

AFFIRMATIVE ACTION RESOURCE

Most Graduate Enrollment Management (GEM) professionals have only ever worked in the era of affirmative action. The Supreme Court's decision on Regents of the University of California v. Bakke forty years ago made it clear that racial quotas were illegal, but race could lawfully be used as part of a holistic admissions review process to promote educational diversity. Subsequent rulings, the most recent just two years ago with Fisher v. University of Texas at Austin, affirmed the Supreme Court's position that race could be considered as part of a larger holistic review of the individual in the college admissions process.

[Click here for CNN Affirmative Action Fast Facts](#) summarizing the history and evolution of the law.

The only way affirmative action law will change is if new legislation is introduced or if it is challenged in court. While the law has not changed, the Trump administration's decision on July 3, 2018 to rescind the guidance on affirmative action offered by the Obama administration certainly gives enrollment management leaders reason to pause. None of us wants to be among the test cases.

NAGAP, The Leader in Graduate Enrollment Management, is committed to diversity both in its membership and the profession, and in the value it brings to the student experience. Diversity improves learning outcomes in classrooms and across campuses. Through recruitment, admissions, and student services, institutions have the opportunity to shape a student body so it aligns with the university's mission and creates a better experience for all.

“We recognize the need for GEM professionals to have the tools to build and maintain effective graduate enrollment practices that withstand strict legal scrutiny, as they guide the recruitment and retention of a diverse student population,” said Keith Ramsdell, NAGAP President. Through education and research, NAGAP is committed to meeting that need.

[Here is a link](#) to an article produced by The Century Foundation in 2014 with lessons learned in eight states that have taken action to ban the use of affirmative action at state institutions. This article includes some of the strategies being employed by these states to achieve racial, ethnic and socioeconomic diversity without affirmative action.

If your institution wishes to continue to consider race as one of many factors used when making admission decisions to achieve a diverse class, you may still find the guidelines offered by the Obama administration to be useful. [You can review the archived Obama administration guidance here](#). This guidance was prepared as a legal framework, offering both a legal rationale and practical tactics for schools using race as a consideration for achieving diversity to ensure their approach is consistent with the law.

Below are the key steps this document recommends for implementing programs to achieve diversity.

Identifying the Reason for Your Plan

- *Determine how this compelling interest relates to your institution's mission and unique circumstances.*
- *Evaluate how you will know when your compelling interest has been achieved.*

Implementing Your Plan

- *Consider whether there are race-neutral approaches that you can use, such as looking at socioeconomic status or the educational level attained by parents. In selecting among race-neutral approaches, you may take into account the racial impact of various choices.*
- *If race-neutral approaches would be unworkable to achieve your compelling interest, you may then consider approaches that take into account the race of individual students. When taking into account an individual student's race among other factors to achieve diversity, evaluate each student as an individual and do not make the student's race his or her defining characteristic. Periodically review your program to determine if you continue to need to consider the race of individual students to achieve your compelling interest. It is important to ensure that race is used to the least extent needed to workably serve your compelling interest.*
- *It would be helpful to maintain documents that describe your compelling interest, and the process your institution has followed in arriving at your decisions, including alternatives you considered and rejected and the ways in which your chosen approach helps to achieve diversity. These documents will help you answer questions that may arise about the basis for your decisions ([US Department of Education, 2011](#)).*

Another resource you might find useful is [NAGAP's Holistic Admissions Resource Guide](#).

NAGAP is committed to providing education, research, and professional development to help our members and their institutions make decisions consistent with the missions, visions, and values of those institutions.

NAGAP, The Association for Graduate Enrollment Management is the only professional association devoted exclusively to individuals working in graduate enrollment management. With more than 1,600 members, NAGAP provides unique research and training perspectives, and opportunities to network with colleagues at all types of higher education institutions: large and small, public and private, secular and non-secular.