

UMB News

Face to Face: The Future of Race-Conscious Admissions

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“Affirmative action is the most important anti-discrimination technique ever instituted in the United States. ... Affirmative action, by all statistical measures, has been the central ingredient to the creation of the Black middle class.”

Those words from congresswoman and former Equal Employment Opportunity Commission chair Eleanor Holmes Norton appeared in *Essence* magazine 30 years ago. The facts haven’t changed, but our use of affirmative action, particularly in higher education, has changed.

Race does matter in college admissions, at least for the moment, as we wait for decisions in two cases before the U.S. Supreme Court that could change everything. Race is often used as one consideration in college admissions for this simple reason: Race can often provide insight into a person’s life experiences, the challenges they’ve faced and overcome, and what they bring to the table for the benefit of everyone else at the university. Resilience, creativity, and empathy, for instance, might prove more important qualities than having the highest MCAT scores when it comes to being an effective physician.

Race-conscious admissions evolved from true affirmative action as it was labeled in the 1960s. The original idea was to use policies to level the playing field and help overcome centuries of injustice and barriers to education and jobs for those disadvantaged because of their race, gender, religion, and national origin — the greatest number at that time being African Americans and women. Many have argued that while giving preferences to a select group based only on their race, sex, or ethnicity sounds like a terrible idea, the world we live in has given preference to one group. And in many ways, it still does.

In 1978, the Supreme Court outlawed set-asides and quotas in the Bakke ruling, but the court did find a compelling state interest in the benefits of diversity and allowed race to continue to be considered in college admissions in some cases.

Twenty-five years later, the court mostly reaffirmed Bakke in the 2003 Grutter case but did strike down points-based systems and required universities to consider applicants individually and more holistically.

The cases before the justices now — which could be decided any day — involve the University of North Carolina, a public university, and Harvard University, private. Both cases are brought by the same group, Students for Fair Admissions. The plaintiffs allege Harvard imposed a limit on the number of Asian students admitted, ignoring superior academic performance. Harvard denies that, saying a large majority of the 40,000 applicants it receives each year for just 2,000 spots are highly qualified, so the university applies other criteria as well, such as essays and personal references.

During oral arguments last October, there were quite a few questions about an “endpoint” for considerations of race. Chief Justice John Roberts also pointedly stated that if universities were not allowed to consider race when recruiting diverse student bodies, “then maybe there will be an incentive for the university to, in fact, truly pursue race-neutral alternatives.”

We already have some idea of what the impact might be on higher education if the court bans the use of race in admissions, because 10 states already do that. Immediately after California’s Proposition 209 went into effect in the late 1990s, enrollment of students from underrepresented minority groups dropped 12 percent systemwide, and from prestigious Berkeley and UCLA it dropped by about 60 percent.

Something very similar occurred at the University of Michigan. Following that state's ban in 2006, Black student enrollment dropped from 7 percent to a little over 4 percent today. And what happened to those students who didn't get into UCLA and Michigan? Critics say it's likely most of them were accepted at less-prestigious institutions, creating even more competitive environments there.

President Bill Clinton said in 1995 that affirmative action should not go on forever. It should be retired, he said, when its job is done. But the numbers show that the job isn't done. It's estimated that in 2036, just 13 years from now, half of U.S. high school graduates will be people of color. But a 2022 McKinsey study showed that at the rate the country is going, it will take 70 years for American higher education enrollments to reach parity with their states' populations of underrepresented minority students.

How are the University of Maryland, Baltimore's (UMB) enrollment efforts faring, and what plans are being made to react to a potential court decision? UMB Chief Equity, Diversity, and Inclusion Officer and Vice President **Diane Forbes Berthoud, PhD, MA**, and **Patricia Scott**, assistant vice president for enrollment administration and university registrar, shared their thoughts and ideas on the June 15 edition of *Virtual Face to Face*. Watch the entire discussion by accessing the link at the top of this page.

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