Editorial

by Gurumurthy Kalyanaram

Diversity in Higher Education

As an academic, I am interested in the role of diversity in educational institutions, corporate work place, non-profit organizations, and in public policy making. But, here, in this short essay, I want to focus on one important question: Should diversity be a consideration to admissions in colleges and universities? This question resonates all over the world. In India, diversity is largely represented in terms of gender and caste. In United States, one of the important representations of diversity is race.

Diversity is evidently important purely from statistical point of view. We know that when data points are clustered, they provide less information than when there is a reasonable spread in them. That is, heterogeneity is a source of information. Of course, huge variance/spread in the data also leads to erroneous inferences/information. Analogizing, extreme postures/criteria distort the value of diversity but heterogeneity does add value to decisions and experiences.

To deepen the understanding, here, I restrict my discussion to admissions to US higher educational institutions. Policies that are optimal for US are at least suggestive for other societies and somewhat generalizable to different situations of our decision-making and choices.

While the overall enrollment in higher education may be declining in US, admission to the good schools has become monumentally competitive. For example, in recent years, the admission rates in elite institutions have hovered around 5 percent (University of Chicago's rate has plummeted to about 8 percent from about 40 percent.) The admission rates are less than half of what they used to be a decade earlier. Deluged by more applications than ever, the selective educational institutions are rejecting a vast majority of applications. In this context, admission to a credible educational institution is a matter of substantial public import and it is worth examining if diversity should be an element in admission decisions.

The highly selective institutions like Harvard, MIT, Princeton, Stanford, Yale and others, use a complex and subjective process to consider, from a pre-screened pool of qualified candidates, each person's full range of accomplishments, experiences and potential. To achieve broad diversity, the institutions also take into account race and ethnicity, among other factors.

Large number of educationists and policy makers argue that a diverse student body promotes cross-racial understanding and dialogue, reduces racial isolation and helps to break down stereotypes. And that such education better prepares students to contribute in an increasingly diverse workforce and society.

However, there are others who argue that meritocracy is the best approach to admissions. Equal protection under the Constitution and fairness demand that an otherwise better qualified applicant be not denied admission because of diversity consideration – be it gender or race (or caste).

Both arguments are reasonable and persuasive. But as a society, we have to make choices in the consideration of larger societal welfare.

For this, we turn to the US Supreme Court and briefly examine the arguments presented to the Court and how the Court has addressed the role of diversity as an element in admissions to US Colleges and Universities. In arguing before the Court, both the proponents of the consideration of diversity and those opposed to such consideration, over and above merit, make their most compelling presentations.

The framework and thinking by the US Supreme Court will offer educators and policy makers in India a useful reference for analysis and discussion.

The question of diversity was most recently addressed by the US Supreme Court in Fisher v. University of Texas, 133 S. Ct. 2411[1] and decided by the US Supreme Court in 2013.

The case began when Abigail Fisher sued the University of Texas, claiming that she was not offered admission to the university in 2008 because she was White and that she was better qualified than many of the minority admittees. Fisher demanded equal protection under the US constitution.

However, University of Michigan and many other universities argued before the court that "diversity (broadly defined and including racial and ethnic diversity)" was "absolutely essential." They further argued that "Overwhelming empirical evidence supported by over a century of scientific research unrelated to concerns over racial diversity indicates that a university's complex educational goals and institutional mission cannot be achieved solely by relying on objective criteria such as standardized test scores. Race, national origin and ethnicity, along with other considerations, are sometimes relevant in this assessment of an individual because they can provide a social and cultural context in which to understand an individual's accomplishments and life experience." (Stanford University's Amicus Brief).

In analyzing this important question, the U.S. Supreme Court has held that due deference to the University's experience and expertise regarding whether student body diversity is a compelling interest must be given, but the University also had to prove that the means it chose to attain that diversity were narrowly tailored to achieve its goal. However, the Court ruled that race could be used in the admission process only "if no workable race-neutral alternatives would produce the educational benefits of diversity"(without discussing whether the word "workable" takes account of the university's other educational goals — such as assembling a student body with good academic credentials.) Essentially, the Court called for a strict scrutiny, without defining what 'strict scrutiny' meant. For now, the Court has not defined the thresholds and/or parameters of what might constitute 'strict scrutiny'.

Overall, the Court ruling implies that race-based affirmative action can continue. As a result of all this, educational institutions remain more or less free to continue to do what they have been doing, provided they are more careful in their justification.

Based on the US Supreme Court decision, the Obama administration issued new guidelines to colleges and universities instructing them on how best to address the issue of race and affirmative action. The U.S. Department of Education reiterated that affirmative action remains legal, stating that "The Court preserved the well-established legal principle that colleges and universities have a compelling interest in achieving the educational benefits that flow from a racially and ethnically diverse student body and can lawfully pursue that interest in their admissions program."

Lee Bollinger, a defendant in some of the important U.S. Supreme Court cases, and the President of Columbia University argued in his article ("The Need for Diversity in Higher Education") in *Academic Medicine* (2003): "Affirmative action is one of the tools that many universities use to ensure the kind of comprehensively diverse student body that helps teach students to participate fully in this country's heterogeneous democracy and the global economy. Students are exposed to classmates with different life experiences, their prior assumptions are challenged, and they discover what they and their classmates have in common. And a variety of Fortune 500 corporations state that employees and managers who graduated from institutions with diverse student bodies demonstrate a variety of key skills that are crucial in the U.S. workplace. …"colorblind" and "socioeconomically oriented" admission policies do not work and that they have only a tiny effect on white students' chances of acceptance. Until K–12 education is greatly improved for minorities, affirmative action is needed to give a "leg up" to students who might not

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[1] The relevant history of US Supreme Court decisions in the matter of diversity is as follows.
In 1978, the Court ruled in Regents of the University of California v. Bakke U.S. 265 that quotas (such as the 16 out of 100 seats set aside for minority students by the University of California, Davis School of Medicine) were impressible, but the use of race as one factor in admissions was reasonable. Allan P. Bakke, an engineer and former Marine officer, who sought admission to medical school and was twice rejected by U.C. Davis brought the suit.

And then there were a pair of important decisions in 2003. In Grutter v. Bollinger, 539 U.S. 306, where Barbara Grutter who was an applicant to University of Michigan Law School complained that she was discriminated on the basis of race. The Court held that the affirmative action admissions policy of the University of Michigan Law School was acceptable because the race-conscious admissions process that may favor "underrepresented minority groups," but that also took into account many other factors evaluated on an individual basis for every applicant, did not amount to a quota system. And in Gratz v. Bollinger, 539 U.S. 244, where Jennifer Gratz was denied admission to the University of Michigan undergraduate program, the Court held that the University's point system's "predetermined point allocations" that awarded 20 points to underrepresented minorities "ensures that the diversity contributions of applicants cannot be individually assessed" and was therefore unconstitutional.

otherwise be admitted but who can do the academic work. In medical education, there is a special urgency for diversity, since it is known that minority physicians are more likely to practice in areas where there are high concentrations of minorities."

Summary

In summary, based on extensive analyses by policy makers, scholars and legal thinkers, it is clear that in decision making (including in designing the admissions policies to educational institutions), consideration of diversity (such as caste, gender or race) as one of the elements is important and leads to globally optimal outcomes for the society, though some individuals and/or groups may suffer. The design of decisions which includes consideration of diversity must be based on many factors. Finally, specific quotas or explicitly predetermined biases in favor of a group do not increase societal welfare and/or productivity.

Dr. Gurumurthy Kalyanaram is the Editor of two prestigious scholarly journals of NMIMS: Management Review and Economics and Public Policy Journal.

Dr. Kalyanaram is also currently advising MIT Global Startup Workshop, and its India and Asia initiatives. He holds professorial affiliations with City University of New York (Part-time) and Tata Institute of Social Sciences (Visiting Research Professor). He is also serving as the President of Global MIT South Asian Alumni Association.

Dr. Kalyanaram's Educational Services include leadership in a school education project in India and digital learning and counseling about colleges and universities.

Dr. Kalyanaram earned his Ph.D. in Management Science in 1989 from the Massachusetts Institute of Technology (MIT). He holds an MBA from the University of Texas at Arlington and a BE in Electronics and Communication Engineering from the University of Madras.

For more details, please see www.gkalyan.com and http://www.gkeducationalservices.com