing policies also help build broader access to higher education, finding that nonsubmitters are more likely to be first-generation students, minorities, Pell Grant recipients, women, and students with learning differences. **http://www.nacacnet.org/research/research-data/nacac-research/Documents/DefiningPromise.pdf**

Flexible Admission and Aid Criteria and Test Use (Continued)

- **The Test-Optional Movement at America's Selective Liberal Arts Colleges: A Boon for Equity or Something Else?** (AERA, 2015) This study examines the impact of test-optional policies at selective liberal arts colleges since 1992. It found that these colleges enrolled a lower population of Pell recipients, on average, than test-requiring institutions and did not make progress in narrowing gaps between majority and minority student enrollment after adopting test optional policies, but did receive significantly higher numbers of applications. **http://epa.sagepub.com/content/early/2014/06/12/0162373714537350**
- **Guidelines on the Uses of College Board Test Scores and Related Data** (College Board, 2011) This report is designed to assist users to understand how to fairly and properly use the tests and data, highlighting the beneficial uses of test scores and related data and advising users about tests' limitations. It states the conditions that the College Board regards as appropriate for use of its tests and provides guidance on how College Board test scores and related data can be used to improve educational decisions. **https://professionals.collegeboard.com/profdownload/guidelines-on-uses-of-college-board-test-scores-and-data.pdf**
- **Usefulness of High School Average and ACT Scores in Making College Admission Decisions, ACT Research Report Series 2010-2** (ACT, 2010) This paper considers two common goals in college admission: maximizing academic success and accurately identifying potentially successful applicants. The usefulness of selection variables in achieving these goals depends not only on the predictive strength of the selection variables but also on other factors, including the distribution of the selection variables in the applicant population, institutions' selectivity, and their criteria for what constitutes success. This paper considers indicators of usefulness in achieving admission goals, and presents estimates of the indicators based on data from a large sample of four-year institutions. **https://eric.ed.gov/?id=ED527216**
- **The Promise of Performance Assessments: Innovations in High School Learning and Higher Education Admissions** (Learning Policy Institute, 2018). This report discusses the ways performance assessments can both guide and evaluate a student's performance in high school and inform institutions of higher education of a student's skills and knowledge. It includes a focus on state and local policies and practices that support the use of performance assessments and guidance on how to use these assessments to inform higher education admission decisions. **https://learningpolicyinstitute.org/product/promise-performance-assessments-report**

Socioeconomic Status

- **Closing the Gap: The Effect of a Targeted, Tuition-Free Promise on College Choices of High-Achieving Low-Income Students** (NBER Working Paper, 2018) This research study analyzes the impact of the University of Michigan HAIL Scholarship program on the application and enrollment rates of high-achieving students from low-income backgrounds. **https://drive.google.com/file/d/19tR3VmmfWzLkWrpjd6S63_J4jlPDaj6w/view**
- **Impacts of Lower Socioeconomic Status on College Admissions**, (Wharton Public Policy Initiative, 2018) This article discusses the impacts of socioeconomic status during the college admission process, as well as suggesting institutional and federal policy changes to address these challenges. **https://publicpolicy.wharton.upenn.edu/live/news/2302-impacts-of-lower-socioeconomic-status-on-college**
- **Opening Doors: How Selective Colleges and Universities Are Expanding Access for High-Achieving, Low-Income Students** (Jack Kent Cooke Foundation, 2017) This report highlights institutional best practices on ways in which selective colleges and universities can increase opportunities for students from low-income backgrounds, which include identifying and addressing existing institution created barriers. **https://www.jkcf.org/wp-content/uploads/2017/09/JKCF_Opening_Doors.pdf**
- **True Merit: Ensuring Our Brightest Students Have Access to Our Best Colleges and Universities** (Jack Kent Cooke Foundation, 2016). This report provides an analysis of the impacts of the admission process at selective institutions of higher education on high-achieving, low-income applicants and concludes that with the exception of institutions with need-blind admission policies, students from low-income backgrounds face disadvantages in the admission process. **https://www.jkcf.org/wp-content/uploads/2018/06/JKCF_True_Merit_FULLReport.pdf**

Socioeconomic Status (Continued)

- **Can Socioeconomic Status Substitute for Race in Affirmative Action College Admissions Policies? Evidence from a Simulation Model** (The Civil Rights Project and ETS, 2015) This paper evaluates the extent to which a simulated SES-based affirmative action college admission process yields the same level of racial diversity as race-based affirmative action policies at selective institutions of higher education. The researchers conclude that SES-based affirmative action does not yield the same level of racial diversity as race-based affirmative action. Additionally, they found little evidence that use of affirmative action policies leads to "systemic academic mismatch," but found evidence that the use of affirmative action by some institutions does impact the enrollment patterns at other institutions. **https://www.civilrightsproject.ucla.edu/research/college-access/affirmative-action/can-socioeconomic-status-substitute-for-race-in-affirmative-action-college-admissions-policies-evidence-from-a-simulation-model/Reardon_PICpaper.pdf**
- **Addressing Undermatch: Creating Opportunity and Social Mobility**, in *The Future of Affirmative Action: New Paths to Higher Education Diversity After* Fisher v. University of Texas (The Century Foundation, 2014) This study finds that "undermatch" is pervasive in higher education, especially among low-income, underrepresented minorities, and among first-generation college-goers. The research finds that the lack of understanding about need-based financial aid and poor guidance counseling are the primary contributing factors to undermatching, and it provides some recommendations to address these issues. **http://tcf.org/assets/downloads/FOAA.pdf**

Geography

- **Recruiting the Out-Of-State University: Off-Campus Recruiting by Public Research Universities** (Joyce Foundation, 2019) This report examines the recruiting patterns of 15 public universities in efforts to gain a better understanding of university enrollment priorities, particularly as it relates to ethnic/racial student diversity and in-state versus out-of-state recruitment practices. The report explores a critical question of whether the enrollment priorities and recruiting efforts of public universities could present bias against communities of color or low-income communities. Recommendations for policymakers, university leaders, and advocates are included within the report. **https://emraresearch.org/sites/default/files/2019-03/joyce_report.pdf**
- **Geography and College Attainment: A Place-Based Approach** (American Council on Education, 2017) This blog reflects that place is an influential determinant of college opportunity and success, but it asserts that "geography should not be destiny." It urges states and higher education institutions to adopt policies and practices that recognize place-based disadvantage: "Targeted outreach, recruitment, and institutional and financial supports for rural and other geographically underrepresented students are all potentially effective strategies for dismantling spatial constraints and ensuring that college completion is possible regardless of place." **https://www.higheredtoday.org/2017/06/19/geography-college-attainment-place-based-approach**
- **Colleges Discover the Rural Student** (*The New York Times,* 2017) This newspaper article discusses the ways in which college administrators are now seeing rural students as another type of "underrepresented minority" on campuses and the steps they are taking to recruit such students. The author discusses several examples of ways in which institutions are recruiting and attracting students from rural backgrounds. **https://www.nytimes.com/2017/01/31/education/edlife/colleges-discover-rural-student.html**
- **College Promise Programs: Designing Programs to Achieve the Promise** (American Council on Education, 2017) This report highlights the "college promise" program, which is being developed across the country by colleges and universities as well as foundations, private corporations, and state and local governments. These programs incentivize "college attainment by rewarding students who satisfy specified criteria" with financial support or guaranteed admission. They also include a "place-based" requirement dependent on "residency in a designated state, city, county, or school district, and/or attendance at particular K–12 school(s)." **https://www.higheredtoday.org/2017/02/13/college-promise-programs-designing-programs-achieve-promise**
- **Education Deserts: The Continued Significance of "Place" in the Twenty-First Century** (American Council on Education, 2016) This report illustrates that college choice may be less a function of students' "college knowledge" and more a function of proximity and place, as postsecondary choices for today's student are often made according to proximity to home and work. This information makes it even more important to better understand how geographic opportunity structures vary across the nation. Exploring the importance of place even further, this report raises important questions about how geography shapes educational equity and opportunity, finding several "'education deserts' located across the country—communities with the most constrained set of postsecondary options.") **https://www.acenet.edu/news-room/Documents/Education-Deserts-The-Continued-Significance-of-Place-in-the-Twenty-First-Century.pdf**

Geography (Continued)

- **The Missing "One-Offs": The Hidden Supply of High-Achieving, Low-Income Students** (Brookings Institution, 2013) This article shows that the majority of low-income, high-achieving students do not apply to selective colleges. Widely used policies—such as college admission recruiting, campus visits, and college mentoring programs—are likely to be ineffective with these types of students, partly because they tend not to be concentrated or clustered in the same area and so may miss the attention of institutions' recruitment and outreach programs. **https://www.brookings.edu/wp-content/uploads/2016/07/2013a_hoxby.pdf**
- **Segment Analysis Service: An Educationally Relevant Geodemographic Tagging Service** (College Board, 2011) This report discusses the relevant characteristics and behaviors of college-bound students through the geodemographic tagging service called Segment Analysis Service. Geodemographic clustering allows enrollment managers to identify the different types of students that are drawn to each institution and to develop an appropriate set of differentiated strategies, messages, and activities for these students based on what is known about them through their cluster affiliations. **https://secure-media.collegeboard.org/mSSS/media/pdf/segment-analysis-service-overview.pdf**

Experience or Service Commitment Associated with Race

- **Handbook on Diversity and the Law.** (AAAS and AAU, 2010) This report provides legal analysis of federal requirements related to race- and gender-neutral alternatives. Chapter V in particular includes a section focused on "How Inclusive Conduct and Multicultural Skills and/or Socioeconomic Status Are Considered with Other Eligibility Concerns."

First-Generation Status and Other Special Circumstances

- **Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care.** (The Legal Center for Foster Care and Education, 2018) This factsheet includes data on the educational outcomes of foster youth, as well as an overview of federal policies focused on supporting educational attainment for foster youth and a review of existing research focused on the education of foster youth, before highlighting evidence-based programs and interventions that have improved educational outcomes of foster youth.
- **Best Practices in Homeless Education, Brief Series Supporting College Completion for Students Experiencing Homelessness.** (National Center for Homeless Education, 2015) This brief provides an overview of the ways colleges support students experiencing homelessness. Featuring institutional examples, the brief raises best practices for other institutions to replicate in their efforts to support this specific student population.
- **Making Sure They Make It! CIC/Walmart College Success Awards Report** (The Council of Independent Colleges and Walmart, 2013) To address the lower enrollment of first-generation students and the many issues preventing them from seeking postsecondary degrees, the Walmart Foundation awarded the Council of Independent Colleges two grants to support institutions' efforts to enhance the success of first-generation college students. All of the funded initiatives were informed by an understanding of the distinctive challenges faced by first-generation students, such as connection to, preparation for, and money for postsecondary education.
- **Supporting First-Generation College Students Through Classroom-Based Practices** (Institute for Higher Education Policy, 2012). This report details both the benefits and challenges of improving the educational attainment of first-generation students. It asserts that, from an institutional perspective, investments in first-generation student success require a paradigmatic and cultural shift around institutional responsibility and capacity.
- **Young Lives on Hold: The College Dreams of Undocumented Students** (College Board, 2009) This report highlights the barriers that exist for undocumented students seeking to attain postsecondary education, as well as the economic impact of those barriers. The author also provides a brief history of the immigration circumstances that has resulted in a generation of "dreamers" and includes interviews with young people who have confronted the challenges of trying to earn a college education while "undocumented."
- **Straight from the Source: What Works for First-Generation College Students** (Pell Institute for the Study of Opportunity in Higher Education, 2006). This report explains the high-profile efforts in Texas to develop robust precollege programs for first-generation students, as well as how students respond to the messages and programs being targeted toward them. First-generation students identified three crucial steps along the pipeline to college where support was most helpful in making a successful transition from high school: raising aspirations for college, navigating the college admission process, and easing the initial transition to college.

Percent Plans

- **How Do Percent Plans and Other Test-Optional Admissions Programs Affect the Academic Performance and Diversity of the Entering Class?** in *Measuring Success: Testing, Grades, and the Future of College Admissions* (Jack Buckley et al., ed. 2018) This chapter argues that percent plans have failed to achieve racial diversity while remaining racially neutral. Also, Zwick argues that the grade cutoff fluctuates each year creating "transparency concerns" for students who are aiming for admission.
- **Match or Mismatch? Automatic Admissions and College Preferences of Low- and High-Income Students** (American Educational Research Association, Dec 2018) This study concludes that "[l]ow-income, highly qualified students are more likely to choose selective universities that match their academic profiles when they know their admission is guaranteed through state automatic admissions policies." The Texas Top 10 Percent Plan, for example, reduced undermatching among underrepresented minority or low-income students. However, the strength of this effect depends on whether these students has both high grades and high SAT scores or just high grades. **https://journals.sagepub.com/doi/abs/10.3102/0162373718813360**
- **Texas' Top Ten Percent Law: The Impact On The State's Non-Flagship, Four-Year Institutions** (Morgan Walker Jones, August 2016) In contrast to previous scholarly research into the Texas Top 10 Percent Plan, which focused on flagship universities, this study found that "the Top Ten Percent law did [also] increase minority enrollment rates at non-flagship, four-year institutions in Texas." **https://getd.libs.uga.edu/pdfs/jones_morgan_w_201608_phd.pdf**
- **Does Student Effort Respond to Incentives? Evidence from a Guaranteed College Admissions Program** (Research in Higher Education, July 2015) Since students under the Texas Top 10 Percent Plan know about whether they qualify for the admissions guarantee by the end of their junior year in high school, this can affect their performance in their senior year. Those who "barely qualify for the admissions guarantee earn marginally lower grades and take fewer advanced courses in their senior year compared to students who do not qualify for guaranteed admission and learn their status in the final senior year term." **http://fordschool.umich.edu/files/LeedsMcFarlinDaugherty_StudentEffort_July2015_WP.pdf**
- **Texas Top Ten Percent Plan: How It Works, What Are Its Limits, and Recommendations to Consider** (ETS, The Civil Rights Project, 2015) This resource provides an overview of percent plans including an analysis of how they operate, how they support access to higher education, and what empirical data shows about their efficacy and limits. This overview includes discussion of the percent plans in place in Texas, California, and Florida. This report concludes with a series of considerations related to the use of percent plans for institutions of higher education. **https://www.civilrightsproject.ucla.edu/research/college-access/affirmative-action/texas-top-ten-percent-plan-how-it-works-what-are-its-limits-and-recommendations-to-consider/Flores_PIC_paper.pdf**
- **Beyond Federal Law: Trends and Principles Associated with State Laws Banning the Consideration of Race, Ethnicity, and Sex Among Public Education Institutions** (AAAS, AAU, EducationCounsel, 2012) This publication provides an overview of the ways in which institutions of higher education in states with bans on the consideration of race, ethnicity, and sex have been impacted by such bans. Additionally, the publication discusses considerations regarding the impact of such bans on the future of enrollment practices. **https://www.aaas.org/resources/beyond-federal-law-trends-and-principles-associated-state-laws-banning-consideration-race**
- **Lessons from College Admissions from the Texas Top 10 Percent Law** (Equal Opportunity in Higher Education: The Past and Future Proposition 209, 2010) This article summarizes the key lessons from the Texas percent plan for college admissions, with a focus on potential lessons for public institutions generally. **http://theop.princeton.edu/reports/forthcoming/Tienda_EquityDiversity.pdf**
- **Beyond Percent Plans: The Challenge of Equal Opportunity in Higher Education** (U.S. Commission on Civil Rights, 2002). This staff report provides an evaluation of percent plans in Florida, California, and Texas, and examines the pattern of racial and ethnic diversity among first-time undergraduate and graduate, law, and medical students. **https://books.google.com/books?id=FkeMqb_J5tcC&printsec=frontcover#v=onepage&q&f=false**

Educational Collaboration Agreements

- **Revolutionizing the Role of the University: Collaboration to Advance Innovation in Higher Education** (Coalition of Urban Serving Universities and American Public and Land-grant Universities, 2016) This brief discusses problems experienced by particular institutions as well as the solutions the institution is taking to address said problems. For example, California State University at Fresno observed that there was low college enrollment and college preparedness within their region. To address this challenge, CSU Fresno developed the Central Valley Promise in collaboration with five local school districts and four community colleges to "foster greater college aspirations throughout the K–16 pipeline and region." **https://www.aplu.org/library/revolutionizing-the-role-of-the-university/File**
- **Increasing Transfer Student Diversity in the Absence of Affirmative Action** (AAC&U, 2013) This article in *Diversity and Democracy* focuses on students who transfer to four-year institutions from community college, many of whom also come from low-income backgrounds and/or are students of color. Within the article's discussion, the authors highlight UCLA's Center for Community College Partnership as an exemplar program to enhance campus diversity at UCLA. **https://www.aacu.org/publications-research/periodicals/increasing-transfer-student-diversity-absence-affirmative-action**
- **The Smart Grid for Institutions of Higher Education and the Students They Serve: Developing and Using Collaborative Agreements to Bring More Students into STEM** (American Association for the Advancement of Science and EducationCounsel, 2012). This report addresses the development of collaborations between institutions of higher education to expand the pipeline for all students into progressively higher levels of STEM education. Within the context of each institution's goals for an educational collaboration in STEM fields, institutions can pursue legally sustainable objectives to increase the participation in STEM higher education of students of all races, genders, and socioeconomic backgrounds. This paper expounds on the key elements of voluntary, institution-based collaborative agreements that can facilitate the expansion of student pathways in STEM programs. **http://www.aaas.org/sites/default/files/SmartGrid.pdf**
- **Articulation Agreements and Prior Learning Assessments: Tools to Help 21st-Century Students Achieve Their Postsecondary Education Goals and Keep America Competitive** (Center for American Progress, 2011). This brief highlights two of the policies currently being implemented to help students complete their degrees—articulation agreements and prior learning assessments. This report purports that these policies are leading the way toward a new type of consumer-driven education system, which will focus on student outcomes, as opposed to institutional exclusivity. **https:/www.americanprogress.org/issues/economy/reports/2011/06/02/9768/articulation-agreements-and-prior-learning-assessments**
- **The Fisk-Vanderbilt Masters-to-PhD Bridge Program: A Model for Broadening Participation of Underrepresented Groups in the Physical Sciences Through Effective Partnerships with Minority-Serving Institutions** (Geospatial Education, 2010). This research article describes the Fisk-Vanderbilt Masters-to-PhD Bridge program as a successful model for effective partnerships with Minority Serving Institutions (MSIs) in broadening the participation of underrepresented groups in the physical sciences. The program links targeted recruitment with active retention strategies through an active approach to mentoring students.

Cohort Programs

- **The Posse Foundation Annual Report** (Posse Foundation, 2017) Each edition of the Posse Foundation's annual report focuses on a unique component of the program; 2017's version describes core components. It also provides highlights on each participating Posse city's performance (along with highlights from partnering institutions). **https://www.possefoundation.org/uploads/reports/Annual-Report-2017.pdf**
- **The Evolving Meaning and Influence of Cohort Membership** (Innovative Higher Education, 2005) This study examined experiences of students enrolled in a cohort-based graduate program and includes a literature review of research and other resources on cohort model development in higher education. **http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.504.5057&rep=rep1&type=pdf**

APPENDIX C

General Resources

Policy-Relevant Topics	Resources
Goals and Objectives	
1. The educational benefits of diversity as compelling	▪ **Bridging the Research to Practice Gap: Achieving Mission-Driven Diversity and Inclusion Goals, A Review of Research Findings and Policy Implications for Colleges and Universities** (College Board and EducationCounsel, 2016) Provides landscape analysis of key research findings focused on issues related to supporting institutional efforts to achieve mission-driven diversity and inclusion goals. **https://www.aacu.org/sites/default/files/BridgingResearchPracticeGap.pdf** ▪ **Handbook on Diversity and the Law** (AAAS/AAU, 2010) Provides legal analysis of federal requirements associated with diversity goals. **http://www.aaas.org/sites/default/files/LawDiversityBook.pdf**
2. Critical mass/ compositional diversity	▪ **Addis, The Concept of Critical Mass in Legal Discourse** (*Cardozo Law Review*, 2007) Provides close analysis of critical mass theory in multiple contexts. **https://heinonline.org/HOL/Page?handle=hein.journals/cdozo29&div=17&g_sent=1&casa_token=&collection=journals&t=1558640565** ▪ **Garces and Jayakumar, Dynamic Diversity: Toward a Contextual Understanding of Critical Mass** (*Educational Researcher*, 2014) Proposes a new understanding of critical mass that focuses on the symbiotic relationship between students and their environment and argues for a contextual definition of success. [link to abstract only]. **https://journals.sagepub.com/doi/abs/10.3102/0013189X14529814** ▪ **Elam et al., Identity, Social Networks, and Relationships: Theoretical Underpinnings of Critical Mass and Diversity** (*Academic Medicine*, 2009) Analyzes critical mass as a "contextual benchmark" in the medical school context. **https://www.researchgate.net/publication/51439716_Identity_Social_Networks_and_Relationships_Theoretical_Underpinnings_of_Critical_Mass_and_Diversity**
3. Benchmarks of evaluation: student experience and learning outcomes	▪ **Making Diversity Work on Campus: A Research-Based Perspective** (AAC&U, 2005) Discusses empirical evidence that demonstrates the educational benefits of diverse learning environments; recommends strategies for engaging diversity in the service of learning, including recruiting a compositionally diverse student body, faculty, and staff; developing a positive campus climate; and transforming curriculum, cocurriculum, and pedagogy to reflect and support goals for inclusion and excellence. **https://www.aacu.org/sites/default/files/files/mei/MakingDiversityWork.pdf** ▪ **Gurin et al., Diversity and Higher Education: Theory and Impact on Educational Outcomes** (*Harvard Educational Review*, 2002) Presents a framework for understanding how diversity fosters identity construction and cognitive growth based on results from University of Michigan research on the effects of diversity in classrooms and informal interaction among racially diverse student groups. **http://www.researchgate.net/profile/Terry_Stratton/publication/51439716_Identity_social_networks_and_relationships_theoretical_underpinnings_of_critical_mass_and_diversity/links/00b7d52c1cfbad0722000000.pdf**

Policy-Relevant Topics	Resources
Goals and Objectives (Continued)	
3. Benchmarks of evaluation: student experience and learning outcomes (Continued)	▪ **Campus and Classroom Climates for Diversity** (AAC&U, 2013) This issue of *Diversity & Democracy* features multiple approaches to creating and evaluating campus and classroom climates that value diversity and support the success of underserved students, including targeted student success programs and campus-wide initiatives. **https://www.aacu.org/diversitydemocracy/2014/fall** ▪ **Assessing Underserved Students' Engagement in High-Impact Practices** (AAC&U, 2013) Presents a methodology to support purposeful study and equitable implementation of high-impact practices; includes tools in the appendix and outlines a six-step assessment process using them, starting with selecting a practice for study through creating equitable benchmarks. **https://leapconnections.aacu.org/system/files/assessinghipsmcnairfinley_0.pdf** ▪ **Roadmap to Excellence: Key Concepts for Evaluating the Impact of Medical School Holistic Admissions** (AAMC, 2013) Provides specific guidance on evaluating the impact and effectiveness of diversity policies and practices, with a focus on the holistic review admission process; intended for a medical school audience but likely relevant in other contexts. **https://store.aamc.org/roadmap-to-excellence-key-concepts-for-evaluating-the-impact-of-medical-school-holistic-admissions-pdf.html**
Policy Design	
4. Necessity of considering race, ethnicity, sex	▪ **Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education** (U.S. Departments of Education and Justice, 2012) Includes examples of permissible practices in pipeline programs, recruitment/outreach, and retention/support programs, and draws distinctions between race conscious and race neutral policies. **https://www2.ed.gov/about/offices/list/ocr/docs/guidance-pse-201111.pdf** ▪ **Race-Neutral Policies in Higher Education: From Theory to Action** (College Board and EducationCounsel, 2008) Provides a comprehensive basis to guide higher education officials in their access and diversity policy efforts, as they work to achieve mission-related goals with minimal legal risk; highlights key, operationally relevant principles that should guide institutional policy development and implementation, based on a brief overview of relevant law and lessons learned through practice. **https://secure-media.collegeboard.org/digitalServices/pdf/diversity/race-neutral-policies-in-higher-education.pdf** ▪ **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) Provides an overview of an array of race neutral options available to institutions and guidance on how an institutional policy or practice may apply in different contexts; includes many examples of race neutral enrollment strategies based on socioeconomic status, geographic diversity, first-generation status, and percent plans; also discusses collaborative or articulation agreements, cohort programs, and application "inputs." **https://professionals.collegeboard.org/pdf/adc-playbook-october-2014.pdf**

Policy-Relevant Topics	Resources
Policy Design (Continued)	
5. Neutral strategies	▪ **Race-Neutral Policies in Higher Education: From Theory to Action** (College Board, 2008) Offers principles to guide race neutral policy development and implementation, based on relevant law and practice lessons. **https://secure-media.collegeboard.org/digitalServices/pdf/diversity/race-neutral-policies-in-higher-education.pdf** ▪ **Handbook on Diversity and the Law** (AAAS/AAU, 2010) Provides legal analysis of federal requirements related to race- and sex-neutral alternatives in Ch. V. **https://www.aau.edu/sites/default/files/AAU-Files/Handbook-Law-and-Diversity.pdf** ▪ **The Future of Affirmative Action** (Lumina Foundation/Century Foundation, 2014) Reviews efforts to promote racial, ethnic, and economic inclusion at selective institutions, including a discussion of the legal challenge, research on race neutral strategies, and state experiences. **https://www.luminafoundation.org/files/resources/future-of-affirmative-action.pdf**
6. Holistic review in admission	▪ **Understanding Holistic Review in Higher Education Admissions: Guiding Principles and Model Illustrations** (College Board and EducationCounsel, 2018) Provides insights into the logic, rigor, and fairness behind effective holistic review in higher education admission; outlines key features and elements of well-designed holistic review policy development and process management. **https://professionals.collegeboard.org/pdf/understanding-holistic-review-he-admissions.pdf** ▪ **Roadmap to Diversity: Integrating Holistic Review Practices into Medical School Admissions Processes** (AAMC, 2010) Specifically designed for medical schools but with broadly applicable lessons, provides a flexible, modular framework and accompanying tools for aligning admission policies, processes, and criteria with institution-specific mission and goals, and establishing, sustaining, and reaping the benefits of student diversity in support of those missions and goals. **https://members.aamc.org/eweb/upload/Roadmap to Diversity Integrating Holistic Review.pdf** ▪ **A Diversity Action Blueprint** (College Board, 2010) Discusses admission policy statements that focus on holistic review on pages 15–39, including detailed analyses of those from Harvard University (undergraduate), the University of Michigan Law School, and Rice University (undergraduate). **http://www.samuelmerritt.edu/kc_upload/files/10b_2699_Diversity_Action_blueprint_WEB_100922.pdf** ▪ **Hossler et al., A Study of the Use of Nonacademic Factors in Holistic Undergraduate Admissions Reviews** (*The Journal of Higher Education*, 2019) Research study examining the uses of nonacademic factors in admission using a qualitative meta-analysis of practices, qualitative interviews, and the analysis of survey data. **https://www.tandfonline.com/doi/abs/10.1080/00221546.2019.1574694** ▪ **Handbook on Diversity and the Law** (AAAS/AAU, 2010) Provides legal analysis of federal requirements related to race- and sex-conscious admission. **http://www.aaas.org/sites/default/files/LawDiversityBook.pdf**

Policy-Relevant Topics	Resources
7. Financial aid and scholarships	▪ **Nondiscrimination in Federally Assisted Programs** (U.S. Department of Education OCR, 1994) Clarifies how institutions can use financial aid to promote diversity and access without violating federal antidiscrimination laws. **https://www2.ed.gov/about/offices/list/ocr/docs/racefa.html** ▪ **Federal Nondiscrimination Law Regarding Diversity: Implications for Higher Education Financial Aid and Scholarship Policies and Programs** (College Board, EducationCounsel, and NASFAA, 2019) Provides undergraduate and professional school enrollment officials practical, actionable information and guidance on the design and implementation of financial aid and scholarship policies that advance diversity goals through consideration of race, ethnicity, and sex. **https://professionals.collegeboard.org/pdf/federal-nondiscrimination-law-regarding-diversity.pdf** ▪ **A Federal Legal and Policy Primer on Scholarships: Key Non-discrimination Principles and Actionable Strategies for Institutions of Higher Education and Private Scholarship Providers** (National Scholarship Providers Association, College Board, and EducationCounsel, 2016) Primer has two purposes: (1) to inform institutions and scholarship providers about the federal legal nondiscrimination principles and authorities that should inform scholarship decisions; and (2) to outline strategies that should be considered in light of those principles to meet legal obligations and broader institutional goals. Several strategies briefly outlined in this resource are amplified and expanded on in Section II of this guide. **https://professionals.collegeboard.org/pdf/federal-legal-and-policy-primer-scholarships.pdf** ▪ **Federal Law and Financial Aid: A Framework for Evaluating Diversity-Related Programs** (College Board, 2005) Provides guidance on race conscious financial aid and scholarship policies, including privately endowed scholarships. Includes full text of the U.S. Department of Education's 1994 Title VI policy guidance. **https://secure-media.collegeboard.org/digitalServices/pdf/diversity/diversity-manual.pdf** ▪ **Donated Funds and Race-Conscious Scholarship Programs After the University of Michigan Decisions** (NACUA, 2004) Includes discussion of various types of financial aid programs: financial aid for disadvantaged students, financial aid authorized by Congress, financial aid to remedy past discrimination, financial aid to create diversity, and private gifts restricted by race; includes sample language for donor agreements tracking USED policy below. **http://counsel.cua.edu/affirmative/publications/Race-conscious-financial-aid.cfm** ▪ **Handbook on Diversity and the Law** (AAAS/AAU, 2010) Provides legal analysis of federal requirements related to race-, ethnicity-, and sex-conscious scholarships. **http://www.aaas.org/sites/default/files/LawDiversityBook.pdf** ▪ **Scholarship Grants to Individuals and the Validity of Racially Restricted Scholarship Trusts** (IRS, 1982) Considers the effect of racial limitations on private scholarship trusts for purposes of federal tax-exempt qualification. **https://www.irs.gov/pub/irs-tege/eotopicn82.pdf**
8. Recruitment and outreach	▪ **Federal Law and Recruitment, Outreach, and Retention: A Framework for Evaluating Diversity-Related Programs** (College Board, 2005) Provides guidance to help inform institutional decision making on issues related to diversity and the use of race and ethnicity as factors in recruitment, outreach, and retention programs; offers a framework to help structure and inform institution-specific reviews of such programs that are race- and ethnicity-conscious. **https://secure-media.collegeboard.org/digitalServices/pdf/diversity/diversity-fedlaw-framework.pdf** ▪ **Handbook on Diversity and the Law** (AAAS/AAU, 2010) Provides legal analysis of federal requirements related to race- and sex-conscious recruitment and outreach programs. **http://www.aaas.org/sites/default/files/LawDiversityBook.pdf**

Policy-Relevant Topics	Resources
Process Management	
9. Supporting evidence	▪ **Bridging the Research to Practice Gap: Achieving Mission-Driven Diversity and Inclusion Goals, A Review of Research Findings and Policy Implications for Colleges and Universities** (College Board and EducationCounsel, 2016) Provides landscape analysis of key research findings focused on issues related to supporting institutional efforts to achieve mission-driven diversity and inclusion goals. **https://www.aacu.org/sites/default/files/BridgingResearchPracticeGap.pdf**

APPENDIX D

About the College Board Access and Diversity Collaborative

The College Board Access and Diversity Collaborative, now in its 15th year, continues to provide national leadership and institutional support focused on higher education diversity goals. In partnership with higher education and national organizations, the collaborative addresses key issues that surface in the full range of enrollment policies and practices through convenings, stakeholder outreach and engagement, actionable research, policy and practice publications, and web-based tools and resources.

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** for the continuation of robust, research-/practice-based, and lawful access and diversity policies that advance institutional missions. Among its notable efforts on this front, an amicus brief shaped by the Collaborative's membership was filed by the College Board, AACRAO, NACAC, and LSAC (as representatives of the Collaborative) in *Fisher II*.
- **A resource for sophisticated and pragmatic policy and practice guidance and actionable research** 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). All publications are available on the ADC's website, **diversitycollaborative.collegeboard.org**.
- **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 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 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 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.

The Access and Diversity Collaborative relies heavily on the support and guidance of its 60 institutional and 13 organizational sponsors in identifying challenges and opportunities and making recommendations regarding strategic direction for the Collaborative's work. Other primary benefits of sponsorship are:

- Receipt of regular sponsor-only updates of relevant policy, legal, and research developments and an invitation to an annual sponsors-only meeting at the College Board Forum;
- Recognition as a sponsor on the ADC website and in other relevant College Board program materials, including the College Board annual Forum and Colloquium promotional materials; and
- Opportunities to identify and shape activity regarding ADC priorities, including the identification of needs in the field and commentary on early drafts of ADC publications.
- For additional information, see **professionals.collegeboard.org/higher-ed/access-and-diversity-collaborative/who-we-are**.

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5. Association of American Colleges & Universities (AAC&U)*
6. Association of American Medical Colleges (AAMC)
7. Association of Public and Land-grant Universities (APLU)
8. Center for Institutional and Social Change at Columbia Law School
9. Institute for Higher Education Policy (IHEP)
10. Law School Admission Council (LSAC)
11. National Association for College Admission Counseling (NACAC)*
12. National Association of College and University Attorneys (NACUA)
13. National Association of Student Financial Aid Administrators (NASFAA)*
14. National School Boards Association (NSBA)
15. University of Southern California Center for Enrollment Research, Policy, and Practice*

*Representatives from these institutions are 2019 ADC Advisory Council Members.

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About College Board

College Board is a mission-driven not-for-profit organization that connects students to college success and opportunity. Founded in 1900, College Board was created to expand access to higher education. Today, the membership association is made up of over 6,000 of the world's leading educational institutions and is dedicated to promoting excellence and equity in education. Each year, College Board helps more than seven million students prepare for a successful transition to college through programs and services in college readiness and college success—including the SAT® and the Advanced Placement® Program. The organization also serves the education community through research and advocacy on behalf of students, educators, and schools.

For further information, visit **collegeboard.org**.

About EducationCounsel

EducationCounsel is a mission-based education consulting firm that combines significant experience in law, policy, and strategy to drive improvements in U.S. education systems. We develop and advance equity-driven, evidence-based ideas to strengthen educational systems and promote expanded opportunities and improved outcomes for all students from early childhood through postsecondary education. Our higher education practice centers on issues of students and faculty diversity, student inclusion, sexual harassment, free speech, and institutional quality and academic excellence. EducationCounsel is an affiliate of Nelson Mullins Riley and Scarborough. Former U.S. Secretary of Education and South Carolina Governor Richard W. Riley is an EducationCounsel Senior Partner.

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