

Getting from Here to There: Managing the Process of Policy Change

The Issue

Following a structured process is critical when attempting to shape institutional diversity and access policies. Not only will it help institutional leaders leverage stakeholder support, it will provide legal support for the policies the institution ultimately adopts. A structured policy process will ensure that policy goals will be related to the institution's mission, connected with other similar institutional policies, and undergo periodic rigorous review. (Although it may not always be linear, the process of policy change should maintain some overall structure in order to ensure that all stakeholders are included and that all policy areas are covered.)

The Policy Context

Under federal nondiscrimination law, one of the “nonnegotiables” regarding the design and implementation of race- and ethnicity-conscious policies is the requirement that institutions with such policies review, evaluate, and (as appropriate) modify those policies over time. In short, higher education institutions must ensure that such policies in their design and implementation are both effective in achieving established goals and minimally discriminatory with respect to students who, because of their race or ethnicity, may not benefit under those policies.

Key Action Steps

Although each institution is unique and has special policy considerations, the steps below outline a framework that institutions can follow.

1 INVENTORY: Know Your Programs.

The first phase of any effective programmatic review will involve the collection and assembly of all relevant information. In this case, the relevant information will pertain to the institution's diversity-related policies and practices.

- Include individuals who have relevant institutional experience to ensure the development of a comprehensive, fact-based initial inventory.
- Include all policies and practices designed to support institutional diversity goals.
- Don't forget to mine admission, financial aid, outreach, recruitment, and retention policies that bear on diversity goals.

- Include externally funded race- and ethnicity-conscious programs in cases where the higher education institution supports—through, for example, the administration of the program—the operation of those programs. These may include programs that are funded by private sources, as well as programs that are authorized by or funded pursuant to federal or state law.

2 ASSEMBLE: Establish an Interdisciplinary Team

The right people are key to an effective initial inventory and assessment of diversity-related programs. Therefore, institutions should assemble (both in the short term and as part of a longer-term strategic planning process) an interdisciplinary team representative of many facets of the institution that can effectively evaluate the relevant policies and programs in light of institutional goals (and legal requirements).

- Include representatives from the institution's top administrative levels.
- Include representatives of specific programs and of institutional perspectives that have a bearing on diversity-related goals and strategies (from the top down).
- Include individuals who can help assemble the research bases upon which policies can be evaluated.
- Include attorneys with an understanding of federal and state legal compliance in relevant areas.
- Consider including communication experts to help anticipate engaging the public should the institution decide to go that route.

3 JUSTIFY: Ensure the Existence of Clearly Defined, Mission-Driven Diversity Goals Supported by Evidence

As federal law makes abundantly clear, race- and ethnicity-conscious policies will only survive under strict scrutiny if the justifications for those policies are well developed and supported by substantial evidence.

Institutions should ensure that goals are:

- Clearly stated and understood;
- Specific regarding what kind of student body the institution wants to attract and why (in relation to diversity goals);
- Clear on how the institution conceptualizes (or defines) its goals and objectives; and
- Clear on how success in reaching goals is assessed.

Sources of evidence can include:

- Institution-specific policies (e.g., mission statements and strategic goals);

- Institution-specific research and analyses (e.g., student surveys, student data) including information that reflects assessments about the relative need for and success of the policies in question;
- Social science research (e.g., educational benefits of diversity); and
- Statements or opinions by institutional leaders, professors, students, and employers, based on actual experience and that shed light on the educational justifications that support the institution's diversity-related goals.

4 ASSESS: Evaluate the Design and Operation of the Policies in Light of Institutional Goals

The design and operation of the policies gathered in these steps should be evaluated in light of narrow tailoring standards, with the overarching aim of ensuring that the use of race or ethnicity is as limited as possible, given the compelling institutional interests that those policies promote.

Policies should be:

- As flexible as possible with regard to the use of race or ethnicity, given institutional aims;
- Necessary, in light of possibly viable race-neutral (or less race-restrictive) alternatives; and
- Of minimal burden to nonqualifying students, based on race or ethnicity

5 ACT: Take Necessary Action Steps

Once these steps have been completed, the path should be clear to begin implementation of new or revised institutional access and diversity policies.

- Institutions should consider ways to address key stakeholder groups in order to facilitate their understanding about the policymaking process and key decisions.
- Policies should be periodically reviewed and evaluated for effectiveness—and modified as appropriate over time.

SELECTED RESOURCES

Admissions and Diversity after Michigan: The Next Generation of Legal and Policy Issues (The College Board, 2006) at www.collegeboard.com/accessanddiversity (Significant points of elaboration on this tool can be found in Chapter 2, from which this tool is derived.)