

Minutes\*

**Senate Consultative Committee  
Thursday, February 20, 2014  
3:00 – 4:00  
Room 238A Morrill Hall**

Present: Will Durfee (chair), Rylee Ahnen, Prahith Chakka, James Cloyd, Katherine Cramer, Eva von Dassow, Jigna Desai, Janet Erickson, Tabitha Grier-Reed, Alon McCormick, Andrew McNally, Karen Mesce, James Pacala, Paul Ranelli, Chris Uggen, Jean Wyman

Absent: Rachelle Alcini, Avner Ben-Ner, Frank Farleo, Karl Freese, Jayce Koester, Russell Luepker, Cynthia Murdoch, Bill O'Neill, Thomas Sondreal

Guests: Professor Geoffrey Maruyama (chair, Senate Committee on Equity, Access, and Diversity); Professor Gary Gardner (Faculty Legislative Liaison)

Others: none

[In these minutes: (2) income-based diversity and issues of admission; (2) University Senate docket]

**1. Income-Based Diversity & Issues of Admissions**

Professor Durfee convened the meeting at 3:00, welcomed Professor Maruyama, and said that this is an important agenda item because it addresses how to think about admissions and how diversity is integrated into the admissions process. There have been a number of court cases that speak to admissions and diversity; a recent one, *Fisher v. University of Texas*, went to the Supreme Court and back to the district court and left the situation unclear, so he asked the Senate Committee on Equity, Access, and Diversity (EAD) to look at the issues and advise this Committee of its views. EAD prepared an excellent response [appended to these minutes and also provided an overview of the University's freshman admissions process]; he turned to Professor Maruyama for comments.

Professor Maruyama reviewed the elements in the memo that EAD had provided to the Committee and noted that it only addressed freshman admissions; EAD will revisit the admissions process for graduate and professional programs later. He said that EAD will ask about why low income students are doing worse and what the University can do to help. This is not a state with a large population of people of color, and that in Minnesota race is linked with poverty, for the proportions of students of color eligible for free or reduced price lunches is much greater than the proportion of white students eligible. There is an argument sometimes made that poverty is the key issue of inequality in college education disparities rather than race, but recent studies purporting to make that case control for social class when looking at race, but do not control for race when looking at social class.

The *Fisher* case did not disallow or allow the use of race, Professor Maruyama reported, so EAD looked at what the University does. They spoke with the Director of Admissions for the Twin Cities campus, Ms. Hernandez, about the criteria used in admissions and reviewed the changes in the criteria to

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\* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

the current holistic process, where no single factor determines admission—not race and not anything else. He noted the primary (high school coursework; grade point average; class rank if available; and ACT or SAT score) and secondary (outstanding talent/achievement/aptitude in a particular area; particularly rigorous academic curriculum; strong commitment to community service and leadership; military service; contribution to the cultural, gender, age, economic, racial, or geographic diversity of the student body; evidence of having overcome social, economic, or physical barriers; first-generation college student; significant responsibility in a family, community, job, or activity; family employment or attendance at the University; extenuating circumstances) factors that are used in making the admission decision. There are no quotas.

Professor Desai raised a question about how Southeast Asians/Asian-Americans are treated in the process, noting that sometimes they are categorized as under-represented groups and sometimes not, and that sometimes different subgroups are categorized differently. Professor Maruyama said that their status depends upon area of study and that he would bring the questions about subgroups back to EAD. Sometimes it is possible to disaggregate students by language or home country.

Professor Maruyama referred to point #4 in the memo from EAD: the African-American student population at UCLA, UC Berkeley, and the University of Michigan has not recovered from the decision that those schools could not use race in admissions decisions, but other institutions shown some or even full recovery to levels similar to when they were allowed to use race. The University of Washington was not able to use race, which affected perceptions of students about the climate, but their enrollments reportedly have recovered some. In California, restrictions have allowed some of the private schools to increase quantity and quality of their student diversity. It appears, at least for elite schools, that if the use of race in admissions is banned, there are problems with achieving a more diverse student body.

Professor Durfee inquired if the "strict scrutiny" standard imposed by the Supreme Court means that institutions must make the case for relying on race in admissions decisions. Yes, Professor Maruyama said, they need to show that they are not able to create the student body they need without it. The Office of the General Counsel monitors the University's process and has concluded there isn't a problem here in using race because the University does not use race as a single deciding factor.

Professor Maruyama said that based on what has happened at Michigan and some of the University of California schools, it is possible to make the arguments in favor of using race in admissions. There are also arguments to be made for using social class; he observed that universities can be seen as elite places where students from lower-income families are sometimes hurt or offended by statements made on campuses about their backgrounds. Class is something that institutions need to think about.

The question arose, why did not the University sign any of the amicus briefs to the Supreme Court on the diversity cases if diversity is an important institutional value, Professor Maruyama related. Other Big Ten schools did so. Who decides, Professor Durfee asked? That is an administrative decision, or one made ultimately by the Board of Regents.

Professor Ericksen said she had no problem with any of the points in the document prepared by EAD but asked if it applies only to the Twin Cities campus. Each campus has its own admissions office, she pointed out. Professor Maruyama said they would separate the points about the campuses versus University policies. In response to a query from Professor Durfee, Professor Ericksen reported that the

Morris campus perhaps has fewer problems with diversity in admissions; it has the highest percentage of Pell-eligible students and students of color of any campus in the University.

Professor Pacala asked what the status of the report from EAD is and where it will go next. He said it sounds like EAD is fairly confident that the University is in a so-so legal position and makes recommendations to improve the process. Professor Maruyama said the legal situation is in flux but EAD can follow up in a few areas, such as graduate and professional admissions. The recommendations in their report are not tied to the *Fisher* case; they are more about diversity in general. He commented that as admissions processes go forward, the institution can look for students that fit it—but it also can look critically at itself and change as an institution in recognition of the changing population of students the University will serve, such as more students from low-income families, and not become more elite. With 43,000 freshman applications on the Twin Cities campus, the University has the ability to tailor its student body. This question arose in EAD discussions but no resolution was suggested. It also is important that, as the University reflects on its processes, any self-examination not be restricted to admissions and student finance, but also look at instruction and advising.

Mr. Chakka suggested that in the future the admissions process consider how it classifies people by race, and noted that he is sometimes considered Asian, sometimes Indian, and sometimes as a member of an over-represented group. How does one change the standards? Professor Maruyama said that EAD did not ask questions about how applicants are disaggregated. Should the pool be parsed further, Professor Durfee asked? Mr. Chakka noted that categories are self-reported, and said that as an Indian-American, he has often been told not to identify himself as Asian—and that view is widely publicized in the Indian-American community. Professor Grier-Reed said that Mr. Chakka's point is well taken: it is difficult to parse institutional data (what is "black"?). She suggested providing a "country of origin" option, which would help the University have more sophisticated data.

What other standards are used, Professor Durfee asked? Professor Maruyama said there is a template on how to report data to the Department of Education; that template follows the practices of the Census Bureau. One question is whether the University's institutional research office has the capacity to do the kind of research needed. Professor Grier-Reed said she has asked and they said they do not. Even more complicated is the case of immigrant students; the University does not know if they are first-generation immigrant students, second wave immigrant students, etc. The institution uses very broad categories.

Professor Pacala said he appreciated the approach to admissions where no single factor determines admission. As faculty members, they need to understand their role, which is serving students who are increasingly diverse and adjusting to changing times. The more that can be identified as a priority, the more it can help guide faculty in their work. Sometimes one can sense complacency or obliviousness to the issue.

Professor Maruyama told the Committee that two earlier Supreme Court cases, *Gratz* and *Grutter*, held that race can be used in admissions decisions if the purpose is to enhance interactions across the campus. If institutions are to use diversity to enrich the lives of faculty, staff, and students, it is more difficult to use the diversity argument if students are in separate groups on campus, with limited interactions with others.

One model that perhaps other use is one in the School of Nursing, which takes diversity very seriously, Professor Wyman said. It is part of the admissions process at all levels; students must explain how they will contribute to the School's diversity and must answer the question orally when they come for an interview. That approach helps students of color know that the School takes diversity seriously. Do they also take steps to promote interactions among individuals in the School, Professor Maruyama asked? They are working on that, Professor Wyman said.

Mr. Chakka said there appears to be a potential disconnect between realizing the benefits of diversity on campus and building minority communities, the latter of which's presence is strongly correlated with higher graduation rates. At the University of Virginia, they formed clusters of similar students to provide peer support. They are not in conflict, Professor Maruyama said; the idea is to create safe spaces and a simultaneous willingness to engage the broader academic community. The best predictor of retention is engagement.

Professor Desai said she believes the University has a negative reputation in the minority communities around the Twin Cities as being unwelcoming. African-American students feel uncomfortable on campus because they believe they are the target of surveillance and hypervisibility because of the recent emphasis on crime alerts. Southeast Asian American students don't feel welcome on campus, either. But the University can remedy this with pipeline programs. If the University does not attract *and* retain students of color, it is not serving them well. If the goal is to draw students here, it is important to form ties to the local communities, such as the Hmong and Somali communities, and they need to know who is on campus that will be a resource for them. It takes time to build trust and community.

Professor Grier-Reed reported that she has a student who has asked how the closing of General College affected perceptions of the University campus climate/culture for students of color. So as discussed with the University of Washington example raised earlier, policy decisions may affect how diverse communities view the University. She noted that she started at the University as a graduate student in 1997, and the way the University has addressed questions of diversity has changed. Earlier there were race-based student resource centers, then the University got away from those to a more multi-cultural resource center that is more academically focused (MCAE--Multicultural Center for Academic Excellence). She did emphasize the importance of "validating spaces" that support the racial identities of diverse students on campus. Finally, she noted that in her college (Education and Human Development), the most diverse college on the campus, classes can be up to 40 or 50% students of color, which brings a diversity of perspectives to the classroom discussion by the sheer nature of having such a critical mass of students of color co-create the educational experience.

Professor Durfee encouraged EAD to identify specific recommendations; this Committee could endorse them. It is important to keep this issue on people's minds; the University needs to be sure it is doing as well as possible in admissions. He thanked Professor Maruyama and EAD members for the report.

## **2. University Senate Docket**

The Committee approved the University Senate docket without ado. Professor Durfee then adjourned the meeting at 3:50.

-- Gary Engstrand

University of Minnesota

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Date: February 5, 2014

To: William Durfee ([wkdurfee@umn.edu](mailto:wkdurfee@umn.edu)), Chair, Faculty and Senate Consultative Committee, Rebecca Ropers-Huilman ([ropers@umn.edu](mailto:ropers@umn.edu)), Co-Chair, and Members of The Committee

From: Geoffrey Maruyama ([geoff@umn.edu](mailto:geoff@umn.edu)), Chair, Senate Committee on Equity, Access, and Diversity, on behalf of the Committee

Re: Implications of Fisher v. University of Texas supreme court case and income-based diversity

In an email early this fall, you requested that the Senate Committee on Equity, Access, and Diversity take up the issues raised by the Fisher case. We have eagerly done so, and invited to our October meeting Rachelle Hernandez, Associate Vice Provost for Enrollment Management; Professor Karen Miksch, Postsecondary Teaching and Learning; Tracy Smith, Deputy General Counsel, OGC; Patricia Jones Whyte, Director, Office for Diversity in Graduate Education; and Kris Wright, Director, Office of Student Finance. Their presence provided the committee with valuable information and a rich discussion of the issues. We followed up as a committee during our November meeting, and after that meeting have circulated and agreed upon the response that appears below. We will be revisiting our thoughts at our next meeting as well, inviting back our guests from October for a continued discussion. Our focus has been on undergraduate education, but we also will turn our future attention to graduate and professional education and diversity.

To stimulate and focus our discussions, you suggested that we address the following questions:

- 1. How does the University currently take into account race and income in determining admissions?*
- 2. What is the overarching principle and rationale that guides our existing processes?*
- 3. Are there other forms of diversity that we also take into account? If so, how do we do so?*
- 4. Are there any legal concerns that have arisen in light of the recent Fisher case? How much, if at all, will our processes and/or principles change in relation to that case? How well will we withstand strict scrutiny standards associated with the consideration of race (and perhaps other indicators of diversity) if challenged in the future?*
- 5. What evidence do we rely on at the U to articulate the ways in which diversity adds educational benefit?*

We initially respond with our understanding of the University's answers to your questions, and then raise the larger issues that underlie them and that we think are more important than the particular questions

about impacts of the Texas case. We finish with recommendations. In addressing these issues, it is important to point out that in Minnesota, race/ethnicity and family income are strongly related (some might say confounded), for much higher proportions of students of color are eligible for free or reduced price lunch programs than are white students. The contrast is as strong as 80% vs. 20% eligible, depending upon the group of students of color that is compared with white students. Even with that ratio, however, we wonder about the extent to which family income could be used as a proxy for race.

1. *How does the University currently take into account race and income in determining admissions?*

The University uses a holistic review admissions process, described by Ms. Hernandez as follows (the document, “Fall 2014 Freshman Admissions Overview” outlines the admissions review and selection process and the primary and secondary factors of admission). We thought that specifics of this process are important, so there is quite a bit of detail below. The detail is primarily for the Twin Cities campus; each campus makes its own decisions about applications and admissions (The Morris campus has a similar review process.):

- Each student’s application is read fully at least twice, with students considered for admission on the basis of a holistic review taking into account the University’s publicly stated primary and secondary factors. Last year, 43,000 freshman students applied to the Twin Cities campus alone, not including transfer students.
- The University admits new freshmen students to seven different freshman-admitting colleges. There are differences between transfers and freshmen. Transfer students could receive multiple offers of admission from different colleges, but they can only accept one. At the freshman level, students indicate their colleges of interest in order of preference. As stated in the application materials, student academic interests and academic preparation determine the college to which students are admitted.
- Ms. Hernandez directed members to the list of primary factors and course requirements for each college and noted their differences.
  - The competitive level by college is different for each. Students are presented with averages of the previous freshman class to give them an understanding of what a typical admitted student looks like.
- The University admits those applicants who overall are most competitive, based on a holistic review of the primary and secondary factors considered. Ideally, this results in admitting students with the greatest likelihood of success at the University. (This comment evoked later discussion about how welcoming our University is to students from different backgrounds, if/how we impose cultural expectations that affect success rates, whose responsibility it is to ensure success for all admitted students, and if we should be examining ourselves more critically to see if there are ways that the U should be changing to change success rates of students from diverse backgrounds.)
- There are no automatic admissions and no admission decision is based on any single factor. Students are reviewed within the context of their high school, ensuring that students are considered within the context of the resources and curriculum available to them. In addition, secondary factors provide additional information about individual student circumstances that may have impacted their academics or test scores. Because admission is based on a holistic review where no single factor is a determining factor, students are accepted who do not attain individual “thresholds,” for example, students who score below the average ACT/SAT scores, provided that they have demonstrated that they are taking advantage of available resources, progressing within their curriculum, and performing strongly within their high school.

- There are students that are struggling with both academics and test scores due to many factors, including achievement gap factors. In those cases, students are not admitted but there are next steps to discuss transfer planning. As an example, students are encouraged to participate in the Minnesota Cooperative Admissions Program (which is the only guaranteed admissions program) a program where a student can attend a community college, complete required courses, and if they achieve a certain GPA be guaranteed admission to the U of M as a transfer student.
- If a student has a life event during high school that causes their grades to drop, but then they show an upward trend during junior/ senior year, this shows maturity. Though the student may have a lower cumulative GPA, their later work correlates most to their next step in education and they are likely ready to attend the University.
- They also give attention to the practice of tracking and realize that school administrators or teachers may have tracked some students out of higher-level classes.
- Professor Miksch emphasized that outreach is important to attract students from schools that are not typical feeder schools for the University.
- Within the list of secondary characteristics: diversity by region and race, leadership, and home life, geography, and talents are some of the factors considered.
- Ms. Hernandez believes that they maintain fairness by making the review process consistent for every student and by ensuring at least two reviews for each applicant to ensure consistency, as well as completing quality assurance reviews of the process on an ongoing basis. The group of individuals that does the reviews is diverse on many characteristics.
- Norming sessions are conducted constantly within admissions staff members to ensure that the holistic review is conducted fairly and consistently.

To summarize, both economic disadvantage and race/ethnicity are among the secondary factors for admissions, and each is included as part of the admissions process, in some ways perhaps indirectly as well as directly (e.g., by looking at the school attended and the opportunities available at that school or considering a student's participation in a college preparatory program for students from low-income backgrounds). Neither is one that will determine admission or not—and, as noted earlier, there are no single factors that would allow that determination. It is important to note that the University is need-blind in its admission decision making.

With respect to the income issue specifically, Ms. Wright stated that our financial aid policies are intended to provide financial support for students, so once admitted, students will receive aid consistent with federal and state formulas. At present, 26% of undergraduates are eligible for Federal Pell Grants. Pell eligible students are less likely than other students to graduate on time (which EAD will look at further next spring). It also is the case that increasing proportions of student aid is directed independently of need (to “merit”). Ms. Wright also noted that low-income students often are borrowing the maximum loans they are offered, as much as \$10,000 each year. Finally, she noted that realistically, we might expect that students and their families need to contribute **twice** the federal Expected Family Contribution each year. We suspect that must affect family decisions and how much students need to work, issues that we will explore further.

2. *What is the overarching principle and rationale that guides our existing processes?*

Existing processes are holistic, examining a range of factors in making decisions about admissions. There are three primary factors (coursework through graduation, grade point

average, high school rank percentile (if provided), and ACT/SAT) plus many secondary factors that provide additional academic information as well as personal student background information. As was explained above in detail, all are included in the decision making process.

*3. Are there other forms of diversity that we also take into account? If so, how do we do so?*

Yes, as noted above, admissions processes include a range of factors, including geographic region, background, and experiences.

*4. Are there any legal concerns that have arisen in light of the recent Fisher case? How much, if at all, will our processes and/or principles change in relation to that case? How well will we withstand strict scrutiny standards associated with the consideration of race (and perhaps other indicators of diversity) if challenged in the future?*

We believe that there is no definitive answer to this question. Some institutions have responded to the strict scrutiny by not using race in making admissions decisions, with adverse consequences on student diversity. In several states, laws now prevent use of race. One example is the state of Washington. The University of Washington is very similar to UM, and UW was required legally to stop using race. Dr. Miksch reported that since that happened, communities of color now seem to perceive UW as unwelcoming, and the numbers of under-represented students of color have gone down. A recent spoken word piece from an African American student at UCLA about the lack of African American males also received national press (e.g., <http://losangeles.cbslocal.com/2013/11/11/black-bruins-video-highlights-stark-statistics-about-diversity-at-ucla/>; <http://www.youtube.com/watch?v=BEO3H5BOIFk> ).

Despite changes in some peer institutions, at present UM believes its admissions policies are consistent with Fisher. Our policies are constantly under review internally, and could change upon recommendation of the OGC. Evidence from places like Washington and Michigan argue strongly that eliminating race as a factor in admissions changes the student body, that replacement variables that don't use race are unable to maintain student bodies as diverse with respect to race, and that the resulting student bodies are clearly not representative of the broader population within those states. These findings suggest that we would not be able to readily replace race in our admissions processes without changing the composition of our student body.

*5. What evidence do we rely on at the U to articulate the ways in which diversity adds educational benefit?*

This is an interesting question, and leads us to the broader issues that really captured the attention of the committee. The Grutter and Gratz cases argued that presence of diversity provides opportunities to enrich the experiences of all students and helps expose them to different perspectives. So then a key question is to determine what we do within the University to provide students with opportunities to interact and share perspectives. Michigan, for example, has an intergroup dialogue program that focuses on racial issues. To the extent that Minnesota can point to formal or informal classroom or campus experiences that expose students to issues of diversity and enrich their perspectives and understandings, we can document educational benefits.

Our committee believes that there are strong self-interest reasons for strengthening our focus on issues of diversity, and that those ways should be visible and clearly articulated. We are the flagship



institution in an increasingly diverse state with a global business presence. I realized the implications when I talked with my sister this month, and she said that 3M does not take MLK Holiday off, for they are so international that they can't afford to be closed—they limit their holidays markedly. 3M is illustrative of the many Fortune 500 and other businesses that rely on the U and other post-secondary institutions to develop workers capable of interacting across differences in perceptions and expectations in our urban and global world. Our students need to learn in an environment that promotes and recognizes diversity and how it manifests itself in everyday interactions across many dimensions of diversity. Insofar as the proportion of youth coming from families with fewer economic resources is increasing, we need to effectively produce more college graduates from that part of the population if we are to sustain the workforce we need to ensure a productive future. Bruce Katz argues that the world is not flat, but spikey, built upon metropolitan areas, and that regions can shape an economic future somewhat independently of the countries within which they reside as long as they prepare themselves for the world of the future.

Returning to specifics, the University has increased its commitment to progressive, student-centered education (e.g., the new active learning classrooms) and has articulated undergraduate learning and development outcomes, including expectations about student outcomes related to diversity. Student-centered education increases the extent to which students work in groups. Research by our own faculty and others shows that diverse groups make more effective and creative decisions, and developing skills to work effectively in diverse groups is a skill important for the work place. The list of outcomes is found at: [http://academic.umn.edu/provost/teaching/cesl\\_outcomes.html](http://academic.umn.edu/provost/teaching/cesl_outcomes.html). For learning outcomes, the explicitly diversity-focused outcome is “Understand diverse philosophies and cultures within and across societies.” For development outcomes, two are relevant: “Appreciation of Differences by recognizing the value of interacting with individuals with backgrounds and/or perspectives different from their own,” and “Tolerance of Ambiguity by demonstrating the ability to perform in complicated environments where clear cut answers or standard operating procedures are absent.”

***Recommendations from the committee tied to the Fisher decision:***

1. *Ensure that our public positions and statements about diversity are consistent with what we articulate as our values.* For example, Minnesota did not sign on to any of the *amicus briefs* for Grutter/Gratz or Fisher, which seems to say that we are not willing to publicly stand for what we articulate as a core value while many of our peer institutions are willing to publicly speak out. Is diversity something that we don't need to worry about if we say that it is important? Or that we can set aside if it is politically divisive or contentious? We have argued above that diversity is central to our collective future, and is something that we should be promoting as integral to our collective future (think “Cold Omaha.”)
2. *Provide clearer statements about why diversity is important for the University, and how it enriches the institution.* For example, how do we think about diversity and excellence, educational experiences, and preparing students for a global, urban world? We could be promoting our national and international diversity as a recruiting tool.
3. *Make sure that our core value of diversity is prominent in the important things we write and do.* For example, diversity is not mentioned in the recently released strategic planning goals.

Specific to the Fisher case, despite the importance of family income, we don't believe that family income can be a proxy so race/ethnicity can be avoided, for differences by race and culture are statuses that are immediately visible and evoke stereotypes and expectations that lead to differential treatment. Trying to replace them with dimensions like family income that do not evoke such immediate reactions seems to EAD to be inappropriate, and it has not worked well at places that have tried to do it.

In closing, we would like to thank FCC/SCC for sending this to us. We believe that the University of Minnesota should focus greater attention on issues facing students from low income families, for increases in tuition have affected the affordability of college and perceptions about its cost. One issue that came up in our discussions is that Pell eligible students are not graduating as quickly as other students. Higher education seems in many elite institutions to manifest a culture of privilege, and we think that University should examine how students who do not come from such backgrounds experience the culture. One perspective is that because of the culture of privilege and expressions of that culture among students, coming from a low income family is a status that students conceal and one that affects their interactions with their peers.

We will look at this issue in greater detail in future discussions. We are pleased that President Kaler is implementing a program that focuses on students from low income families (Retaining all Our Students), and hope that it will succeed. As part of our future discussions, we will invite Vice Provost McMaster or his staff to our meeting to describe the new program in detail.

Our committee members look forward to hearing your thoughts about these issues.