



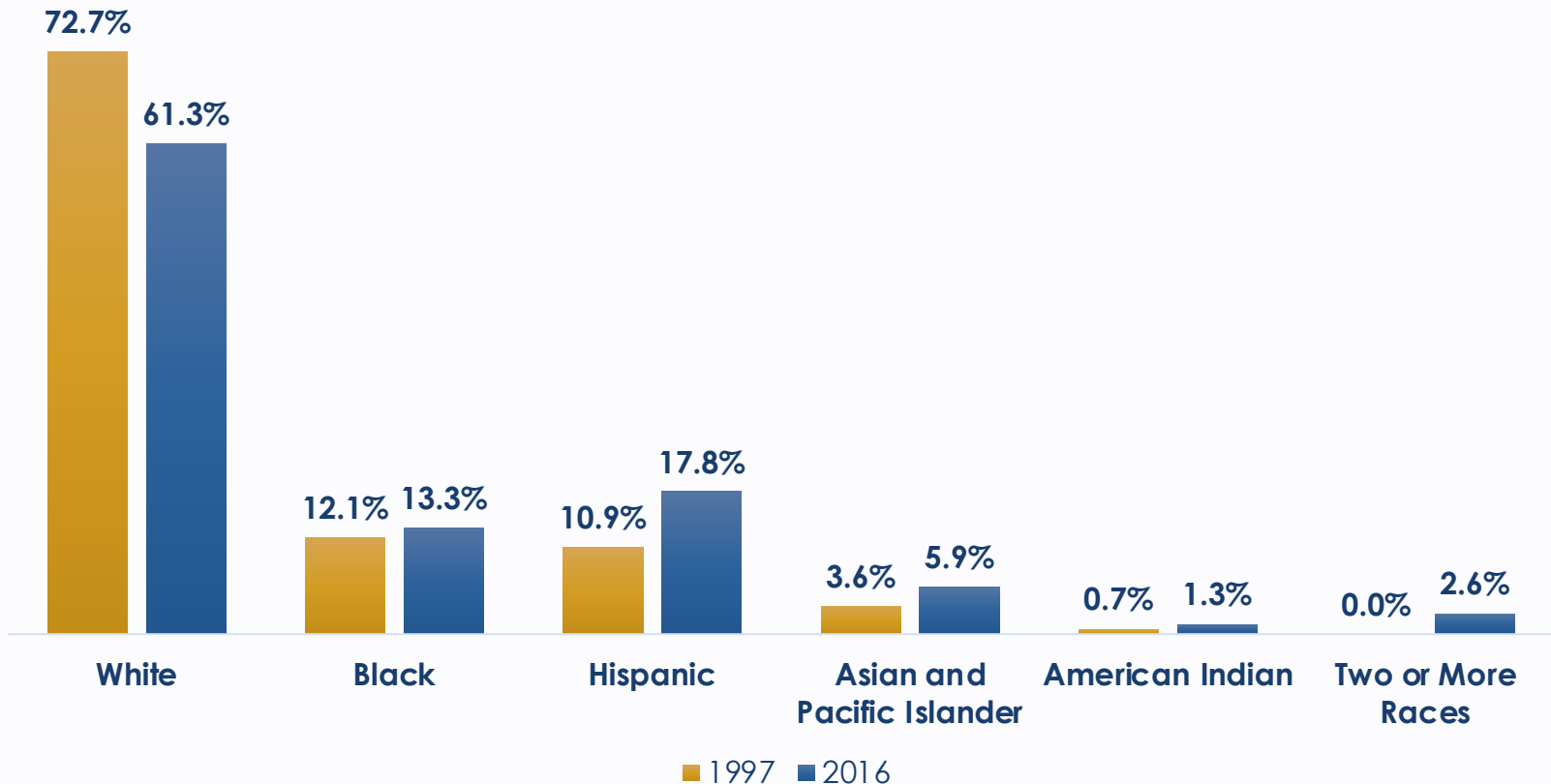
Diversity and Higher Education

AGEP California - Summer
Teaching Institute 2019

Marjorie S. Zatz, Graduate Dean

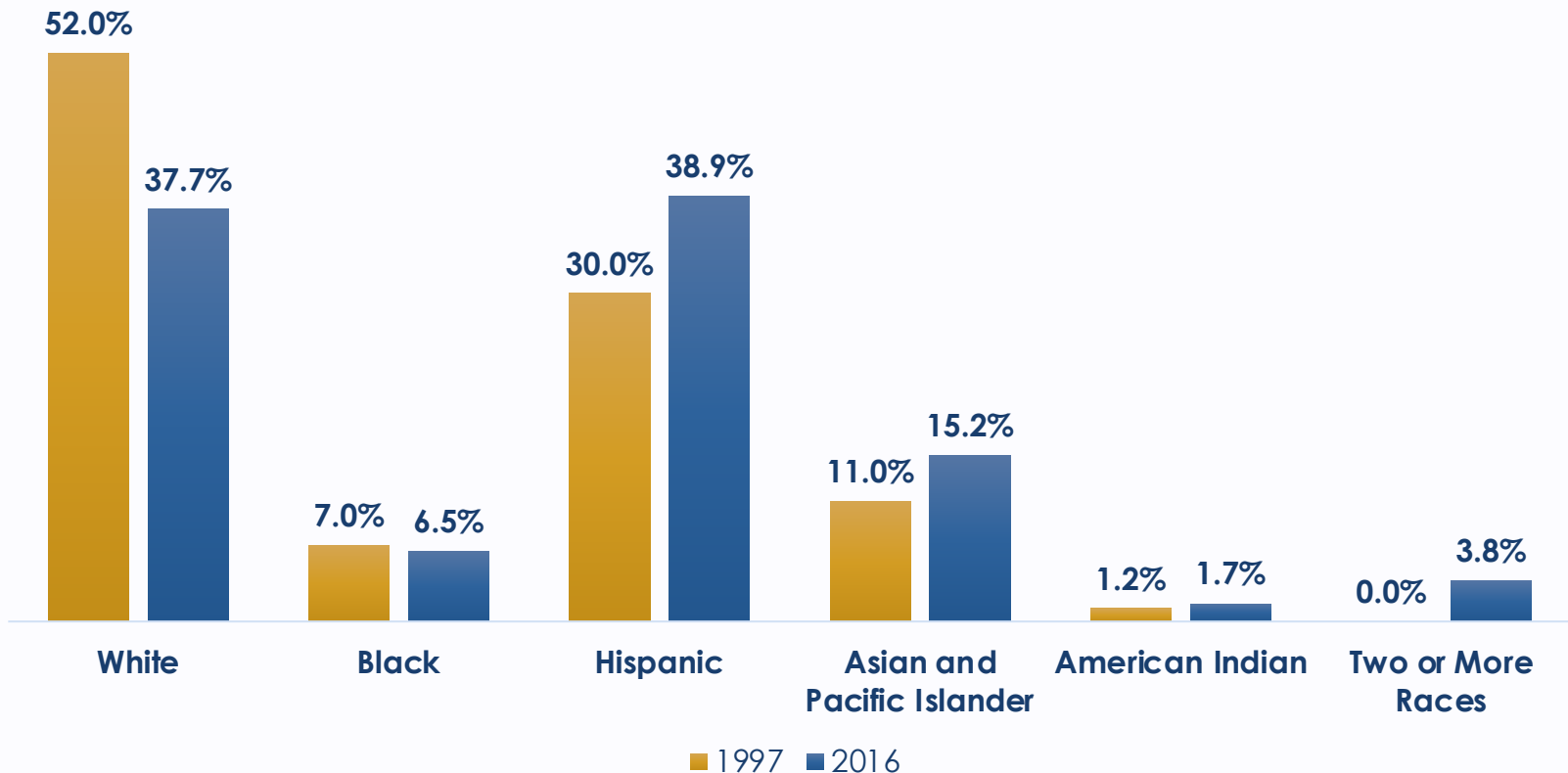
A Changing Nation

U.S. Population by Race/Ethnicity, 1997 vs. 2016



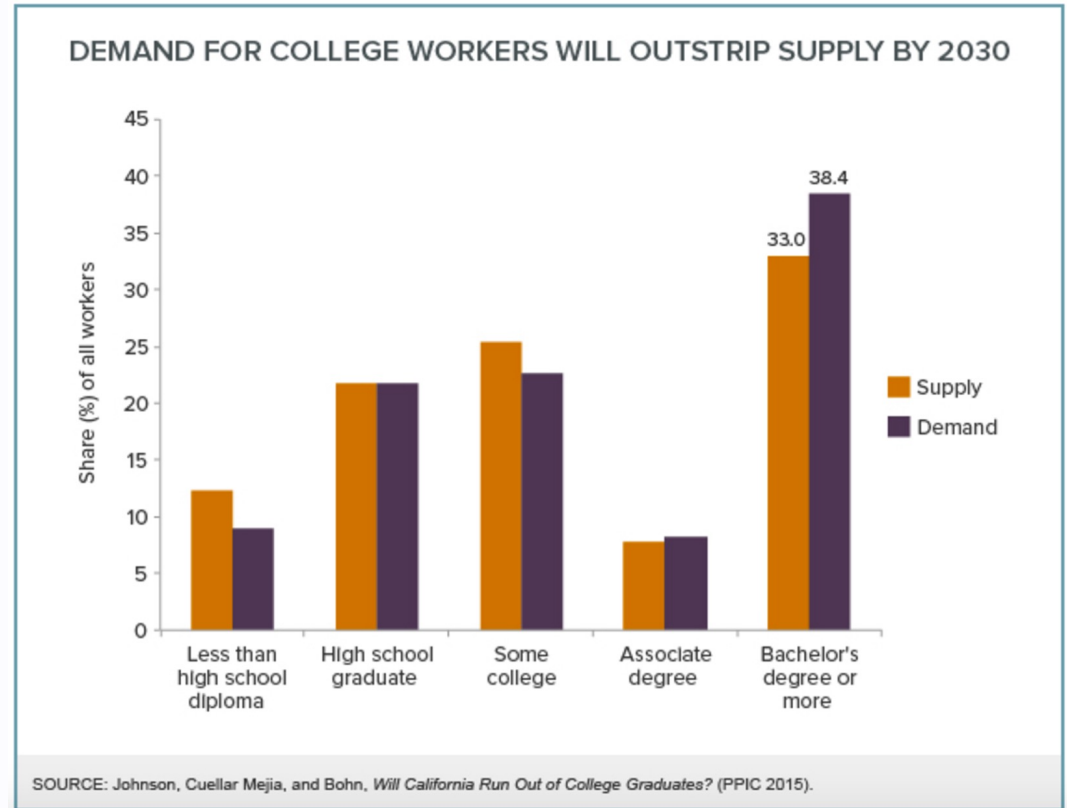
California in Transition

California Population by Race/Ethnicity, 1997 vs. 2016



Broadening Participation Is Essential

According to the Public Policy Institute of California, if current trends persist, by 2030 California will need another 1.1 million college graduates to meet economic demand.



Question -

- What does this shortage mean for our economy? For our society?
- How do the changing demographics in California, and the nation, affect how we think about social problems? about science policy

Key Legal Cases - General

1954 – Brown v. Board of Education of Topeka

- overturns Plessy and declares that separate schools are "inherently unequal."

1982 – Plyer v. Doe

- states cannot constitutionally deny students a free public education on account of their immigration status.

Key Legal Cases – Higher Ed

1978 Regents of Univ. of California v. Bakke

- race may be one of a number of factors considered in admissions, but special admissions programs (quotas) are not legal

1996 – Hopwood v. Texas

- barred racial preferences in admissions in 5th Circuit (Texas, Louisiana, Mississippi)
- 10% rule passed by Texas legislature in response

Key Legal Cases – Higher Ed

2003 – Grutter v. Bollinger

- law schools have a compelling interest in a diverse student body;
- admissions programs must be narrowly tailored to serve compelling interest in educational benefits of diversity;
- holistic admissions are legal.

2003- Gratz v. Bollinger

- U Michigan undergrad admissions - use of race was not narrowly tailored and so violated Equal Protection Clause, Title VI

Key Legal Cases – Higher Ed

2013 – Fisher v. Univ. of Texas

- U Texas’s consideration of race in admissions did not meet the standard of strict scrutiny

2016 – Fisher v. University of Texas (Fisher II)

- Justice Kennedy: “Considerable deference is owed to a university in defining those intangible characteristics, like student body diversity, that are central to its identity and educational mission.”
- for the 4th time in 4 decades, the Supreme Court ruled that the educational benefit of a diverse student body is a compelling governmental interest and that narrowly tailored consideration of race as one factor in a holistic admissions process is justified.

Key Legal Cases – Higher Ed

2018

- Trump administration reversed Obama-era guidance on use of race in admissions

Current case

- Students for Fair Admissions v. Harvard University – awaiting decision by Supreme Court

Why is Diversity so Essential to Higher Education? Diversity...

- broadens perspectives
- supports an inclusive vision of who we are as a people
- increases innovation
- helps meet the needs of a global society and a diverse marketplace
- reduces harms of racial isolation, segregation
- what are other reasons why educators, business leaders, and military leadership all have spoken out about the importance of diversity in higher education?

Question -

- What do you make of this history of race and admissions? How has thinking about the value of diversity influenced legal thinking?
- How do we address implicit bias in admissions, hiring, journal and grant reviews, etc.?

Financial Support For Undocumented Students Depends On...

DACAmented?

- if yes, have work authorization (TA, GSR, student employment, off campus employment)
- if no, may be eligible for fellowships and scholarships (if have AB 540 status)

AB 540 status? (California only)

- if yes, eligible for resident tuition
- if yes, may be eligible for scholarships/fellowships using state funds
- if yes, may be eligible for private gifts processed through the university

MSI, HSI, HBCU...

Hispanic Serving Institutions

- defined under the Higher Education Opportunity Act, Title V, 2008 as an accredited, degree-granting, public or private nonprofit institution of higher ed. with 25% or more total undergraduate Hispanic full-time equivalent (FTE) student enrollment.

Historically Black Colleges and Universities

- institutions of higher ed. in the U.S. that were established before the Civil Rights Act of 1964 with the intention of primarily serving the African-American community.

Minority Serving Institutions

- until recently, MSI's were defined by the Federal government as HBCU's, HSI's, and Tribal Colleges and Universities (TCU's).
- under President Obama (and slightly before him), definition expanded to include Asian American Pacific Islander Serving Institutions, along with a few others.

