

Mythbusters: Correcting Common Misunderstandings

The Issue

Despite many efforts to promote a rational, evidence-based dialogue on issues of access and diversity (particularly where race, ethnicity, and gender preferences may be at issue), campus discussions often devolve into polarizing, rhetorical exchanges that aren't grounded in reality—and that generate more heat than light. These mythbusters are intended to address some of the central myths that tend to erroneously drive higher education policy discussions, and to provide a number of on-point resources that may promote a more meaningful policy discourse.

Table 2: Myths and Mythbusters

Myth	Mythbuster	Points of Reference
<p>1 “Diversity” is code for policies that focus only on race and ethnicity preferences in higher education.</p>	<p>FALSE. Properly understood, “diversity” is a concept that reflects institutional interests in an array of student backgrounds, characteristics, and interests—of which race and ethnicity may be two factors among many.</p>	<ul style="list-style-type: none"> ▪ The U.S. Supreme Court in <i>Grutter v. Bollinger</i> (2003) affirmed that true educational diversity implicated more than race and ethnicity; otherwise, it was likely to mean little more than racial and ethnic balancing. ▪ Although often reflecting many common elements across similarly situated higher education institutions, “diversity” is an inherently institution-specific value that should reflect institution-specific, mission-driven interests. ▪ See generally <i>Admissions and Diversity After Michigan: The Next Generation of Legal and Policy Issues</i> (The College Board, 2006).
<p>2 The consideration of race and ethnicity in admission and financial aid leads to unqualified or underqualified students receiving benefits to which others are entitled.</p>	<p>FALSE. Properly considered in the admission and financial aid process: [1] race and ethnicity operate along with a mix of other legitimate factors in shaping complex and inherently academic judgments about who to admit; and [2] as “tipping point” factors in some individual decisions, race and ethnicity preferences don’t lead to the admission of unqualified or underqualified students.</p>	<ul style="list-style-type: none"> ▪ The pursuit of higher education interests in diversity—to achieve educational, economic, and other core goals—is a strategy that is fully aligned with (and often indispensable to) the pursuit of educational excellence. ▪ See <i>Grutter v. Bollinger</i> (2003): <ul style="list-style-type: none"> ♦ “... all underrepresented minority students admitted by the [University of Michigan] Law School have been deemed qualified.” ♦ “We also find that ... the race-conscious admission program adequately ensures that all factors that may contribute to student body diversity are meaningfully considered.” ▪ See generally <i>A 21st-Century Imperative: Promoting Access and Diversity in Higher Education</i>, the College Board and American Council on Education (2009) at www.collegeboard.com/accessanddiversity.

3 Standardized test scores and grade point averages are the only basis upon which the merit of a student should be judged when making admission decisions.

FALSE. The inherently academic judgments regarding who is qualified for admission and who should be admitted typically involve an assessment of an array of factors—some more objective and some less so. Teacher recommendations, student interests, records of major accomplishments (including, for some, “distance traveled”), particular skills, backgrounds, and life experiences shape judgments about a student’s likely success at a particular institution and, as importantly, the ways in which the student is likely to contribute to its learning environment.

- Consistent with universally recognized principles regarding test use, numerous higher education organizations explicitly recognize that admission tests, although helpful in predicting student success, shouldn’t be the only factor in assessing a student’s potential for success at an institution, or the student’s likely capacity for contribution at that institution.
- For example,
 - ♦ Regarding the SAT®, see *Appendix B: College Board Guidelines in Preserving the Dream of America: A Message to a Community of Educational Leaders (2008)*: “Test scores should always be used in conjunction with other components of a candidate’s portfolio ... [and] should only be used as a[n] ... approximate indicator of a student’s preparation for college-level work rather than a fixed or exact measure”; and
 - ♦ Regarding the LSAT, see www.lsac.org/AboutLSAC/LSATFairness-Procedures.asp: “The LSAT does not measure every discipline-related skill necessary for academic work, nor does it measure other factors important to academic success.”
- See generally Standard 13.7 in *Standards for Educational and Psychological Testing (1999)*: “In educational settings, a decision or characterization that will have major impact on a student should not be made on the basis of a single test score. Other relevant information should be taken into account if it will enhance the overall validity of the decision.”

4 Federal nondiscrimination rules related to admission practices are identical to those related to financial aid and scholarships.

FALSE. Although the general legal standard applied to such higher education enrollment practices is the same (for race- and ethnicity-conscious practices, “strict scrutiny”; for gender-conscious practices, “intermediate scrutiny”), the nature of the benefit conferred (e.g., admission or aid) and the manner in which it’s conferred affect the precise application of relevant legal standards.

- Justice O’Connor said it best, and most simply: “Context matters.” Elaborating, she observed: “Not every decision influenced by race is equally objectionable, and strict scrutiny is designed to provide a framework for [the evaluation of challenged practices].”
- See also *Nondiscrimination in Federally Assisted Programs; Title VI of the Civil Rights Act of 1964*, Final Policy Guidance 59, Fed. Reg. No. 36, p. 8756 (U.S. Department of Education, Feb. 23, 1994). In interpreting Title VI, “the Department agrees that there are important differences between admission and financial aid.” Reproduced in Appendix C of *Federal Law and Financial Aid: A Framework for Evaluating Diversity-Related Programs* (College Board, 2005).

5 Federal nondiscrimination rules completely and categorically bar race-, ethnicity-, and gender-exclusive financial aid and scholarship practices.

FALSE. No federal rule—based on U.S. Supreme Court rulings or U.S. Department of Education regulations and policy—categorically proscribes race-, ethnicity-, or gender-exclusive aid practices.

- No U.S. Supreme Court decision has ever addressed the merits of a race-, ethnicity-, or gender-conscious financial aid or scholarship policy designed to help achieve the educational benefits of diversity.
 - The U.S. Department of Education in Title VI regulatory policy has stated that “it may be necessary for a college to set aside financial aid to be awarded on the basis of race or national origin in order to achieve a diverse student body.” See *Nondiscrimination in Federally Assisted Programs; Title VI of the Civil Rights Act of 1964*, Final Policy Guidance 59, Fed. Reg. No. 36, p. 8761 (U.S. Department of Education, Feb. 23, 1994).
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SELECTED RESOURCES

1. Lee Bollinger, “Seven Myths About Affirmative Action in Universities,” 38 *Willamette Law Review* 535 (Fall 2002) at <http://www.columbia.edu/cu/president/printable/docs/communications/2002-2003/021016-SevenMyths.html>

2. *Myths and Tradeoffs: The Role of Tests in Undergraduate Admissions* (National Research Council, 1999) at www.nap.edu