

Journal of Student Financial Aid

Volume 32 | Issue 1

Article 1

2-1-2002

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Recommended Citation

Redd, Kenneth E. (2002) "Affirmative Action, Minority Student Access to College, and College Retention: What Does the Future Hold?," *Journal of Student Financial Aid*: Vol. 32 : Iss. 1 , Article 1.
Available at: <https://ir.library.louisville.edu/jsfa/vol32/iss1/1>

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Affirmative Action, Minority Student Access to College, and College Retention: What Does the Future Hold?

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Affirmative action programs seek to address admissions at selective, predominately White institutions, but do not consider the role minority-serving institutions play in providing access to higher education. Affirmative action programs also do not address low minority student retention rates at selective institutions. This study discusses the recent challenges to affirmative action and the alternative policies states have used to diversify their college campuses, and describes the role minority-serving institutions and financial aid administrators may play in providing access to higher education for underrepresented groups. Given the threats to affirmative action by several federal court rulings and voter initiatives, minority-serving institutions and financial aid administrators may need to play a greater role in providing educational opportunities for students of color in the years ahead.

The recent decision by the U.S. Sixth Circuit Court of Appeals allowing the University of Michigan Law School to continue considering race in student admissions has once again brought affirmative action to the forefront of American higher education. While the court's ruling in *Grutter v. Bollinger* allows Michigan and the other states within the Sixth Circuit (Kentucky, Ohio, and Tennessee) to use affirmative action plans to recruit, admit, and target financial aid toward racial/ethnic minority students, it directly conflicts with other federal court rulings and voter initiatives that have struck down affirmative action plans at public colleges and universities in California, Georgia, Texas, and Washington. The Sixth Circuit's decision does not settle the contentious issues surrounding race-based admissions and financial aid policies, and many observers believe the U.S. Supreme Court ultimately will have to decide on the legality of race-based admissions plans (Fletcher, 2002).

Most of the attention on the college enrollment experiences of racial and ethnic minority students has focused on those who seek to attend predominately or traditionally White institutions through diversity programs (Redd, 2001; Reisberg, 2000). However, minority-serving institutions, particularly Historically Black Colleges and Universities (HBCUs) and Hispanic-Serving Institutions (HSIs), continue to play a major role in

providing educational opportunities to minority students, and their influence may become increasingly more important in the years ahead if the Supreme Court decides to reverse the Sixth Circuit's decision.

Retention rates of students of color at predominately White institutions have also become a concern. Prior research (Pascarella and Terenzini, 1991) has shown that African American and other minority students who enter predominately White schools are more likely than those at minority-serving institutions to leave their institutions without a degree, due to higher levels of social isolation, alienation, personal dissatisfaction, and overt racism. Because of these factors, minority students may become even more dependent upon HBCUs and HSIs to provide educational opportunities. But will these institutions have the resources needed to educate an increasing number of underrepresented students?

This article provides a brief history of affirmative action in higher education and reviews the past court rulings and voter initiatives that have curtailed the use of affirmative action in a number of states. Next, the study assesses the effectiveness of policies that have been initiated in some states as substitutes for affirmative action. The study then considers the roles of minority-serving institutions in providing access to and retention in higher education, and describes the roles financial aid administrators may play in helping to expand educational opportunities for underrepresented students.

A Brief History of Affirmative Action in Higher Education

The term "affirmative action" originates with the Kennedy Administration. In 1961, President John F. Kennedy issued Executive Order 10925, which created the Committee on Equal Employment Opportunity (later renamed the Equal Employment Opportunity Commission) and mandated that all projects financed with federal funds take "affirmative action" to "ensure that hiring and employment practices are free of racial bias" (Brunner, 2002). The Johnson Administration later expanded the concept of affirmative action to include "active measures... taken to ensure that blacks and other minorities enjoyed the same opportunities for promotions, salary increases, career advancement, *school admissions, scholarships, and financial aid* [italics added] that had been the nearly exclusive province of Whites. From the outset, affirmative action was envisioned as a temporary remedy that would end once there was a 'level playing field' for all Americans" (Brunner, 2002).

There has never been complete consensus on exactly what strategies colleges and universities should use to achieve a "level playing field" in higher education opportunity. However, eventually most selective higher education institutions accepted affirmative action and racial/ethnic diversity programs in college admissions and financial aid programs under criteria established by the U.S. Supreme Court in its 1978 decision

Regents of the University of California v. Bakke, 438 US 265 (1978). In *Bakke*, the Court ruled that “[w]hile the goal of achieving a diverse student body is sufficiently compelling to justify consideration of race in admissions decisions under some circumstances” (438 U.S. 265 (1978, at 2)) schools could not use inflexible quotas or numerical goals to reach their diversity targets (Brunner, 2002). For nearly the next 20 years, public and private colleges and universities generally considered *Bakke* the “law of the land” (Bakst, 2000, p.5) and used the Court’s standards to implement affirmative action plans in admissions and financial aid to help achieve diversity on campus (Bakst, 2000). However, in more recent years, a series of decisions by federal appeals courts and voter initiatives have called into question the legality of affirmative action programs established under *Bakke*.

Setbacks to the Bakke Standard

One of the most important legal actions that began to limit the scope of affirmative action plans under *Bakke* is the *Hopwood v. Texas* decision of 1996, 78F. 3d 932 (5th Cir.), in which the U.S. Fifth Circuit Court of Appeals ruled that the goal of racial diversity was not a “compelling interest” for higher education institutions to cite when using affirmative action in admissions (Bakst, 2000; Pine, 2001). Many observers initially believed that, for all intents and purposes, this decision made it illegal for public higher education institutions in the states covered by the Fifth Circuit—Texas, Louisiana and Mississippi—to use “race as a factor in admissions, financial aid, or retention programs” (Lum, 1997).

In the fall of 1996, soon after the *Hopwood* decision, California voters approved Proposition 209 (Prop. 209), which outlawed the use of race in determining admissions to any of the state’s public colleges and universities and in state governmental hiring or contracting (Lynch, 2001). Two years later, voters in the state of Washington passed Initiative 200 (I-200), which, like Prop. 209, ended the use of racial preferences in state college admissions, hiring, and contracts (Bakst, 2000; Pine, 2001).

In addition, the Florida Board of Regents unanimously approved the “One Florida” plan, which, beginning in the fall of 2001, abolished the use of affirmative action in state college and university admissions. One Florida replaced the racial preference programs with a plan that would guarantee admission to the state’s four-year public colleges and universities to any Florida high school senior who graduated in the top 20 percent of his or her class (Redd, 2001). And in Georgia, the U.S. Eleventh Circuit Court of Appeals, in *Johnson v. Board of Regents of the University of Georgia*, outlawed an affirmative action plan used by the university to recruit minority students. Analysts of the *Johnson* decision believed that “even a narrowly tailored race-based admissions process violates the Constitution” (Bean, 2001, p. 1).

Some believe affirmative action programs have outlived their usefulness and do not accurately reflect our nation's current racial climate.

Two key reasons help explain the recent push by voters and most federal courts to eliminate affirmative action in higher education. First, some Whites believe the policies unfairly keep them out of the most selective undergraduate and graduate school programs. As Cheryl Hopwood, lead plaintiff in the *Hopwood* case, argued: “the [University of Texas Law School] discriminated against me. It gave my spot to a minority student because I happen to be white” (Hentoff, 1997). Such claims of “reverse discrimination” by Whites apparently have had some saliency with voters and federal judges in several jurisdictions. Richard Cohen, a columnist for *The Washington Post*, eloquently expresses the frustrations and resentment some Whites feel about affirmative action in college admissions: “There is a growing, smoldering anger at a system of perceived racial favoritism. Away from university administrative offices...it is widely believed that the undeserving are being admitted, promoted, hired or whatever. Sometimes that happens to be the case” (Cohen, 2002, p. A23).

Second, some believe affirmative action programs have outlived their usefulness and do not accurately reflect our nation's current racial climate and the gains made by persons of color, particularly African Americans. They believe our country has now reached the “level playing field” envisioned when affirmative action plans were developed 40 years ago. This view is best summarized by Cohen (2002, p. A23):

Of course, we all know the reasons for affirmative action. But a program devised to overcome the harmful effects of slavery and Jim Crow cannot persist as if racial discrimination has not abated. The secretary of state [Colin Powell] is black. The national security advisor [Condoleezza Rice] is black. Leaders at AOL-Time Warner [Richard Parsons], American Express [Kenneth Chenault] and Merrill Lynch [E. Stanley O'Neal] are black. So is the president of Brown University [Ruth Simmons]. America has changed. Affirmative action seems more like a patronage system than a way of achieving justice...

It is almost 50 years since the Supreme Court struck down school segregation [in the landmark *Brown vs. Board of Education of Topeka* decision of 1954], yet we persist in seeing blacks as victims. The immediate victims of racism are quickly passing, but succeeding generations are considered just as victimized, regardless of circumstances of their birth. Paradoxically, though, the efforts to rectify that discrimination not only uses its methods—preferences based on race—but certifies its reasoning: On account of race, this person cannot compete on his or her own.

The “X-Percent” Solution

Despite gains made by African Americans and other groups over the past four decades, evidence shows very clearly that, in general, racial/ethnic minorities still are less likely to attend a postsecondary institution or hold a bachelor’s or advanced (master’s doctorate, or first professional) degree. Table 1 shows that in 2000, the most recent year of data available, just 12 percent of African Americans and 7 percent of Hispanics 25 years old and older had a bachelor’s degree, compared with 19 percent of White, non-Hispanics. Only 5 percent and 3 percent of African Americans and Latinos, respectively, held an advanced degree. At the same time, 43 percent of Hispanics and 21 percent of African Americans had less than a high school diploma, versus 12 percent of Caucasians (Mortenson, 2001; Swail, Redd, Perna & Walton, 2002).

TABLE 1
Highest Level of Educational Attainment for U.S.
Citizens Age 25 and Older in 2002, by Race/Ethnicity

	Black, Non-Hispanic	Hispanic	White, Non-Hispanic
Less than High School Diploma	21%	43%	12%
High School Diploma	35%	28%	34%
Some College, No Degree	20%	13%	18%
Associate’s Degree	7%	5%	8%
Bachelor’s Degree	12%	7%	19%
Advanced Degree*	5%	3%	10%

* Includes master’s, doctoral, and first professional degrees.

Source: Swail et al, 2002.

Further, among all postsecondary education students, Blacks and Hispanics are the least likely to be enrolled at institutions with selective undergraduate admissions criteria. Preliminary data from the National Center for Education Statistics show that just 36 percent of the African American undergraduates and 31 percent of Hispanics who attended four-year colleges and universities in 1999-2000 attended schools classified under the Carnegie Classification system as Research or Doctoral (generally, these are the institutions with the most selective admissions criteria). Conversely, about 44 percent of White, non-Hispanic undergraduates attended Research or Doctoral institutions (U.S. Department of Education, 2001b).

The gaps between college enrollment and degree completion rates for minority and White students continue to persuade state higher education leaders to seek ways to diversify their college campuses, particularly those with selective admissions criteria, without using affirmative action plans that might be challenged in court. In addition to Florida, education leaders in California and Texas have initiated so-called "x-percent solutions" (Selingo, 2000, p. A31) whereby some percentage of each of the respective state's high school graduating class is automatically eligible for admission to a public state university. For example, in California, the top 4 percent of the high school class is now automatically eligible for admission to a campus within the University of California system; in Texas, it is 10 percent (Selingo, 2000, p. A31). Policy makers hope these plans will attract more students from high schools with large minority populations. California recently went one step further by establishing a "Comprehensive Review" system that seeks to look beyond traditional measures of high school academic performance, such as grade point averages and scores on the Scholastic Aptitude Test, when determining which students to admit. The Comprehensive Review system examines each student's economic hardship or artistic ability in addition to test scores (Pine, 2001).

But these alternatives to affirmative action may not provide minority students with similar opportunities to attend selective higher education institutions when compared with affirmative action programs. The "x-percent" solutions have been criticized for exploiting students at racially segregated high schools without improving the students' educational programs. The plans may also hurt minority students who do well academically at predominately White high schools, but do not graduate in the required top percentile (Selingo, 2000). Ironically, the "x-percent" solutions may prove to be a greater benefit for White students. In Florida, for example, Caucasian students accounted for 59 percent of the total number of high school seniors in 2000, but made up about two thirds of the top fifth of the graduating classes. African Americans, on the other hand, accounted for 23 percent of the graduating seniors but constituted just 14 percent of the top fifth (Selingo, 2000).

An Expanded Role for Minority- Serving Institutions?

The "x-percent" solutions also do not address the concerns about minority student retention at traditionally White schools. Indeed, while college enrollments have received much of the attention of the media and federal courts, the gap in retention rates between White and minority students are often a greater, overlooked concern. The most recent graduation report from the National Collegiate Athletic Association (NCAA) shows that the six-year graduation rate for African American undergraduates (athletes and non-athletes) at the 321 NCAA Division I schools was just 38 percent. That is, *only 38 percent of the Black students who entered Division I colleges in academic year 1993-*

1994 as full-time, full-year, degree-seeking freshmen had received a bachelor's degree from their original institutions by August 2000. The rest had transferred to a new school, dropped below full-time attendance status, taken longer than six years to graduate, or dropped out of higher education altogether. The graduation rate for White students was 59 percent, and the rate for Hispanics was 46 percent (NCAA, 2001a). At the 295 NCAA Division II schools, which tend to have less selective undergraduate admissions criteria, the graduation rate for degree-seeking African American undergraduates was just 32 percent, versus 45 percent for White students and 39 percent for Hispanics (NCAA, 2001b).

Thus, policy makers who seek to increase minority enrollments at traditionally White schools appear to be in a precarious situation. They face several new obstacles: legal and voter challenges to the use of affirmative action programs and policies; the perceived inadequacies of alternative diversity strategies; perceptions of White institutions as being inhospitable to students from different racial/ethnic groups; and low graduation rates among Hispanic and African American undergraduates. In the face of these challenges, minority-serving institutions—particularly HBCUs and HSIs—could play an even more important role in providing higher educational opportunities to minority students.

Minority-serving institutions have a history of successfully educating African American and Latino students who otherwise might not have received a college degree (Merisotis and O'Brien, 1997). HBCUs account for just 4 percent of all the four-year colleges and universities in the United States, but they enroll 26 percent of all African American students and produce 28 percent of the Black bachelor's degree recipients (Redd, 2001). Similarly, HSIs account for 52 percent of the total Latino postsecondary education student enrollment and 41 percent of the baccalaureate recipients (U.S. Department of Education, 2001a).

While minority-serving institutions have a demonstrated record of success (Merisotis and O'Brien, 1997), they still face two daunting challenges. First, when compared with many predominantly White institutions, many HBCUs and HSIs have fewer financial and other resources. In 1996, the most recent year of available data, the average endowment at HBCUs was \$4 million (equivalent to \$2,960 per full-time equivalent student). The average endowment at all other four-year colleges and universities was \$67.4 million, equivalent to \$15,329 per full-time equivalent student (Sallie Mae, 1999). Additionally, many of the students at HBCUs and other minority-serving institutions come from low-income backgrounds and are the first in their families to enter postsecondary education. These students often need additional financial aid, tutoring, and mentoring programs to

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succeed. A number of HBCUs and HSIs simply do not have these additional resources, and as a result some have higher-than-average attrition rates (Sallie Mae, 1999).

Where Do We Go from Here?

The legal and voter limits to affirmative action could not have come at a more challenging time for all higher education institutions. Demographic projections show that the number of Latino high school graduates will jump 67 percent over the next ten years, and the number of African American graduates will grow 17 percent (WICHE, 1998). Many of these students will want to attend postsecondary school sometime after their high school years. If states and federal courts continue to eliminate affirmative action programs and no other legal alternatives can be found to increase the college-going rates of minorities, will the HBCUs and HSIs be able to expand their enrollments, course offerings, and facilities to meet the increased need? Given the relatively small number of HBCUs and HSIs, it appears unlikely that they, by themselves, can accommodate the coming tide of new students. At the same time, data from the National Center for Education Statistics (U.S. Department of Education, 2001a) show that African American and Hispanic high school graduates enroll in postsecondary education at lower rates than Whites. What role can higher education institutions and professionals play in reversing this trend?

A New Role for Financial Aid Administrators?

Two recent shifts in student financial aid may also adversely affect future postsecondary education enrollments among minority groups. First, over the past 20 years, more financial aid has been provided in the form of loans instead of grants. According to the College Board (2001), in 1980-1981, 55 percent of all student financial assistance was provided in the form of grants, and 43 percent was provided in loans (the remainder was work-study). By 2000-2001, the share of aid from grants had fallen to just 41 percent, with the proportion from loans rising to 58 percent. This trend may harm college access for prospective students from low-income families generally and people of color specifically because they tend to be more averse to borrowing student loans than White students and those from higher-income families (St. John, 2001).

Additionally, more and more of the available grant aid has been delivered in the form of merit scholarships, which base awards on students' high school grade point averages and other criteria instead of demonstrated financial need. Since 1990, the total amount of state merit-based scholarships has grown 206 percent, but the amount of state need-based grants has risen only 41 percent (National Association of State Student Grant and Aid Programs, 2001), and total spending for institutional merit scholarships and other "non-need" grants nearly doubled from 1989 to 1995 (Heller, 2001). African American and Latino students are much less likely to meet the criteria necessary to

benefit from the additional state merit-aid programs (Heller and Rasmussen, 2001).

These shifts in financial aid may lead to an even greater role for financial aid administrators in increasing college access for minority students. A recent study noted that "aid administrators and other campus officials have tried to make a more proactive effort" to recruit and retain minority students (Swail et al., 2002, p. 83). These extra efforts mean financial aid professionals must become even more forceful advocates for increasing need-based aid for low-income and minority students. Further, because they often have more personal contact with students than other campus officers, financial aid administrators "need to be the ones to go the extra mile" in helping students meet their degree goals (Swail et al., 2002, p. 83). At some campuses—particularly those that have had to place limits on affirmative action—financial aid administrators have been asked to help establish additional programs aimed at recruiting and retaining students of color, such as early awareness programs, freshman class seminars, and academic advising (Swail et al., 2002). Without question, these additional duties will place an even greater burden on those in the financial aid office who already may feel overwhelmed by the complexities of aid packaging, federal regulations, and other responsibilities. But increased efforts by aid administrators may be an important step in preserving college access for low-income minority students.

Summary

The legal and other challenges to racial preference programs may limit the ability of the HBCUs, HSIs, and other minority-serving institutions to support the larger number of students of color who may want to enter higher education. It is thus quite ironic that the affirmative action programs at predominately White public colleges and universities are being challenged at a time when they are needed most. Most institutions, especially private colleges and universities, still consider *Bakke* the "law of the land" and want to use affirmative action programs to diversify their campuses. These institutions hope the recent ruling in *Grutter v. Bollinger* reaffirms federal support for racial diversity programs. But it may be only a matter of time before the Supreme Court revisits the issue and requires institutions to come up with new standards. Only time will tell if minority-serving and other institutions, along with increased efforts by financial aid administrators and other campus officials, are able to fill in any gaps in educational opportunity that come as a result of any further limitations to affirmative action.

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